Debates

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Tuesday, 8 May 2012

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Tuesday, 8 May 2012

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

Petition

The following petition was lodged for presentation, by **Ms Porter**, *from 18 residents*:

Retirement villages—petition No 134

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**
>
> This petition of residents in independent living accommodation in retirement villages in the Australian Capital Territory draws to the attention of the Assembly the fact that no legislation exists for the proper regulation of Retirement Villages in the Australian Capital Territory and furthermore: the Australian Capital Territory is the only Jurisdiction in Australia where this situation exists.
>
> Your petitioners therefore request the Assembly to expedite the passage of the Private Member's Bill, "The Retirement Villages Bill 2011", through the ACT Legislative Assembly as soon as possible.

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

Justice and Community Safety—Standing Committee
Scrutiny report 52

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

> Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 52, dated 7 May 2012, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report No 52 contains the committee's comments on eight pieces of subordinate legislation, six government responses and one Speaker's response and proposed amendments to the Crimes (Child Sex Offences) Amendment Bill 2012. The report was circulated to members when the Assembly was not sitting.

The committee has received a response from the Attorney-General in relation to the Road Transport (General) Amendment Bill 2012. The committee is concerned at the view that a government explanatory statement will only address any rights issues in terms of the rights stated in the ACT Human Rights Act.

From 1989 the committee has had the role of considering whether clauses in bills and subordinate laws "unduly trespass on personal rights and liberties". For this purpose the committee drew on the way the courts applied the presumption of liberty in the interpretation of statutes and the rights stated in international human rights instruments. While it was uncommon for an explanatory statement to proactively raise and deal with rights issues, the minister responded to issues identified by the committee. There was no difference of view about how the concept of personal rights and liberties should be understood.

It is undesirable that an explanatory statement should not proactively address rights issues apart from those raised under the Human Rights Act. This is not helpful to the committee, to members or to the public. They should not need to refer firstly to the explanatory statement and then to any other discussion in a response to a committee report. I commend the report to the Assembly.

Crimes (Child Sex Offenders) Amendment Bill 2012

Debate resumed from 16 February 2012, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (10.04): The Canberra Liberals will support the Crimes (Child Sex Offenders) Amendment Bill 2012. I understand that the attorney will introduce a range of amendments to the bill and we will support those as well.

This bill responds to a national approach, agreed to by the Ministerial Council of Police and Emergency Management, to the management and monitoring of perpetrators of sex offences against children and young people. Also included are amendments to address issues raised by ACT Policing and the ACT Ombudsman.

The substantive element of this bill is the addition of chapter 5A to the act. This chapter creates a prohibition order scheme. The Chief Police Officer will be able to apply to the Magistrates Court for an order in respect of a child sex offender. This will apply to young people as well as adults, although there is a range of special considerations in cases where a young person is the offender. There is scope too for interim prohibition orders while full prohibition orders are being processed.

As well, application can be made to the court for leave to apply for orders to be amended or revoked. And there are provisions for the appointment of litigation guardians for people with legal disabilities. Appeal provisions will be in place too, and criminal penalties for a range of associated breaches are proposed, including significantly increased penalties for registered offenders who fail in any one of their 21 reporting obligations.

Finally, this bill will provide for mutual recognition arrangements for orders held over offenders who have been moving between participating jurisdictions and the ACT. At this point New South Wales, Queensland, South Australia and the Northern Territory are participants in the scheme.

This bill significantly engages the Human Rights Act. To its credit the explanatory statement provides extensive discussion to argue proportionality under the act vis-a-vis the impact of this legislation. Indeed the scrutiny of bills committee made particular mention of that discussion, commending the attorney for it.

The scrutiny committee also raised a number of other issues. I have reviewed the attorney's response to the scrutiny committee and I consider that he has adequately addressed the issues, including some amendments.

Our children and young people are our community's most valuable assets. They are our future. Protecting them from the behaviour of a few who do not respect or understand their important status as our future is paramount. This bill contributes and adds to the work already done to provide that protection. The Canberra Liberals are happy to support this work.

MR RATTENBURY (Molonglo) (10.07): The Greens will be supporting this bill today as well. These new laws will assist police to prevent child sex crimes before they occur. These laws mean children can be better protected, and that is certainly something I think every member of the Assembly strongly supports.

I would like to start by talking about some of the statistics that were provided to me by the directorate in the briefing. They are somewhat sobering and show that the ACT is not immune from these crimes because of our relatively small size. The statistics are indicative and are based on the best available data, but what they show is that between January 2009 and the end of April this year 33 child sex offenders have entered the adult sex offender program. What that means is that in the last 22 months 33 offenders have been referred to the program—more than one a month.

I cite these statistics to remind us all that we are not immune from crimes of this type and we should not ever pretend that it does not happen here in Canberra. Only by being informed and allowing our police to act on the basis of evidence can we effectively protect our children, and it is because of these statistics that I am glad this law will be passed today.

The current child sex offender register lists certain details of people that have been convicted of a sex crime against a child. These details allow the police to know the whereabouts of offenders and to keep in contact with them to monitor any risky behaviour that the offender engages in. However, what the current register does not allow police to do is act decisively on the basis of that information contained in the register. This is a real gap in the law that was highlighted in the annual report from the Ombudsman last year. The Ombudsman reported that it raised a concern with the minister that the legislation may not be achieving its aim of reducing the likelihood of reoffending. The Ombudsman made a recommendation to the minister that

amendments be made to authorise police to take action when they identify a child at risk.

A key example of this gap in the law is when an offender reports to police that they are living with children. The offender is required under current laws to report the names and ages of the children they live with. However, if the police are concerned by the information and their risk assessments show that the reported living arrangements put the children in danger, they are currently unable to ask that person not to live in that particular household. What the Ombudsman suggested and what the government have now taken up is a system of prohibition orders where the police can request a court to order that the offender not engage in certain risky behaviour.

To use the same example, the court order could direct the offender to not live with the children. That order then becomes fully enforceable and it is a crime not to comply. This is an approach to crime prevention that is based on evidence and common sense. It is an approach that does not ask our police to wait until a crime is committed or before arresting the offender. Instead it allows them to seek practical orders from the court to stop the crime occurring in the first place.

This is certainly the kind of approach to crime the Greens support. As my predecessor, Deb Foskey, said in this place in 2005 when the register laws were being passed, the Greens wanted a more proactive approach that allowed police to intervene to prevent crime. Dr Foskey discussed the gap we are closing today when she said:

> … information will be kept on the register but, and this is a big but, there is no capacity for the police to intervene if they believe the children are at risk.

She went on to say:

> I do not believe the community would find this acceptable. If we are in a position to identify where children may be at risk, then we should be in a position to respond. What action could we take? I am not advocating public disclosure of the sex offender, as occurs in some parts of the United States, nor am I suggesting that some offenders should be incarcerated indefinitely or otherwise lose all their civil rights. We could instead look at a mechanism such as the child protection prohibition orders that have been built into the Northern Territory child sex offender register legislation. This gives the court the power to make a prohibition order similar to a domestic violence order that prohibits the person from engaging in specified conduct.

That preventative approach to crime is something I have continued to advocate for in my time in the Assembly, because it allows crimes to be prevented before they occur, which is, of course, both a source of confidence and benefit for the community.

I note Mr Corbell does not share my views that the Greens saw this gap in 2005 and urged the government to act, but I do not think that is the central point today. This law is certainly too important to engage in debate about whose idea it was first. I do not think that kind of debate is going to add much to the discussion today. The most important thing is that the gap is being closed and that the police are now equipped to

better protect children from abuse. This is an outcome the Greens are certainly pleased with, and we support this bill today.

I would like to touch on one particular point of detail in the legislation which I have had a briefing on from the JACS directorate. It is the proposed section 132F(1)(a), which would enable the court to order that a registered offender not associate with certain people stated, such as other offenders.

Such an order would only ever be granted by a court if it was satisfied that, firstly, the order was necessary to protect the safety of a child and, secondly, by granting the order, the child's safety would be increased. That is one of the key threshold tests the court must be satisfied of and, if that test is satisfied, it is appropriate for the court to be empowered to grant such orders.

However, on a detailed analysis, there is one potential issue that I was concerned to raise with the directorate. The question I had was whether in granting such an order a court could unwittingly stop the offender engaging in therapy or treatment that had elements of group therapy with other offenders. It would be a perverse outcome if an offender were stopped by the police and the courts from going to treatment that was designed to assist them and to prevent further crimes.

This was acknowledged by the directorate officials when I met with them, and they had obviously thought about the problem and identified a possible solution, and I thank them for their work on that. The potential solution is to ensure that the minds of police are explicitly turned to this issue when they are completing an application to court and to ensure that information about any group therapy is before the court when a decision is made. One practical way to ensure this occurs is to include a question about treatment programs in the documentation the police will be required to complete.

Magistrates are well versed in making orders that cater to the life circumstances of people involved. I am satisfied that, so long as the information about group therapy is before the court at the time, it will be taken into account in the orders given by the magistrates, and the orders will be written in such a way to allow the therapy to continue uninterrupted.

Having made those few brief remarks, I simply welcome the passage of this legislation and indicate the Greens are very pleased to support this bill today.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.14), in reply: I thank members for their support of this bill. The passage of this bill today will ensure that police have appropriate powers to take preventative action to address the concerning behaviour of convicted child sex offenders. This bill is an important contribution to the ACT's statute book, as there is nothing more critical than the protection of children and young people from sexual assault and violence. I thank all members for the contributions they have made in the debate today.

Before I go to the prohibition order scheme and the amendments being proposed by the government, I will speak to the important measures in this bill that go to the fundamental intent of the child sex offender scheme—that is, the need to achieve as far as possible a national scheme that imposes broadly consistent obligations and deterrent measures on registered child sex offenders. These key measures are, firstly, the increases to the maximum penalties for 21 offences relating to a failure to satisfy reporting obligations from two to five years; secondly, new obligations about changes of name aimed at removing potential avenues to subvert the police's ability to monitor registered offenders; and, thirdly, new reporting obligations about personal online information that recognise that children can be targeted by offenders through the internet.

The reforms in this bill make sense. Where convicted child sex offenders have engaged in conduct that is posing a risk to the lives or sexual safety of a child or children, this bill allows police to intervene and apply to the Magistrates Court for an order to prohibit this conduct. As I have previously discussed in this place, the concerning conduct that will be prohibited by the court will vary from offender to offender and will depend on the behaviour and personal circumstances of each.

This flexibility is one of the scheme's most important aspects, not only because it will allow these orders to be tailored to address the particular behaviour of the registered offender but because it also ensures that the scheme is compatible with the human rights framework. The government has extensively considered how best to balance the competing human rights and interests that arise in this bill. From the outset of the development of the scheme, the government has focused on introducing a scheme to provide better protection for children from convicted child sex offenders. We have been mindful that it is the government's responsibility to ensure that there are appropriate laws in place to protect children which extend not only to ensuring that a child's human rights are not violated but also that a child's human rights are freely enjoyed.

This reform also addresses the human rights of offenders. The bill's explanatory statement canvasses the human rights that are limited by this reform. Following the performance of the proportionality analysis that is required by section 28 of the act, the government concluded that the bill is compatible with the Human Rights Act.

Since introducing the bill the Victorian Law Reform Commission has released a report on sex offender registration. This report reviewed the registration of Victorian sex offenders and the management and use of information about these offenders by law enforcement and child protection agencies.

One of the recommendations in the Victorian report is the introduction of a prohibition order scheme similar to that in this bill. The report notes:

> While child protection prohibition orders restrict the freedom of movement of people who are living in the community after having completed a sentence for an offence involving sexual abuse of a child, they appear to be a reasonable and proportionate limitation to that important freedom if a judicial officer is required to balance the competing interests at stake in an individual case.

In the government's view, this bill does just that. As has been foreshadowed, the government is proposing a number of amendments to this bill. The amendments have arisen following the introduction of the bill and are generally technical in nature. Broadly, these amendments will ensure that registrable offenders who are serving periodic detention when the bill commences are required to report under the child sex offender scheme, offenders who are serving periodic detention are advised of their new obligations to report under the scheme, protected information that is provided to prescribed entities and people with parental responsibility for a child at risk is kept secret, and the Chief Police Officer advises prescribed entities and people with parental responsibility for a child at risk of their obligation to keep protected information secret and of the offence that will apply if the protected information is divulged.

The most important government amendment is the inclusion of a new offence at section 132ZOA. This offence will apply to prescribed entities and people with parental responsibility for a child at risk where they are provided with protected information under the scheme. This information is provided by the Chief Police Officer where it is considered necessary to allow the prescribed entity and person with parental responsibility to identify the registered offender to ensure the safety of a child or children in their care.

The inclusion of an offence will ensure that the information is kept secret by the people who receive it, which is consistent with the normal way that such information is treated. The government amendments include an obligation upon the Chief Police Officer to advise the prescribed entity or person with parental responsibility of this offence when protected information is provided to them.

In closing, I note that this bill gives effect to the government's commitment to protecting children. It is intended that these reforms will contribute to reducing the recidivism rates of convicted child sex offenders by targeting those offenders who engage in concerning conduct. The government considers that this measure is a proportionate and justified response to address the concerning behaviour of convicted child sex offenders. I thank members for their support of the bill and commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.20), by leave: I move amendments Nos 1 to 6 circulated in my name together and I table a supplementary explanatory statement to the bill *[see schedule 1 at page 2158]*.

The government amendments to the Crimes (Child Sex Offenders) Amendment Bill will address four issues that have arisen following the introduction of the bill. I have outlined these four principles generally in my closing speech during the in-principle stage.

These amendments engage and limit rights under the Human Rights Act 2004. A supplementary explanatory statement, which I have just tabled to accompany these government amendments, addresses the interaction of the provisions of the Human Rights Act 2004. The supplementary explanatory statement supports the government's position that the amendments are a proportionate and reasonable limitation on the human rights that they engage.

I turn to each of the amendments briefly. Amendment 1 is a technical amendment that will insert a new note into section 20 of the act. Section 20 lists the offences that are included as reporting offences in the act. A reporting offence is an offence which arises when a registered child sex offender fails to meet one or more of their reporting obligations under the act. This new note has been included to alert readers to the new section 203 reporting offence.

Amendment No 2 is a technical amendment that will insert a new subsection at subsection 104(1)(ba) of the act. Section 104 requires that a reporting obligations notice is given to a registered offender on the commencement of their reporting obligations. The inclusion of this subsection will ensure that this notice is given to a registered offender when they are released from full-time government custody. This amendment will support the amendments to section 83 to ensure that offenders who are completing a sentence of periodic detention are required to comply with the reporting obligations under the scheme.

The amendment at section 17B is a technical amendment that will insert a new subsection at 108(1)(aa). Section 108 requires the supervising authority—for example, the AMC—to tell the Chief Police Officer of certain events. The inclusion of this subsection will ensure that the supervising authority advises the Chief Police Officer when a registered offender stops being in full-time government custody, thereby supporting the amendments to ensure that offenders on periodic detention are required to comply with their obligations under the scheme.

The amendment at 17C is a technical amendment that will insert new subsection 117(2)(ea). Section 117 establishes the child sex offender register. The inclusion of this subsection will ensure that the register contains the date that the registrable offender was released from full-time government custody, which will ensure that a record is kept with the date the registered offender's reporting obligations commenced.

Amendment No 3 is for a proposed new section 132ZN(2A). If a prescribed entity is provided with protected information, this new section includes an obligation on the Chief Police Officer to advise the prescribed entity in writing of the new offence at section 132ZOA. This amendment will ensure that prescribed entities are aware of their obligations not to record or divulge protected information that is provided to them.

Amendment No 4 is for a proposed new section 132ZO(3). Where protected information is provided to a person with parental responsibility for a child who has been identified at risk, this new section will include an obligation on the Chief Police Officer to advise this person in writing of the new secrecy offence at section 132ZOA.

Amendment No 5 inserts two new offences. These offences will apply to prescribed entities and people with parental responsibility for a child at risk who are provided with protected information under sections 132ZN and 132ZO. The offence at 132ZO(2)(a) will apply if a prescribed entity or person with parental responsibility for a child at risk makes a record of the protected information that has been provided to them.

To satisfy the elements of the offence, it must be proved that the person was reckless about whether the information was protected information. The offence at 132ZOA(2)(b) will apply if the person does something that divulges the protected information and that person is reckless about the information being protected information and also reckless that the doing of the thing would result in the information being divulged. These offences will be punishable by imprisonment for six months, 50 penalty units, or both.

This offence recognises that there are a number of circumstances in which the offence should not apply. Sections (3) to (6) detail these circumstances, which include if the information is divulged for law enforcement functions or activities under another territory law. This new offence engages a number of rights in the ACT's Human Rights Act. The offence engages and supports the section 12 right to privacy and reputation and places limitations on the section 16 right to freedom of expression and the section 18 right to liberty and security of the person.

The offence will support the right to privacy and reputation by providing protection to registrable offenders where the Chief Police Officer has provided protected information about them to a prescribed entity or person with parental responsibility. The offence supports this right by ensuring that the information is kept secret.

This offence will limit the rights of people from prescribed entities and people with parental responsibility by requiring those people to keep the information secret. This limitation is proportionate as the limitation is strictly limited to the divulging of protected information about a person and there is a clear link between the limitation and the purpose of the offence.

Finally, amendment 6 will introduce new chapter 10 to the Child Sex Offenders Act. New chapter 10 will provide transitional provisions to ensure that registrable offenders who are serving a sentence of periodic detention when the bill commences are required to commence their reporting obligations while serving their sentence of periodic detention. New section 202 will require the Chief Police Officer to give an affected registrable offender a reporting obligation notice not later than seven days after the commencement of the bill. An affected registrable offender is defined at new section 201 as a registrable offender who, immediately before the commencement day, is serving a periodic detention period of a sentence of imprisonment.

New section 203 will create an offence where an affected registrable offender is given a reporting obligations notice and the offender does not take all reasonable steps to report the offender's personal details, in person, to the Chief Police Officer within seven days after the person's reporting period begins. This offence is punishable by imprisonment for two years, 200 penalty units, or both.

New section 204 provides when the reporting period begins for an affected registrable offender. The affected registrable offender's reporting period begins the day after the day the offender receives a reporting obligation notice under section 202. New section 205 specifies the expiry date for chapter 10. Chapter 10 will expire one year after the commencement date of the bill. I commend the government amendments to the Assembly.

MR RATTENBURY (Molonglo) (10.29): The Greens support these amendments. We were briefed by the directorate on them and we see that they are relatively minor and technical but still quite necessary to ensure a smooth transition to the new system. We support the amendments.

MRS DUNNE (Ginninderra) (10.29): The Canberra Liberals support these amendments, particularly the amendment brought forward that creates offences for passing on confidential information. This is an added protection which was a result of comments from the scrutiny committee. I welcome the amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

Statute Law Amendment Bill 2012

Debate resumed from 27 March 2012, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (10.30): The Canberra Liberals will support the Statute Law Amendment Bill 2012. This bill amends a large number of acts and regulations for statute law revision purposes.

As has been consistent over a number of years now, the amendments made in the statute law amendment bills are contained in four schedules. Schedule 1 provides for minor, non-controversial amendments initiated by government agencies. In this bill three acts are amended.

I want to pause on one element of this schedule. One of the amendments removes responsibility for the management and development of the Civic Square precinct as a cultural focus in the ACT from the functions of the Cultural Facilities Corporation. This, the attorney tells us in his presentation speech, will now fall to the ACT

Property Group in the TAMS Directorate. He also tells us that this was a recommendation of the Loxton review of arts in the ACT.

In fact the Loxton report makes only scant reference to Civic Square. Indeed it is mentioned only three times, all of which mentions are repetitious and none of which argue for the removal of Civic Square from the functions of the Cultural Facilities Corporation. Further, the Loxton report did not recommend that the responsibility for Civic Square be handed to TAMS. It said that the now Chief Minister and Cabinet Directorate should have primary responsibility for it. This is what the Loxton report says:

> Civic Square is an important central location for Canberra. In moving responsibility from the CFC it is important to consider that it needs focused, strategic attention, collaborative planning, and probably some funding to achieve its potential. It is suggested that the Square would become the policy and strategic responsibility of CMD, with TAMS having day-to-day management responsibility. It will be essential for CMD to work with all key stakeholders in the precinct and the city to enliven the Square and the area and to make it an attractive place for all Canberrans.

Nor does the Attorney-General, in his presentation speech, argue the case for the transfer. It is simply a statement that the government has responded to the Loxton report.

I asked for a briefing on this matter and I thank the attorney for arranging the briefing through the office of the Minister for the Arts. I was unable, because of family commitments, to attend that briefing, but my colleague Mr Coe attended, partly because of his interest in the matter as the shadow minister for urban services. The circumstances of the transfer were explained to Mr Coe and my staff.

I accept the advice of the Cultural Facilities Corporation and artsACT that the transfer accords with the current operating practice as well as the corporation's own suggestion in its submission to the Loxton review that the transfer be made. However, I also remind the government of Mr Loxton's observation that I quoted a moment ago. Loxton said:

> In moving responsibility from the CFC it is important to consider that it needs focused, strategic attention, collaborative planning, and probably some funding to achieve its potential.

Loxton clearly recognised the importance of Civic Square as a cultural precinct in the city. It has several stakeholders, including the ACT Legislative Assembly, and also the city library, the Cultural Facilities Corporation, the multicultural centre, Craft ACT and, yes, the Hermitage restaurant.

In the briefing Mr Coe was advised that a cultural precincts plan is under development and is likely to see the light of day sometime next year. I call on the government to give special prominence to Civic Square in that plan, due, as noted by Loxton, to its importance to the city and to the community as a whole.

Alas, Mr Assistant Speaker, the government's record is not good in relation to the management of cultural precincts, with the lead failure, of course, being the Kingston arts precinct. In April the *Northside Chronicle* told the story of Gold Creek homestead, a valuable heritage asset for the ACT, left languishing in disuse and degradation in the hands of the ACT government for over 10 years. There was the debacle of the historic caretaker's cottage on the Cotter Road. The eviction of the occupants in 2009 was for reasons that can at best be described as spurious. The occupants had cared for and preserved the cottage for 20 years. The occupants were thrown out with no ongoing planning for the cottage's preservation or future use; there was only a security fence that quickly proved futile. A future use was cobbled together later in some attempt to appease the community's annoyance over the government's handling of this matter.

These are the examples of a cultural facilities plan for the ACT, managed by the ACT government. All I can say is that we need to be very concerned about the future of Civic Square if it is handed over directly to the ACT government. I am certainly not sure that this amendment falls in any of the categories of minor, technical or non-controversial.

Schedule 2 provides for minor, non-controversial amendments to the Legislation Act initiated by the Parliamentary Counsel's Office. This bill makes a number of amendments relating to the definition of "Australian citizen" and there are amendments relating to ACT Fire and Rescue following the change of the name from the ACT Fire Brigade.

Schedule 3 provides for minor or technical amendments initiated by the Parliamentary Counsel's Office. In this bill 58 acts and regulations are amended, none of which are of any particular consequence, although they are all important.

Schedule 4 usually provides for routine repeals, but no repeals are made in this bill.

This bill is testament to the work of the Parliamentary Counsel's Office, with which I continue to be impressed. I commend the bill to the Assembly.

MR RATTENBURY (Molonglo) (10.36): The Greens will be supporting this bill today. It amends 62 separate acts and regulations and, in the process, updates the ACT statute book in a number of ways. Taken as a whole the amendments certainly improve and streamline our system of laws in the ACT.

The majority of the amendments are technical changes initiated by the Parliamentary Counsel's Office. The bill itself contains a detailed explanation of these changes and I will not repeat the information that is already contained there.

I would like to comment briefly on the changes to the Working with Vulnerable People (Background Checking) Act 2011. As members may be aware, the background checking act will be rolled out in a staged implementation over six years. As each year progresses, a new batch of organisations will be asked to comply with the legislation. The amendments today change that implementation schedule somewhat. One category of organisation will be brought forward a year and three categories of

organisations will be pushed back a year. These changes will leave the fourth year blank, which is when the legislated review of the act will be taking place. This is a sensible change that my office has discussed with ACTCOSS. ACTCOSS agreed that it would be best to leave the fourth year free from applications and that the revised schedule was uncontroversial.

In conclusion, the Greens will be supporting this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Standing and temporary orders—suspension

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

> That so much of the standing orders be suspended as would prevent Private Members' business, order of the day No 20—Planning and Development (Public Notification) Amendment Bill 2012 being called on and debated cognately with Executive business, order of the day No 3—Planning, Building and Environment Legislation Amendment Bill 2012.

Planning, Building and Environment Legislation Amendment Bill 2012

[Cognate bill:
Planning and Development (Public Notification) Amendment Bill 2012]

Debate resumed from 29 March 2012, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR ASSISTANT SPEAKER (Mr Hargreaves): I understand it is the wish of the Assembly to debate this bill cognately with private members' business order of the day No 20, Planning and Development (Public Notification) Amendment Bill 2012. That being the case, I remind members that in debating executive business order of the day No 3 they may also address their remarks to private members' business order of the day No 20.

MR SESELJA (Molonglo—Leader of the Opposition) (10.39): This is the third PABLAB and it is concerned with administrative and minor amendments to the Building Act 2004, the Building (General) Regulation 2008, the Planning and Development Act 2007, the Planning and Development Regulation 2008, the Unit Titles Act 2001 and the Unit Titles Regulation 2001.

I note that omnibus bills such as this consist largely of technical amendments to several pieces of planning and building legislation and that they have the broad support of industry. Approved government guidelines necessitate that the essential criteria for inclusion of amendments in the bill are that such amendments are minor or technical and non-controversial or reflect only a minor policy change.

We have consulted with local industry regarding the amendments proposed in this PABLAB and to date we have not received substantive concerns regarding the amendments in this bill. As such, we will be supporting the bill. That said, there was uniform industry concern regarding the complexity of our planning and building regime. In an environment where housing affordability is an issue, legislation that increases administrative burden and costs to industry can be counterproductive. In this light, several stakeholders took the opportunity to revoice their objections to the precedence that PABLAB 2 had set.

Unsurprisingly, comments centred on the fact that for all building work that needs an approval there will be a requirement to erect a sign of the works to be done, including code track applications, the implementation of demerit penalties to builders who fail to replace a sign that has been removed within two days, the application of strict liability offences on a person who moves, alters, damages, defaces, covers or prevents access to the sign, the requirement for pre-development application community consultations on more developments by removing exclusions to the city centre and town centres, shifts in responsibility for community consultations from ACTPLA to the developer, and the introduction of commencement notices for builders to start work.

Before I go further, Mr Assistant Speaker, I should note that we have not had an opportunity to consider the government's amendments to their bill, so we have not formed a final position on whether or not to support those. I understand that the Assembly will be adjourning the debate after the in-principle stage and we will have the opportunity to consider the amendments in more detail, which I only saw for the first time this morning. We will be in a position this afternoon to determine whether or not we will support those amendments.

In relation to Ms Le Couteur's bill, for the purposes of certainty, and indeed clarity, one of the reasons we will not be supporting her bill is that I think it is more useful that when we are doing these omnibus planning bills we try and do them in a holistic way rather than have the crossbench picking at various bits and pieces. We actually think it would be more helpful, depending on the nature of the government's amendments. We know that, on the face of them, we will certainly be able to support some of the amendments, but we need more time to consider them. I think that is actually a more helpful process to PABLAB than a whole new piece of legislation from the Greens which seeks to confuse the issue.

There are concerns about some of what Ms Le Couteur is proposing. I highlight one in particular which I thought was interesting. That is the clause which seeks to make regulations that are made under the Planning and Development Act not take effect until after the disallowance period. There are no doubt many occurrences where those

of us who look at these issues would wish that regulations did not start immediately and that we in the Assembly would have the opportunity to look at them all, but that is not how they work. It is not how regulations work in other pieces of legislation.

This appears to be about the fact that the Greens obviously do not like the way that Minister Corbell has used his regulation powers in the past as planning minister. There may well be a legitimate criticism in that, but I would simply say to the Greens that they are the party that consistently tick off on what the government does. They are the party that keep this Labor Party in government. Instead of using that influence to get the outcomes that they believe are good for the community, they are now seeking to legislate so that every regulation does not take effect until the disallowance period has passed.

We do not believe that is a reasonable response. In fact we believe that is a completely unreasonable response to the Greens' frustrations at their inability, in some cases, to have influence over their coalition partners. They could have made sure that these things are handled better. They could have insisted that the Assembly be consulted before controversial regulations are signed. But the response that is proposed by Ms Le Couteur is that we should now have a blanket change to how regulations are made under the Planning and Development Act. We do not share that view. We believe that that would be cumbersome. We believe that it would limit the ability of governments to respond rapidly in certain circumstances. We will not be supporting Ms Le Couteur's bill. We look forward to having the opportunity to further consider the government's amendments. I will speak to those when we get to the detail stage.

MS LE COUTEUR (Molonglo) (10.46): The Greens will be supporting the government's PABLAB No 3 today. It is largely a technical bill. It does such things as allowing appendices to the building code to be also part of the Building Act, not just the code itself, ensuring that it is clear that an estate development plan is actually part of a development application for a new estate, ensuring that the territory plan is a notifiable instrument and able to be submitted as evidence in court—I guess we all assumed that was the case, but it is good to know the lawyers have got things to occupy themselves with—and ensuring that consultation comments on a proposal are available after the consultation ends.

I will not speak at great length at this stage about the other bill which is being cognately debated—that is, my bill—because I had my chance when I tabled the bill. The discussion will come back again, of course. The amendments which Mr Corbell gave us so late yesterday are largely, I believe, inspired as a response to my bill, and that is why we will be having a cognate debate.

The Greens will be supporting the amendments. I will also be supporting the adjournment. We only received the amendments late last night and I only saw the explanatory statement when I came down this morning. It will be very nice to have a little bit more time to read the amendments and be confident that we know exactly what they say. In principle we support them. We are very happy with the positive and useful discussion we had with ACTPLA about how best to implement the ideas in our bill and in a way which the government is happier with.

Before I finish I will touch upon Mr Seselja's comments about regulations and disallowable periods. What actually inspired that, Mr Seselja, was the Kingston foreshore removal of third-party appeals. If the house remembers, this was notified by the minister some time in November. At the earliest time that the Assembly could disallow it, I moved to disallow it. I tried to have this debated last year, in December. Neither Liberal nor Labor wished to debate it.

The result is that ACAT is still hearing whether or not it is in a position to hear a third-party appeal on the Fitters Workshop. Because the regulations are somewhat in limbo between the period from when they have been notified and when they have been disallowed, what is the legal status of a regulation which is disallowed? I wanted to make it clear, rather than have a situation where ACAT has to try and work out from first principles what the situation is. That was the idea behind that, Mr Seselja. I will cease at this point, given that we are going to adjourn the debate and talk more about the substantive issues of the amendments and my bill this afternoon.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.50), in reply: I am pleased today to debate this bill. It is the third bill created under the government's omnibus planning and building legislation amendment bill process. It makes amendments to three acts: the Building Act, the Planning and Development Act and the Unit Titles Act, and it also makes amendments to related regulations.

The amendments are non-controversial and make no more than technical or minor policy adjustments in keeping with the omnibus nature of this bill. The bill also makes minor amendments because of amendments made by other bills.

Before I turn to the main details of this bill, I would like to refer to the Planning and Development (Public Notification) Amendment Bill presented by Ms Le Couteur. The government is not able to support Ms Le Couteur's bill as presented. However, the government has agreed to put forward amendments to our own bill as a result of discussions with Ms Le Couteur. The government amendments are put forward on the basis that they are minor only and so appropriate for immediate consideration. I will refer to these amendments in more detail shortly.

Turning to the principal elements of the government's bill that relate to the Planning and Development Act, the amendments made to this act and regulation cover several areas, including technical variations to the territory plan, development applications for the development of new estates and a range of other matters. The Planning and Development Act permits minor, technical variations to be made to the territory plan. As members are aware, technical variation is not required to go through the full and rather lengthy process that applies to standard territory plan variations.

Clause 13 of the bill creates a new type of technical variation to the territory plan that can be made through the relatively short technical variation process. The amendment to section 87 of the Planning and Development Act applies to variations to shift a provision of the territory plan from one part of the text of the plan to another. The amendment makes such a technical variation subject to one important proviso—that is,

the substance of the provision cannot be changed. For example, an amendment to relocate an area-specific policy from a development code to a precinct code without any change in the provision will now be a technical variation. This proposed new technical variation is in keeping with the other types of technical variations provided for under the act.

Existing section 88 of the act requires public consultation through newspaper notice of specified types of technical variations. The proposed new technical variation will be subject to these consultation requirements. The community will, therefore, be aware of the proposed technical amendment and will have the opportunity to make comment. Persons who feel, for example, that the proposed variation is not clear or too extensive will be able to make their views known through this process.

Clauses 11 and 12 of the bill include amendments that relate to the public notification of a standard draft territory plan variation. Under the existing act the Assembly can reject a draft variation in its entirety. Any such rejection must be publicly notified in a newspaper. However, the Assembly also has the power to reject some but not all elements of a draft variation. There is currently no requirement for a public notification of a partial rejection. The amendments made by the bill require partial rejections to be notified also in the newspaper and on the ACT legislation register.

Section 47 of the Planning and Development Act permits applications to be made to the Planning and Land Authority for a certified copy of the territory plan or a part of it—that is, a copy that is certified to be correct and able to be relied upon. Clause 9 of the bill removes this provision because it is now unnecessary. This is because an up-to-date copy of the territory plan is now available electronically on the ACT legislation register. Under the Evidence Act, documents that are printed from the register are able to be submitted as evidence in a court.

The bill makes amendments related to development applications and the state development plans. Clause 21 of the bill amends the Planning and Development Act to make it clear that a development application for the approval of a proposed new estate must include the relevant estate development plan. This was arguably an existing requirement, but this amendment makes it clear. Clause 7 of the bill also requires the estate development plan to be made an associated document—that is, a document that must be recorded and made publicly available for inspection by the Planning and Land Authority pursuant to section 30 of the act.

I would now like to turn to a number of amendments made for practical reasons that have come to light as a result of operational experience. The Planning and Development Act currently requires copies of public comments on a draft territory plan to be made available for public inspection. Specifically, the act requires the comments to be made available almost immediately—that is, from the day after the relevant public consultation period ends. This requirement is impractical as it does not allow sufficient time for the necessary administrative measures to be completed prior to the release of such material, such as the consideration of privacy protocols and the collating of comments into a format that can actually be published.

Clauses 10 and 15 of the bill extend this period to 10 working days. This extended period will allow for the necessary protocols and administrative mechanics to be completed before written comments are made available for public information. The amendment does not impact on the time that comments are available to the public, which remains at 15 or more working days.

The bill makes an amendment to section 185 of the act, which applies to development approvals of lease variations. This section specifies when such approvals end. Essentially, the approval ends when the lease variation is completed. If the variation is not completed within two years then the approval expires. Clause 22 of the bill extends this two-year period in the following circumstance: before a lease variation can proceed, the required lease variation charge must be paid. The payment of the lease variation charge may be subject to delay as a result of a dispute over the amount of the charge and any consequent internal reconsideration, ACAT merit review or Supreme Court action. Clause 22 extends the duration of development approvals to take account of any delay resulting from disputes over lease variation charge amounts. This amendment is consistent with existing provisions which extend the duration of the development approval to take account of any court dispute over the granting of the relevant development approval.

I would now like to turn to the amendments proposed by the government as a result of discussions with Ms Le Couteur. I would like to take this opportunity to thank Ms Le Couteur for her engagement and discussion on these issues. After much discussion, there is agreement on three of the key outcomes raised in the bill presented by Ms Le Couteur, and these are proposed to be inserted into the government bill through government amendments.

The three agreed outcomes relate to, firstly, public notification to neighbours of certain DA-exempt developments; secondly, public notification of proposals to deconcessionalise a lease; and, thirdly, public notification of draft territory plan amendments.

The first outcome is connected to the exemption of single dwellings from the need to obtain development approval. Currently, for example, a knockdown rebuild of a single dwelling is exempt from development approval. The government accepts the point that this exemption can cause concern at different times for some neighbours who are not forewarned of a proposed knockdown rebuild next door nor given any warning before the rebuild physically takes place. The government's amendment No 6 to clause 27 of the bill and related matters addresses this issue. This amendment inserts a new condition that must be met for the DA exemption to apply to single dwellings. The new condition requires the proponents to notify neighbouring residents of the proposed knockdown rebuild of the single dwelling. Related amendments are made to the Building Act and the building approval application process.

In summary, a building certifier is required to be satisfied that the neighbour notification has occurred. This amendment responds to community concerns about not knowing what building work is going to happen next door to a person's house. The proposed amendment ensures the community is informed while retaining the existing DA exemption for single dwellings.

The second outcome is related to the pre-DA community consultation framework, which was added to the legislation by the Planning and Building Legislation Amendment Act 2011 (No 2). The 2011 act included provisions to require proponents to consult with the community in relation to relatively large developments as identified in the regulation. The framework requires the proponent to consult with the community on the proposed development before lodgement of the development application. If the required pre-DA community consultation is not done then the DA cannot proceed. The operational provisions of the 2011 act have yet to commence pending finalisation of prescribed guidelines on the community consultation process. It is anticipated that these provisions will commence later this year.

Government amendment No 4 inserts new clause 25B to the bill and adds to the existing list of matters subject to the new pre-DA community consultation requirement. The amendment applies to concessional leases. The amendment will require pre-DA community consultation on proposals to remove the concessional status of a lease. This amendment is a sensible one that the government is pleased to introduce given the importance of and interest in concessional leases to many in the community.

As you can see, Mr Assistant Speaker, the two government amendments I have referred to so far are able to be made within the existing framework of the Planning and Development Act. The third outcome agreed with Ms Le Couteur that is the subject of government amendment is about the public notification of variations to the territory plan. Section 63 of the act requires draft plan variations to be notified in a newspaper and on the legislation register. Government amendment No 3 inserts new clause 10A to amend section 63 to add a further notification requirement. The new provision will require the Planning and Land Authority to give notice about the proposed variation to individuals as well as publishing the notice in the newspaper. The new requirement will apply to variations of a type identified in the regulation and to individuals identified in the regulation.

Government amendment No 4 inserts new clause 25A to apply this new notification requirement to territory plan variations to make a change in the zone—for instance, from CZ1 zone to RZ4 zone—to be notified to adjoining suburbs. This will mean that the neighbouring community that could be affected by the change in the zoning is made aware of the proposed change.

The government amendments are aimed at further improving community consultation and information. They reflect the government's ongoing commitment to informing the community about significant planning issues and facilitating the community's understanding and potential participation and ability to comment on the planning process.

I thank Ms Le Couteur again for our discussions on the amendments, and I commend the bill and, as a consequence, the government amendments to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

Debate (on motion by **Mr Seselja**) adjourned to a later hour.

Planning and Development (Public Notification) Amendment Bill 2012

Debate resumed from 28 March 2012, on motion by **Ms Le Couteur**:

> That this bill be agreed to in principle.

Question put.

The Assembly voted—

Ayes 4		Noes 13	
Ms Bresnan	Mr Rattenbury	Mr Barr	Ms Gallagher
Ms Hunter		Dr Bourke	Mr Hanson
Ms Le Couteur		Ms Burch	Mr Hargreaves
		Mr Coe	Ms Porter
		Mr Corbell	Mr Seselja
		Mr Doszpot	Mr Smyth
		Mrs Dunne	

Question so resolved in the negative.

Long Service Leave (Portable Schemes) (Security Industry) Amendment Bill 2012

Debate resumed from 29 March 2012, on motion by **Dr Bourke**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (11.08): The opposition will not be supporting the Long Service Leave (Portable Schemes) (Security Industry) Amendment Bill 2012. This bill seeks to establish a portable long service leave scheme for employees in the security industry. It mirrors the scheme this government, with the support of the Greens, bulldozed through in 2009 to capture the community sector. We did not support that bill either. This bill has even more problems than we had to deal with in relation to the community sector scheme.

Let me run through some of those issues. The scheme will capture only some worker classifications listed in the Security Industry Act 2003. The workers not captured under this scheme apparently are captured under the building and construction scheme. For some businesses this means that they have got employees who are engaged in activities caught by both schemes and very likely will have to deal with different

levies across the two. In addition, however, clerical workers are caught under neither scheme and it is possible to move out of the scheme by changing work classifications while remaining with the same employer.

So, Mr Speaker, there is a lack of clarity for businesses. Once again we see that the government's usual approach of a one-size-fits-all scheme does not work. Let us add to that the reciprocity provisions. The trouble is that there are no other jurisdictions that carry a security industry portable long service leave scheme. Some Canberra-based businesses employ workers whose work activities are only partly in the ACT or not at all. Once again, there is a lack of clarity about how a Canberra-based business will manage their cross-border obligations under the scheme and even more difficulty for, say, a Queanbeyan-based business who have some employees who work some of the time in the ACT.

Then there is the financial impost on businesses, with the uncertainty created by the fact that no actuarial analysis has been done in order to determine the levy that the employers will have to pay into the scheme. Thus, employers as yet have no idea of the impact of the levy on their budgets, other than the guesstimate that the levy might be similar to that in the community sector of 1.67 per cent of wages.

Perhaps I can help that analysis by running through a few numbers. The minister told us in his presentation speech that the scheme will capture 2½ thousand workers. According to the national peak body of the security industry, the Australian Security Industry Association Ltd, ASIAL, the annual wages bill in the security industry for workers captured under the bill is about $50 million. This equates to an average wage of $20,000 per worker. No doubt this apparently low figure reflects the fact that about 53 per cent of workers in the security industry are casuals, working a second job or working to support their study endeavours. A levy of 1.67 per cent on that amount would yield $835,000 per year to the fund.

The minister also tells us that 20 per cent of the members of United Voice have worked in the security industry for more than five years. This is a curious statistic, given that a worker does not even get pro rata entitlement to long service leave until they have worked for seven years. That aside, ASIAL says that only 12 per cent of workers are members of United Voice anyway. This means that only 75 United Voice members would be ever likely to get an entitlement to long service leave.

ASIAL also says that 53 per cent of all workers are casual and 80 per cent of all workers do not stay long enough in the industry to build up a long service leave entitlement. In the end, there are only a very few workers who actually get a long service leave entitlement. If we gave everyone the benefit of the doubt and rounded things up, the 75 workers may end up at 100 workers. We are talking about 100 people and looking at a long service leave commitment of less than $350,000, against the annual levy intake of what appears to be, on the government's guesstimate, $835,000, which means this will become quite a profitable little venture for the long service leave board.

But there is more, Mr Speaker. The concept of long service leave is to reward an employee for loyalty of service to an employer. It is unique to Australia and

New Zealand and it was established in our early colonial days. In those days it was considered reasonable for citizens to be able to sail home to England, Ireland or from wherever they came so that they could visit their family and to do this in the knowledge that their job would still be there for them when they returned.

Long service leave was envisaged in Australia and New Zealand to allow people to return home on a boat. In a sense, Mr Speaker, it is a real and intended purpose now redundant for many obvious reasons. Even from that viewpoint, it is dubious to think that workers remaining in an industry, let alone a single employer, should be able to accumulate long service leave.

Then there are the employees who are engaged in work that looks like security work, but who are employed under legislation other than the Security Industry Act 2003. These people are excluded from portable long service even though, to all intents and purposes, their employment differs little from that of their colleagues who are employed under the Security Industry Act. If the government had thought this through a little more they might have aligned the work classifications to the relevant Fair Work Australia modern award.

Of some concern is the threat that some businesses could relocate to New South Wales to avoid being caught by the ACT legislation. Even more worrying is the risk of sham contracting that might occur because of the additional cost and administrative burden this scheme imposes on employers. So let us consider that for a moment.

Security companies often have to operate on what are, at best, skinny profit margins. Often those margins are determined by pre-fixed fixed-term government contracts. Any impost such as that contemplated by this bill will put further pressure on those margins because the contract terms do not allow them to be recovered. Businesses will have to wait until such time as they might—there is never any guarantee—be fortunate enough to land a new contract with sufficient remuneration to recover the additional cost.

Further, and contrary to the assertion in the government's presentation speech, this bill will increase the administrative burden, the red tape burden, for business. It will do so because, as I mentioned earlier, the bill creates cross-border uncertainties as well as the fact that some employees are excluded from the scheme. There is potential for greatly increased administrative burden and, indeed, mistakes in the management of these complexities.

The minister also asserts that the scheme will reduce costs. This is also false because, as I have demonstrated before in my simple analysis, the mooted levy will create a surplus of nearly half a million dollars a year for the Long Service Leave Authority. In addition, currently employers are not required to provide for long service leave until an employee reaches five years of service. However, under this scheme they will have to write a cheque for long service leave from day one of service, not merely make provision that may never be drawn upon. This has a huge impact on the cash flow of businesses. This was the same problem that we highlighted in the community sector long service leave scheme.

If the worker for whom the employer is paying the levy does not reach that entitlement, the employer, or the employers if the employee moves around, does not get the money back under the current proposal. The Long Service Leave Authority keeps that money for its own rainy day. That day in this scheme, and at the guesstimate levy, is likely never to come. That money has to come from somewhere. It will add to the cost of doing business in the territory. It may even reduce employment opportunities in the industry. Half a million dollars in cash withdrawn from the industry would threaten up to 25 jobs.

Then there is the minister's assertion that workers who move between employers in the industry and who do not become entitled to long service leave do so because of "circumstances outside their control". This is also false. In most cases the choice of employer and the decision to move from one employer to another lies completely with the employee.

Another false assertion in the minister's introductory speech is that portability would provide employees with "greater prospects of promotion". This falsity applies particularly to the security industry, which has a very high employee turnover, on top of a high percentage of casual employees, thus creating the sort of opportunities for advancement for workers with individual employers. This is yet another assertion of the Minister for Industrial Relations that has been proven to be false by any analysis. He says that most other workers in Australia are entitled to access portable long service leave. It would be interesting to see the figures on which he bases this assertion.

The government claims it has consulted widely on the bill. ASIAL begs to differ. It had one meeting of one hour and a few phone calls. On its own initiative it organised an information breakfast, which ORS and the Long Service Leave Authority attended. It made a written submission on the exposure draft and the discussion paper, and that submission was largely ignored.

Mr Speaker, that to me does not constitute consultation. But then, I am sorry, I forgot the advertisement in the ORS bulletin, no doubt a widely-read publication, and a notice on the community noticeboard, again no doubt a much sought after piece of government communication!

This bill is being shoved onto the security industry. It creates business costs and increases business administrative red tape. It is being introduced without any idea of what the levy will be, apart from a guesstimate. It fails to be of any material benefit to the large proportion of workers in the industry. However, the cost that it will impose probably puts their employment at risk.

It was presented to the Assembly based on a series of false premises. To the smallest of credit, the government has recognised that the start date of 1 July 2012 is optimistic and it will be amended to 1 January 2013. I am sure that the industry is grateful for such small mercies. But those mercies are far outweighed by the burdens that this scheme imposes.

The Canberra Liberals will not be supporting the bill because we do not believe in the notion of portability of long service leave and we do not believe that it is appropriate to put such impositions on business and put employment at risk. I condemn the government for its shoddy work and I condemn the bill for the pain that it will cause to industry and future employment in the industry.

MS BRESNAN (Brindabella) (11.20): The Greens support the extension of portable long service leave to the security industry and we support this bill. I do have an amendment which I will be moving later.

My office has had the opportunity to meet with ACT security workers on a number of occasions. The Greens believe that extending portable long service leave entitlements to this industry is a benefit that has been a long time coming for an industry that is very deserving.

The Greens believe in giving a fair go to Canberrans who are doing it tough. I must say I find it quite extraordinary and contradictory that the Liberals refuse to support this portable long service leave scheme. Every time we have seen legislation come before the Assembly that is about making Canberrans' working lives better, the Liberals oppose it. As we have talked about before, portable long service leave is about rewarding loyalty.

If we want to talk about people who are doing it tough, the individuals and their families in the security industry are a perfect example. There is no stronger example of individuals and families who are doing it tough, working on low wages at irregular hours, which has an impact on people and their family lives. What this is about is giving them time with their family. That is why we are supporting this today.

I would like to read out some of the correspondence from ACT security workers about the difficulties of their job. One says:

> Security guards in the ACT are very poorly paid. A lot of guards are working more hours and I personally know of guards that work another job to make ends meet. The long service entitlement is the only chance some guards have to save some money as our wages have not kept up with the cost of living. A guard has to work four hours (half a day) to pay for one visit to a doctor.

Another security worker wrote:

> I have to work ridiculous hours consisting of nightshift and weekend work for this company in order to provide for my family. I literally live from fortnight to fortnight.

These are the type of people whose conditions we are trying to improve through this legislation—people who have to work for four hours to pay for one visit to the doctor or who literally have to live fortnight to fortnight. We are talking about workers who are often already doing it tough, on low pay and long hours. They deserve better conditions, and portable long service leave is one important step to providing this.

The Liberal Party are effectively ignoring the plight of ordinary working Canberrans and seem to be concerned only with the interests of industry and of the big companies. Mrs Dunne's speech is essentially a rehash of the industry's position. If we want to talk about no analysis, as Mrs Dunne has, Mrs Dunne's speech is an example of this; plus, Mrs Dunne is essentially placing the interests of businesses, which in many cases are based overseas and are multinationals, above those of Canberra people.

A few weeks ago when we were debating technical amendments to the portable long service leave act, Mrs Dunne said that the Liberals were fundamentally opposed to portable long service leave schemes and Mrs Dunne has again said that today. I think that fails to recognise the reality that exists in many industries. It fails to recognise the fact that some people dedicate their working lives to a single industry but with the way that industry operates it is difficult for them to get long service leave with an individual company.

Workers in the security industry often do the same work in the same location over a period of time. However, the company that is contracted to that location changes. So the workers' employer changes and they lose the opportunity for long service leave. These workers should be able to get long service leave, just as we have recognised that cleaners, the community sector and construction workers, who all work in similar employment scenarios, should.

My office and I have had discussions with representatives of the security industry body about this legislation. I am aware of the concerns they have raised. I will also note that I was very upfront in my conversation with a representative in saying that the Greens would be supporting the legislation, so they did know that from the start.

I want to address the key points. Firstly, I do not accept the suggestion that this scheme will encourage sham contracting. Sham contracting is a problem in the security industry, as it is in other industries such as construction, but this should not be a reason to neglect entitlements for deserving workers. The focus should be on reforming the industry into one where sham contracting does not occur. The Long Service Leave Authority also explained to my office that the administrative arrangements for the portable long service leave scheme will in fact open another avenue to check for sham contracting which will actually help to eliminate it.

Secondly, a concern was raised about employers being able to recoup their extra costs under current government contracts. I understand that the government is favourable to the idea of remaking contracts to take into account the increased cost of the portable long service leave levy. I also understand the Chief Minister is going to request that the federal government do the same.

The other main complaint is that the contribution rate and administration fees need to be determined through a thorough investigation of the industry and all the relevant factors such as the number of employees and the number of employees likely to be eligible. I agree that this needs to occur, but some of the detail will be determined once the principal act is passed.

The established process is then for the Long Service Leave Authority board to consider all the actuarial data and make a recommendation on the levy to the minister. All the factors can be taken into account during this process. The minister then determines the final levy. I have confidence that the Long Service Leave Authority board will do a thorough job. The work it did for the existing portable schemes has been very successful. The levy will also be reviewed after one year, which will ensure it is appropriate.

The cleaning industry portable long service leave scheme is a good comparison. Actuarial advice initially set the levy at two per cent and this was reviewed after 12 months and periodically since. This has confirmed that the two per cent levy is appropriate. Periodic reviews over the past 10 years have consistently confirmed this figure.

There is existing data about the security industry. Security workers have to be licensed, so we know that there are currently 2,706 employee security licences in place, and about 2,400 of these will be covered by the scheme. The ACT government has records showing that there are presently 369 people who have already held a security employee licence for more than eight years. I would expect that putting in place a portable long service leave entitlement will increase this number. That is also a win for the industry, which will have more long-term employees.

I am aware of the industry's argument that there are not a lot of security workers that will stay in the industry long enough to receive their long service leave entitlement and therefore we should not have a portable long service leave scheme. I am not convinced by this argument. Firstly, the levy can take account of this and, secondly, long service leave is an employee benefit that will help attract people to longer service. I see it as an important step towards making this industry as a whole more considerate of the needs of workers.

I would also point out that the security industry is similar in nature to the cleaning industry in terms of factors such as workforce profile and the use of contracts and that the cleaning industry has had a successful portable long service leave scheme operating for several years.

In conclusion, I would like to congratulate the government on bringing this legislation forward. I do have a reservation about delaying its introduction—I believe it should start as soon as possible—but otherwise I believe it is a scheme that is needed and has been a long time coming. I would also like to thank the directorate for providing information about the scheme.

Lastly, I would like to congratulate United Voice, who have campaigned for some time for the scheme, and security workers in Canberra, who are most deserving of this entitlement. I hope this is the beginning of many positive reforms for workers in the industry.

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and

Minister for Corrections) (11.29), in reply: As I said when I introduced this bill into the Assembly, this is one further step in this government's resolve to bring fairness to all workers in the territory. This is in contrast to the opposition, who today announce not just their opposition to this bill but their opposition to the very concept of long service leave. No-one—no-one—needs to catch a boat. No-one needs to catch a boat somewhere. They think no-one deserves long service leave—not nurses, not teachers, not emergency service workers: no long service leave for anybody, anytime, anywhere.

This portable long service leave act provides 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 origins of portable long service leave lie in the building and construction industry which, as members are aware, is generally contract based, with workers moving from project to project. All jurisdictions have had arrangements for the construction industry going back as far as 1981. There have been portable long service leave arrangements for the contract cleaning industry in Queensland, New South Wales and the territory since June 2000. In July 2010, the territory added the community sector to the scheme, and now we are adding the security industry. All of these industries have one thing in common. They have dedicated long-term employees who, due to the nature of the work in the industry, move from employer to employer.

The security industry is very competitive. It is not unusual to see security personnel working at the same location for long periods of time. Often, however, they will work for a number of different employers, as security companies win the contract for these locations. The general nature of the security industry in terms of contracts, a transient workforce and workforce profile is consistent with that of the cleaning industry, which has had a successful scheme in operation for over 10 years. 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 for these organisations.

Mr Speaker, this government have never shied away from addressing issues. We have never shied away from being innovative and we have never shied away from being willing to lead the way. This is another example of this government's commitment to ensure fairness for all workers.

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. The security industry is an important industry in the territory, performing a range of vital public safety services. I am advised that within the industry there are about 240 master licensees who engage over 2½ thousand workers. 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 not about what others are doing; this is about being fair.

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

Responding to the point made by Mrs Dunne regarding the levy, 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 they are sufficient to meet future liabilities.

The main features of the bill are that the act will be amended to identify the security industry as a covered industry, then provide a schedule specific to the security industry and then establish a mandatory portable long service leave scheme for security workers and employees. The bill will cover "front-line" security workers, including guards, patrol workers, cash-in-transit workers, 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.

Importantly, Mr Speaker, addressing the point raised by Mrs Dunne, the bill ensures that, where workers are employed by an ACT employer, the worker accrues long service leave entitlements no matter where the worker is physically located. For example, if an ACT security employer has a contract to provide security to a site across the border in New South Wales, the work undertaken there is counted as if it is work undertaken in the territory.

The bill mirrors the provisions in other covered industries in that a person entitled to long service leave must take leave from their employer. The bill also ensures that where a person leaves their employment due to reasons of total incapacity, due to reaching the prescribed retiring age or in the case of death, appropriate arrangements are in place to make the long service leave payment to the person, or his or her estate.

The bill will ensure that 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 bill also sets out the various calculations to determine the amount of long service leave payable to an eligible worker. As with other schemes, the security industry scheme is flexible and allows for a four-year break in employment in the industry. Importantly, again, the scheme will support security industry workers. 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. It recognises loyalty to the sector rather than just one employer, thus enhancing mobility and facilitating the creation of a sustainable career path. It sets out long service leave entitlements for eligible employees at a fixed rate of leave for employment in the sector, so that workers are clear about what they are entitled to.

As members are aware, 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. This growth in workers registered 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.

I have decided that the act will commence on 1 January 2013. I have asked the Office of Industrial Relations to 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. This 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 territory.

I note that since the bill was introduced the Standing Committee on Justice and Community Safety has commented on both the bill and its explanatory statement. I thank the committee for its consideration and have responded to these comments, none of which require change to the bill or its statement.

With regard to the level of consultation that has been applied to this, consultation on the proposed scheme for the security industry began mid last year with discussions between the Office of Industrial Relations and United Voice on behalf of industry workers. Over several months, peak employer bodies were then contacted to inform an exposure draft bill and discussion paper. This was conducted through the Australian Security Industry Association and Security Providers Association of Australia.

In December 2011 an exposure draft of the bill and a complementary discussion paper were released for public comment. Responses were invited in writing, in person, by email and over the phone. This was advertised through the community noticeboard, Office of Regulatory Services bulletin and personal correspondence to the Australian Security Industry Association, the Security Providers Association of Australia, United Voice, Chubb Security Services Ltd, the ACT and Region Chamber of Commerce and Industry, Orion Pax Pty Ltd, SilverFern Security Pty Ltd, Sydney Night Patrol and Inquiry Co Pty Ltd, Tadros Security, and Up 2 Security Pty Ltd. Written submissions

were received from United Voice, ASIAL, SMP Security, and MSS Security. United Voice also commented verbally.

In February 2012 officials of the ACT Long Service Leave Authority attended an ASIAL breakfast briefing on their proposed scheme. Members of the ACT Work Safety Council were also notified of this bill at their quarterly meeting. In March 2012 I met with United Voice to further discuss the scheme.

Following introduction of the final bill on 29 March 2012 officials have continued to consult peak industry representatives with a view to recommending an appropriate levy for the scheme. A range of implementation and administrative issues have also been canvassed. Should the bill be passed by the Assembly, the Long Service Leave Authority will provide public information to interested workers and industry employers prior to commencement on 1 January 2013. Guidance material and one-on-one support will also be offered.

In conclusion, 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 portable scheme also has the potential to reduce the long-term administrative burden and costs for some businesses, particularly those that retain or employ long-term security workers. In these many 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.

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

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS BRESNAN (Brindabella) (11.44): I move amendment No 1 circulated in my name *[see schedule 2 at page 2161]*.

This amendment sets a start date for the security industry's new portable long service leave scheme at 1 October 2012. This is the beginning of the second quarter of the financial year, which is an appropriate time to begin the scheme. Currently, the legislation does not set a start date for the scheme, although as the minister has indicated in his speech he intends to set one by commencement notice once the in-principle scheme is passed. This start date for the scheme will be 1 January 2013.

The Greens believe that it is realistic and appropriate to begin the scheme earlier, in October. We are concerned that any delay beyond this is unnecessary. I have seen a proposed timetable for introduction which is out to 1 January 2013 and I believe this timetable could be expedited. For example, some of the items on this time line could be done in parallel. The months of November and December are dedicated entirely to continued awareness raising and final reminder press advertising.

It is also my understanding that for several years now the government has promised the security industry that a portable long service leave scheme would commence by 1 July 2012. It seems that date can now not be met. However, I cannot see why we could not reasonably meet a start date of 1 October 2012. I do acknowledge the resolution that was passed at the May Day rally that the scheme start on 1 July 2012.

I will read one further letter from a security guard about the need to start this scheme as soon as possible. He writes:

> It is extremely important the ACT government ensure the commencement is the 1/7/2012.

Obviously, I note that this now will not be the case. He continues:

> This will demonstrate to ACT security guards and their families and friends the ACT government believe and demonstrate they believe in a fair go for low paid workers.

And in another letter:

> You can't change this industry overnight. However, you can make a positive difference by ensuring the implementation of Portable Long Service Leave on 01 July 2012 for us.
>
> We have the experience, we are these company's assets, we perform the work and fulfil their contractual obligations and in return we have nothing but struggle and wage suppression. Each time the government provides a glimpse of a positive change for us common employees in this security industry it somehow gets pushed further and further back by those we work for crying poor.

In conclusion the Greens believe that this portable long service leave scheme is a very important entitlement for workers. It should begin as soon as possible and with a guaranteed date. We believe that date is 1 October 2012, the second quarter of the financial year. I would urge the government to support this.

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (11.48): The government opposes this amendment. Ms Bresnan's amendment seeks to commence the act on 1 October 2012 rather than by my notification. As I have previously advised the Assembly, there remains important work to do between the Long Service Leave Authority board and the security industry employers to ensure that all the preparation necessary for a smooth and informed participation of the employers is completed.

As we have learned from the commencement of the community sector scheme, a fulsome period of post-legislative consultation leads to a corroborative implementation. There remains also for the actuary to complete their advice to the board on the final make-up of the workforce and on the final levy to be recommended to the minister.

Setting a sound evidence base for both the population of members and the levy at the beginning of the process is an indispensible step in the success of the scheme. An earlier or forced commencement date will pre-emptively jeopardise all of this important work and the building of essential relationships with employers. As such, the government will not support the amendment.

MRS DUNNE (Ginninderra) (11.48): The Canberra Liberals will not be supporting this amendment. We do not support the bill; so we would not support any mechanism that would bring it on any earlier than is absolutely necessary. I think it is quite amusing, really, to see Ms Bresnan sort of trying to get on the bandwagon to achieve something. It is obvious that this is a sign that the government cannot get it done.

The government have been "gunna do this" for a very long time. At the last minute they sort of pull back and say, "Actually, we cannot meet our commitment." But what we have here is the Greens, in desperation, knowing that most of them will not be back here after the October election, attempting to get something done for themselves. They are trying to say, "We have done something," so that perhaps the unions would be more supportive of them in their futile election campaign which is coming up.

Question put:

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

The Assembly voted—

Ayes 4		Noes 13	
Ms Bresnan	Mr Rattenbury	Mr Barr	Ms Gallagher
Ms Hunter		Dr Bourke	Mr Hanson
Ms Le Couteur		Ms Burch	Mr Hargreaves
		Mr Coe	Ms Porter
		Mr Corbell	Mr Seselja
		Mr Doszpot	Mr Smyth
		Mrs Dunne	

Question so resolved in the negative.

Amendment negatived.

Bill, as a whole, agreed to.

Bill agreed to.

Sitting suspended from 11.52 am to 2 pm.

Questions without notice

Canberra Institute of Technology—alleged bullying

MR SESELJA: Mr Speaker, my question is addressed to the minister for education. Minister, I refer to the WorkSafe ACT report on bullying at the Canberra Institute of Technology. The report says:

> The seriousness of the allegations made against senior staff ... warranted investigations by impartial and suitably qualified persons. The internal '… exercises' undertaken by the CIT were not investigations, did not meet the required level of independence and did not … adhere to the principles of natural justice.

Minister, given those comments, what steps have you put in place to ensure that the improvement action group, which includes the senior leadership team at CIT, is sufficiently independent and suitably qualified?

DR BOURKE: I thank the member for his question. The WorkSafe ACT report that came out on 12 April I responded to by issuing a direction to the CIT to provide me with a weekly briefing, a weekly report, on the progress in addressing the 10 points put forward in WorkSafe ACT's report. Also, a member, a senior industrial relations and WorkSafe specialist from the Chief Minister's Department, has been tasked with chairing the group that is going to oversight this change in CIT. That is our procedure.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Minister, what action have you taken to assure yourself, and therefore the Assembly, that none of the members of the improvement action group were the subject of any harassment complaint?

DR BOURKE: Not only is the procedure I put in place occurring; also, the office for the Commissioner for Public Administration will be working closely with the CIT to—

Mr Hanson interjecting—

MR SPEAKER: Thank you, Mr Hanson.

DR BOURKE: look at those cases that have been notified to CIT previously and to consider the cases where people wish to refer those matters to the Commissioner for Public Administration.

MR DOSZPOT: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Doszpot.

MR DOSZPOT: Minister, how do you know they were not involved, given your previous disclaimers about lack of knowledge of bullying at CIT?

DR BOURKE: I have not been advised that that is the case.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, what are you going to do to make sure that, if there are systemic issues at CIT, they will be addressed?

DR BOURKE: As I have already said, we have put in place a number of very stringent procedures. But let me also draw members' attention to the Work Health and Safety Act 2011, which I brought in here last year. That, for the first time, made these matters possible to be prosecuted. It is a first in the territory that public institutions can also be prosecuted under the Work Health and Safety Act. I think that would probably clarify the minds of those involved very clearly.

Community Services Directorate—refresh

MS HUNTER: My question is to the Minister for Community Services and relates to the Community Services Directorate. Minister, it is my understanding that the Community Services Directorate will soon be undertaking a "refresh". Minister, can you advise the Assembly of what exactly is meant by a refresh of the Office for Children, Youth and Family Support and the Community Services Directorate, and how is a refresh different from a restructure?

MS BURCH: Yes, the Office for Children, Youth and Family Support is going through—you can call it a refresh; I think it is not quite a restructure, Ms Hunter. But it certainly has been talking and reviewing its internal processes and practices and various departments and areas or silos. I think some people will use a descriptor but other people may choose another descriptor, Ms Hunter.

Mr Hanson interjecting—

MS BURCH: We may choose to use different words to describe different areas within the office to do their functions. But, putting that aside, last year we engaged Jane Brazier to go through and talk with a number of stakeholders, internal and external—

Opposition members interjecting—

MR SPEAKER: Order, members!

MS BURCH: about what could be some benefits of a realignment within the office across its various business functions and business structures within the office.

MR SPEAKER: Order! One moment, Ms Burch, thank you. Stop the clocks. Members, I have spoken before about my view that it is unparliamentary for members to make derogatory comments about ministers when they are answering questions. You can look quizzically, Mr Hanson, but I can hear it going on on the benches and I am sure other members in the chamber can hear it. I just ask that you be a little more respectful as we proceed with question time.

Mr Coe: Point of order, Mr Speaker. I think saying that the minister is being cryptic is not a derogatory comment; it is more an expression of her not answering the question.

MR SPEAKER: Thank you for your views, Mr Coe. Minister Burch, you have the floor.

MS BURCH: Last year we engaged Jane Brazier to talk with internal and external stakeholders about what were some of the business functions and how could we realign some of those internally with the office. Due to some personal circumstances of that consultant that project went into a bit of abeyance for a couple of months, but we are now working through that realignment process; for example, how do we strengthen our various arms, such as our policy arm, and to concentrate various aspects of policy, but also procurement and business. I am quite happy to give you an update and to give you a briefing about when all that is settled down but it is certainly something that is well and truly in train at the moment.

MR SPEAKER: Ms Hunter.

MS HUNTER: Minister, what impact will this refresh have on the Office for Children, Youth and Family Support staff and also the programs that are run out of that office?

MS BURCH: I thank Ms Hunter for her question. With respect to the impact on staff, certainly the conversation I have had with the executive director of the office is that staff are very much part of this journey and have been involved from the beginning. They were considered stakeholders in this process under the consultant's processes as well. So they are very much considered to be part of it.

There is no shift or change in programs that are in place. We are looking to, as I said, streamline some of those core functions of policy to concentrate on and strengthen those policy areas, and certainly looking at procurement and purchasing. I am sure you would appreciate the benefits of providing some strength and depth to those areas of the office. As I said, I do not see this as a change in program delivery. It is more of

an internal realignment. But staff and the stakeholders that report to different areas within the office are certainly part of this.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, was the decision to refresh the Community Services Directorate made as a result of the flawed consultation tender in the implementation process for the Children, Youth and Family Support programs?

MS BURCH: No, Mr Speaker. This conversation has been going on between me and the Community Services Directorate for some time. The independent consultant was engaged in the earlier part of last year.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what tangible outcomes will clients, and especially the young people and their carers, see from this realignment?

MS BURCH: I thank Mrs Dunne for her question. The realignment is to strengthen up some areas, as I have said, across policy and business areas such as procurement. There is no negative impact out of this. It is all about reshaping the office that has grown over a number of years so it works effectively and efficiently.

Mr Coe: A point of order, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

Mr Coe: On relevance, the question was what tangible impact will clients see. She has only talked about internal departmental processes. I ask that you bring her to the point of the question.

MR SPEAKER: Minister Burch, would you like to add any further comments? No.

Canberra Institute of Technology—alleged bullying

MR DOSZPOT: My question is addressed to Dr Bourke in his dual roles of minister for education and Minister for Industrial Relations. Minister, I refer to the WorkSafe ACT report on bullying at the Canberra Institute of Technology. The report says:

> Given … the passage of time since the alleged incidents occurred and as the CIT had advised that it had already considered the complaints which had been made to it … WorkSafe … did not investigate the actual claims of bullying themselves.

Minister, this says that claims of bullying have been going on for years. Why did it take years for claims of bullying to be properly investigated?

DR BOURKE: That is indeed what WorkSafe ACT has been doing—properly investigating these claims, and that is what has brought about this report as well as the improvement notice.

MR SPEAKER: Mr Doszpot, a supplementary.

MR DOSZPOT: Minister, what have you done to assure yourself that the internal investigations by CIT were adequately independent and impartial?

DR BOURKE: There are two independent channels by which concerns can be raised at CIT. Firstly, the respect, equity and diversity executive sponsors and contact officers in agencies can receive complaints relating to another agency. Secondly, concerns can also be raised directly with the office of the Commissioner for Public Administration.

Mr Hanson: Point of order, Mr Speaker.

MR SPEAKER: Yes.

Mr Hanson: The question was directly not about the process by which people can make complaints but about what the minister had done himself to personally assure himself that the internal investigations were adequately independent and impartial. This is about the third or fourth occasion where members of the opposition have asked Dr Bourke a question and he has simply read from pre-prepared notes that do not go to the point of the question. I ask him, under standing order 118(a), to be direct in his answer.

MR SPEAKER: Minister Bourke, would you like to add further comments in response to the question?

DR BOURKE: No.

MR SPEAKER: Mr Hanson has a supplementary question.

MR HANSON: What disciplinary action has been taken against, or counselling provided to, the perpetrators of the bullying?

DR BOURKE: Disciplinary action and counselling is a matter for the particular workplace agreements which people are employed under. Those recommendations are the responsibility of the agency—

Members interjecting—

MR SPEAKER: Order! I cannot hear the minister.

DR BOURKE: as well as the Commissioner for Public Administration.

MR SPEAKER: Ms Bresnan on a supplementary.

Members interjecting—

MR SPEAKER: Order! Ms Bresnan has the floor.

MS BRESNAN: Thank you, Mr Speaker. Minister, would having specialist expertise in bullying within WorkSafe have assisted in this situation?

DR BOURKE: I thank the member for her question. No, I do not believe so. The report by WorkSafe ACT was comprehensive and detailed. The outcome was, as we know, that an improvement notice was issued to the CIT. I was extremely disappointed that this had happened and to reinforce that improvement notice is why I issued a directive under the CIT act for them both to comply with that improvement notice and to report to me on a weekly basis.

Taxation—Quinlan review

MS PORTER: My question is to the Treasurer. Treasurer, can you update the Assembly on the recommendations of the ACT taxation review, led by former Treasurer, Mr Ted Quinlan, and the government's response to those recommendations?

Opposition members interjecting—

MR BARR: I would not want to disappoint those opposite if they were playing question time bingo. I am surprised that they have not focused on the question of taxation to date.

MR SPEAKER: Let us focus on the question, Minister Barr.

MR BARR: Thank you, Mr Speaker, and I thank Ms Porter for the question. As members would be aware, the taxation review released yesterday is the most wide ranging examination of the territory's tax system in the history of self-government. The review built on work undertaken at the national level by Dr Ken Henry. The Henry review identified a number of state and territory taxes that were economically inefficient. The ACT review found that the territory was well placed to reform these taxes by taking advantage of our status as a city-state.

As members would be aware, the review made 27 recommendations. The government has agreed or agreed in principle to 26 of those. Consistent with our long held policy position, we have not agreed with chair Quinlan's additional recommendation in relation to the allowance of poker machines at the casino.

As its first recommendation, the review recommended that the territory should have taxation settings and instruments that deliver stable revenue growth proportionate to economic growth. The government agrees with this. We are committed to ensuring that the territory has a stable and sustainable revenue base so that the government can continue to provide high quality services and infrastructure to the Canberra community.

The review recommended abolishing a number of transaction taxes because these taxes are inefficient. The government agrees with this. We are committed to phasing out transaction taxes, but we recognise the need to undertake such a phase-out over time to ensure equity, fairness and budget sustainability.

The review also recommended that the rates base be made more progressive. The government agrees with this recommendation. Currently the high fixed charge and the flat tax rate are regressive on those with lower land values. A reformed system of general rates would represent an efficient and stable revenue base.

To smooth the transition and to ease the impact on households, the government will examine the range of concessions it provides to Canberrans. It will include, but not be limited to, concessions such as the deferral of duty, as well as pensioner and home buyer concession schemes.

The government have noted the recommendations in relation to the increase in gaming tax, but have been clear that we will defer any consideration of these matters until national reform agendas, particularly in relation to the mandatory pre-commitment trial within the territory, have finished. It would be unfair, in our view, to change tax settings while that trial is underway.

MR SPEAKER: A supplementary, Ms Porter.

MS PORTER: Treasurer, what are the government's guiding principles in undertaking tax reform?

MR BARR: The underlying principles and values that the government will bring to this reform task are about a fairer tax system, a simpler tax system and a more efficient tax system. So fairer, simpler and more efficient: these are the principles and the values that the government will bring to this reform task. We will undertake this reform task over time to allow for an appropriate transition.

To make our system fairer we believe the tax base needs to become more progressive. We also believe that the prudent use of concessions can help in this goal. This way the government can ensure that the tax burden is lessened for low and middle-income Canberra households.

To make our system simpler we support the reduction and eventual abolition of a number of taxes. In the short term we have announced a cut in payroll tax to assist Canberra businesses. Around 115 Canberra businesses will be excluded from paying the tax and a further 1,865 businesses in the territory will receive a tax cut—something that I am sure will be welcomed by those opposite.

There is no doubt that reform is difficult but it is necessary, and an appropriate transition time is required. The tax review recommends this and the government agrees. But as with all of the public policy challenges that are before us, people's initial responses are interesting. I welcome the supportive statements of Ms Hunter, who is interested in policy reform, and I note the usual carping negativity of those

opposite—opposition for opposition's sake. Here we are again, a new issue, but the same carping negativity from the opposition.

MR HARGREAVES: Supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, are there any alternative courses the government could take?

MR BARR: Of course there are always a variety of policy alternatives. The head-in-the-sand approach that you could adopt, and that seems to be the preferred method of those opposite, is to find a minute process argument—anything to avoid talking about the substance of the public policy issue before the Assembly and before the community. That is what we saw yesterday in the initial response by the shadow treasurer. It was all about process and nothing much about the actual substance. That is one alternative policy approach. That certainly is an alternative policy approach.

The government's view is that, in order to achieve a fairer, simpler and more efficient tax system, reform is necessary. It is the government's view, supported by the overwhelming majority of stakeholders in relation to tax reform, that this reform will be a long-term process but that work needs to commence now. The processes that the government has put in place by way of a number of stakeholder roundtables over the next few months and the possibility of some further work at the national level and engagement with other states and territories, particularly around the area of harmonisation in payroll tax, for example, that we know other governments are committed to—the Prime Minister has called an economic forum for June. The states and territories have been invited to attend. We certainly look forward to some further progress on some of the important areas of tax reform that not only this jurisdiction faces but the nation faces.

The issues that we confront in the ACT are similar to those of other jurisdictions, but we are better placed than any other jurisdiction to begin a significant reform process.

MR SESELJA: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Treasurer, why was the chair of the panel, former Treasurer Mr Quinlan, not afforded the courtesy of presenting his report at the media conference yesterday and instead being just not invited or locked out of the press conference?

MR BARR: That was certainly not the case. I met and spoke with Mr Quinlan in the lead-up to the release of the government response to the review and indicated the time frame and how we would go about that release. Mr Quinlan was obviously actively involved in discussion of his recommendations yesterday. He appeared in a number of different media outlets, but yesterday was about releasing the government's response.

Opposition members interjecting—

MR BARR*:* I did so and faced a half-hour press conference, which is a level of commitment to policy debate that I do not think any of those opposite would be capable of—

Opposition members interjecting—

MR BARR: because they have done no work. If you go to the policy section on the Liberal Party website there is still a big blank.

Opposition members interjecting—

MR BARR: Policies to come? Well, there are about 160 days to go to election day; it is a countdown that I know Mr Smyth keeps and reminds me of regularly. There are 160 days for the opposition to come up with a policy—

MR SPEAKER: Thank you, members. Mr Barr, let us focus on the question.

MR BARR: and the chances of that would appear to be very limited.

Recycling—batteries and light bulbs

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services and relates to fluorescent light bulbs and battery waste collection and recycling. Minister, there is a current draft EIS listed on the environment and sustainable development website called "Proposed clinical waste and fluorescent tubes storage facility, Hume, ACT." This includes a proposal where fluorescent tubes can be safely temporarily collected and stored. Minister, what is the government doing to establish a service for recycling fluorescent light tubes in the ACT?

MS GALLAGHER: Thank you. We are examining the issue, Ms Le Couteur.

MR SPEAKER: Ms Le Couteur, a supplementary question.

MS LE COUTEUR: Minister, will this facility also take compact fluorescent lights, which are more common in homes, and if not, what plans does the government have to safely collect and store these for recycling?

Opposition members interjecting—

MR SPEAKER: Order! I cannot hear the minister.

MS GALLAGHER: Mr Speaker, I actually could not hear the question because of Mr Hanson, Mr Seselja and Mr Smyth's constant interjections, so I would ask Ms Le Couteur to repeat the question.

MR SPEAKER: Stop the clocks, thank you. Ms Le Couteur, your question again, please.

Mr Seselja interjecting—

MR SPEAKER: Members, please!

MS LE COUTEUR: Will the facility take compact fluorescent lights—

Mr Seselja interjecting—

MR SPEAKER: Order! One moment, Ms Le Couteur. Mr Seselja, we have just had to ask Ms Le Couteur, who you are aware is often softly spoken, to repeat her question. You then started interjecting. I mentioned your name and you interjected again immediately. You make it very difficult for me. You are now on a warning for repeated interjecting. Ms Le Couteur, continue with your question, thank you.

MS LE COUTEUR: Minister, what plans does the government have to collect compact fluorescent lights?

MS GALLAGHER: As I said in response to the first question, this is a matter that is being examined—

Mr Smyth: No waste by 2010 would have addressed it.

MS GALLAGHER: Thank you, Mr Smyth, as usual, for your helpful interjection.

MR SPEAKER: Let us just continue, thank you, Ms Gallagher.

MS GALLAGHER: I would ask that those opposite reflect on their own behaviour in the chamber. Mrs Dunne may find this funny but we turn up for question time to answer questions. The way you behave, we cannot even hear the questions that are being asked.

Mr Hanson: A point of order.

MR SPEAKER: Order! One moment. Stop the clocks, thank you. Mr Hanson.

Mr Hanson: I have a point of order on relevance. I am not sure that a lecture from the Chief Minister to the opposition on conduct in question time is necessarily in order, and I would ask that the minister get to the point of answering the question.

MR SPEAKER: I think we will just put the point of order to one side. Chief Minister, can we focus on Ms Le Couteur's question, thank you.

MS GALLAGHER: So the details of that and any decisions we might take about that have not been finalised, but this issue is being examined carefully.

MS HUNTER: Supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, what proportion of fluorescent tubes and compact fluorescent globes currently goes into ACT landfill?

MS GALLAGHER: I will have to take that question on notice and see if we can provide that information. I would say that the people who run the tips and the recycling centre do an extraordinary job in making sure we minimise what goes to landfill. I think they in many ways have led the country. I think Adelaide is probably sitting on par with us. We need to make sure that we continue to look at new ways of recycling a whole range of materials and reduce the impact to landfill. There have been some education programs that have been rolled out recently, which I think are very informative in terms of how people should use their green bins and their yellow bins, to try and again reinforce the message and in a sense reduce what goes to landfill and any contamination that happens to materials that can be recycled. But in terms of that specific question, I will take that on notice and come back to you.

MR SMYTH: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Chief Minister, no waste by 2010 had an objective of new processes and industries to address problems like fluorescent tubes. Has your government's abandonment of the no waste by 2010 strategy left you without the answers that Ms Le Couteur desires?

MS GALLAGHER: No, not at all, Mr Speaker. I would say, as I just said then, that the work that is being done by the team at NOWaste, who actively manage the waste to landfill and who are examining our future requirements do an incredible job. As far as I understand it, we are either leading the nation in terms of effort going into this—

Mr Smyth: No, no, we used to lead the nation.

MS GALLAGHER: I think we still actually lead the nation, Mr Smyth. I think Adelaide is coming very close and we are conscious of that. We would like to continue our record. So I would actually say that everyone does an incredible job at looking at these issues.

Take e-waste, for example. We have led the way in terms of recycling those materials. Many, many jurisdictions still dump that waste into landfill. The ACT does not. We will have the new stewardship scheme up and running on 15 May that will assist people with costs around recycling e-waste.

So I would say that the team out there does an incredible job. But there are always ways that we can improve on that, look at new ways of recycling more materials and make sure that we continue to reduce our waste to landfill.

University of Canberra and Canberra Institute of Technology

MRS DUNNE: My question is to the minister for education. Minister, in a television interview last Friday night in reference to the government's rejection of the Bradley

report recommendations for the merger of the University of Canberra and the CIT the University of Canberra vice-chancellor said that education delivery in the ACT had some problems that will not go away He said that we had an unintegrated, unplanned tertiary sector and a limited range of courses on offer. Further, Professor Bradley indicated that both institutions would face risk in the event of no change.

You said last week that you had not met Professor Bradley about the merger. Minister, why have you not met Professor Bradley? Isn't this negligence on your part?

DR BOURKE: I thank the member for her question. I will answer the first bit: because it was not necessary; and, secondly, no.

MR SPEAKER: Mrs Dunne, a supplementary.

Members interjecting—

MR SPEAKER: Order! Mrs Dunne has the floor.

MRS DUNNE: Minister, why has the government—

Members interjecting—

MR SPEAKER: Order! Mr Coe, I have just tried to give Mrs Dunne the floor. You are on a warning now for repeated interjecting as well. Mrs Dunne, you have the floor.

MRS DUNNE: Minister, why has the government allowed an unintegrated, unplanned tertiary sector with a limited range of courses on offer to develop rather than make the changes necessary?

DR BOURKE: I thank the member for the question. There is quite a deal of integration across the tertiary sector in the ACT. So I reject that assertion by Mrs Dunne.

Mrs Dunne interjecting—

MR SPEAKER: Order! The minister can continue, thank you.

DR BOURKE: Perhaps if Mrs Dunne wants to know the answers to these questions she could ask the vice-chancellor.

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

MR SPEAKER: Yes, Mr Seselja.

Mr Seselja: Just in relation to your warning of Mr Coe, Mr Coe responded to Mr Hargreaves, who interjected on several occasions in succession. I just seek your ruling as to why Mr Coe received a warning for responding to Mr Hargreaves when Mr Hargreaves was consistently interjecting at the time.

MR SPEAKER: It is my view that Mr Coe has interjected quite a lot during question time and Mr Hargreaves has not interjected as much. As I think you have probably observed, members get a little bit of latitude and Mr Coe has clearly pushed that latitude more than Mr Hargreaves has. Mr Hargreaves would be getting close, I suspect. A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, given that Professor Bradley said that CIT would suffer without structural change, why did you not meet with her, and what actual structural changes are you making?

DR BOURKE: As I have previously advised the Assembly, no structural changes are going to be made. It has all been put on hold. It is a matter for the next Assembly, as I have already said.

Mr Doszpot: He just doesn't answer questions, Mr Speaker.

MR SPEAKER: Mr Doszpot, I cannot force the minister to use specific words. But you now have a supplementary question.

MR DOSZPOT: Minister, is the cancelling of courses an element of your plans for structural change?

DR BOURKE: I thank the member for his question. As minister, I have no plans to cancel any courses.

Alexander Maconochie Centre—drugs

MR SMYTH: Mr Speaker, my question is to the Minister for Corrections. Minister, on 27 October 2010, Mr Hanson introduced the Corrections Management (Mandatory Urine Testing) Amendment Bill. This bill set up a system of monthly randomised drug tests at the jail. In your answer to question on notice 2101, signed on 16 April this year, you state that a system of monthly randomised drug tests has been introduced at the jail. Minister, when Mr Hanson introduced the bill, your predecessor, Mr Corbell, stated that the policy was unnecessary. Does your introduction of the system indicate that you disagree with Mr Corbell?

DR BOURKE: Not at all. I thank the member for his question. The Canberra Liberals' bill proposed that a mandated five per cent of detainees be subjected to random urinalysis each month. Importantly, these amendments failed to recognise that there were existing random testing provisions in the act, which are now being used. The proposed amendments would have been in conflict with those existing provisions. Furthermore, the requirement of that particular piece of legislation would have tied corrective staff up in bureaucratic red tape instead of allowing them to take an intelligence-based approach to random testing.

MR SPEAKER: A supplementary, Mr Smyth.

MR SMYTH: Minister, can you outline the benefits of a system of randomised drug tests?

DR BOURKE: The rationale for randomised drug testing within the AMC is, as I understand it, to provide information, intelligence, to the corrections directorate about the type and quantity of drugs that may be in the prison.

MR SPEAKER: Supplementary, Mr Hanson.

MR HANSON: Minister, when will the trial of this new system be complete?

DR BOURKE: I thank the member for his question. When the results as required by the corrections directorate have been obtained.

MR SPEAKER: Supplementary, Mr Hanson.

MR HANSON: Minister, why have you decided to introduce a Canberra Liberals' policy at the jail?

DR BOURKE: Mr Speaker, I thank the member for his question. I emphatically deny that I have introduced a Canberra Liberals' policy.

Alexander Maconochie Centre—tattoo facility

MR HANSON: My question is to the Minister for Health. Minister, the AMC review's six-month progress report dated October 2011 states that no major or noteworthy concerns are apparent in "amber light" status recommendations. The recommendation for a tattoo facility at the jail is currently marked "amber". The report states that amber recommendations will be implemented in the near future. Minister, why are there no major or noteworthy concerns regarding the provision of free tattoos to prisoners?

MS GALLAGHER: That is amber because it is awaiting a government policy decision. It is a decision that the government has to make at the policy level—it is not one that can be made at the operational level—and those decisions have not been taken. I would say that I have had some significant concerns raised with me around a tattooing facility. I have also had people speak with me in support of it. I think it would be difficult to operationalise a tattooing facility at the AMC—that is the information that has come to me from corrections—but the government has not finalised its blood-borne virus strategy for implementation at the jail.

MR HANSON: A supplementary.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, when do you expect to make a decision regarding the provision of free tattoos for prisoners?

MS GALLAGHER: The government is finalising a new blood-borne virus strategy and the decision will be incorporated into that.

MR SESELJA: A supplementary.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Minister, what is the projected cost of the proposed tattoo service at the prison?

MS GALLAGHER: We have not finalised that—the cost. It would depend on the nature of the facility or the service that you would establish. So there are a range of different costs associated with it. I must say the advice to me from corrections was very strong in terms of their opposition to a tattooing facility, despite it being a recommendation in a couple of reports and indeed in representations from the non-government sector and some support from within staff at the AMC. In terms of operationalising it, corrections have advised me on some of the difficulties they would have. The government will finalise its new blood-borne virus strategy and it will look at all of these issues, including any costs associated with the implementation of particular action items within that strategy.

MR HARGREAVES: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thank you, Mr Speaker. Has the Chief Minister received any correspondence from the opposition justifying the provision of free tattoos in the AMC?

MS GALLAGHER: No, I do not believe that I have received any policy content or advice from the opposition, but that is situation normal.

Alcohol and other drugs services

MS BRESNAN: My question is to the Minister for Health and concerns the ACT's drug and alcohol treatment services run by non-government organisations. Minister, the sector was recently informed by the federal government that its funding will be cut by about $1.4 million, closing some services and potentially resulting in the loss of eight per cent of its workforce, around 19 workers. Minister, are you able to confirm the size of the cuts and what services will be impacted?

MS GALLAGHER: I thank Ms Bresnan for the question. No, the ACT government have not been formally advised by the commonwealth around any reductions in their funding allocation to the alcohol and other drugs sector here. I have seen in the last couple of days some advice coming from the sector themselves about what they have been told. I presume these are some of the decisions that will be contained in the budget, because it is around programs stopping at a particular time, which looks to me to be either the end of the financial year or the month after.

If that is the case this will definitely have an impact on ACT government alcohol and other drugs services. There is absolutely no way that the ACT government can step in to fill this gap if it is what the sector are telling us, in the order of a million dollars. So we will have to await further details from the commonwealth as to what that means and then look at how we manage that situation, because we do work closely with the non-government sector in this area of health service delivery. We do need probably to wait for the detail and then try and work through what it means.

I have had a number of organisations coming to me through the budget process who have been advised that their funding has changed or it is being stopped by the commonwealth. The ACT government budget simply cannot accept that it has to pick up all of that funding. We do not have the capacity to do it. So we will look at whatever other ways we can to help the sector to go through these changes, if in fact they are coming, as the sector expects.

MR SPEAKER: Supplementary, Ms Bresnan.

MS BRESNAN: Minister, was there any discussion of the proposed cuts through the health ministers conference, and was there any consultation conducted with government about what was proposed?

MS GALLAGHER: Certainly not at ministerial level, no, but I would have to check with my directorate as to whether they have been given any advice from commonwealth health about any impending changes. But it certainly was not, and it would not be normal practice necessarily for that to occur. As I saw the correspondence I got from members of the alcohol and other drug sector, it did appear to me to be budget decision related—stopping programs. I think that has been speculated about in the press—that some of the way that the commonwealth will turn the budget to surplus will be to stop programs as of 30 June.

MS HUNTER: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, is it the case that the Canberra Alliance for Harm Minimisation and Advocacy will lose its funding and is likely to close, which will leave the ACT without a drug and alcohol peer support and consumer representative body?

MS GALLAGHER: I have heard those concerns. I have not seen anything concrete. So we probably do need to work through that with the Department of Health and Ageing. I think CAHMA do an excellent job. We are working with them in partnership on the naloxone trial at the moment. So we would want to ensure that there was a peer based service that continues to run in the ACT. But as I said, we cannot just automatically pick up the slack if that slack is created by the commonwealth. We are doing it in far too many cases already.

We will just have to wait and see what comes out of the budget. If that provides us with detail, we can work with the Department of Health and Ageing on what it actually means on the ground in Canberra and then, with the close knit sector—and I think it is close knit in terms of public and NGO services—look at how we can manage some of this situation if it actually does eventuate.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: What rationale, if any, has been provided to justify cutting services in the ACT, given that the overall commonwealth funding call is unchanged?

MS GALLAGHER: I have not been given any rationale. Again, in the correspondence I have received I saw the claim that the overall funding would remain the same but the money coming to Canberra would change. Again, I think we need to understand a little bit more about that. At the moment, all the information I have had is coming from the sector themselves. We need to get some concrete advice from the Department of Health and Ageing. I think we will be able to do that in the next few days.

Alexander Maconochie Centre—identity bracelets

MR COE: My question is to the Minister for Corrections. Minister, are all prisoners at the AMC currently fitted with fully operational radio frequency identification bracelets?

DR BOURKE: No, Mr Speaker.

MR SPEAKER: Mr Coe, a supplementary.

MR COE: Minister, since the introduction of the RFIB system what problems have occurred with the operations and what steps have you taken to fix them?

DR BOURKE: That requires a detailed answer and I will take it on notice.

MR SPEAKER: Supplementary, Mr Hanson.

MR HANSON: Minister, the prison has now been open for four years. Why is it that there are still ongoing problems with the RFID capability?

DR BOURKE: Mr Speaker, I refer to my previous answer.

MR SPEAKER: Mr Hanson, a supplementary.

MR HANSON: Is the security of the prison being compromised due to a lack of a fully operational RFID system?

DR BOURKE: I thank the member for his question. Not as I have been advised.

National Capital Authority—funding

MR HARGREAVES: My question is to the Chief Minister. Chief Minister, can you please advise of the implications for the ACT of the commonwealth's announcement regarding the NCA?

MS GALLAGHER: I thank Mr Hargreaves for the question. There does appear to be some good news in the commonwealth budget for the National Capital Authority. I would imagine that all of us in this place would welcome the announcement and the discussions that have been had around the need for a funding boost for the NCA to enable it to do its job properly and comprehensively here in Canberra.

The commonwealth response to the Hawke review, which has been outlined, includes a funding boost to the NCA of $11.9 million over four years. I think this is really good news. Anyone who has been a community leader in Canberra and discussed these matters with the NCA—and I know that all members in this place do—will accept that this is probably some money that has been hard fought for by the NCA and will very much be welcomed in terms of supporting the role that they do.

It is also important to acknowledge that it is clear that Simon Crean—and I have had a number of meetings with him over the past year—does understand that Canberra has an important role to play as the nation's capital. Indeed I think this funding is very much in line with Julia Gillard's statement that she made on Canberra's 99th birthday about Canberra being the national capital and that it is important to promote that role to the rest of Australia.

The Hawke review, in terms of a collaboration in work, has clearly shown the federal government that the NCA and the ACT government can work together to sort through some of the challenges that exist in some of the dual roles that we hold across the ACT. It has been those relationships and collaboration that have persuaded the commonwealth to provide this extra funding and really forge ahead with seeing some changes to the way the NCA operates in the ACT in terms of the roles that the NCA and the ACT government share.

I really welcome today's announcement. I am sure others in this place do. It will ensure that the NCA are able to meet their responsibilities. They have important responsibilities in this town. We would have liked to have heard of some capital funding to finish off the Bowen connection around Lake Burley Griffin, but obviously that is a work in progress. This money will be well utilised by the NCA, and the ACT government will work shoulder to shoulder with them to make sure we deliver on the changes that the commonwealth government expects.

MR SPEAKER: Supplementary, Mr Hargreaves.

MR HARGREAVES: Thank you, Mr Speaker. Chief Minister, are there any opportunities for additional representation of the ACT community on the NCA board?

MS GALLAGHER: Yes, thank you, Mr Hargreaves, for that very difficult question. The question of a local voice on the NCA board has arisen over the past few years, often in response to particular decisions that do not necessarily make it look like the ACT as a community has been consulted or considered. This was a recommendation of the Hawke review. I think it is one that the NCA board has welcomed as well in terms of their initial response to the NCA Hawke review.

I do think it is very important that we have someone on that board from a Canberra perspective. That does not mean that they will necessarily be a voice of the ACT government but they are there to present the ACT community perspective on the board. Even though the board truly has to have an outward looking national focus, it is important that we have a voice.

We have had a voice in terms of ACT members being on there but not in the capacity as an ACT representative. I think that this is a significant acceptance by the commonwealth government that the ACT community has a role to play in the nation's capital.

MS PORTER: Supplementary.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, are there any other additional benefits to the ACT from the review?

MS GALLAGHER: Thank you, Ms Porter. One of the chief benefits that will flow from the review and the funding that is being allowed to flow through is a simplification of the planning system and planning rules. This will take some fairly difficult discussions. We have started those in terms of the ACT government's response to the Hawke review with the NCA. We have had very good initial level, and indeed ministerial, chief executive and board level, discussion on what some of those reductions and duplications may be. I think there are some clear areas where the NCA accepts that it has a role and there are others where the ACT planning authority has a role. It is probable that the difficult discussions will be around the shades of grey. There are some issues around how heritage is managed across the city. But again, with Gary Rake as chief executive and the board as it is currently constituted, with an ACT representative on there, and this money being tied to delivering some of the outcomes of the recommendation, I think that all of the stepping stones are there to actually deliver the outcome.

MS HUNTER: Supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, how will the ACT representative be chosen? Will the ACT government have any involvement in that? Are you aware of any criteria that will be used?

MS GALLAGHER: Thank you, Ms Hunter. I have had some discussion with Minister Crean around this. I think they would be looking for an ACT nominee, so that would normally be that the ACT government would nominate someone. I am happy to take advice from other people if they would like to put forward suggestions around who could fit that role. I presume that the commonwealth would still have to find that nomination acceptable as well, for that nomination to go forward, but my understanding is—and I have not had a letter that I recall from Minister Crean at this point in time but I probably expect one—that that could happen within the next few weeks.

Mr Speaker, I ask that all further questions be placed on the notice paper.

Papers

Mr Speaker presented the following paper:

> 2013 Canberra Centenary—Funding and tourism—Letter from Tony Windsor MP, Federal Member for New England, dated 24 April 2012, concerning the resolution of the Assembly of 28 March 2012.

Public Accounts—Standing Committee
Report 21—government response

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (2.52): For the information of members I present the following paper:

> Public Accounts—Standing Committee—Report 21—*Inquiry into Appropriation Bill 2011-2012 (No 2)*—Government response, dated May 2012.

I move:

> That the Assembly takes note of the paper.

I present the government response to the report of the Standing Committee on Public Accounts inquiry into Appropriation Bill 2011-2012 (No 2) and thank the committee and its support staff for its efforts and assessment of the bill. The government respects and values the critical role played by the Standing Committee on Public Accounts in scrutinising proposed expenditure. The government welcomes the committee's four recommendations and agrees to all recommendations relating to the Ashley Drive improvements project and supports the committee's final recommendation for the Legislative Assembly to pass the Appropriation Bill 2011-2012 (No 2).

The report of the standing committee and its recommendations do not raise any serious issues that would prevent the passing of the appropriation bill. On behalf of the government I express thanks to the committee for its consideration of the bill and, of course, remind the Assembly of the important and essential investments being made through this second appropriation. Mr Speaker, I commend the government response to the Assembly.

Question resolved in the affirmative.

Human Rights Act—declaration of incompatibility
Paper 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 paper:

> Human Rights Act, pursuant to subsection 33(3)—Declaration of incompatibility—*Bail Act 1992*, section 9C—Final Government response—Dated May 2012.

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

Leave granted.

MR CORBELL: Today I present the final government response to the declaration by the ACT Supreme Court that section 9C of the Bail Act 1992 is incompatible with section 18(5) of the Human Rights Act 2004. On 19 November 2010 Justice Penfold of the Supreme Court issued a declaration of incompatibility in the matter of an application for bail by Isa Islam. The declaration stated that section 9C of the Bail Act, which deals with bail for murder and serious drug offences, is incompatible with section 18(5) of the Human Rights Act, being that anyone who is awaiting trial must not be detained in custody as a general rule.

On 28 June 2011 I tabled an interim response to this declaration. The government considered it premature to take action in relation to section 9C at that time as the government had filed an appeal against the decision in Islam in the ACT's Court of Appeal. The appeal of Islam was awaiting the judgement of the High Court in the case of Momcilovic, as it dealt with similar interpretation issues under the Victorian Charter of Human Rights and Responsibilities Act 2006.

The High Court delivered its decision in the case of Momcilovic in September 2011. The court upheld the constitutional validity of the Victorian Charter of Human Rights and Responsibilities Act. This decision means that if a law cannot be interpreted in a way that is consistent with human rights, the Victorian Charter and the Human Rights Act validly confer powers on supreme courts to make a declaration of incompatibility.

The decision confirmed the validity of the declaration made by Justice Penfold in the matter of Islam. Following the decision in Momcilovic the appeal in Islam was withdrawn. The appeal was withdrawn for two main reasons. Firstly, since the appeal in Islam was lodged, Mr Islam was convicted of the offence for which he sought bail. The issue of bail which was the subject of the matter was no longer a live issue. Furthermore, the High Court confirmed the validity of courts to issue declarations of incompatibility. In light of both of these factors, it was decided that the appeal in Islam should no longer be pursued.

The withdrawal of the appeal in Islam meant that the government could consider its final response to the declaration. The government supports a presumption against bail for people charged with an offence captured by section 9C. Crimes that are punishable by life imprisonment represent the worst offences on the criminal calendar. Protecting the community from the danger presented by those alleged to have committed these types of crimes and making certain that people charged with these offences are brought to justice is a priority for the government. The community, as well as key justice stakeholders, have supported a higher threshold for people charged with these offences when it comes to bail applications. However, the government is also committed to ensuring the territory's law is compatible with human rights.

The final response proposes amendments to the Bail Act that seek to ensure that the legislation is compatible with the Human Rights Act. The amendments proposed in the response do not eliminate the requirement for an applicant to establish special and exceptional circumstances but will allow the court to consider the normal bail criteria in determining the existence of special and exceptional circumstances. The government considers this would ensure the limitation of section 18(5) of the Human Rights Act is reasonable and justified.

The proposed amendments will be as follows: section 9C(1) be amended so that it applies to any offence that carries a penalty of imprisonment for life; sections 9C(2), 9D(2) and 9E(2) be amended to state the court must have regard to the nature of the offence when determining special or exceptional circumstances; and lastly, 9G be amended to allow the court in making a consideration about special and exceptional circumstances to have regard to matters mentioned in section 22 and the matters in section 23 when it comes to a child.

The first proposed amendment addresses Justice Penfold's comment that section 9C does not apply to all offences carrying penalties of life imprisonment that might be dealt with in ACT courts. Justice Penfold also raised the question of whether the limitation imposed by section 9C is rationally connected to its purpose. The government has proposed that section 9C apply to any law in the territory punishable by life imprisonment. This ensures the aim of section 9C—that is, to capture the most serious charges in the criminal calendar—is clear from the legislation.

In her decision Justice Penfold stated she was not convinced there is a real risk of the court ignoring the nature of the offence when it is of a serious nature. However, Her Honour found that if there is such a risk, the direction to consider the offence must operate as a requirement rather than a general consideration.

Proposal 2, therefore, is intended to operate as a signpost to the court that the presumption against bail is in operation due to the serious nature of the offence the accused is charged with. This is signposted by the offence carrying a maximum penalty of life imprisonment. It is intended that, by drawing attention to the serious nature of the offence, a parallel can be drawn with the increased burden placed on the accused.

Proposal 3 would clarify that, when considering exceptional and special circumstances, the court may have regard to issues that would normally be considered under the normal bail criteria. If the court finds special or exceptional circumstances exist, it must have regard to the bail criteria at section 22 or, for a child, section 23.

In summary, the government's proposals will make it clear that just because a factor is contained in section 22 or 23 does not mean it cannot be considered as a factor that makes up special or exceptional circumstances. It is anticipated that for a person charged with a relevant offence under section 9C the new test will have little to no substantive effect on the way bail applications will be determined. It will, instead, develop a process for the courts to assess bail applications in a way that is human rights compliant.

The government is committed to bail laws that properly balance the presumption of innocence on the one hand and the right of the community to be safe and for justice to be done on the other. These proposed amendments intend to balance these two objectives.

We recognise that issues surrounding bail are serious and complex. These issues are of concern to stakeholders across the justice system. As such, I will be writing to a number of ACT and national justice stakeholders to seek their views in respect of the proposed amendments I have just outlined.

Community engagement on the proposed amendments to the Bail Act recognises the competing tensions arising from concern for the community's safety and the need to see justice done on the one hand and the need to protect the rights of accused people on the other. I commend the final government response to the Assembly.

Mrs Dunne: Madam Deputy Speaker, in accordance with standing order 213, could I ask that the minister table the statement from which he read, which is different from the paper that was circulated for members?

MR CORBELL: I table the following paper:

> Human Rights Act, pursuant to subsection 33(3)—Declaration of incompatibility—*Bail Act 1992*, section 9C—Tabling statement, dated May 2012.

Papers

Dr Bourke presented the following paper:

> Education Act, pursuant to section 66A—Government Schools Education Council—ACT Budget 2012-2013.

Mr Corbell presented the following papers:

> **Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

ACT Teacher Quality Institute Act—ACT Teacher Quality Institute Ministerial Direction 2012 (No 1)—Disallowable Instrument DI2012-43 (LR, 16 April 2012).

Betting (ACTTAB Limited) Act—Betting (ACTTAB Limited) Rules of Betting Determination 2012 (No 2)—Disallowable Instrument DI2012-44 (LR, 17 April 2012).

Canberra Institute of Technology Act—Canberra Institute of Technology (Advisory Council) Appointment 2012 (No 1)—Disallowable Instrument DI2012-56 (LR, 26 April 2012).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-14 (LR, 26 April 2012).

Education Act—

Education (Government Schools Education Council) Appointment 2012 (No 1)—Disallowable Instrument DI2012-55 (LR, 26 April 2012).

Education (School Boards of School-Related Institutions) Early Childhood Schools Determination 2012—Disallowable Instrument DI2012-41 (LR, 12 April 2012).

Financial Management Act—Financial Management (Directorates) Guidelines 2012—Disallowable Instrument DI2012-63 (LR, 30 April 2012).

Health Professionals Act—Health Professionals (Veterinary Surgeons Fees) Determination 2012 (No 1)—Disallowable Instrument DI2012-45 (LR, 19 April 2012).

Liquor Act—Liquor Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-13 (LR, 19 April 2012).

Magistrates Court Act—

Magistrates Court (Fair Trading Motor Vehicle Repair Industry Infringement Notices) Regulation 2012—Subordinate Law SL2012-15 (LR, 26 April 2012).

Magistrates Court (Smoking in Cars with Children Infringement Notices) Regulation 2012—Subordinate Law SL2012-17 (LR, 26 April 2012).

Public Place Names Act—

Public Place Names (Casey) Determination 2012 (No 1)—Disallowable Instrument DI2012-47 (LR, 19 April 2012).

Public Place Names (Casey) Determination 2012 (No 2)—Disallowable Instrument DI2012-54 (LR, 23 April 2012).

Public Place Names (Franklin) Determination 2012 (No 1)—Disallowable Instrument DI2012-48 (LR, 19 April 2012).

Public Place Names (Hume) Determination 2012 (No 1)—Disallowable Instrument DI2012-52 (LR, 23 April 2012).

Public Place Names (Watson) Determination 2012 (No 1)—Disallowable Instrument DI2012-53 (LR, 23 April 2012).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2012 (No 1)—Disallowable Instrument DI2012-62 (LR, 26 April 2012).

Racing Act—

Racing Appeals Tribunal Appointment 2012 (No 1)—Disallowable Instrument DI2012-57 (LR, 24 April 2012).

Racing Appeals Tribunal Appointment 2012 (No 2)—Disallowable Instrument DI2012-58 (LR, 24 April 2012).

Racing Appeals Tribunal Appointment 2012 (No 3)—Disallowable Instrument DI2012-59 (LR, 24 April 2012).

Racing Appeals Tribunal Appointment 2012 (No 4)—Disallowable Instrument DI2012-60 (LR, 24 April 2012).

Racing Appeals Tribunal Appointment 2012 (No 5)—Disallowable Instrument DI2012-61 (LR, 24 April 2012).

Road Transport (Driver Licensing) Act—Road Transport (Driver Licensing) Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-16 (LR, 26 April 2012).

Road Transport (Public Passenger Services) Regulation—Road Transport (Public Passenger Services) (Defined Right Conditions) Determination 2012 (No 1)—Disallowable Instrument DI2012-42 (LR, 12 April 2012).

Victims of Crime Act—Victims of Crime (Victims Advisory Board) Appointment 2012 (No 1)—Disallowable Instrument DI2012-40 (LR, 12 April 2012).

Work Health and Safety Act—

Work Health and Safety (Work Safety Council Acting Employee Representative) Appointment 2012 (No 1)—Disallowable Instrument DI2012-51 (LR, 23 April 2012).

Work Health and Safety (Work Safety Council Employer Representative) Appointment 2012 (No 1)—Disallowable Instrument DI2012-50 (LR, 23 April 2012).

Roads—maintenance
Discussion of matter of public importance

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

State of roads in the ACT.

MR SESELJA (Molonglo—Leader of the Opposition) (3.03): Thank you, Madam Deputy Speaker, for the opportunity to discuss this matter of public importance in the Assembly today. We in the Canberra Liberals certainly believe that the state of our

roads is worthy of discussion in the chamber and, given the recent heavy rains in March this year, we know that there will be increased burdens in maintaining our road networks.

But today's MPI goes beyond one-off natural incidents like the March rains. It also seeks to highlight the government's track record on our roads and where we believe the priority of government should be in order to be a good local government.

This government—ACT Labor—have never been good at providing Canberrans with the infrastructure that they need, and when it comes to roads this is particularly true. Nothing indicates this more than the Gungahlin Drive extension. The government have had a shocking record on the delivery of this road. I think it will stand as a legacy of this government's priorities and this government's ability to deliver projects on time and on budget.

The GDE stands as the iconic failure of ACT Labor—and there have been many. We can point to a lot of others, but the GDE does seem to stand above the rest in relation to incompetence and just the inability to get what should have been a fairly simple road project done. The term "GDE" has become synonymous with failure in infrastructure. We know that it was originally costed at $32 million for a four-lane road. ACT Labor promised in 2001 to build the road for $53 million to be completed by 2004. The road was downgraded to a two-lane road despite traffic studies showing this would be inadequate. We know that ACT public servants said it would be a good road for 22 hours a day—that is, not at peak hour.

We know what Mr Hargreaves had to say when he was minister. He said it would not need to be duplicated. He declared in 2008 that duplication "is not on the books at all"—and it was not; I think he was telling the truth. I actually think he was telling the truth there. It was only when the Liberals went out with their policy of duplicating it that the government decided that it might be a good idea to duplicate it. But that was not the plan when they finished. It was not the plan when they were doing it. John Hargreaves declared that duplication "is not on the books at all" and that any such plan would be five to 10 years away. I disagreed with that sentiment, but I believe he was telling the truth. So, if it had been completely up to ACT Labor, the people of Gungahlin would be waiting another five or six years on that timetable before they would see that road duplicated.

Simon Corbell tweeted on 11 August 2011, a decade into the project:

> Roadwork on GDE expected to be completed by mid October, 2 and a half months ahead of schedule.

It was going to be 2½ months ahead of schedule, according to Mr Corbell—but of course that was a decade into the project. What was the schedule, I suppose, that they were expecting? How long were they expecting it to take, secretly, if the roadwork in October of 2011 was 2½ months ahead of schedule? They were planning on taking 11 years, and they almost did it, it seems.

We know that Tony Gill said that that decision alone—not to build two lanes at once—cost at least $20 million, and this is a conservative figure from the government. That was $20 million that was just thrown away. Imagine how that could have been invested. And we know that the total cost of the GDE is over $200 million.

We know, though, that there were other problems with the project. We know there was a bridge collapse on the way. We know there were massive delays. But we believe fundamentally that road building, road maintenance and road safety should be fundamental first order issues for the ACT government. But they have not been. The government have had their priorities elsewhere. They have been more interested in the artwork on the side of the roads than in building the roads themselves.

If you go out into the community you find it is something that particularly grates on them: they see their roads falling apart yet they see the government spending money on roadside artwork. They say, "If the government were to fix the roads first, if the roads were sorted, then we might be able to deal with them spending a bit of our money on the roadside art. But they have not looked after the basics." That is why people get annoyed.

We know there are lots of local examples. At the neighbourhood level we saw last week how the government forgot about the residents in Fadden and Macarthur and others in Gilmore and Chisholm who use Coyne Street. They had no plans to do anything there; it was only because the Canberra Liberals drove this issue that they acted. The government had been warned of higher than usual rates of accidents and safety concerns, with calls for traffic calming measures—but nothing was done until they were forced to in the Assembly. We look forward to getting a better outcome for people in that area. What should have been self-evident to the government led them to merely install a few signs and nothing further, and it took a motion of the Assembly to fix it.

We had the Chief Minister in a statement noting the kilometres of road that have been resurfaced and all the work that has been done. We know that that kind of activity from this government tends to pick up in the lead-up to an election. People can expect a little bit more mowing than usual and they can probably expect some of the potholes to be fixed this year, as the Labor Party desperately hope to get another term in government. But if people look at the government's overall record they will see what they inherited in 2001 in terms of the road network and what they have delivered in the context of a city that has been growing—and what they have delivered has not been good enough.

We hear of the local examples. Steven Hood of Fraser wrote to the *Canberra Times* in relation to roads in Belconnen. He refers to the poorly designed intersection between Florey and Southern Cross drives which some in the community have commented has not been upgraded for over a decade. Driving along the Karinga Drive from Fraser, I was informed that this oddly shaped road is the same as the original dirt road when Fraser and Flynn were developed. Coming from Spence, there is a badly-designed intersection with Kingsford-Smith Drive and then there is another badly-designed intersection with Owen Dixon Drive. Then when approaching the intersection of

Clarrie Hermes Drive the road widens to five lanes. I think there is enough community consensus that roadworks at the Barton Highway intersection was a good time to consider widening Karinga Drive from the Barton Highway to the intersection with Kingsford-Smith Drive.

We hear from the community consistently, and these are some more of their community concerns around roads and the things along roads. Sandra Smith of Macgregor wrote:

> How come the ACT Government can spend millions of dollars on an arboretum, a statue of an owl, etc and yet street-lighting doesn't seem to be of any real concern? Take for instance the Parkes Way tunnel under the ANU precinct where approximately 70 percent of the lights are not working.

Greg Jackson from Kambah wrote:

> Bateman Street in Kambah … This street has no speed signs, and therefore it is by default a 50km/h zone, yet it connects two busy streets, Learmonth Drive and Boddington Crescent, each 60km/h stretches.

John Burke, Principal of St Thomas Aquinas Primary School, wrote:

> In Lhotsky Street, Charnwood, we have a preschool, an early learning centre, and an afterschool hours care service. We also have a primary school exceeding 230 pupils, a parish Catholic Church and a new Christian school to be established in 2013 … However, with all these facilities being built or established, we are unable to have speed humps in place to slow down traffic on Lhotsky Street.

H Ponting from Greenway wrote:

> I would welcome just one speed bump being installed on Florence Taylor Street in Greenway, adjacent to my home, where a group of P-platers cream off Athllon Drive at all hours of the day and night at high speed around an extremely dangerous corner. Maybe when someone is killed, authorities may take action.

We have seen example after example after example. We have seen the comments from Ken Wood in Holt:

> The complaints of Spofforth Street having 10 speed humps are not exaggerated, as I counted 13. The three humps every 100m or so are large enough to slow short-wheel base cars but small enough to allow a bus to pass through at 50km/h. … It seems our powers that be will be like the dog that is going around in circles chasing its tail.

And what about road signs? John McMaster of Monash noted:

> It's good to see the ACT Government has found a use for the surplus 80km/h speed signs from the Gungahlin Drive Extensions. It's put them up on William Hovell Drive!

The list goes on and on and on. We know of disappointment and safety concerns expressed by Hall residents as a result of the government's decision to develop on-road cycling paths as part of the Clarrie Hermes Drive extension. There were safety concerns expressed by pedestrians and motorists as a result of a lack of marked pedestrian crossing points. And we have seen numerous members of the community saying, "This government should actually focus on this as a priority."

No doubt when Ms Gallagher speaks she will talk about the kilometres of roads that have been done, and that is all well and good. This is core business for the government, and yet we see so many black spots and so many problems around the city.

I put it to the Assembly, and we certainly contend, that it is because this government has had its priorities wrong in terms of where it has spent our money that we have seen our roads network degraded. We have traditionally had a very good roads network and it has gradually been getting less so over the last decade. There are some areas of Canberra where the roads network is still reasonable, but we are increasingly seeing pressures. We have not seen the government respond to those pressures, except when it is absolutely forced to, as is the case with areas like Gungahlin Drive. It waits until there is already a significant problem and then slowly, slowly it addresses it—and in many cases, in many of the examples I have cited, it simply does not address it.

Instead of addressing some of the issues that are in Tuggeranong, the government spent $400,000 on the bogong moths on Drakeford Drive. Instead of spending and addressing some of those issues in Belconnen, they spent money on the owl. We see the $5 million that they threw away chasing the government office building. We point to tens of millions of dollars in blow-outs in projects because this government cannot manage. All of that has a cost. If you waste money, as this government has become so expert at through its cost overruns, through its poor priorities, through its poor decisions, there is not enough money left to focus on the really important things: local solutions, looking after people in their neighbourhoods, addressing the real issues. And one of those real issues is the state of our roads in the ACT.

As I said earlier, at self-government we inherited, and this government in 2001 inherited, a very good roads network. That has gradually got worse. The congestion has gradually grown in many parts of Canberra, and this government has not addressed it. We would simply take the opportunity in this matter of public importance to put the issue on the Assembly's agenda and to draw a stark contrast between our approach and that of the Labor Party. We know the Greens' approach. The Greens' approach is not to build roads. They would not have built the Gungahlin Drive extension at all.

The difference in approach between the Labor Party and the Liberal Party in this place is that we believe this should be prioritised higher than the government currently puts it. We believe that it is more important than many of the things that this government has spent money on, and that if it had not wasted money in a number of areas, if it had controlled its costs, particularly in many of its capital projects, there would be more road upgrades, people would not be as frustrated in traffic and there would not be as many safety issues that are coming back to us.

This is what we believe a good local government should be doing—focusing on the basics. We look forward to the opportunity over the next few months in the lead-up to the election to have debates on these kind of important issues to the community. If you go out and survey the community on what they want to see from their local government, I think roads would be high up on the list. It will be up there with other important issues like health, education and investment in other municipal services. That will continue to be our focus. That is our focus. But, unfortunately, it has not been a focus of this government for the last 10½ years.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (3.18): I welcome the opportunity to talk about roads and the road system in the ACT and I begin by rejecting the allegations that have been made by Mr Seselja today.

This government does prioritise roads—road safety, road improvements, road upgrades, traffic calming and municipal services. I fear that over the next few months we are embarking on the "who is focused more on the local than the other person"; I sense that.

Governments have to prioritise and they have to balance a competing range of interests. We accept that the Canberra Liberals are car focused only and care only about roads. That is fine, and good luck with your campaign on that. The government's transport strategy includes roads, but there are also other important elements to it, like public transport, walking and cycling, and they each form a very important component of balancing the priorities across government.

I would note that yesterday a constituent contacted me about how much we put into roads, saying that that we put too much into roads. Over the last 10 years the graph in transport for Canberra shows that 65 per cent of transport initiatives have been focused on roads, about 28 per cent on public transport and then a much smaller percentage, four per cent, on pedestrians, walking, and four per cent on cycling. The constituent was taking me to task over that.

You can read out the letters to the editor, as Mr Seselja has decided to do, and accept all of those as truth and say that we will have to send a roads crew out there immediately to upgrade those parts of the road. I think what happened last Wednesday in the Assembly was unfortunate in the sense that back in—

Mr Seselja: A unanimous vote.

MS GALLAGHER: If I was here; I was not in the chamber. I would have tried to inject some sense into the fact that the Assembly prioritised a road, despite evidence to the contrary that there were other more important areas across Canberra where traffic calming measures should have been prioritised.

I would draw members' attention to a piece of work that was done by the Assembly. It is an older piece of work—it was done, I think, in 1999—which was looking at support for the traffic warrant system. As I understand it, there were three members

on the committee. They agreed to a process where politicians did not dictate which roads needed traffic calming and when, that there was a process that TAMS and Roads ACT would go through in assessing roads and that we should take the politics out of it—because we can all stand here and say we want our corner street upgraded and traffic calming measures put in place—but accept that there needed to be some evidence brought to the table to prioritise those.

Coyne Street and Clift Crescent, as I understand it, were ranked 36 and 70 out of the priority of streets to be addressed through appropriate traffic calming measures. The Assembly has now decided that that should be immediately fast tracked to number one and that a study, which will probably take nine months to do if you do it properly, must be put in place and bad luck for everyone, numbers one to 34, ahead of you. I think that is pretty sad, actually, and I will resist it going forward—that the Assembly chooses the streets where measures have to be taken. The motion actually required us to implement immediate agreed measures in relation to that.

In terms of the importance of roads across the ACT, this government accepts that we have people on the left of us and people on the right of us. Those who are on the right will say that we need more roads, that everyone needs their own transit lane to drive in at whatever time they choose and they do not want to ever be stopped in any congestion across the city. Then on the left there will be those people who say: "Never build another road again. Don't build it because it only creates congestion. Indeed, you should be putting all your money into public transport priority bus lanes, pedestrian arrangements and cycling arrangements." Somewhere in between is the reality of what we actually have to deliver. I think we have got the balance right. Sure, there are a whole range of roads and streets that you would like to see upgraded today.

My understanding is that through the resealing program we look to address our assets and protect them and everything is done on a one in 25-year arrangement. That is the standard that is used. We use chip seal for that. I have had some feedback about the use of chip seal over the last few weeks, particularly as the program has been rolling out, and about better ways to do that. We have that under review.

I note that Mr Seselja did not choose to read out the extent of the asset that the territory looks after. It is relevant. It is not being used as a reason why things do not get done; it is a reason about the extent of the asset, the work that has to be done and the prioritisation that has to occur within it. There are 3,000 kilometres of roads, 832 bridges, 289 sets of traffic lights, 4,000 kilometres of line marking, 83,000 signs, 2,200 kilometres of footpath, 360 kilometres of cycle path and 74,000 streetlights. The asset base represents an investment of over $10½ billion in terms of its insurance value, and the TAMS Directorate manages this asset on behalf of the ACT government.

The first priority in terms of any road works and any additional funding is always around protecting public safety. That is the number one priority. Second to that would be dealing with some of those issues that arise out of storm events which are linked to public safety. You will note that this year TAMS have responded admirably and within budget to some of those pressures. You will all know that the Molonglo River path near Duntroon collapsed into the Molonglo River. TAMS have already responded to this. They have worked with some business owners around the priority

in getting this work done and putting in an interim arrangement. They will then be looking to use the old red bridge from the Belconnen mall and installing that as a permanent solution. These are ideas that come from within Roads ACT. I think this is a very creative solution—reusing a previous bridge and applying it to assist a current budgetary pressure, plus providing a new way through the Molonglo River around Duntroon.

I take offence at Mr Seselja's allegation that TAMS are busier this year because it is an election year. If that is the way you intend to run government if you are ever Chief Minister I would recommend that you think again. There is absolutely no truth to that allegation at all. TAMS have their work program. Their program is established through the budget. That budget is clear for everybody to see and it is open to scrutiny through the estimates committee. TAMS's work program is not anything out of the ordinary to what it has been in previous years. The mowing program is not determined by politicians, nor is the pothole replacement program determined by politicians. My expectation of TAMS is that they deliver the services the community wants and needs.

When I have a complaint or a concern or I get any sort of approach from a constituent, I refer the matter. My expectation is very clear to the directorate—that it should be handled as appropriate. If the advice from TAMS back to me is, "Yes, we will do this, but it's not as urgent as some of the other work we are doing," then, unfortunately, I have to accept that. There are realistic parameters to what a directorate the size of TAMS can deliver within their competing priorities. The most frequent contact to TAMS is not about roads or street lighting, although they would feature highly; it is actually about trees and tree management. In terms of calls that come through Canberra Connect's Fix My Street, those would be related to trees, around removal of dangerous trees, dying trees and management of the urban forest.

This year and in the last 12 months TAMS have responded to over 3,000 pothole repair requests and 2,000 requests associated with stormwater runoff and flooding. I accept that all of these are less visible to people across the community but they are very important in terms of maintaining our asset and making sure the job is done.

I would also note that in the Property Council's report on the liveability of all Australian cities, where Canberra came, I think, second to Adelaide, the good road network with minimal congestion was one of the top six features of feedback around the ACT—not that you would ever stand by a Property Council survey and say it is the be-all and end-all, but I would say that, to a large part, we are lucky. We have a very high standard of living in the ACT. Our public service do an incredible job in managing what is a very extensive asset base, probably bigger and more expensive than any other jurisdiction, within the parameters that they have set as a budget.

I think there is a lot to be thankful for for living the ACT. I am not saying that there is not extra work that needs to be done. I point to the work that the government has put into securing the Majura parkway. I am not sure of anything the opposition did around supporting that call or advocating for it or going with industry to talk to the federal government around that, or being part of the solution. That is the next major road that we have to build in this city. We secured the funding for that. It will make an incredible difference for the people of Tuggeranong moving north and for the people

of Gungahlin moving south when that road is complete. That is a massive project—$288 million—and it is going to be a project that this economy needs because we are going to face a couple of very difficult years, I expect, and big projects in the civil area like that will be very much needed.

The ACT government, of course, are going through our own budget priorities now and looking at the investments we need to make. Some of those investments will cover roads, but I can also foreshadow that we will be looking at active living as part of any response to this. It cannot simply be a question about roads. It has to be around changing our own behaviour, looking at improvements to public transport and looking at encouraging more people onto bikes and, for those who live within five kilometres of their workplace, encouraging alternatives to the car.

We will continue to invest heavily in roads. As I said, they are a significant part of the ACT government's asset base. I think TAMS do an incredible job. They spend $10 million a year on resurfacing roads, $5 million on the stormwater network, $6 million on street lights and over $4 million on maintaining footpaths and cycle paths. So it is a big effort there.

In relation to the Parkes Way tunnel, the issue of lighting has been raised. The Parkes Way tunnel is going to undergo a facelift. There are some issues around asbestos management which have required careful consideration. You cannot just go in there and whack in a few more fluoro lights, no matter how simple Mr Seselja would like to make it sound. That is under active management. We are not going to endanger anybody by putting them through that job without having a full understanding of what some of those issues around asbestos management are going to be and also how we manage that from a driver disruption point of view.

In response to the issue that I think Ms Le Couteur raised in question time last week around temporary traffic management strategies and whether or not we could provide more information to the community about that, I have had a look at that. There are about 2,000 temporary traffic management plans done in a year. What we will need to do, if we are going to make more information about that available online, is to have a look at some prioritisation within that 2,000.

The government welcome the opportunity to talk about the road network in the ACT. The issues are not as simple as some would have you believe and the solutions going forward cannot just be about roads. They need to take into consideration other transport initiatives which we have outlined in transport for Canberra.

MS BRESNAN (Brindabella) (3.32): I thank Mr Seselja for bringing this matter of public importance to the Assembly today. Of course, it was less than a year ago that Mr Seselja presented another matter of public importance to the Assembly on the same issue. That MPI was the importance of timely delivery of roads infrastructure. In May last year, of course, Mr Coe moved a motion in the Assembly about the GDE. Since then the Liberals have also moved three motions on car parking: one on Barry Drive, one on Majura Parkway and one on William Hovell Drive.

I think we all agree that roads are a matter of public importance to the ACT. But the problem with the Liberal Party and how they are painting this picture is that it does not seem to be about other kinds of transport infrastructure. I do agree and I recognise, as does the Chief Minister, that this is a complex issue. We recognise that as well but we do have to look at the whole picture of the sort of infrastructure we have in the city.

It is interesting, especially in the context of comments made by Senator Gary Humphries yesterday. Senator Humphries yesterday criticised the ACT government for "failing to invest in public transport in the capital". That comment does not make a lot of sense when it is held up against some of what the Canberra Liberals have been saying in particular when there has been, I have to say, quite some hostility, particularly towards the Greens when we have raised the idea of public transport in the ACT.

We have taken various initiatives to try to improve transport in Canberra, especially around public and sustainable transport and active transport, an issue that my colleague Ms Le Couteur has pursued. But we have seen the opposition and the government vote against a couple of the initiatives and motions we have had around this.

For example, the Liberals and the government voted against my motion that would have recognised that public transport services in the ACT needed significant improvement and that called for greater priority of public transport funding commitments. That would have been a great way for the Canberra Liberals to support Senator Humphries' call for greater public transport investment.

On top of that, we recently had both the government and the Liberals vote against the Greens motions that would have advanced sustainable rail projects in the ACT and that would have improved and increased parking for people with disabilities. It seems that every time we talk about improving sustainable transport in the ACT, we are attacked in particular by the Liberals for actually suggesting this. I would like to quote Mr Hanson, for example, when I raised the need for better public transport to ease the cost pressures that are associated with having a city that is dependent on cars. He said:

> It is bizarre that the Greens all of a sudden are starting to talk about the cost pressures of driving cars. If you are going to put a bus on every corner or a train route from every suburb into Civic, I would like to add up the cost of that.

He went on to say:

> … it will be monumentally expensive … they have this view that everybody should be able to catch a bus that is going to drive past their corner every five minutes. It is fanciful, and we know that the cost of that is simply unaffordable for the people of the ACT.

But, as I said, this is actually about looking at the full picture. We recognise that roads and car travel are a part, and will be a central part, of the ACT but we have got to actually start providing choice to people in the way they move about the city. Also, every other city in Australia is investing in different sorts of public transport and

transport infrastructure. We can look to Brisbane and to Perth for examples where this has happened, and the Gold Coast also most recently. If we do not do this, we are actually going to fall behind what other cities are doing.

Mr Coe in particular has also talked about slashing existing public transport in the ACT. He has said:

> ... ministers have been absolutely unwilling to step up and make the courageous, tough decisions which need to be made about ACTION rather than simply continuing the status quo. It is simply not sustainable ... Only eight per cent of Canberrans are getting on ACTION buses, yet we are spending $80.9 million.
>
> A real government would ask how they can make that $80.9 million go further, how they can reduce that so they have more money to put into other areas of government, or how they can return it to taxpayers in the form of tax cuts or cuts to other fees and charges. Instead, this government do not want to make those tough decisions.

This suggestion from Mr Coe appears to be that public transport funding is too much when not enough people are using the service and that this money should actually be cut from public transport and returned to people in the form of tax cuts or reduced fees. We know, however, that with greater investment in all forms of transport, particularly public transport, more people will use it. We have examples of this across the country.

We also know that the Canberra community wants greater investment in public transport infrastructure. The Chief Minister has already referred to this. It was evidenced by the time to talk report, which showed overwhelming support for this. But we have since had successive budgets from government which have not reflected this.

The Greens oppose slashing public transport services. We believe that public transport needs a much greater focus. Public transport provides massive benefit to a city economically, environmentally and socially. It needs to grow to become a central part of our city. If we are to compete with other cities, including attracting events, we need a mass rapid transit system that is reliable and that can transport people in larger numbers.

Recently the Commissioner for Sustainability and the Environment made this point:

> If the ACT is to create a genuinely sustainable transport system, investment in, and construction of, infrastructure for more sustainable travel options must be seriously considered.

The sustainability and environment commissioner also recognised the cost that not investing in more sustainable transport has on the Canberra community. It should be recognised that transport costs are the second highest household expenditure for Canberrans. This is primarily due to expenses and other costs associated with running cars. The approximate average time that a resident of Canberra has to work in order to pay for a car is 550 hours a year, or 1½ hours every day.

A recent study also found that if an average family was able to run one less car in their household over a 25-year period, the household could accumulate more than an additional $1 million in superannuation over their working life; repay a $300,000 housing loan in 12 years instead of 25 years, saving $245,000 in interest payments; or purchase a home which is $110,000 more expensive than they would otherwise be able to at the outset.

I think, not surprisingly, that the study also concluded that a way to help low income families is for governments to do so through planning and infrastructure investment. This is a strategy that would create cities that are both more sustainable and more equitable. Ignoring these real cost issues simply comes at the expense of Canberrans now and into the future.

A key issue is safety on our roads for residents and pedestrians. This is something that is very important to the Greens, particularly for vulnerable road users such as older people and children. Obviously, we had the motion last week. I do take the point that the Chief Minister made that this is not a way we should be making decisions. But I do think it was an important motion to discuss. One of the amendments that the Greens made required government to give greater priority to traffic calming in Canberra's neighbourhoods by, among other things, reviewing and revising relevant design standards to favour the safety of pedestrians, cyclists, children and the elderly.

One other thing the Greens have also pushed for is 40-kilometre speed zones around town centres, group centres and community centres. We are pleased that through the parliamentary agreement there was a successful trial at Woden and Gungahlin town centres. We would hope to see that extended to other town centres, particularly areas such as Mawson, Erindale and Kippax, which we know are busy areas.

Overall, roads in the ACT are in a good state. This is reflected in the recent report of the engineers association, which looked at infrastructure in every capital city. The report card gave the ACT a B for its road infrastructure, which was the highest mark of any Australian jurisdiction. This report also said:

> Developing and planning for appropriate light rail or other mass transit systems is an issue that needs to be considered in some jurisdictions for the future. For instance, currently, a light rail or other mass transit system in the ACT …

We have recently had the study in relation to Northbourne Avenue about transport. We hope that this announcement will be pursued and that it is not something that becomes another pre-election announcement. As I said, we recognise that cars and roads will always be a part of our transport. It is, though, about providing choice to people in the way they travel. As I have said, if we do not do so, we will fall behind what other cities are doing.

MRS DUNNE (Ginninderra) (3.42): The Canberra Liberals want to see better roads for a better Canberra. It is as simple as that. As much as the Labor-Greens marriage of convenience continues to decry this and to say that we are wedded to the roads, they continue to offer no real alternatives. We believe that Canberra's roads are important.

They are important to the people who live here. If we accept that roads are important we should make them the best roads they can be. This does not mean that they have to be gold plated, but surely the people of Canberra deserve better than the ruts and potholes that they are currently experiencing.

I notice with some surprise the way in which the Chief Minister disdains the issue, how she basically gave a slap to her own colleagues for unanimously agreeing to the motion of the Canberra Liberals last week in relation to Coyne Street and the disdain she showed for Mr Seselja having the temerity to read letters from constituents about roads that concern them. It shows just how out of touch this government is when it comes to dealing with the issues that are important to the people of the ACT. The Chief Minister says, "I can be as relevant in relation to local services as you." That is what she says; it is not what she does.

Roads should be primarily places of transit, but they are also places of commerce. They should be open to car travel, commercial vehicles and bikes where safe. We see consistent problems that this government fails to correct. These problems are twofold: they cannot maintain the roads that they have and they have no understanding of how traffic should work.

All MLAs in this place are surely aware of constituents emailing or calling us about problems with their local roads—roads that need repair, ranging from McDougall Street in Charnwood to Macdonnell Street in Yarralumla. It is something that affects everyone across this city. While this matter of public importance today is not necessarily a story about your favourite pothole, I will draw the Chief Minister's attention to what is currently my favourite pothole at the intersection of Coulter Drive and Ogilby Street in Belconnen.

Before the second last big rain event, an enormous pothole opened up there over the weekend. I passed over it. Actually, I did not pass over it. My Peugeot nearly was lost in it. So I rang Canberra Connect to alert them to it on a Sunday afternoon. To their credit, by the Tuesday after I had alerted them to it, this pothole had been filled in. But because of the nature of the work, the nature of the road and the nature of the weather, we now have a very large dip that my Peugeot only partly disappears into every time I pass over it. It has been like this for some two and a half months since I first alerted Canberra Connect to this particularly troublesome pothole. I drive over it just about every day, but it is replicated across the city.

When we spoke about William Hovell Drive, the Chief Minister looked askance that I should suggest the state of the road surface on William Hovell Drive needed attention. That is particularly the case around the Glenloch Interchange and where William Hovell Drive joins the parkway going south. The potholes on that slip lane are enormous. As someone pointed out to me quite recently, if you were a motorcyclist that came around there at night, it could be potentially fatal, as we have seen with the unfortunate and dreadful death of a young man recently on a motorcycle who hit a pothole. A pothole for a car driver is an inconvenience; but a pothole of the sizes that we are seeing around town for a motorcyclist is potentially a death trap.

We do not want to continue the situation where there is a constant clamouring for repairs to the road. We are not as aloof as the ACT government is when they fail in their core business. We see that the minister is failing in her core business by the disdainful way she addressed this issue this afternoon. What we see from the Gallagher-Hunter government is a government that is incapable of understanding how travel appears to work.

When you have a distributor road getting busier, you need to increase the safety standards. This is not only plain common sense; it is fundamental to effective urban planning. We pride ourselves on having a well designed and liveable city. Yet the government's incapacity to foresee that the roads will get busier as our population increases and that public transport usage stagnates is fascinating.

I think that the issue of Spofforth Street, which I note was raised by constituents with the Chief Minister on Chief Minister talkback the other day, is a standard case in point. My constituents in Holt now avoid Spofforth Street because there is such a plethora of traffic calming measures that it becomes impossible to negotiate.

Part of this blame has to be laid at the feet of Meredith Hunter and her eco-warriors. How else could you explain the absolute neglect of Canberra's roads that we have seen in the past four years except for the fact that the ACT government is beholden to the environmental pie-in-the-sky ideals of the Greens? Ms Bresnan has touched upon this today.

It should not be a dichotomy about the Greens being for public transport and the Liberals for roads. There has to be a middle ground. But how else does a desperate mother get her sick child to hospital? She does it in a car. How else do we get our goods carried? It does not happen by public transport, Madam Deputy Speaker. How else does the double bassist get to their recital? They do it in a car. And how else do elderly people who are being cared for by others get to do their weekly shop except by car?

How are any of these things meant to happen without proper roads and road management systems? While the Greens speak in hushed tones of shoving more people on to public transport that a decreasing number of people want to use in its current form, they forget that our roads remain an essential part of a successful city. Let us not forget the hypocrisy of their position. They want more people to grab their MyWay cards, go to the closest bus stop and wait for hours for a bus that may or may not come and then spend their time on the bus on badly designed and badly maintained roads clogged by traffic.

In my own electorate there are problematic areas that time after time my office and the office of my colleague Mr Coe spend time dealing with. We inform them that the community has a particular problem with a particular bit of road and our calls for a solution usually fall on deaf ears. We see streets such as Tillyard Drive in Charnwood that has hazardous speeding cars. We see the hideous failure, as I have already mentioned, of Spofforth Street in Holt that has been laced with speed chicanes which obviously has resulted in all of the surrounding streets becoming clogged as they have not been given speed chicanes.

Kerrigan Street in Dunlop, where it comes into Fraser, is a speedway and a considerable concern for resident of the suburb. On Drake Brockman Drive in Holt we see the dual conditions of one road being hazardous when there is little traffic because of high speed limits and then the numbing amount of traffic backlog when you get to peak times.

On the subject of peak times, I think that it is timely to go back to the issue of William Hovell Drive that we have discussed on a number of occasions as an example of how this impacts on my constituents in west Belconnen. The figures provided by the government most recently show that the variations between journeys on William Hovell Drive between Drake Brockman Drive, which I have just mentioned, and Parkes Way varies from seven minutes and 10 seconds to 20 minutes and 30 seconds.

If you were to work on the basis that 7 minutes and 10 seconds is the minimum time it takes to travel that journey—I suspect it would be less if there were no traffic—to the longest time during the survey, that is 13 minutes every morning for a constituent in Belconnen. That is 65 minutes a week. That is slightly over an hour that my constituents and your constituents, Madam Deputy Speaker, could be spending doing something more profitable, something better for them and their lives than sitting in congestion on William Hovell Drive, which has now been made worse by the change, the arbitrary change and without notice change, in the speed limit from 90 to 80 kilometres an hour. William Hovell Drive has become emblematic for the people of west Belconnen in relation to the government's poor management. *(Time expired).*

MR HARGREAVES (Brindabella) (3.52): I will put a couple of facts on the table. Mr Seselja, the Leader of the Opposition, has brought forward this MPI about the state of the roads of the ACT. We are assuming that he is saying that they are pretty pathetic, that they need work and all that sort of stuff. I would argue that "state of roads in the ACT" is quite a good title actually, because I think there are a lot of congratulations coming to the ACT government for what they have done over the years that I have been in this place.

I need to put it on the record that when the ACT inherited self-government in 1989 we inherited a very ageing road infrastructure. It needs to be put on the record that not one cent—nothing—came from the federal government to assist in bringing that ageing road infrastructure up to scratch so that we would be responsible for it at a premium quality after that point. We had to find the money to deal with that. I am pleased to say that this government has done excellent work over the years to do that.

Mr Seselja, in his speech, spoke for 15 minutes, 30 per cent of which was on one road, the GDE. He complained a lot about the GDE. What he did not say was that the Liberals put $32 million in the budget for that. They did not put in nine-tenths of the provision that you see there today. They did not put in provision for a lot of the bridgework over Belconnen Way, for example. That was not there. A close examination of exactly what the Liberals did offer by way of a Gungahlin to Tuggeranong solution will reveal that it was grossly inadequate.

I might also suggest that they did not say that all of the furore around the route that it was to take—organised, perpetrated and encouraged by those opposite, in concert with the Save the Ridge people—cost the project $23 million. Had that $23 million been available, that road would have been duplicated from the beginning. It was their agitation, the change of the route and challenges from the courts that cost us that kind of figure. It needs to be said, and it needs to be said frequently.

Mr Seselja also talked about artworks. Again, they are on major arterial roads. Mr Seselja, an erstwhile candidate for the seats in Brindabella, has not all that long ago moved into the suburb of Fadden. He is now advocating for one of the streets in Fadden which does not have a very large number of residents living upon that street. It provides an exit route for that very same leader of the opposition to get out onto Bugden Avenue; therefore he wants his road fixed—his road. He is not concerned particularly about the residents of Tuggeranong—just his road that he needs to get fixed.

What did he do by way of backing it up? What in the way of evidence-based debating did Mr Seselja provide us with? His personal opinion on the way things have gone and then a whole diatribe from letters to the editor of the *Canberra Times*. I believe the letters to the *Canberra Times* are representative. I think they are a wonderful example of scientific evidence-based decision making. I think it is terrific.

Mr Hanson interjecting—

MR HARGREAVES: Madam Deputy Speaker, I heard all speakers in silence. I am not surprised to see Mr Hanson come down here and be the ignorant person that he is and has demonstrated to us all. I shall ignore him forthwith. Madam Deputy Speaker, in 2001 when Ms—

Mr Hanson: Madam Deputy Speaker—

MADAM DEPUTY SPEAKER: Stop the clock. Mr Hargreaves, resume your seat.

Mr Hanson: On a point of order, I would ask whether calling me an ignorant person is unparliamentary. I would ask you to rule on it.

MR HARGREAVES: Madam Deputy Speaker, I withdraw the comment about Mr Hanson being ignorant. I should have said "rude" instead of "ignorant". I apologise to Mr Hanson for that slip of my tongue.

What we did not hear Mr Seselja talk about was the Liberal Party's opposition to the on-road cycle paths that we did in the 2001 election. I went to a gathering of people with Mr Rattenbury, a candidate at the particular time, saying that an incoming Labor government would do the Downer to Civic on-road cycle path. We committed $4.5 million to that thing. Mr Smyth, the then Minister for Urban Services, opposed that. They have opposed the on-road cycle paths ever since. It needs to be said that these people do not tell the whole story.

Let us have a bit of evidence-based argument in this debate. Let us talk about some of the things they did not say. Mr Seselja talks about what we did not do in Coyne Street. Coyne Street has got to be all of 300 metres long. I suggest to you, Madam Deputy Speaker, that Drakeford Drive might be a bit longer than that. He did not tell us about the $11 million duplication of Tharwa Drive through Banks and Conder that we completed in 2009. He did not tell everybody about the duplication of Athllon Drive, another $2 million, in 2010. He did not tell us about the $7 million put in the supplementary appropriation for the upgrade of Ashley Drive, to start later this year. He did not tell us about the $16 million on Lanyon Drive which goes from the Monaro Highway into Jerrabomberra. He did not tell us about that.

He did not tell us about our share of the $60 million to improve Pialligo Avenue and Morshead Drive. He did not tell us about the roundtable where I, as minister, got together all the stakeholders to do that and got the airport to contribute about $12 million to the project as well. He did not tell us about that. We are talking about multi millions of dollars being put in to this.

He talks about potholes and stuff like that. I heard Mrs Dunne going on about that. She bangs on about potholes—that they are dreadful, they are all over the city and they are popping up like rabbits. They are breeding, I suspect. He did not tell us that 88 per cent of the ACT roads have been assessed as being in good condition in the recent round of assessments. He did not tell us that in the last 12 months over 3,000 requests for pothole repairs and damage repairs have been responded to. He did not tell us that 2,000 stormwater run-off and flooding requests and 5,000 requests for street light damage repairs have been done. He did not tell us that our people in TAMS coordinate 280 sets of traffic lights. He did not tell us about what maintenance we do and how long it is—2,400 kilometres of community paths. Of that, 2,000 kilometres are footpaths and 400 kilometres are cycle paths.

The Chief Minister talked about the traffic warrant system. It was Mr Smyth, then Minister for Urban Services, who presided over the creation of that system.

Where are we going in the future? When I was listening to that, I heard 15, 10, 25 minutes of whingeing. Did I hear one suggestion of what we should do? Did I hear one idea of how much money we should apply to this? What priority? At least when we are talking about mental health and things there is a debate on what percentage it might be of the health budget. Is there any suggestion from those opposite here? No. If you go to their website and look at their policy on roads and urban services, you see a blank page. You could put "please turn over" on both sides of the page and there you would have the Liberal Party's policy on roads. Ours would keep these guys busy for a week.

Madam Deputy Speaker, can I also say to you that they did not mention that we are talking about $288 million for the Majura parkway. The Chief Minister did. There is $14.7 million for a parkway upgrade. There is $7 million, again, for the Ashley Drive upgrade, and, as I mentioned before, $20 million for the extension to that going forward. What about the $50 million provided for the annual maintenance of road networks? These are big numbers. Do we hear anything from those opposite saying

that these numbers are not big enough? No, because they have got no idea what those numbers might be. It is budget paper No 3, guys, going backwards, if you want to have a look—just to tell you where it is.

We heard Mrs Dunne talking about ruts and potholes. She talked about it being replicated across the city. I think maybe people are a bit besotted with potholes in their local streets. Yet she herself congratulated TAMS on fixing it. Let me tell you something, Madam Deputy Speaker: we have got some of the most qualified road engineers in Australia working in TAMS. We have got a contrast between those road engineers—experts—acting independently of government and Mrs Dunne and those opposite telling us what needs to be done, with Mr Seselja telling us what needs to be done with our roads.

If I have got a choice between whose advice I am going to accept about the way forward in terms of the millions of dollars we spend every year—our road engineers or Mrs Dunne, Mr Seselja or the absent Mr Coe, MIA—what am I going to do? He is supposedly the shadow minister for roads, but he is the shadow, the very big shadow minister for roads; he ain't here. If I have that choice, I am going to go with our roads engineers, Madam Deputy Speaker, because they know what they are talking about and those opposite do not.

MS LE COUTEUR (Molonglo) (4.03): I thank Mr Seselja for raising this issue, because the state of the roads is a matter of great importance to any city. Humans have cities because we are social beings, we like to get together and we have to bring things in and out. We have to transport people. A good transport system is vital to every city. Canberra is no exception to that.

MADAM DEPUTY SPEAKER: The time for this discussion has expired.

Planning, Building and Environment Legislation Amendment Bill 2012

Clause 1.

Debate resumed.

Clause 1 agreed to.

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

MR CORBELL: (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (4.05): Pursuant to standing order 182A, I seek leave to move amendments Nos 1 to 7 circulated in my name together, which are urgent.

Leave granted.

MR CORBELL: I move amendments Nos 1 to 7 circulated in my name together *[see schedule 3 at page 2162]*. These government amendments are in response to

discussions the government has engaged in with Ms Le Couteur in relation to three main outcomes that we believe can be accommodated within the government's bill. The first relates to draft plan variation consultation; the second to consultation on development applications to remove concessional status; and the third to single-dwelling DA-exempt notification to neighbours. There are seven amendments designed to achieve these outcomes.

In relation to providing for further improvements to consultation on draft territory plan notices, proposed new clause 10A amends the Planning and Development Act to require that the draft plan variation consultation notice is provided to persons, and proposed new clause 25A in government amendment No 4 amends the Planning and Development Regulation to prescribe the type of variation and who the consultation notice must be given to. The regulation at present only provides that one type of variation is required to be provided to each lessee of each block in the adjoining section. The regulation can, in the future, prescribe particular types of variations and who that variation is given to. A wider or narrower notice can, for example, in relation to a draft variation, require that it must be given to each lessee in a particular suburb.

The amendment inserts a new requirement into the act to provide that the consultation notice and the extension notice for certain types of draft plan variations are provided to all affected lessees. In this way, the amendment ensures that persons most likely to be affected by a major draft plan variation have the consultation notice delivered to them at their address, which may be different from the actual address of the affected lease, for instance, if the property is rented.

The act provides that different types of draft plan variations can be prescribed by regulation and that the regulation can also prescribe who the consultation notice must be given to. This allows the notification to match the draft plan variation type and the affected community. Some variations may require wider notification while others may warrant less. The amendments will provide for flexibility in this regard.

This changes the current circumstances where currently the consultation notice is only required to be published in a daily newspaper. The amendments recognise that not all affected lessees will know about the draft plan variation through the newspaper. This amendment further improves information to the community about important planning changes that affect them.

In relation to government amendment No 4, this amendment is related to the amendment proposed through government amendment No 3, which inserts a new requirement to provide the consultation notice, including any extension notice, to persons for certain types of draft plan variations. The zones in the territory plan are grouped into categories, and within each category there are a number of zones. The zones within the category are prefaced by the letters before "Z". For example, the residential category starts with "R", so it appears as "RZ". The regulation provides that a draft plan variation that changes a zone's category to another category—apart from the variation that changes the zone to RZ1, urban open space zone; NUZ3, hills, ridges and buffer zone; NUZ4, river corridor zone; and NUZ5, mountains and bushland zone—is prescribed.

Put simply, if a proposed draft plan variation would increase development rights, then the consultation notice would be required to be provided to each affected lessee in the adjoining section. Therefore, a change from one category to another means going from, for example, CZ4 to RZ3. The consultation notice for this type of draft plan variation is required to be given to each lessee in adjoining sections and the lessees of any rural blocks.

Turning to the second outcome that has been agreed between the government and Ms Le Couteur in relation to pre-DA community consultation for a development application to remove the concessional lease status, this amendment prescribes a new type of development proposal that requires a proponent to complete pre-DA community consultation. Pre-DA community consultation provisions were inserted into the act by the Planning and Building Legislation Amendment Act 2011 (No 2). It is important that the community has an opportunity to be consulted early on any proposal to remove the concessional status from a lease, because of the interest many people in the community have in relation to these leases. This is highlighted by the proposal in relation to the Brumbies site. For consultation separate to the notification that will happen should a development application proceed there is no change to the existing DA notification.

Turning to the other government amendments that have been put forward today, in relation to exemptions from requiring development approval, new clause 26A inserts a new requirement that a proponent of certain exempt developments must give written information to adjoining residents—ie, the neighbours. Government amendments 6 and 7 are related to this amendment. Consequential amendments are made by government amendment 1 and in new clauses 4A and 4B. Together these amendments put in place a new requirement to give written information to neighbours if the development proposal is a single dwelling on old residential land or a single dwelling demolition on old and new residential land. It does this by providing separate exemptions for single dwellings on old residential land and new residential land and inserting into the criteria for a single dwelling on old residential land and demolition of a single dwelling on old residential land an additional criterion that requires compliance with new section 1.19.

This means that, in future, all single dwellings being built on blocks on old residential land will need to provide written information about the development to neighbours. In other words, knockdown rebuilds, including alterations to existing homes, will be required to be notified to the neighbours. This notification is done by the proponent, not the authority. Neighbours can discuss the proposal with the proponent, but there is no requirement for the proponent to change their development as a result of this notification, unless, of course, they choose to do so.

The written information will be things like the elevations, site placement and scale and will not be required to include internal details about the development proposal. The proponent can use any reasonable means to deliver the written information, such as Australia Post, email or by hand. Because the intent of the amendments is to notify neighbours about what is happening next door, the written information is required to be given to the resident of the dwelling, which may not be the lessee.

The proponent of these exempt developments will also be required to provide a written notice as part of the building approval application process. This will provide information to the building certifier that this element of the exemption criterion has been complied with. If the notice is not provided, then the proposed development cannot be exempt from the need to have development approval. The existing requirements for these DA-exempt developments to meet the rules in the single dwelling housing development code remain and the building certifier will establish this compliance.

Madam Deputy Speaker, that is the broad intent of the changes the government is proposing through these amendments. In principle, this is about making sure that people are more aware of changes that are proposed through the planning system in relation to territory plan variations, in relation to proposals to change the concessional status of a lease and in relation to proposals to demolish or substantially alter an existing dwelling in an existing new suburb where development approval is not required. This will improve the community's understanding of what is occurring in their local neighbourhood and further enhance community information and education about the planning and development process. The government is pleased to be moving these amendments.

MS LE COUTEUR (Molonglo) (4.14): I am very pleased to support these amendments. I would very much like to thank the government, Minister Corbell and, in particular, Ms Sherridan Marsh and Ms Lesley Cameron for their cooperation and support in developing these amendments. They follow the spirit—clearly not always the same words—as my planning bill, which was defeated this morning. But I am very pleased the government has taken on the major parts of that and that the negotiations were very fruitful and generous. I think we have achieved a very good outcome out of this. I would also, of course, like to thank in my office Indra Esguerra for all her work and PCO for all theirs. I am sure they really do not love planning regulations, and unfortunately they have had to do two sets of them—one for us and one for the government. Nonetheless I think we have got a good outcome.

This good outcome is important to Canberra. This good outcome is about better notification for the people of Canberra as to what is going to be happening around them from a planning point of view. Now, we all know Canberra is changing because of densification. There are places where there used not to be a building and now there is. Buildings are being changed. A lot of this change is good and a lot of this change is inevitable. But what is important is that it is change that takes the community with it and that the community understand why it is happening. Even if they do not always think it is exactly what they want to have happen, they should at least understand what is going on and know what is happening.

Hopefully we will manage to make our planning changes in a way that the community as a whole supports. But we cannot have that support unless people know what is going on. When people come home and the place next door has been knocked down and they did not know anything about it, that is the sort of thing that really upsets people.

I have had a lot of emails about the various issues covered in this. There are three issues: deconcessionalisation proposals, draft variations and knockdown rebuilds. I will go through all three of them briefly to begin with. With draft territory plan variations, the government's amendments mean that everyone who is in an adjacent section is notified. When you look at the map of the sections and blocks, the section is the big bit and the block is the little bit. I always get the two confused, but it means that the people in the adjoining area will be notified. My bill actually had a wider area, and I hope this is something with which ACTPLA will use its discretion appropriately so that, where the draft territory plan variation is likely to be particularly contentious, more rather than less notification is done.

I acknowledge that the deconcessionalisation process that we have now and which is being used for the first time with the Brumbies is better than it used to be, when there was just an exchange of letters between the government and the proponents. Nonetheless, as everyone who has had any involvement with the Brumbies situation would know, it is something which is very emotive for the members of the community. It is always the case with a deconcessionalisation proposal that something which was a community facility, something which was very much loved, is going to change. They are always controversial proposals.

The government's amendments will ensure that this is notified in the same way as consultation by a proponent before a large development goes ahead. The pre-DA consultation is a result of PABLAB 2, which was, again, inspired by amendments which I had for PABLAB. I am very pleased with the amount of consultation the government is doing on these proposals. I have had the privilege of listening to a number of presentations from ACTPLA on the subject, and it is good to see we are doing this one well and properly. I understand the government will be coming out with final proposals for this fairly soon.

The other area the government's amendments work on is suburban knockdown rebuilds. The regulations changed in 2009, and it has taken a little while for this to really become an issue, but it has become an issue based on the email traffic to my office and, I am sure, to members of both the government and the Liberal Party. Some people are seriously upset about what is happening next to them. I totally agree that most proposals are absolutely fine, but not all of them are, and it is important that people have the right to know what is happening next to them.

We used to have a situation where there was a notifiable DA for all the changes in our suburbs and areas. The amendment does not quite get it back to that. It recognises the changes as to how we have done things with the increased use of the private certifier, and so what we will have is the opponent of a development proposal giving a written notice about the proposal to the residents of adjoining properties. The contents of this written notice will be outlined in a form, which will be a notifiable instrument under the legislation, including an exemption assessment notice, which should outline the rules under which the proposal is being approved, noting that it is exempt from development approval but that it must still meet the provisions of the Building Code and territory plan codes.

It is very important that this written notice is in plain, understandable English. Unfortunately, the Planning and Development Act is such that if it just includes extracts from that, most of us will not be able to understand it.

I understand the notice will also include a copy of proposed plans so that the neighbours can easily find out what is proposed, whether or not they think the proposal meets the codes and, of course, whether or not they think it will cause them any issues. It is up to the private certifier to ensure that the neighbours are notified and that the relevant information is included. They will then know that someone who has at least seen the building plans will be watching the building go up and will notice if the plans and the building are not the same thing.

There is only one real issue that the government's amendments did not pick up—that is, my proposal that regulations not commence until the Assembly's disallowance period has passed. As I mentioned this morning, this is a shame because this is an area where there is uncertainty. Ask the people who are trying to appeal against the development in the Fitters Workshop about that.

In conclusion, as before, I very much thank the government, Minister Corbell and the relevant staff from ESD for their cooperation in this. It has been very helpful. As I said, Canberra is changing. To make planning changes that work for Canberra, the people of Canberra have to know what is happening. That is what my bill was about, and that is what these amendments will do.

MR SESELJA (Molonglo—Leader of the Opposition) (4.23): The Canberra Liberals will be supporting the amendments. We have had a short amount of time to consider them. In doing that, we have had to balance our concerns to make sure that the system that was put in place some years ago in relation to development assessment and the track system is not undermined and that we do not seek to undermine it through death by a thousand cuts versus the legitimate desire of the community to know what is going on in their neighbourhood. We are satisfied, based on our reading of the amendments and also on the answers to our questions that we have received from the minister's office, that these amendments strike that balance.

Just briefly, the amendments are in three parts. The first relates to the draft territory plan process requiring consultation notices be provided to lessees in adjoining residences. We believe that that is reasonable. We believe that it is reasonable that adjoining residents know whether or not there will be changes to the territory plan in their neighbourhood.

In relation to the concessional status of a lease, we believe that this is an area that actually needs further consideration, that there is uncertainty and a degree of secrecy with how these issues are handled. That is something we will be looking at. That said, this particular amendment, looking at providing some pre-DA community consultation in relation to concessional status, we believe is reasonable.

The third element—the requirement for proponents to provide notifications to neighbours for certain DA-exempt developments in existing residential suburbs—we

have looked at very closely. We have consulted industry on this. There have been some concerns raised, but we believe that they are manageable. Based on the answers that the minister's office has given us, we are prepared to support these clauses. But I would just say that we do not want to see death by a thousand cuts. We want to see that this is not going to become an unreasonable process.

We think neighbours should know what is going on. In an academic sense in relation to code track, at one level, because certain requirements are met, there has not been deemed the need for notification of neighbours. Firstly, it is common courtesy. We would expect that people would do this of their own accord, but we know that in some cases that does not occur. That rightly causes some annoyance to people when they see something going on in an adjoining property that they had no awareness of prior to it going ahead. It is reasonable that neighbours are informed.

We asked questions in relation to alterations—whether it would include minor alterations, things such as decks and the like. That was a concern raised with us by, I believe, the MBA. I understand that that is not the case, that those kinds of minor alterations will not require notification. We think it is reasonable that something like a deck will not. That is something, again, we have been assured will not occur and for that reason we will not be opposing that particular clause.

We will be monitoring how this happens. I think it is reasonable that we rebalance these issues, but we take the view that the overall system should be supported in terms of ensuring that we streamline these processes where possible. We do not want to see undue delays because it is important for the development of our city, it is important for housing affordability and it is important for a very important industry—the property sector—that it is not unreasonably constrained.

That said, we very much support the property rights of individuals. When there are developments going on in their neighbourhood or developments going on next door to them, it is reasonable that there is at least some degree of consultation with them. Therefore we think the balance has been struck. That is why we will be supporting the amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

Paper

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

> Statute Law Amendment Bill 2012—Revised explanatory statement.

I am advised that the version I tabled earlier contained an error.

Adjournment

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

That the Assembly do now adjourn.

Mr Dick Stalker

MR SESELJA (Molonglo—Leader of the Opposition) (4.28): It gives me great pleasure, particularly as Dick Stalker walks away, to say a couple of words about him. Dick Stalker has been the subject of a bit of attention this week, and we know how much he loves that. He did receive an award for his service to the Assembly.

Dick, for those who do not know, is one of our hardworking attendants. He is much loved. He is someone who likes to give a bit of stick to all and sundry as they walk through the door, whether it is about their football team or whether it is about other matters that he thinks are particularly funny.

I do know that Dick does not particularly like attention, so I think that the other attendants would be very pleased that I have raised this. I know that the other attendants were very excited, to the extent that they put a framed copy of Dick Stalker's award for service at the front desk. It was taken down, and I think it should be put back up. I call on the Clerk to intervene here and make sure that Dick gets due recognition, because I do not think we should allow it to just slip under the radar.

In all seriousness, Dick, along with our other attendants, does a great job. He is one of the people who adds colour to the Assembly. Dick and his colleague attendants make the Assembly a much happier place to work. We appreciate that. We appreciate sharing a joke with them. We appreciate lamenting our football team's performance, as has been the case with me most of this year, although it was great to see the Brumbies have such a fantastic win on the weekend, and I congratulate them on that.

Congratulations to Dick Stalker, and may he get much attention for his wonderful award.

Austria in the Albert
Arthritis ACT

MR HANSON (Molonglo) (4.31): I rise this evening to talk about a fantastic event that I attended on Sunday, which was Austria in the Albert, a fundraising concert put on by Arthritis ACT, which incorporates Osteoporosis ACT. It was a delightful afternoon that was attended by about 300 people. We were treated to the Austrian Choir Canberra singing an array of pieces, ably led by Dr Gunter Brandstetter, with soloists Rachael Duncan, Evelyn Graham, Geoff Roberts and Rebecca Collins, in concert with the Forrest National Chamber Orchestra, which was conducted by Gillian Bailey-Graham.

It was a tremendous afternoon which raised funds for a very important and hardworking organisation here in the ACT. Like any fundraising activity, it was dependent on volunteers. I would like to thank Verity Alexandra, Elizabeth Bartlett, Hans Brunner, Helen Cody, Helen Davies, Anna Earnshaw, Andrew Fleming, Margot Geering, David Graham, Frances Madden, Oona O'Beirne, Norah Sekhon, Shirley Syme, John Martin and Erika Stokes for their efforts in volunteering. I would also like to thank Michael Farr, who is the volunteer coordinator of Arthritis ACT.

For those of you who may be unaware of Arthritis ACT, I will read from its website:

> Arthritis ACT … is a non-profit organisation that aims to improve the quality of life of people in the ACT who are suffering from arthritis, osteoporosis and other musculoskeletal conditions. It was established in 1977 and is affiliated with Arthritis Australia and other State and/or Territory Arthritis Foundations.

Its mission is:

> … to be a dynamic, credible and viable organisation providing quality services, contributing to research, and improving the health and wellbeing of people in the ACT and surrounding regions with arthritis, osteoporosis and related conditions.

The activities that are undertaken by Arthritis ACT include self-management courses, warm water exercise, a variety of support groups, seminars, a newsletter, education and training opportunities and so on.

I would like to thank the board of Arthritis ACT: the president, Bill Wood; vice-president, Ms Anna Hackett; secretary, Ms Kristine Riethmiller, who is a director of Arthritis Australia; treasurer, Mr Andrew Fleming; and members, Dr David Graham, Helen Tyrrell, Helen Davies, Wendy Prowse and Helen Krig.

For those of you who may be unaware, as I was, about some of the complexities about arthritis and osteoporosis, there are over 150 different forms of arthritis and related musculoskeletal conditions that affect about one in three people in Australia. Nearly 60 per cent of people with arthritis are under the age of 65, and arthritis affects one child in 250, some of whom are babies under 12 months. I had a mother, Julie, come to see me yesterday to talk to me about her child, who has juvenile arthritis. I was very moved by what Julie had to tell me. I really commend her for her advocacy—on behalf of her son, but also on behalf of other children with juvenile arthritis. I will be making representations to the Chief Minister on her behalf.

Ten per cent of people aged 20 have symptoms of osteoarthritis, often as a result of poor sports injury management. By the age of 35, arthritis and related conditions are the most common of all chronic conditions. By the age of 45, they are the second most frequent cause of disability. Come the age of 70, 45 per cent of the population has some form of arthritis, and musculoskeletal disease is the greatest single cause of disability in Australia.

With regard to osteoporosis, the Arthritis ACT website says:

> Osteoporosis is largely preventable. Targeted health interventions now could drastically curb the incidence of osteoporosis and fracture morbidity, which currently stands at a fracture every eight minutes and increasing.

The statistics with arthritis are equally concerning. I would like to thank all of those who organised the event on Sunday. It was truly enjoyable. I hope that they raised a lot of money to support what is a great organisation here in our community—Arthritis ACT.

Trinity Christian school

MR COE (Ginninderra) (4.36): I would like to acknowledge the students and staff of Trinity Christian school in Wanniassa who were responsible for the production of *Joseph and the Amazing Technicolour Dreamcoat* last week. The show ran for a few days this month and was very well attended. I thought it was a superb production and did justice to the magnificent work by Andrew Lloyd Webber and Tim Rice.

I would like to commend the staff and the students for the sacrifice they made in terms of their time to put on the production—for a very happy crowd and a crowd that was extremely impressed not only with the enthusiasm and commitment of the students but also the actual quality of the production.

I would also like to take this opportunity to welcome the new principal of Trinity Christian school, Mr Andrew Clayton, to the role. He takes over from Carl Palmer and he takes on a school which has a wonderful reputation for a very warm and welcoming environment and an ethos which values education in the classroom but also in terms of values and all-round personal development.

I would like to acknowledge the musical director, Alison Evans, the director, Wayne Dudgeon, and the following cast members: Brendan DeMeillon, Harriet Drane, Carly Wilson, Daniel D'Abrera, Daniel Kneebone, Brendan Wright, Natasha Muir, Ros Grosse, Nathan DeMeillon, Sophie Hewitt, Elizabeth Plowman, Rachel Knill, Natalie Chynoweth, Robert Shiells, Brooke Winslade, Bec Mackney, Emma Tollis, Elizabeth Smiles, Keiran Howell, Bridie Adams, Angela Voce, Madeleine Winnett, Saffron Dudgeon, Sarah Straczek, Rachel Tollis, Laura Higgins, Georgia Fowler, Kate Woollard and Mary Hill.

The ensemble included Faith Ajaye, Megan Brinkley, Beau Campbell, Aiden Edwards, Mitchell France, Isaac Goodwin, Caitlin Hockley, Georgia Hockley, Jessica Landford, Claire Le Couteur, Emma Marris, Emily McKinnon, Natasha Muir, Jonathan Pears, Kristy Richardson, Alecia Ronnfeldt, Stephanie Ronnfelt, Olivia Viertel, Brendan Wright and Kate-E Yeow.

The junior Joseph choir included Sarah Balfour, Brooke Bellwood, Nari Berman, Emma Burne, Tameeka Chalmers, Kymberley Chan, Elizabeth Doyle, Samantha Eiser, Claire Falls, Emily Hall, Liana Hall, Emma Hartley, Maddie Hockley, Ben Holland, Asher Ingram, Rachel Jerks, Hannah Jeston, Paige Jurgens, Gabi Kaizik, Brooke Kobold, Teresa Laing, Chelsea Newman, Claire Nicholls, Annaliese Pears, Sophie Pearson, Sienna Pitt, Eliza Robertson, Elly Schell, Kiera Taylor, Sara Tollis, Olivia Uebergang and Tia van Bockel.

The dancers were Jade Agnew, Cayla Ajaye, Sophie Hermansen, Renee Hillbrick, Ashlee Hooper, Sophie Hooper, Regan Howell, Katina Moebus, Laura Seal, Tilly Secomb, Emma Smith, Honor Sutherland, Taylor Watts-Hermansen, Abby Webb, Elizabeth Whitting, Sarah Whitting and Emmanuel Wilson.

The hair and make-up was done by Jenny Henderson, Janet Smith, Belinda Jurgens, Cathy Taylor, Donna Lee, Hannah Burne, Lesley Drane, Linda Plowman, Nikki Dudgeon, Pauline Green and Vicki Irvine.

Backstage were Robyn Millward, Serena Huynh, Wayne Dudgeon, Melanie Le Couteur, Will Plowman, Eclipse Lighting and Sound, Elliot Cerimidas, Jas Dudgeon and Jon Connor.

In the orchestra were Alison Evans, Margaret Secomb, Sam Andrews, Wendy Janke, Alan Janke, Edwina Smiles, Serena Huynh, Melanie Le Couteur, Daniela Fiocco, Anthony Kennedy, Ryan Winslade, Michael Grosse, Will Houghton, David Flutsch, Emily Balfour, Dominique Coles, Bekk Baumgartner, Hannah De Feyter and Emily Jones, and behind the scenes, Wayne Dudgeon, Alison Evans, Ros Grosse, Leisa Williams, Jennie Palmer, Rebecca Marston, Janine Perotti, Robyn Millward, Michelle Bray, Alex Ridley, Sandra Winslade, Edwina Smiles, Tony Flutsch, Susan Langwill, Caren Connor, Anneke Pears, Adie Price, Annie Murdock, Caroline Webb, Fiona Landford, Jillian Winnett, Julie Wilson, Kath Gallagher, Lynda Balfour, Sian Hewitt, Sue D'Abrera, Mike Frommel, Stephanie Mackney, Sylvia Marris, Vanessa Miller and Linda Plowman. There are too many student painters to mention but there are many to thank. Also involved were John Whitcombe, Jane Hiatt, Alex Cozadinos, Daniel Spellman, Doug Sharp, Kirsty Holland and Karen Achurch.

I would also like to thank the sponsors, Kumon Education Centre, Tuggeranong; McDonald's, Erindale, Tuggeranong and Lanyon; Michel's Patisserie, Erindale; and Officeworks, Tuggeranong.

I congratulate everyone for a wonderful production of *Joseph and the Amazing Technicolour Dreamcoat*.

Canberra girls grammar school—science building
Legislative Assembly Secretariat service awards

MR DOSZPOT (Brindabella) (4.41): Last night I was privileged to be invited to the opening of the Canberra girls grammar school's new science wing. The official opening was conducted by Nobel Prize winner Professor Brian Schmidt in the presence of the Right Reverend Stuart Robinson, Anglican Bishop of Canberra and Goulburn, who blessed the building. Professor Schmidt spoke very warmly of the need for science in tomorrow's world. Canberra girls grammar is certainly flying against the national trend, with 245 year 11 and year 12 students out of a cohort of 312 studying one or more science subjects, and the majority studying physics and/or chemistry.

The school is most fortunate to have an outstanding principal, Mrs Anne Coutts, herself a medical researcher. Her enthusiasm and support for her students are evident. The school is also fortunate to have Richard Kent as head of science. Both of these people, together with the whole staff, provide encouragement to the Canberra girls grammar school students to challenge themselves.

The facilities are impressive. They have 11 new labs and last night they staged the Canberra girls grammar school's science quest. In each lab there was something to look at and something to learn about. Members of the school's chamber orchestra entertained the many parents and official guests. The new building is a great asset for the Canberra girls grammar school and also for Canberra. I congratulate the school and the board, headed by chair Belinda Moss, on this great milestone and initiative.

I was one of many attendees yesterday morning in the Speaker's hospitality room when the Secretariat service awards were presented to the following Assembly Secretariat staff. Five-year service recipients were Max Kiermaier, Neal Baudinette, Marilyn Warner, Denis Axelby, Richard Stalker—I think he is affectionately known as Andrew Wilkie within the Assembly—Lydia Chung, Russell Lutton, Andrea Cullen, Sue Mathews and Grace Concannon. Ten-year service awards were handed out to Janice Rafferty, Siew Chin Scholar, Anne Shannon, Rod Campbell, Kathy Dempsey and Joanne Cullen. Fifteen-year service awards were presented to Ian Duckworth, Ray Blundell and Keith Ryder. And of course there were the 20-year awards, two of them—to Tom Duncan and Roger Malot.

I am sure I speak on behalf of all members of this Assembly when I say that we congratulate them all on their service to the Assembly and thank them for the way that they carry out their duties and make our jobs just that much easier at times. Thank you and congratulations.

Question resolved in the affirmative.

The Assembly adjourned at 4.44 pm.

Schedules of amendments

Schedule 1

Crimes (Child Sex Offenders) Amendment Bill 2012

Amendments moved by the Attorney-General

1
Proposed new clause 5A
Page 2, line 27—

insert

5A What is a *reporting offence*?
Section 20, new note

insert

Note 2 An offence against s 203 is also a reporting offence (see s 200).

2
Proposed new clauses 17A to 17C
Page 7, line 25—

insert

17A Reporting obligations notice to be given when person becomes registrable offender
Section 104 (1) (ba)

insert

(ba) the offender is released from full-time government custody for a registrable offence;

17B Supervising authority to tell chief police officer of certain events
New section 108 (1) (aa)

insert

(aa) stops being in full-time government custody for a registrable offence; or

17C Establishment of child sex offenders register
Section 117 (2) (ea)

insert

(ea) the date the offender stopped being in full-time government custody for a registrable offence;

3
Clause 19
Proposed new section 132ZN (2A)
Page 45, line 5—

insert

(2A) In giving information to a prescribed entity under this section, the chief police officer must tell the entity, in writing, about the person's obligations under section 132ZOA (Offence—prescribed entities and people with parental responsibility to keep information secret).

4
Clause 19
Proposed new section 132ZO (3)
Page 45, line 16—

insert

(3) In giving information to a person under this section, the chief police officer must tell the person, in writing, about the person's obligations under section 132ZOA (Offence—prescribed entities and people with parental responsibility to keep information secret).

5
Clause 19
Proposed new section 132ZOA
Page 45, line 16—

insert

132ZOA Offence—prescribed entities and people with parental responsibility to keep information secret

(1) In this section:

court includes a tribunal, authority or person having power to require the production of documents or the answering of questions.

divulge includes communicate.

person to whom this section applies means—

(a) an entity to whom information ***(protected information***) is given under section 132ZN (Chief police officer may give information about order to prescribed entities); or

(b) a person to whom information (also ***protected information***) is given under section 132ZO (Chief police officer may give information about order to person with parental responsibility for child at risk).

produce includes allow access to.

(2) A person to whom this section applies commits an offence if—

(a) the person—

(i) makes a record of protected information about someone else; and

(ii) is reckless about whether the information is protected information about someone else; or

(b) the person—

(i) does something that divulges protected information about someone else; and

(ii) is reckless about whether—

(A) the information is protected information about someone else; and

(B) doing the thing would result in the information being divulged to someone else.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(3) Subsection (2) does not apply if the record is made, or the protected information is divulged, under this Act or another territory law.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see Criminal Code, s 58).

(4) Subsection (2) does not apply to the divulging of protected information about a person by a prescribed entity to a staff member of the entity to allow the staff member to identify the person to ensure the safety of—

(a) a child or children in the entity's care; or

(b) the person.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see Criminal Code, s 58).

(5) Subsection (2) does not apply to the divulging of protected information about a person with the person's consent.

Note The defendant has an evidential burden in relation to the matters mentioned in s (5) (see Criminal Code, s 58).

(6) Subsection (2) does not apply if the protected information is divulged for law enforcement functions or activities and then only to an entity prescribed by regulation.

Note The defendant has an evidential burden in relation to the matters mentioned in s (6) (see Criminal Code, s 58).

(7) A person to whom this section applies need not divulge protected information to a court, or produce a document containing protected information to a court, unless it is necessary to do so for this Act or another territory law.

6
Proposed new clause 20A
Page 49, line 12—

insert

20A New chapter 10

insert

Chapter 10 Transitional—Crimes (Child Sex Offenders) Amendment Act 2012

200 Meaning of *reporting offence*

In this Act:

reporting offence includes an offence against section 203.

201 Definitions—ch 10

In this chapter:

affected registrable offender means a registrable offender who, immediately before the commencement day, is serving a periodic detention period of a sentence of imprisonment.

commencement day means the day this chapter commences.

periodic detention period—see *the Crimes (Sentencing) Act 2005*, dictionary.

202 Reporting obligations notice to be given

(1) The chief police officer must give an affected registrable offender a reporting obligations notice not later than 7 days after the commencement day.

(2) The reporting obligations notice must include information about—

(a) the registrable offender's obligations to report under section 203 (including the period within which the report must be made); and

(b) the reporting period under section 204.

Note Other requirements for a reporting obligations notice may be prescribed by regulation (see s 104 and s 137 (2) (b) and (f) (i)).

203 Offence—affected registered offender must report

An affected registrable offender commits an offence if—

(a) the offender is given a reporting obligations notice under section 202; and

(b) the offender does not take all reasonable steps to report the offender's personal details, in person, to the chief police officer at an approved reporting place within 7 days after the day the person's reporting period begins.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

204 When reporting period begins for affected registrable offender

An affected registrable offender's reporting period for a registrable offence begins the day after the day the offender receives a reporting obligations notice under section 202.

205 Expiry—ch 10 etc

This chapter and section 20, note 2 (What is a *reporting offence*?) expire 1 year after the commencement day.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

Schedule 2

Long Service Leave (Portable Schemes) (Security Industry) Amendment Bill 2012

Amendment moved by Ms Bresnan

1
Clause 2
Page 2, line 4—

omit clause 2, substitute

2 Commencement

This Act commences on 1 October 2012.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Schedule 3

Planning, Building and Environment Legislation Amendment Bill 2012

Amendments moved by the Minister for the Environment and Sustainable Development

1
Proposed new clause 3A
Page 3, line 1—

insert

3A Building approval applications
New section 26 (2) (h)

before the notes, insert

(h) if the development to which the building work relates is a development proposal to which the *Planning and Development Regulation 2008*, schedule 1, section 1.19 applies—be accompanied by a written notice that the section has been complied with within 2 years before the day the application is made.

Example—written notice

a copy of any form prepared for s 1.19 under the *Planning and Development Act 2007*, s 425 and a statement about how and when it was given

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

2
Proposed new clauses 4A and 4B
Page 4, line 2—

insert

4A Section 7B heading

substitute

7B Additional details and material for exemption assessment application—Act, s 14 (3)

4B New section 7B (2)

insert

(2) If building work the subject of an application for an exemption assessment relates to a development proposal to which the *Planning and Development Regulation 2008*, schedule 1, section 1.19 applies, the application must be accompanied by a written notice that the section has been complied with within 2 years before the day the application is made.

Example—written notice

a copy of any form prepared for s 1.19 under the *Planning and Development Act 2007*, s 425 and a statement about how and when it was given

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

3
Proposed new clause 10A
Page 5, line 21—

insert

10A Section 63 (5)

substitute

(5) The planning and land authority must also—

(a) publish the consultation notice and any extension notice in a daily newspaper; and

(b) for a draft plan variation prescribed by regulation—give a copy of the consultation notice and any extension notice to each person prescribed by regulation.

Example

draft plan variation to change an area from CZ6 zone to RZ4 zone

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(5A) A variation of the territory plan under this part is not invalid only because the planning and land authority has not complied with subsection (5) (b).

4
Proposed new clauses 25A to 25C
Page 12, line 2—

insert

25A New chapter 1A

insert

Chapter 1A Draft plan variations

6 Draft plan variations to be notified—Act, s 63 (5) (b)

A draft plan variation that changes a zone from 1 zone category to another zone category, apart from a variation that changes the zone to any of the following zones, is prescribed:

(a) PRZ1—urban open space zone;

(b) NUZ3—hills, ridges and buffer zone;

(c) NUZ4—river corridor zone;

(d) NUZ5—mountains and bushland zone.

Note Zones in the territory plan fall into the following categories:

residential (RZ)

commercial (CZ)

community facility (CF)

parks and recreation (PRZ)

transport and services (TSZ)

non-urban zones (NUZ)

industrial zones (IZ).

Example

a draft plan variation to change a zone from commercial (CZ) category to residential (RZ) category

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

7 People to be notified—Act, s 63 (5) (b)

(1) The following people are prescribed:

(a) a lessee of an adjoining section;

(b) if land adjoining the area to which the draft variation plan applies is a rural block—a lessee of the adjoining rural block.

(2) In this section:

adjoining—see the *Planning and Development Act 2007*, section 153.

section, in relation to land—see the *Districts Act 2002*, dictionary.

25B Prescribed development proposal for community consultation—Act, s 138AE
New section 20A (1) (d)

insert

(d) a variation of a lease to remove its concessional status.

25C New section 22A

insert

22A Exemption assessment applications—Act, s 138B (2) (a) (iii)

(1) This section applies if an application is made for an exemption assessment relating to a development proposal to which schedule 1, section 1.19 applies.

(2) The application must include a written notice that the section has been complied with.

Example—written notice

a copy of any form prepared for s 1.19 under the Act, s 425 and a statement about how and when it was given

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

5
Proposed new clause 26A
Page 14, line 12—

insert

26A Schedule 1, new part 1.2A

insert

Part 1.2A Exempt developments—certain development proposals

1.19 Information about certain development proposals

(1) This section applies—

(a) in relation to a development proposal for—

(i) a development mentioned in section 1.100 or section 1.100A; or

(ii) a development mentioned in section 1.100B if the development is not required to be carried out urgently to address a risk of death or injury to a person, serious harm to the environment or significant damage to property; and

(b) if—

(i) a place (the ***adjoining place***) other than unleased land adjoins the place (the ***developing place***) to which the development proposal relates; and

(ii) the adjoining place has 1 or more dwellings on it.

Note ***Dwelling***—see s 5.

(2) The proponent of the development proposal must take reasonable steps to give written information about the proposal to an occupier (a ***resident***) of each dwelling.

Note 1 If a form is approved under the Act, s 425 for this provision, the form must be used.

Note 2 If particular information is to be included in the form for the written information, or a particular document must be attached to or given with the form, the form is properly completed only if the requirement is complied with (see Legislation Act, s 255 (5)).

(3) However, the proponent need not give written information under subsection (2) to a resident of a dwelling on an adjoining place if the resident is the proponent or a person for whom the proponent has been appointed to act as agent.

(4) The proponent may give the written information to a resident of a dwelling by leaving it at the dwelling.

Examples

1 if the dwelling is an apartment—leaving it in the letterbox for the apartment

2 placing it under a door that gives access into the dwelling

Note 1 The written information may be given in other ways (see Legislation Act, pt 19.5).

Note 2 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(5) In this section:

adjoins—see the *Planning and Development Act 2007*, section 153.

resident, of a dwelling, includes a person believed on reasonable grounds to be occupying the dwelling.

Note 1 If application is made for an exemption assessment D notice relating to a development proposal to which this section applies, the application must include a written notice that this section was complied with (see s 22A).

Note 2 If application is made for building approval for building work, and the development to which the building work relates is a development proposal to which this section applies, the application must be accompanied by a written notice that this section was complied with within 2 years before the day the application is made (see *Building Act 2004*, s 26 (2) (h)).

Note 3 If building work the subject of an application for an exemption assessment B notice relates to a development proposal mentioned in s 1.19 (1) (a) (i) to which this section applies, the application must be accompanied by a written notice that this section was complied with within 2 years before the day the application is made (see *Building (General) Regulation 2008*, s 7B (2)).

6
Clause 27
Page 14, line 13—

omit clause 27, substitute

27 Schedule 1, section 1.100

substitute

1.100 Compliant single dwellings—old residential land

(1) Building a single dwelling (the ***dwelling***) or altering a single dwelling (the ***alteration***) on a block if—

(a) the dwelling will be the only dwelling on the block ; and

(b) a dwelling has previously been built on the block; and

(c) the dwelling or alteration, as built, complies with—

(i) the relevant rules in any relevant precinct code that would apply if the dwelling or alteration were not exempt; and

(ii) to the extent that they are not inconsistent with the relevant rules in a relevant precinct code—the relevant rules in the Residential Zones—Single Dwelling Housing Development Code that would apply if the dwelling or alteration were not exempt (other than rule 33 and rule 66); and

(iii) to the extent that they are not inconsistent with the relevant rules in a relevant precinct code or the Residential Zones—Single Dwelling Housing Development Code—the prescribed general exemption criteria; and

(d) the dwelling or alteration will be in a residential zone; and

(e) section 1.19 (Information about certain development proposals) has been complied with in relation to building or altering the dwelling.

Note 1 ***Relevant rules***, for a development proposal—see the Act, dictionary. See also s (2).

Note 2 Other territory laws, including the Heritage Act 2004, must be complied with (see s 1.4 and s 1.14).

(2) To remove any doubt, a code requirement is not inconsistent with the code requirements of another code only because one code deals with a matter and the other does not.

(3) In this section:

prescribed general exemption criteria means the general exemption criteria, other than the following:

(a) section 1.17 (Criterion 7—no multiple occupancy dwellings);

(b) section 1.18 (Criterion 8—compliance with other applicable exemption criteria).

1.100AA Compliant single dwellings—new residential land

(1) Building a single dwelling on a block if—

(a) the dwelling will be the only dwelling on the block; and

(b) another dwelling has not been built on the block; and

(c) if the block is a preliminary block—the dwelling is built by the lessee of the holding lease; and

(d) the dwelling as built complies with—

(i) the relevant rules in any relevant precinct code that would apply if the dwelling were not exempt; and

(ii) to the extent that they are not inconsistent with the relevant rules in a relevant precinct code—the relevant rules in the Residential Zones—Single Dwelling Housing Development Code that would apply if the dwelling were not exempt (other than rule 33 and rule 66); and

(iii) to the extent that they are not inconsistent with the relevant rules in a relevant precinct code or the Residential Zones—Single Dwelling Housing Development Code—the prescribed general exemption criteria; and

(e) the dwelling will be in a residential zone.

Note 1 ***Relevant rules***, for a development proposal—see the Act, dictionary. See also s (3).

Note 2 Other territory laws, including the *Heritage Act 2004*, must be complied with (see s 1.4 and s 1.14).

(2) For subsection (1) (c), a dwelling is taken to be ***built*** by the lessee even if some or all of the building work is done by an employee or contractor of the lessee.

(3) To remove any doubt, a code requirement is not inconsistent with the code requirements of another code only because one code deals with a matter and the other does not.

(4) In this section:

block includes a preliminary block.

preliminary block—land is taken to be a ***preliminary block*** if—

(a) the land is part of a holding lease; and

(b) a development application for the development of an estate has been approved in relation to the lease; and

Note A development application for the development of an estate must be accompanied by an estate development plan (see Act, s 139 (2) (n)).

(c) the estate development plan accompanying the development application identifies the land as a block; and

(d) information about the boundaries of, and the distinguishing name or number for the land is recorded in the database maintained by the planning and land authority under the *Districts Act 2002*, section 17 (Digital cadastral database); and

(e) the land is not otherwise a block under the *Districts Act 2002*.

Note ***Estate development plan***—see the Act, s 94.

prescribed general exemption criteria means the general exemption criteria, other than the following:

(a) section 1.17 (Criterion 7—no multiple occupancy dwellings);

(b) section 1.18 (Criterion 8—compliance with other applicable exemption criteria).

7
Proposed new clauses 27A to 27E
Page 14, line 23—

insert

27A Schedule 1, section 1.100A heading

substitute

1.100A Otherwise non-compliant single dwellings—old residential land

27B Schedule 1, new section 1.100A (1) (c)

insert

(c) section 1.19 (Information about certain development proposals) has been complied with in relation to the building or altering of the dwelling.

27C Schedule 1, section 1.100A (5), definitions of *block* and *preliminary block*

omit

27D Schedule 1, new section 1.100AB

insert

1.100AB Otherwise non-compliant single dwellings—new residential land

(1) Building a single dwelling on a block if—

(a) the building of the dwelling would be exempt under section 1.100AA, apart from the encroachment of the dwelling in 1 or more of the following ways:

(i) beyond the front, side or rear setback required under the defined rules;

(ii) beyond the building envelope that applies, under the defined rules, to the block where the dwelling is being built;

(iii) into the minimum private open space required under the defined rules; and

(b) the planning and land authority declares (an ***exemption declaration***) that the dwelling does not stop being an exempt development because of a non compliance with the defined rules identified in the declaration.

(2) An exemption declaration must state the following distances (each of which is an ***extended distance***):

(a) the distance by which any setback for the dwelling that is required by the defined rules, is reduced to allow for the encroachment;

(b) the distance that any element of the dwelling may extend beyond the building envelope that applies, under the defined rules, to the block where the dwelling is being built;

(c) the distance by which any element of the dwelling may encroach into the minimum private open space required under the defined rules.

(3) Not later than 10 working days after a person applies to the planning and land authority for an exemption declaration the authority must—

(a) make the declaration; or

(b) refuse to make the declaration.

Note 1 If a form is approved under the Act, s 425 for this provision, the form must be used.

Note 2 A fee may be determined under the Act, s 424 for this provision.

Note 3 The requirement to make a decision under s (4) does not lapse if the 10 day time limit is not met (see Legislation Act, s 152).

(4) However, the planning and land authority must not make an exemption declaration in relation to a non-compliant dwelling unless satisfied that—

(a) the non-compliance is minor; and

(b) building the dwelling other than in accordance with the defined rules—

(i) will not adversely affect someone other than the applicant; and

(ii) will not increase the environmental impact of the dwelling more than minimally.

(5) In this section:

block—see section 1.100AA (4).

defined rules means—

(a) the relevant rules in any relevant precinct code that would apply if the dwelling were not exempt; or

(b) the relevant rules in the Residential Zones—Single Dwelling Housing Development Code that would apply if the dwelling were not exempt.

preliminary block—see section 1.100AA (4).

setback—see the territory plan (13 Definitions).

27E Schedule 1, section 1.100B, except note

substitute

1.100B Single dwellings—demolition

The demolition of a single dwelling, or part of a single dwelling, if—

(a) the demolition complies with section 1.14 (Criterion 4—heritage and tree protection); and

(b) if section 1.19 (Information about certain development proposals) applies in relation to the demolition—that section has been complied with in relation to the demolition.