Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

10 MAY 2012

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Thursday, 10 May 2012

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

Executive business—precedence

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

> That executive business be called on.

Public Accounts—Standing Committee
Report 22

MS LE COUTEUR (Molonglo) (10.02): I present the following report:

> Public Accounts—Standing Committee—Report 22—*Inquiry into the Road Transport (Third-Party Insurance) Amendment Bill 2011*, dated 24 April 2012, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

I am pleased to present this report of the public accounts committee inquiry into the Road Transport (Third-Party Insurance) Amendment Bill 2011. The first thing I would like to do, of course, is to thank my fellow committee members, Mr Smyth and Mr Hargreaves, and very much thank the committee's secretary, Dr Andrea Cullen. Without her hard work there is no way we could possibly have done this report.

Third-party insurance is a complex and important issue, and I have certainly learnt a lot about it during the course of the inquiry. The bill, if fully or partly passed by the Assembly, will bring a range of changes to the compulsory third-party scheme in the ACT. At the time the bill was referred to the committee for inquiry, the then Treasurer emphasised that this was very significant law reform, and she was right. The committee acknowledges that no insurance scheme is perfect and that a scheme design will inevitably involve trade-offs amongst a range of criteria. A critical consideration of CTP insurance schemes is that they need to be affordable and cost effective, and these goals are increasingly being applied to common-law regimes.

Additionally, the concept of third-party insurance is itself complex, and how it works is also determined by the wider system in which it operates. Any strategies to improve its performance must take into account the wider system in which it operates, including the wider public policy context. The committee has not attempted to produce a definitive work on CTP insurance schemes and designs. Instead the committee has produced a report which examines several key themes arising in the context of the bill and the committee's widened terms of reference which became apparent during the course of the inquiry based on evidence received.

The committee makes 13 recommendations which, in the main, are concerned with the bill but which also cover the Road Transport (Third-Party Insurance) Act 2008 and the wider context in which CTP insurance operates, including the wider public policy context. Submissions to the inquiry and evidence from witnesses at public hearings expressed a range of views concerning the bill. Some evidence was fully supportive of the bill in its current form while other submitters were not opposed to the bill. But a significant number of submitters were not supportive of the bill, and some were highly sceptical that these amendments would achieve the bill's two main objectives—that of reducing premium costs and facilitating access to early treatment and rehabilitation. In the main these submitters highlighted significant issues regarding limiting access to common-law compensation for non-economic loss together with the infrastructure required to implement the impairment threshold and increase a discount rate.

A common theme from some submitters was that evidence supporting the 2008 reforms to CTP insurance as provided for in the current act was starting to emerge and any amendments prior to permitting these reforms to take effect could be counterproductive. Concern was also expressed by a number of submitters that amendments to the current act were being proposed before a statutory review of its operation have been completed. Such an approach was considered to be premature and contrary to evidence-based public policy.

Another common theme from some submitters was that the bill appears to limit rights under the Human Rights Act 2004. Others did not express a particular view on the bill but provided suggestions for an alternative scheme design which would, hopefully, ensure appropriate compensation for injured people whilst also reining in premium costs.

The committee believes the proposed reforms detailed in the bill are treating symptoms instead of targeting the overarching problem—that is, to reduce the number and severity of motor vehicle crashes in the ACT. If you look at it logically, what is third-party insurance paying for? It is paying for the results of motor vehicle crashes. We can reduce the cost of third-party insurance basically in two ways: we can have less crashes or less significant crashes so that the actual costs are less. That is one way of doing things. The other way is to reduce the compensation paid to the victims of crashes.

This bill, as far as we can see, took the latter approach in terms of reducing compensation to a set of accident victims. The committee felt it would be better, in fact, to target the actual problem—that is, accidents and crashes on our roads. The committee noted that successive governments have implemented a range of transport and road policy initiatives, some of which have been positive for road safety. Road safety in Australia has improved over the last 50 years, you could say. The committee also acknowledged the contribution that NRMA Insurance has made in partnership with the ACT community to enhancement of road safety for the benefit of all road users as part of the NRMA-ACT Road Safety Trust. While the committee did not go into this and I am speaking on my own behalf, I agree there is a lot more that we could do in terms of looking at road safety.

One of the things the committee talked about and made a recommendation about was vision zero, a vision the previous Chief Minister was quite positive about—that is, the vision of having zero fatalities on our roads. It is certainly a vision the Greens have. This is what we should be aiming for; this is the way we should be reducing third-party insurance premiums—having less things to compensate rather than paying less money to the people who are injured.

Despite the fact the committee did not support the bill in its current form, it very much appreciated the work of the government with regard to the ACT compulsory third-party insurance scheme. The committee acknowledges the government may choose to bring forward further reform with respect to the scheme. The committee, however, is of the view that any further reform should not take place until the government has had sufficient time to consider the committee's report and to take into account the findings of its statutory review pursuant to section 275 of the act and the findings of the internal review of the New South Wales CTP insurance scheme.

The committee was fortunate in receiving a good number of submissions, including supplementary submissions, to the inquiry and was grateful that it was able to draw upon a wide range of expertise and experience in its deliberations. The committee recognises the significant contribution of time and resources required to participate in an inquiry of this nature, and many of the recommendations or variations thereof suggested by participants have been adopted as recommendations in the committee's report.

The committee wishes to thank all stakeholders who contributed to its inquiry by making submissions, providing additional information and/or appearing before it to give evidence. As I said at the beginning, I very much thank my committee colleagues and, most of all, the committee office staff, in particular Dr Cullen, and I commend the report to the Assembly.

MR HARGREAVES (Brindabella) (10.11): Very briefly, I want to indicate to the chamber why it was, in fact, that a government member on the committee would say something negative in a report about a government bill. The essential element of my position is "not yet". I think the bill needs some refining and it needs to address one or two things going forward. Once that is done, I think that will be an acceptable process.

The underlying principle that we need to bring premiums down for the majority of people is not in dispute. We understand that the conversation in the community is a conversation about a capped system versus the common-law system. This is part of that conversation, and I applaud the government for starting and continuing that conversation.

Some of the areas I had issues with were lifetime care and catastrophic injury. I am not sure there is enough provision in the bill for that. I was not very happy with using the AMA guides as a definitive threshold. I think we need to have something a little more robust than that. I was not happy with having just one item which was a definitive threshold, and I think we have made that point.

I congratulate the government on the vision zero concept. I think it is a terrific one. Having targets, standards and things like that is a very dangerous thing to do. Having aspirational targets is very dangerous. However, if we do not send a message out there to people that no road deaths and no injuries is the only acceptable outcome then we are not doing the right thing.

I commend the report to the chamber. Like the chair, Ms Le Couteur, I thank Mr Smyth for his involvement in it. The considerations we had were very professional. We came at it from different perspectives and we arrived at a consensus report. I would also like to thank Dr Cullen for her work, because she is amazing. This lady can actually stitch together disparate views and make some common sense out of them for the reader. She needs congratulating on that.

I would also like to thank those people who gave evidence to the committee. This is a very technical issue and some of us had a bit of trouble wrapping our heads around some of the technical issues. I thought some of the information we received with its redaction was quite amusing actually, and I thank the NRMA for coming in and clearing that matter up for the committee. Mr Speaker, I, too, commend the report to the chamber.

MR SMYTH (Brindabella) (10.14): I join my colleagues in welcoming the tabling of this unanimous report into compulsory third-party insurance in the ACT. It has taken us some time. The reason for that delay was, of course, the government's failure to produce the report demanded by law in a timely fashion.

I would like to start by putting on the record some of the dismay I had at comments by the federal member for Fraser, Mr Andrew Leigh, who said that the bill was the subject of a report being delayed by the Liberals and the Greens. That was apparently on advice from Minister Barr. I hope Minister Barr will take the opportunity to say that that is not the case, that he did not give such information to Mr Leigh. It is unfortunate that somebody would use the government's delay in producing the report required by law to blame the Liberal Party and the Greens. Through that, I suspect, they are blaming the committee process, that the committee was somehow taking too long.

Mr Leigh implies that Mr Barr told him that the reason for the delay in CTP reform was because of the actions of the Liberal Party and the Greens. If Mr Barr did say that, he misled Mr Leigh and Mr Leigh therefore misled his constituents. If Mr Barr did not tell that to Mr Leigh then Mr Leigh is misleading the community and somebody needs to clean up that particular mess. They need to clean up the mess because it is a very important issue.

If you have ever been involved in a car accident—sorry, a motor vehicle crash; we should not say "accident". They are not accidents. If you have been involved in a motor vehicle crash or if a loved one has been in such a crash, it can have long and life-lasting effects on individuals and families. The desire to get this right is very strong given some of my experiences. I think that to jump the gun in the way the government did by saying, "We are going to reform," even though we had not done the review and the statutory time frame had not passed, is a poor way to deliver policy.

The committee has done a good job. There are 13 recommendations, Mr Speaker. Some of them go to process, particularly recommendations 2, 3 and 4. Committee recommendation 2 is that the government should more widely promote the availability of early payments for the treatment of motor crash injuries as provided under section 72. Some of the evidence there was that the take-up is increasing. There is an early payment, which is good so that people can get well. The quicker you restore your health, the better the outcome. We can see from some of the payouts that those that take a long time to get well seem to get bigger payouts. That may be a tactic or a strategy in some cases but it is unfortunate.

In recommendation 3 the committee recommends the ACT government review the provision concerning compulsory conferencing to determine a more practical approach. Some concerns were made to the committee that compulsory conferencing does not work and that in fact it is more of a hindrance now than an assist. It should be an assist but we need to make sure that it works properly and that people get the best out of it.

Recommendation 4 is a very important recommendation. As Mr Hargreaves said, we were given a lot of information that generally perhaps had not been made available to the public and certainly not to MLAs, particularly about the AMA guidelines. The AMA guidelines are the American Medical Association guidelines. We currently use guide 4. The thought was that we would go to guide 5.

What it says in the introduction to the AMA guidelines that most of us probably have not read is that they are not to be used as a tool for determining compensation. The AMA guidelines are a tool to allow doctors to discuss among themselves what the level of injury is. The guides do not make a determination that because of a level of physical injury this is what you are entitled to as compensation.

The easy case is someone who plays a musical instrument at symphony concert level. The loss of a finger could be devastating because it would not allow you to play your instrument, whereas for someone who does not use their hands or their digits in that sense, the loss of a finger under the guidelines is worth a much lesser payout.

If you are applying that using the AMA guidelines what you are doing is disadvantaging people. In many ways for me that was a real turning point in the way that I approached this. I have to say that I was not aware that that foreword in the AMA guidelines said, "Do not use this to determine compensation." But what do we do? We use it to determine compensation. So I think recommendation 4 is very important in the scheme of things.

The next recommendation that I would like to refer to is recommendation 7. Recommendation 7 recommends that the ACT government advise the Assembly of how it intends to address the issue of lifetime care for people catastrophically injured in the context of the development of the commonwealth proposals regarding the NDIS or, in the absence of NDIS, how it will examine the feasibility of lifetime care for people catastrophically injured in motor vehicle crashes.

New South Wales, for instance, has a scheme where there is a levy in the CTP that goes straight to a fund so that those who are catastrophically injured and who will never be able to return to the life that they once had and who will require lifetime care automatically slot into this scheme, as it should be. That does not stop that person who was injured going after other forms of compensation. But the care will often be a large component in the compensation paid, and the compensation paid, of course, has a direct effect on premiums. We should work to isolate that element and ensure that people with catastrophic injuries are treated with dignity.

While it is not a CTP case, I am sure members know of the young lady who waited eight or nine years for compensation after eating some fast food. They will get an enormous payout now but that family has gone through an enormous amount of trauma on top of the injury to their daughter. So we need a scheme that looks at those that it is quite clear will never have the same level of life due to their catastrophic injury. They need to be treated better. The community is unsure of how the NDIS will operate in that regard, but if it does not cover those catastrophic injuries then the government need to tell the Assembly what they will do.

Recommendation 10 of the committee is that the Road Transport (Third-Party Insurance) Amendment Bill 2011 in its current form should not be supported by the Assembly. It is quite clear that the effects of the 2008 reform package are just starting to move into the system. These schemes have long tails and the long tails do affect those who are injured, often those who are injured the most. There is a view that we should take it a little bit easier.

It was interesting. We put a question to one of the witnesses. We asked the witness: "What do we do? How do we make this better for all concerned? How do we get better outcomes for the victims? How do we ensure that the ordinary person who registers their car, or the company that registers their company's vehicle, get a better deal on CTP?" The gentleman simply said, "You have just got to reduce the number of motor vehicle crashes."

As Ms Le Couteur said, we are treating symptoms. What we have got to do is have a firm commitment to treating the cause of motor vehicle crashes. We all know what causes them. It is speed, alcohol and drugs. It is not wearing seatbelts and it is weariness. People need to make sure that they play their part. The government has to ensure that the road safety message is out there constantly. But it is not just the government. We have all got a responsibility here. If you are in a car with somebody who is clearly tired, make them stop or take over the driving yourself. But if we really want to have a much cheaper scheme, the best way to do it is to attack the cause. The cause is the accidents. In the main, accidents are human failings.

Some accidents are road related—the design of the roads. Nobody would deliberately build a road that does not work but we need to constantly monitor the roads that we have built. If there are roads that are causing accidents, they need to be fixed. We need to look at motor vehicles and the safety that we now build into them. Vehicles are much safer than they were. I understand that about two per cent of motor vehicle crashes are caused by mechanical failure. That is two per cent too many. We need to

address that as well. So recommendation 12 looks at the whole notion of vision zero and suggests that the government place a greater emphasis on achieving vision zero within the transport system.

As in all committees, there was a lighter side to one of the committee hearings. Those that were participating asked us when they thought the report might be tabled. When we suggested June might be the likely date, one of the witnesses mentioned that it was her birthday. Her companion then mentioned that her birthday was also in June. So Cecilia Warren of the NRMA, congratulations! You won the birthday committee lotto. We table this report today on your birthday. Congratulations, Cecilia.

Mr Speaker, it is a good report. It is a very balanced report. It is a sensible report and I look forward to the government's response. I hope that the government takes the report in the way that it has been delivered. There need to be some modifications to processes and some patience in regard to the effects of the 2008 reforms. Let us have a focus and a greater emphasis on road safety.

If people genuinely want to pay lower premiums, the best way to pay lower premiums is for us all to drive safer and take responsibility when we are out on the roads. We as MLAs and, indeed, as governments must ensure that the legislation is there to ensure the police have adequate resources to patrol our roads as a deterrent. But we must also design better roads. We as individuals must take responsibility for our part in what happens. They are not motor vehicle accidents. These are not accidents. These are crashes and in the main we know the cause. The cause in so many cases is human error.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (10.26): I will speak briefly to the committee's report as the minister at the time who was responsible for the development of this important legislation. I have to say, and I will read the committee's report in detail, that I am disappointed with the report today. Based on the recommendations, it takes a sit-on-the-fence approach to compulsory third party and the issues that are faced by the community who are all affected by the scheme as it operates today. I was just looking at the rego fees for an average Canberra car and—

Mr Hanson interjecting—

MR SPEAKER: Thank you, Mr Hanson!

MS GALLAGHER: Thank you, Mr Speaker. I listened to other members in silence. I know Mr Hanson finds it impossible to do that. But when you look at the registration fees for a 12-month period for an average car, the registration fee is actually $227.50. There are a couple of other small charges of $16 and $2. Then there is the compulsory third-party insurance component, which makes up almost two-thirds of the rego. In fact, it would be two-thirds of the rego of $526 that every Canberran who drives a car pays. That has gone up by over $100—I think by over $120, $130—in the last couple of years. There are no signs that those costs will abate. So that is what we are dealing with here.

It is a difficult issue. I note that the submissions from the Plaintiff Lawyers Association were very extensive. I also note that all of the big insurers have told me that unless legislation like the legislation we propose is actually dealt with by this Assembly, there will be no competition in the compulsory third-party market here in the ACT.

Opposition members interjecting—

MR SPEAKER: Order, members!

MS GALLAGHER: This report does nothing to progress competition. It does nothing to put downward pressure on registration and compulsory third-party fees in the ACT. That is the issue the government was trying to deal with.

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth!

MS GALLAGHER: Yes, it is difficult. Yes, there will be those who say that they are losing entitlements. But at the moment everyone who drives a car is paying for the associated costs of a very expensive scheme that needs amendments. That is what the government's bill tried to do. For the party that sits over there and complains about cost of living pressure, this was your chance to come in and say: "Yes, we acknowledge that. We acknowledge that and we want to—

Mr Smyth interjecting—

MR SPEAKER: One moment, Ms Gallagher, thank you.

MS GALLAGHER: put downward pressure on registration."

MR SPEAKER: Stop the clock, thank you. Members, you were all heard in silence, and I expect Ms Gallagher to be extended the same courtesy, thank you.

Mr Hanson: Mr Speaker, on your ruling, Ms Gallagher was directly addressing members of the committee rather than referring her comments through you. She was not conforming to the rules of this place. You chose not to pull her up on that. That provoked Mr Smyth to interject. If you are going to call Mr Smyth to order for interjecting, you should first, I would have thought, call the minister to order for addressing members of the chamber directly, rather than referring her comments directly through you in accordance with standing order 42.

MR SPEAKER: Mr Hanson, if I am to start enforcing the point you have just raised, we are going to spend a lot of time with me directing members of this Assembly. But thank you for your feedback.

Mr Hanson: My pleasure.

MR SPEAKER: Ms Gallagher, you have the floor.

MS GALLAGHER: Thank you, Mr Speaker. I will finish on the point that I note the other insurers did not participate in terms of written submissions or appearances before the committee, and that is regrettable. But all the advice to me, and I am sure to members in their private capacities, is that unless we tackle the high cost, legalistic nature of the compulsory third-party scheme in the ACT we will see no competition and we will continue to see premiums rise. That is the very clear advice.

I agree with other members that we have to look at road safety, that we have to encourage safe driving. The data is clear. ACT drivers are some of the worst in the country. But the advice to me is that that has to do with our very good road network. We have cars travelling at high speed around the city and when there are crashes, they occur at high speed. That causes injury to drivers and serious damage to vehicles. The last figure I saw showed that we had double the accident rate of New South Wales drivers. So, yes, we have got to tackle that. I think that all of us as an Assembly must work on that and on those messages around road safety.

But that in itself will not put downward pressure on premiums. They are going to continue to rise. I can predict that in the next Assembly we will be dealing with legislation along the same lines unless members in this place want to see compulsory third-party premiums continue to rise at the rate they have been rising. That affects every single Canberra household that owns a vehicle.

I accept that this is too controversial an issue for the Assembly to deal with in the lead-up to the election. Nobody wanted to take on the plaintiff lawyers. Everybody knew what sort of campaign they would run. But this government took a different view. We felt we should deal with it. It is the right thing to do and my prediction is that next year the Assembly will be dealing with legislation similar to the legislation that I introduced over a year ago.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee
Report 11

MR HARGREAVES (Brindabella) (10.32): Pursuant to the order of the Assembly of 17 November 2011, as amended on 29 March 2012, I present the following report:

> Justice and Community Safety—Standing Committee—Report 11—*Inquiry into Liquor Fees and Subordinate Legislation*, dated 10 May 2012, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

I commend this report. I would like to begin by expressing my appreciation to the chair, Mrs Dunne, who is not here; to Ms Hunter, a member of our committee; and to Dr Brian Lloyd, who had the challenging task of putting this material together.

Essentially the committee was charged with conversation around how to address alcohol-induced violence at various venues around town. We looked at nightclubs; we looked at the club industry; we looked at the hotel industry; and we had a bit of a look at the off-licence issue. We also looked at the social side of things. We noted the propensity of people to preload before going out on the town and the way in which people were preloading—go down to the local supermarket liquor outlet, purchase their alcohol, go home, consume it and then head into town for a night out. We also noted that some people were preloading through the services of off-licences in the city district or in Manuka, Kingston, Belconnen or Tuggeranong and that they were also going to a series of venues and ending up at one particular venue. Some people would find themselves involved in a violent altercation. Some people would actually leave home with the intention of having a violent altercation with people. And their preloading was part of that process.

It was a fairly complicated inquiry. Mr Speaker, I draw to members' attention that there are eight recommendations.

We looked at the balance of responsibility. Thus far the focus seems to be on the licensees as the ones responsible for preventing violence from happening inside or outside their premises, when there should be more accent on social responsibility. People should not be going out with that intent. There is one recommendation that we should be increasing awareness through an education program to tell people that this stuff is just not on—we just do not want it—and that they should not engage in this sort of activity because it is not socially acceptable. That is in recommendation 3.

We have addressed the notion of preloading. We note that, as I just indicated, there seems to be an imbalance, with the licensees of the late night venue being held responsible for the violence that is happening outside their premises when in fact it is quite possible that people engaging in that violent activity had not actually consumed any alcohol on those premises at all but had done it somewhere else. We thought there was disproportionate responsibility levied on those particular venues. We were encouraging the government to look back at the food chain, if you like, where people can access their alcoholic beverages, whether it be at the plethora of off-licences or elsewhere.

When we talk about off-licences, we are not talking about the small business shop—there is one here in Civic not far from this place—that sells alcoholic products as its main item of merchandise,. We are also talking about the Woolworths outlets, 1st Choice, the BWS outlets and those sorts of places which are part of the supermarket chain. We do not want people to think that just because they have got a small off-licence they are the people that we have targeted. We are not. We are targeting the fact that you can go and purchase an alcoholic beverage anywhere—and what you do with it when you have actually got hold of it.

Mr Speaker, the Liquor Amendment Bill 2012, which you know only too well, talks about the amount of notice that businesses get when you have a regulatory regime change. The committee wanted to lend their support to that bill. If the chamber does not pass that particular legislation, for whatever reason—time may very well be one reason, as we may not have enough time left in this Assembly to actually deal with it; I am not sure whether that is true or false—if it does not get dealt with or it does not get passed, we are urging the government to introduce legislation with a similar effect as soon as it can.

One of the witnesses urged us to support the notion of having a marking on a glass so that you can determine the number of standard drinks. Whilst that sounds like a bit of a fun thing, people will notice that if you go to the club and ask for a glass of wine you will see a little white mark on it. In a lot of pubs the AHA recommends that a certain line be used to determine what a standard drink is. The thing is, and this was the evidence given to the committee, that if you have five glasses of wine but they are full to the brim rather than to the particular line, you will have actually, quite likely, consumed seven. You would be counting the number of glasses of spirit, wine or beer and saying, "I am now under that limit that I believe to be the case," whereas you could very well be over the limit, and substantially so, because there is no standard.

People are trained, when they do bar service, to fill a glass to a certain point. But we did notice, and we were advised, that, particularly in wine glasses, there are different sizes. There are different sized glasses. Some are made out of glass; some are made out of crystal. Some are more elaborate and ornate than others. There is no way of knowing whether or not you have got a full glass. It was pointed out by the chair at one point that when people go out to an official dinner, quite often the waiting staff will keep the glass full, so you do not get to complete one glass. You will find that over the course of an evening you have not got the faintest idea how much wine you have had presented to you.

If we had standard measures, said the witness, that would be fine. It does not have to be a big white line around the edge of the glass. It can be a dot; it can be an etching; it can be any number of things. It can be an advertising brand. It can be anything, just as long as it is something which indicates to the pourer and to the purchaser that that is a standard drink.

We also believe that we should have some sort of consistency in the framework for responsible service of alcohol—we talk about that in recommendation 7—across the Australian jurisdictions. We know that there are different training regimes in Queensland, Victoria, New South Wales and the ACT, but people are required to have a certain level of training. Very shortly that will become the law.

When a person is employing somebody from interstate, they will say, "Are you qualified in RSA?" They will say, "Yes, I am." But the regime applicable in that particular jurisdiction may be less than the standard that applies here in the ACT, and you do not have any guarantee that the training that we expect in the ACT is delivered to that particular person. So we are asking for consideration of a consistent framework being applied. It may very well be a conversation at a ministerial council level that might affect that.

Finally, we are recommending that the government find ways to foster cooperative arrangements between licensed venues so that patrons who are identified for inappropriate behaviour and are promptly banned from that particular establishment will find themselves banned from everything in that particular precinct.

This would be a variation on the scheme applicable in the United Kingdom called Pubwatch. If a person is banned in one pub, the rest of the pubs in the village, the town or the city are notified that this particular individual has been banned, for whatever reason, and that ban applies right across the system. That would be a proactive approach, telling people, "This is what happens to you if you engage in violent behaviour which is alcohol induced." It puts the responsibility back on the individual. You take them out of the game. If, for example, you get involved in a violent altercation outside a nightclub here in the city and you get banned from that nightclub, you can turn up the next day at another one. If you are the type of person that gets yourself preloaded and goes into town looking for a rumble, it has not been effective. But if there is a cooperative arrangement between the establishments to do that, we are away.

This was a very good report. It was quite an interesting inquiry too, I might say. I commend the report to the chamber.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.43): I will only speak briefly because Mr Hargreaves covered off the recommendations. I would also like to thank the chair of the committee, Mrs Vicki Dunne, Mr John Hargreaves, Dr Brian Lloyd and Lydia Chung for putting this report together.

It was quite interesting that in this inquiry we heard quite a lot about whether or not we have the balance right between the on-licences and the off-licences. That is why the first recommendation asks the government to consider this issue. I note that the minister picked up on that and made some comments in that regard. We know that, as Mr Hargreaves said, there is a lot of preloading going on. It means that people quite often are coming into the entertainment precincts, places like Civic, already quite drunk; then, if they go into a venue and cause some trouble, that incident is pegged to that venue. We do need to be looking at this issue of what the balance is between the on-licences and the off-licences and how we can mitigate risk.

That raised the issue of responsibility and self-responsibility. That was raised by quite a number of people who came in to talk to the inquiry. Yes, there is a role to play for the nightclubs, the bars and so forth. They do need to ensure that they have their staff trained in RSA—that that has been carried out and all the rest of it. But there also is a place for self-responsibility. That comes back to ongoing campaigns around alcohol, around the harm of binge drinking. That is really what we are seeing here—an ongoing culture of binge drinking that unfortunately quite often leads to really poor outcomes for people who went out for a good night out but it did not end up that way. Quite often these people end up in our police stations or in our hospitals. More can be done in that space around the importance that needs to be placed on the education campaigns around the responsibility people need to take for their own actions.

Another thing that was widely supported was being given better notice about the new liquor fees and any licensing arrangements. The Greens have legislation on the table in this area that people were supportive of. We have two recommendations in this report about that. One is that the government support that bill. The next recommendation states that if that is not going to happen, the government should introduce its own legislation that has the same effect. It came about because in the last couple of years we have had companies, premises and places being given very short notice of what often can be quite significant increases in fees. That is not good for their business; it is not good for budgeting; it is certainly not good for planning and certainty.

Mr Hargreaves picked up on the responsible service of alcohol—that there should be some consistency between states. That is an important recommendation. We want to make sure that we have highly trained bartenders who know how to ensure that they are not serving alcohol to someone who is certainly under the weather and should not have any more served to them.

I also raise here that at the moment a lot of people are being trained in RSA, but there is a concern out there that we will not have the training completed on time. I just put that in as well: someone in the industry has raised concerns about whether or not we have enough training going on—and whether the scope is right. For people who are working in clubs, bars and nightclubs, employers are pretty clear that people working there should be trained in the responsible service of alcohol. But it is not necessarily recognised that people selling alcohol in supermarkets, for instance, or even off-licences, understand that they are also captured. There is some ongoing work that needs to be done in that area.

I thank everybody involved in coming in, putting in submissions and giving evidence to this inquiry. I commend this report to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.48): I would like to thank the committee for its report. Overall the report is a considered one, and one which I believe does seek to understand the complexities of the liquor licensing fee regime.

This is reflected in particular in recommendation 1, which highlights that whilst there is potentially an issue around preloading associated with people purchasing bulk alcohol from a supermarket or a liquor store and then consuming it prior to going to an entertainment precinct such as Civic, there is a difficult choice for the government. The committee recommends that the government consider whether there should be a reduction in the number of off-licences or other steps to mitigate the risks associated with these businesses.

Reducing the existing level of off-licences poses an interesting challenge for the government. I do not believe it is one that the government can really consider, given that many off-licences operate in the context of small local suburban supermarkets. I do not believe there can be any real justification for removing off-licence licences in

those circumstances. It would also have an impact on the convenience of other residents in terms of the local retail offer—whether they felt they could obtain alcohol at a local shopping centre or whether they have to go to another location. Whilst I appreciate what the committee is trying to say, I do not believe that the recommendation is particularly practical in that respect.

Recommendation 2, therefore, is perhaps more relevant. It is about whether the fee burden should shift, to a larger degree, towards small off-licence operations. It is important to remember that we are talking about small local suburban supermarkets—mum and dad traders who are already running their businesses on slender margins as they compete against larger retailers such as Woolworths and big bulk liquor discount outlets. For that reason the government will view this recommendation with caution. We will certainly give consideration to it, but it is an issue where some balance has to be struck.

Finally, the committee makes some recommendations in relation to the Liquor Amendment Bill 2012. I may need to be forgiven for having missed it, but my understanding is that the Liquor Amendment Bill 2012 has already been adopted by this Assembly. In this respect, recommendations 4 and 5 are effectively redundant in that the Assembly has already agreed to that legislation and the government has indicated its support for it.

The telling message from this inquiry is that the inquiry demonstrated that the setting of a liquor licence and fee structure is not a simple process. It is not a process where everybody wins. Some people do share a larger burden than others when it comes to liquor licence fees, and that will remain the case for as long as we have a risk-based licensing structure. But I thank the committee for their considered work and for the report they have presented today.

Question resolved in the affirmative.

Auditor-General Amendment Bill 2012

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (10.52): I move:

> That this bill be agreed to in principle.

I am very pleased to table the Auditor-General Amendment Bill 2012 and its explanatory statement. This bill implements the government's agreed recommendations from the Standing Committee on Public Accounts inquiry into the Auditor-General Act 1996. Following the inquiry's recommendations, the bill makes a number of changes to designate the Auditor-General as an officer of the Legislative Assembly, to clarify existing provisions that define the independent role of the

Auditor-General by stating that the Auditor-General cannot be directed by any person. There is also a complementary provision that Auditor-General staff can be directed only by the Auditor-General or a person authorised by the Auditor-General.

The bill requires an oath or affirmation of office along with a disclosure of interests and a prohibition of other remunerative employment for the Auditor-General. It includes a power to suspend the Auditor-General in certain circumstances, requires that the Auditor-General consult on an annual performance audit program, a new power to audit non-government entities in receipt of government funding but subject to some prerequisites set out in the bill, takes a broader approach to the independent performance audits of Auditor-General operations through a wider concept of strategic review and ensures independent audits of the Auditor-General occur once each parliamentary term and that the independent auditor is appropriately qualified. Other changes were recommended by the committee to clarify the intention of the act in a number of areas.

The government has also included other changes to support joint or collaborative audits by commonwealth, state and territory auditors-general, to provide the Auditor-General with access to legal aid records for the purposes of performance and financial audits through a consequential amendment to the Legal Aid Act 1977, although there is also a restriction on reporting clients' information, reflects the role of the Head of Service in consultation on draft audit reports and updates existing provisions to enhance consistency with human rights standards. A number of other changes are made to the sequence of the act's provisions to reflect more recent drafting practice.

As recommended by the public accounts committee in its inquiry, a new section in clause 8 of this bill designates the Auditor-General as an officer of the Legislative Assembly. This section also makes clear that the powers of the Auditor-General are as set out in the act and other territory laws and that there are no implied powers of the Assembly arising from this role. Along with the committee's recommendation to make it clear that the Auditor-General cannot be directed by any person, the bill also groups together all the provisions relating to the Auditor-General's appointment and role in the one place. In the act these provisions are currently split between sections in the body of the act and a schedule. This change provides a better sequencing and makes the act easier to understand. Other provisions in clause 8 of the bill include an oath or affirmation of office to be made before the Speaker.

A disclosure of interests is also included in new section 9F. This disclosure of interests is to be provided by the Auditor-General to the Speaker as well as to the Chief Minister. To protect personal information, the bill makes this disclosure protected information under the act. This upholds Human Rights Act standards about individuals' rights to privacy. The oath or affirmation and the disclosure of interests must be provided within a month of the appointment of the Auditor-General. Transitional provisions in the bill mean an already appointed Auditor-General must meet the new requirements within a month of the commencement of these changes. Additional paid employment by the Auditor-General is also prohibited.

A new power to suspend the Auditor-General is also added to the existing power to remove the Auditor-General from office. Both of these provisions now also include a

requirement that where incapacity is the reason for suspension or removal, the incapacity must prevent the Auditor-General from performing the inherent requirements of the job. This meets anti-discrimination standards.

Clause 12 of the bill also introduces a new requirement that the Auditor-General must have regard to professional standards and practices in carrying out the role's functions. This new section is framed to ensure that it is clear that the Auditor-General still retains complete discretion and independence.

Clause 13 introduces another new section to provide for joint or collaborative audits with the other Australian auditors-general. This is a result of discussions between auditors-general on the advantages of having a concurrent audit across all jurisdictions on key national issues.

Clause 18 introduces a new concept of an annual performance audit program. This supports subsequent provisions in this clause that require the Auditor-General to consult the public accounts committee, each member of the Legislative Assembly, the Head of Service and anyone else the Auditor-General considers appropriate. The clause also requires that the program be placed on the Auditor-General's website.

Clause 19 introduces the new power for the Auditor-General to audit non-government entities in certain circumstances. This implements the public accounts committee's recommendation to expressly authorise Auditor-General audits of outsourced government activities. The government agreed to this recommendation in principle. The government's response to the inquiry commented that there are already non-legislative measures to require government entities to account for government funding. Because of this, the government's view is that the new powers should serve as a last resort when existing acquittal or internal audits have not resolved the issue. This approach is built into the new provisions.

The new power to track government funding is framed so that the scope of the proposed performance audit can be exercised only in relation to the government funding or other property provided to a non-government entity. The exercise of the power should reflect the extent of risk. It should not create excessive cost or unreasonable burdens for private sector or community partners and stakeholders. The audit powers are also more restrictive than those applying within government in that while the Auditor-General may use existing powers to require production of documents and take evidence under oath for these audits, the power to access premises without consent is not extended.

The trigger for these non-government entity audits is a referral by either the public accounts committee or the minister with responsibility for the act, reflecting other provisions that give the Auditor-General complete discretion in deciding which audits to conduct and in managing relative priorities within an annual audit program. The Auditor-General will then decide whether to undertake the audit.

A number of prerequisites are included in clause 19. These are: the usual acquittal processes for property provided to a non-public sector entity have been exhausted, there are no other mechanisms reasonably available and failure to conduct the audit

may result in significant risk to the territory. If an audit of a non-government entity is conducted, the Auditor-General must explain the reason for the audit in the audit report.

Some minor changes are also made to existing sections by clauses 23 to 25. These changes build in the need for the Auditor-General to consult non-government entities on draft audit reports and to consider their comments in finalising a report. The government has also taken the opportunity to reflect the across-government role of the Head of Service, with provision for consulting the Head of Service on multi-entity audits.

Clause 35 of the bill addresses the public accounts committee's recommendations relating to independent audits of the Auditor-General's Office. The committee recommended a wider concept of strategic review, that a strategic review should occur once every parliamentary term and that it also be clear that the public accounts committee initiates these audits. This clause also reflects the recommendation that the independent auditor should be appropriately qualified.

Clauses 36 and 37 provide a redrafted section on protected information. The existing provisions have been changed to make clear that information may be provided to other auditors-general as part of the new joint or collaborative audit. This removes any doubt about an existing power to divulge information as part of the exercising of Auditor-General functions. New notes in the section provide examples of protected information. This includes the example of the Auditor-General's statement of personal and financial interests required under new section 9F.

A schedule to the bill makes consequential amendments to the Legal Aid Act 1977. This confirms the Auditor-General's power to access legal aid files to conduct performance and financial audits, although there are constraints in including this information in audit reports. This change is made in clause 26 which amends the sections dealing with protected information. This is a change agreed by both the Legal Aid Commission and the Auditor-General to make sure that access should be provided to these files, although the approach balances and respects the sensitivity of the information contained in those files.

Before finishing, I would like to mention that the government did not agree with all of the public accounts committee's recommendations in its inquiry into the Auditor-General Act and these recommendations are not included in this bill. I would refer members to the government's response to the inquiry where it sets out its reasons.

The amendments in this bill build on the existing act, provide a number of changes requested in the committee's report but also reflect the constitutional context of the ACT's parliament, and I commend the bill to the Assembly.

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

Duties (Landholders) Amendment Bill 2012

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (11.02): I move:

> That this bill be agreed to in principle.

I present the Duties (Landholders) Amendment Bill 2012 to the Assembly. Under existing landholder arrangements in the ACT, large wholesale trusts currently bear a significant administrative burden to meet qualifying requirements of the Duties Act 1999.

These trusts often have a number of national and international investors, which adds to the reporting complexity. The current arrangements raise uncertainty for investors about their tax liability in the territory where interests held by individual investors fluctuate.

The government has become aware of data suggesting that our landholder provisions may create a disincentive for property investment in the territory. To put it more bluntly, investment may be directed to other jurisdictions where the landholder provisions are simpler or where there is some discretion in determining qualification as a wholesale unit trust.

The amendments in the bill will align landholder provisions in the ACT more closely with NSW, significantly reduce the administrative burden on trust companies, simplify compliance with the landholder provisions, and improve the ACT's attractiveness to large wholesale investors. Unit trust schemes would then be treated on an equal footing with private companies. As a result, the wholesale unit trust registration and reporting provisions would no longer be required. This will simplify reporting and regulation, and improve the ACT's investment competitiveness.

When a person acquires an interest in a landholder trust, they may be subject to landholder duty if the acquisition is a "relevant acquisition". A relevant acquisition is one that is a significant interest, either by itself or in aggregate with other interests according to the legislation. The ACT's definition of what is a significant interest in a unit trust follows the previous New South Wales land rich provisions.

A relevant acquisition occurs when a person acquires an interest in a private unit trust scheme that holds land in the ACT, and that interest would entitle the acquirer to 20 per cent or more of the property of the landholder. Under the New South Wales landholder provisions, both unit trusts and private companies are treated the same. A relevant acquisition only occurs where the person would be entitled to at least 50 per cent of the landholder property.

There is an exception in ACT legislation where a person acquires a significant interest in a unit trust scheme, and that scheme is a wholesale unit trust scheme. A wholesale unit trust scheme is one where at least 80 per cent of the units in the unit trust scheme are held by qualifying investors. Each qualifying investor must hold less than

50 per cent of the units in the unit trust scheme. Alternatively, if an investor holds units in the unit trust scheme in more than one capacity, the investor must hold less than 50 per cent of the units in each capacity.

The trustee of a wholesale unit trust scheme is able to register with the Commissioner for ACT Revenue. The registered trustee is required to report annually on any acquisition by a person of any interest relating to at least 20 per cent of the landholder property. The proposed amendment to the Duties Act would align the ACT more closely with New South Wales—that is, it would increase the reporting threshold to 50 per cent of the landholder property. This will reduce the regulatory burden on these unit trusts.

The government does not propose to align the ACT with the New South Wales landholder provisions which provide a property value threshold of $2 million. A land value threshold would place increased administrative burdens and complexities on both landholders and government. The New South Wales landholder provisions also apply to a company or trust listed on a stock exchange where the company or trust owns land and 90 per cent or more of the shares or units are acquired. The ACT will not be adopting this treatment of listed entities.

In summary, this bill will reduce complexity and regulation, improve our investment competitiveness and appropriately align the ACT with New South Wales. It is a very important reform bill, and I commend it to the Assembly.

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

Crimes Legislation Amendment Bill 2012

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.08): I move:

> That this bill be agreed to in principle.

Today I am introducing the Crimes Legislation Amendment Bill 2012. This will improve the operation of the criminal justice system in the territory. The bill is a result of a number of concerns key justice stakeholders—in particular the DPP, ACT Policing and the ACT Supreme Court—have brought to my attention. In particular, the bill will make important amendments in relation to sexual offences and victims and witnesses of sexual or violent offences.

The bill provides two new sexual offences of sexual intercourse and act of indecency with a 16 to 17 year old in special care. Young people aged 16 to 17 are at a much higher level of risk of being subject to harm than adults when they are in a

relationship with an adult, particularly an adult in a position of authority due to the power imbalance inherent in such a relationship. This risk warrants the creation of specific offences.

The new offences will provide a non-exhaustive list of "position of authority" relationships. It will include: teacher in a school/student at that school; step-parent, foster parent or legal guardian/young person; religious instructor/young person; professional counsellor/young person; health professional/patient; police or prison officer/young person in care or custody; employer/employee; and sports coach/young person.

These new offences will protect young people from unscrupulous adults. By prohibiting sexual relations between 16 to 17 year olds and adults who are in a position of authority over them, a clear boundary is drawn, making it less likely that adults in such positions will abuse their position of authority.

The bill continues the important work of the government's sexual assault reform program. It does this by extending the class of persons for whom pre-recorded police interviews can be admitted as evidence and allows the audiovisual evidence of victims of sexual offences to be recorded and played at any related proceeding, such as a retrial, to provide greater protections for vulnerable witnesses and sexual and violent offence matters.

The bill also amends the definitions of "vagina" and "sexual intercourse" to ensure that the ACT's approach to sexual offences is contemporary and consistent with the approach in other jurisdictions.

Amendments in this bill will also provide that a court must allow a victim impact statement to be read aloud where the maker of the statement wishes, and where a person would be entitled to provide evidence by audiovisual link in a sexual or violent offence proceeding that person can also provide a victim impact statement by audiovisual link in the same proceeding.

The bill will also provide a new drug offence and make some amendments to serious drug offences. Firstly, the bill will create a new offence of possessing a tablet press. A tablet press is an instrument or machine that may be used to manufacture a controlled drug in tablet form. The offence will criminalise the possession of a tablet press where a person is reckless about the item in their possession being a tablet press.

Secondly, the bill amends the drugs offences of possessing a controlled precursor with intent to manufacture and sell by providing a presumption that the defendant intended to sell where the prosecution has shown they intended to manufacture the controlled precursor substance. This will address concerns about the enforceability of the possession of controlled precursor offences in the Criminal Code. The amendments will support the overarching purpose of the ACT's serious drug offences and bring the offence closer in to line with other jurisdictions.

Thirdly, the bill clarifies the intention and operation of offences for the supply or possession of a substance, equipment, plant material or instructions for manufacturing a controlled drug or cultivating a controlled plant.

The bill will also enable courts to better consider an offender's engagement with alcohol and drug treatment and referral services at sentencing. The bill provides that an offender's compliance with an order for assessment, treatment, referral or monitoring by the court alcohol and drug assessment service is a relevant sentencing consideration, enabling the court to take into account an offender's engagement with court-ordered drug and alcohol assessment at sentencing.

The bill will improve the administration of justice to ensure that the Children's Court can hear and decide charges against both an adult and a person aged under 18 where they are jointly charged. This will reduce duplication, strain on limited court resources and unnecessary trauma for victims who may have to give the same evidence twice.

The bill will amend the current offence of destroy or damage property offence in the Crimes Act 1900 in three ways. Firstly, it will increase the maximum penalty from six months to two years so that the offence is a viable alternative to the damaging property offence at section 403 of the Criminal Code 2002, which carries a maximum penalty of 10 years imprisonment.

Secondly, the bill will apply the fault element of recklessness to the physical element of destroying or causing damage to property so that the offence is consistent with the damage property offence at section 403 of the Criminal Code 2002, which also has a fault element of recklessness.

Thirdly, the bill will provide that the offence applies where the value of the damage to the property rather than the value of the property itself, as the offence currently provides, does not exceed $5,000. The value of the property has not been amended since the introduction of the offence in 1995, and it is being increased to reflect inflation and the current value of property.

The bill will also make a number of minor but important amendments to: clarify that a defendant can appeal an order to disqualify them from holding a drivers licence under automatic disqualification; clarify that the Magistrates Court can hear burglary offences where the value of the property in question is less than $30,000; clarify the elements of the offence of affray and bring the maximum penalty for that offence into line with the comparable offence of assault; ensure that regulations concerning firearms manufacture can be made to enable the ACT to adopt a nationally consistent approach to the issue; and ensure that firearms licence legislation is in line with ACT Parks and Conservation Service and ACT Forests policy with respect to recreational hunting.

Madam Deputy Speaker, this bill provides tangible benefits for justice stakeholders and the wider community. I commend the bill to the Assembly.

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

Courts Legislation Amendment Bill 2012

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.16): I move:

> That this bill be agreed to in principle.

Today I present the Courts Legislation Amendment Bill 2012. This bill's purpose is to make amendments to assist the Supreme Court to implement a new docket case management system. On 16 December last year the Supreme Court announced that it will change aspects of its case management and listing practices, with a view to reducing the time taken to finalise matters lodged in or committed to the court. The Supreme Court's decision to adopt a new approach to case management arose from the review of case management and listing procedures conducted by Her Honour Justice Hilary Penfold of the Supreme Court and the Director-General of the Justice and Community Safety Directorate, Ms Kathy Leigh.

The purpose of the review was to identify case management practices that could be used to reduce delays in the Supreme Court. The review was informed by a reference group which included the Director of Public Prosecutions, the chief executive officer of Legal Aid ACT, the president of the Bar Association and the president of the Law Society. Justice Penfold and the director-general also consulted current and retired judges from other jurisdictions, including experts who had undertaken reviews of case management elsewhere in Australia.

The consultation with other jurisdictions and discussions by the reference group identified areas for improvement in criminal and civil case management in the ACT Supreme Court. The review identified a number of measures to improve efficiency into the long term and to address the current backlog. A discussion paper was prepared to elicit information from all interested stakeholders. Following the release of the paper in August last year, Justice Penfold and the director-general met regularly with Legal Aid ACT, the Director of Public Prosecutions, the Bar Association, the Law Society and individual legal practitioners to further discuss the issues raised and to achieve consensus on how to improve case management and listing procedures in the Supreme Court.

The main change announced by the court was the adoption of a docket case management system covering both civil and criminal matters. Under a docket system, matters in categories requiring listing for trial and certain other matters would be assigned to a docket judge shortly after being lodged. These matters would then be managed by the judge until finalisation. Under the docket system, each judicial officer will manage their docket, with a view to encouraging early and efficient resolution of matters.

The move to a docket system is being facilitated by the so-called blitz by the Supreme Court of existing criminal and civil cases. The government is supporting this blitz with short-term additional funding of $671,530, consisting of the appointment of two

acting judges and additional funding to the DPP, Legal Aid, the courts and Corrective Services to facilitate its operation. The goal of the blitz is to clear the Supreme Court backlog and permit the new docket case management system to be implemented by the court.

The blitz involves bringing forward a pool of civil and criminal matters for a one-off period in 2012. The proposal is designed to trigger earlier resolution of matters without trial by bringing forward the trial date. This will allow the remaining matters to be given earlier trial dates. The first six-week period of the blitz commenced on 10 April this year and will conclude on 18 May. The second six-week period will commence on 25 June this year. At this stage, the blitz is producing pleasing results, with a large percentage of civil cases settling and a number of criminal cases ending with a plea of guilty or being discontinued by the DPP.

The adoption of a docket system will assist judges to ensure that the time and resources of the court are well used. Consultation with other jurisdictions during the review confirms that judicial control of case management is essential to court efficiency. Docket systems have been successfully implemented in the United States and locally in the Federal Magistrates Court, the Federal Court and the Family Court, where they have been proven to improve efficiency.

Another major change announced by the court was an expansion of the existing requirements of exchange of material in criminal matters. The new requirements are designed to ensure that the prosecution has properly considered its position, and that the defence is fully aware of the prosecution case, before the matter is assigned to a docket judge.

The bill contains three main amendments to assist the Supreme Court to implement these proposed changes. Firstly, the bill contains amendments to the Supreme Court Act 1933 to provide that the election for a judge-alone trial must be made before any time limit prescribed under the court procedures rules. This will enable the timing of elections to be better matched to court processes that will exist under the new docket system. Accordingly, the existing requirement for the election to be made before the court allocates a date for the person's trial will be removed. The amendments maintain that an election must occur prior to the identity of the trial judge being known to the accused or to his or her legal representatives. Under the docket system, this will occur at an earlier point in time.

The amendments give rise to considerations of human rights, specifically the right to a fair trial in section 21 of the Human Rights Act. The amendment does not limit the right to a fair trial, including the right to equal access, the right to legal advice and representation and the right to procedural fairness. The amendment does not affect a person's ability to have their criminal charges decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The amendment is solely concerned with ensuring that the timing of an election for a judge-alone trial is more appropriately matched to processes that will exist under the court's proposed new docket system.

The second set of amendments that the bill contains is to the framework for ordering and preparing pre-sentence reports under the Crimes (Sentencing) Act 2005. Amendments clarify that the Magistrates Court can order a pre-sentence report at the time they commit an offender to be sentenced in the Supreme Court. The amendments will assist in facilitating the early ordering of pre-sentence reports, supporting the court's proposed pre-sentence disclosure requirements. Ensuring that information is exchanged prior to sentencing hearings, that issues in dispute are identified and that the judiciary receive the information necessary to complete the hearing in a timely fashion should help to reduce adjournments and unexpected delays in completing sentencing hearings.

The amendments also remove a provision in the act dealing with the distribution of pre-sentence reports from the courts to the parties. This is a procedural matter which would more appropriately be dealt with in the court procedures rules.

Finally, the bill contains amendments to the Crimes (Sentencing) Act to permit a reduced sentence to be imposed where an offender has facilitated the administration of justice by cooperating to ensure that a trial is focused as efficiently as possible on the real issues in dispute.

New section 35A enables the court to impose a lesser penalty, including a shorter non-parole period, on an offender than it would otherwise have imposed, having regard to the degree of assistance provided in the administration of justice. The provision is designed to encourage cooperation in ensuring that the trial is focused as efficiently as possible on the real issues in dispute. The provision will extend to allowing a reduced sentence to be imposed where an offender, while maintaining a not guilty plea through to trial, has nevertheless facilitated the administration of justice through pre-trial disclosures, disclosures made during trial or otherwise. A similar provision exists in New South Wales and, accordingly, the case law that exists on this provision in New South Wales will serve as a guide to the ACT judiciary in applying new section 35A.

New section 35A ensures that a lesser penalty imposed must not be unreasonably disproportionate to the nature and circumstances of the offence. The new section also clarifies that the power is not intended to limit the operation of existing sections 35 and 36 which allow for reduced sentences in certain circumstances. While a plea of guilty or assistance provided to law enforcement agencies can be considered to meet the requirements of facilitating the administration of justice, the new sections are designed to provide that other actions are required to trigger the reduction under the new section.

The court will be required to give a statement where it imposes a lesser penalty for an offence under the new power. The court must state the penalty it would have imposed and the reasons for the imposition of the lesser penalty. This will ensure the visibility of reductions, for two reasons: firstly, to ensure that the community are able to satisfy themselves that sentences continue to reflect the seriousness of the offence; and, secondly, to ensure that defence counsel can advise their clients of the benefits of pre-trial and trial cooperation which ultimately may facilitate greater efficiency in cases before the courts.

The amendments in this bill will assist the Supreme Court to change aspects of its case management and listing practices, with a view to reducing the time taken to finalise matters lodged in or committed to the court. The reforms in the bill represent the government's firm commitment to improving waiting times in the Supreme Court and form part of the government's broader commitment to improving access to justice for the ACT community. I commend the bill to the Assembly.

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

Justice and Community Safety Legislation Amendment Bill 2012 (No 2)

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.27): I move:

> That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2012 (No 2) amends a range of legislation that concerns the justice and community safety portfolio. The bill I am introducing today will improve the way in which the territory's legislation works. This bill amends a number of acts, including the Civil Law (Wrongs) Act, the Emergencies Act, the Environment Protection Act, the Public Trustee Act, the Unit Titles (Management) Act and the Victims of Crime Act.

The JACS bill makes a number of minor amendments to the Civil Law (Wrongs) Act 2002 to bring the approval process for professional standards schemes into line with other Australian jurisdictions. All Australian states and territories have introduced legislative frameworks to support a Professional Standards Council, which is made up of individual councils from each jurisdiction. These legislative amendments allow for the creation of schemes to limit the civil liability of professionals and others, to facilitate the improvement of occupational standards and to protect consumers. The ACT's professional standards legislation is contained in the Civil Law (Wrongs) Act.

Currently the professional standards legislation in every state and territory except the ACT allows ministers to authorise the gazettal or notification of schemes approved by the Professional Standards Council. However, the ACT's legislation contains the additional requirement that the minister must also approve schemes that have already been approved by the council prior to the notification of the scheme. This requirement is inconsistent with the procedure required in other jurisdictions and adds no real value to the formalisation process.

For this reason, the JACS bill removes this requirement from the ACT's Civil Law (Wrongs) Act. This will mean that professional standards schemes can be approved or

amended by the Professional Standards Council, with the minister providing notification of the scheme subsequently.

The JACS bill includes two complementary amendments to the Emergencies Act and the Environment Protection Act to clarify the concurrent requirements of each act with regard to hazard reduction or burning off. Burning off is traditionally carried out as a method of reducing the amount of flammable material in an area, with a view to commensurately reducing the risk of bushfire. This is an important activity to manage the dangers of bushfire.

However, due to the risks associated with burning materials in the open air, there are important environmental and emergency management considerations that must be taken into account when conducting such an activity. This is reflected in requirements under both the Emergencies Act and the Environment Protection Act. Because of the different considerations that need to be taken into account under each, in certain circumstances those seeking to engage in burning off will have to obtain approval or a permit under the Emergencies Act as well as an environmental approval under the Environment Protection Act.

The JACS bill clarifies the concurrent requirements under each act by including a subsection in the Emergencies Act that the requirements surrounding burning off in that act are not affected by the obligation to hold an authorisation under the EPA Act for the same activity. Similarly, the JACS bill inserts a note into the EPA Act that informs readers that it will generally be an offence under the Emergencies Act to light a fire during a total fire ban and that the Emergencies Act may also require the owner of land to obtain oral approval or a permit before lighting a fire on the land.

There are two other amendments to the Emergencies Act contained in this JACS bill. Currently, section 9 of the Environment Protection Regulation creates an offence if a person lights, uses or maintains a fire in the open air in certain circumstances. Open-air fires for the purpose of cooking and heating food or drink, as well as for the purpose of heating, are listed in the regulation as activities that will not constitute an offence under section 9. However, while the Environment Protection Regulation could be interpreted to suggest that backyard fires for the purposes of heating as well as cooking or heating food or drink will be lawful, section 125 of the Emergencies Act may currently be interpreted to make this activity an offence.

The JACS bill amends the Emergencies Act to remove this anomaly. The Emergencies Act will be amended to allow a person to light, maintain or use a fire in the open air on residential land for heating or cooking food or heating liquid. However, this authorisation is qualified by the need for the person to have adequate safety measures in place.

The JACS bill also amends the Chief Minister's powers of direction over the emergency controller where a state of emergency has been declared. The amendment will address an unintended omission from the Emergencies Amendment Bill 2010 and provide that the Chief Minister can direct the emergency controller as to the use or non-use of their powers where a state of emergency has been declared.

The JACS bill also makes two improvements to the Public Trustee Act 1985 to enhance the ways in which the Public Trustee can exercise its statutory powers. The bill includes amendments to the Public Trustee Act that would allow the Public Trustee to invest money, held on behalf of people under a disability, into superannuation and deal with money awarded by the Magistrates Court or a tribunal to a person under a disability.

In addition, the JACS bill amends the Victims of Crime Act to bring the appointment process for members of the Victims Advisory Board, appointed from the AFP or ACT courts, into line with the appointment process for the other public sector appointments to the board.

Finally, the bill also includes detailed examples in the Unit Titles (Management) Act to assist readers with the interpretation of the act's sinking fund provisions.

JACS bills are necessary to ensure that legislation in the justice portfolio continues to give effect to the policy decisions that led to the enactment of the law. The bill I present today is no exception. It introduces amendments to the statute book that are minor and uncontroversial in nature, including matters that are not changes in policy. It updates the law in many respects to ensure it is not a barrier to proper administration. I commend the bill to the Assembly.

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

National Energy Retail Law (ACT) Bill 2012

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.35): I move:

> That this bill be agreed to in principle.

I table the following paper:

> National Energy Retail Law (South Australia) Bill 2010—Second Reading Speech.

The government is presenting new legislation today to implement a national regulatory framework for the supply of electricity and gas to customers in the ACT. The legislation will benefit consumers by imposing compulsory consumer protection requirements on energy retailers and distributors. The legislation is also designed to encourage greater competition by removing inconsistent and inefficient differences in jurisdictional legislation in the national electricity market. It will reduce costs for retailers and therefore moderate cost pressures in electricity and gas markets.

The bill will adopt the National Energy Retail Law (South Australia) Act 2011 as a law of the ACT, with some modifications. A second bill, which accompanies this bill, will make necessary consequential amendments to existing ACT legislation. This legislation represents one of the final and major achievements under the energy reform agenda program agreed by all Australian governments under the Australian energy market agreement. The legislation is also being adopted by other jurisdictions in the national electricity market and is scheduled to commence on 1 July this year.

The bill transfers the regulation of retail supply of energy from the ACT under the Utilities Act 2000 to a new national framework. This national framework, commonly known as the national energy customer framework or NECF, not only preserves the existing level of consumer protections in the ACT but also provides for increased requirements in important areas like customer hardship.

Implementing the NECF provides a number of benefits to the ACT. Firstly, there will now be a single national scheme for authorising energy retailers, instead of separate licensing schemes in each state. Retailers will no longer need separate licences in each state nor to comply with different regulatory obligations for core retailing functions. This will encourage more retailers to participate in the ACT market. A more competitive market will benefit the interests of ACT consumers in the longer term.

Secondly, the NECF delivers an improved and robust consumer protection framework. Energy retailers in the ACT will now be required to have an approved hardship policy. These hardship policies will be designed to identify and help customers experiencing difficulties in managing their bills. This, combined with the government's energy efficiency cost of living legislation, will provide comprehensive support for low income households who always struggle with any change in energy prices.

The NECF also includes comprehensive arrangements for resolving disputes between customers and energy providers. The ombudsman role of the ACT Civil and Administrative Tribunal has been preserved under the NECF and it will remain responsible for resolving and hearing these matters in the ACT.

This scheme also provides for model contracts. These model contracts will serve as the basis of contracts developed by retailers and distributors. Further, approval by the Australian Energy Regulator will be required to ensure these contracts are fair and reasonable to consumers. The NECF also includes a number of new arrangements that currently have no local equivalent and represent significant additional benefits for ACT consumers. For example, it provides for a price comparator website to be established and administered by the Australian Energy Regulator. This website will enable consumers to find and compare different offers from energy retailers in their area.

The bill also imposes energy bill benchmarking requirements on retailers. Retailers will now be required to provide information on bills that enables consumers to compare their usage with a local benchmark. This will motivate consumers to reduce their consumption to equal or improve the benchmark. This will not only help reduce bills by motivating customers to curb wasteful usage; it will also have the indirect

benefit of reducing associated greenhouse gas emissions. A robust national retailer of last resort scheme administered by the Australian Energy Regulator will ensure a continuation of electricity and gas supplies to customers in case of retailer failure. This is a significant improvement of the existing arrangement in the ACT.

The legislation also provides a framework for developing a small compensation claims regime and protecting consumers from being disconnected during extreme weather events. The government will undertake further consultation this year to develop and enable these schemes.

Under the National Energy Retail Law the retail regulation of electricity and gas will be transferred from the Independent Competition and Regulatory Commission to the Australian Energy Regulator. The Australian Energy Market Commission will be responsible for any changes to the rules that support the National Energy Retail Law. This is similar to its existing responsibility for the national electricity rules that support the operation of the national electricity wholesale market, distribution and transmission frameworks.

The commission will be required to adhere to the national energy retail objective set out in the legislation. The national energy retail objective promotes the efficient operation and use of energy services for the long-term interests of consumers of energy with respect to price, quality, safety, reliability and security of supply.

While this legislation adopts the national framework, it also preserves and continues requirements we hold important in the ACT. These include the continued regulation of electricity prices for small customers by the Independent Competition and Regulatory Commission and the mandatory green power first offer requirement. Also, as I mentioned previously, the ACT Civil and Administrative Tribunal will continue in its role of resolving consumer disputes.

The bill also includes transitional provisions to ensure the existing contractual arrangements between customers and energy utilities are not disrupted but are transitioned smoothly to the new national framework.

The introduction of the National Energy Retail Law in the South Australian parliament was accompanied by a detailed explanation in the second reading speech. I have tabled a copy of this speech to enable this background information to be placed on the official record for the ACT.

This reform represents the culmination of more than a decade of work by Australian governments to develop seamless and efficient national energy markets. However, this journey is not complete and the government will continue to work for reforms that enhance the welfare of our community. I commend the bill to the Assembly.

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

National Energy Retail Law (Consequential Amendments) Bill 2012

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.43): I move:

> That this bill be agreed to in principle.

This bill accompanies the National Energy Retail Law (ACT) Bill which I have just tabled. This second bill makes necessary consequential amendments to existing ACT legislation and allows the territory to adopt the National Energy Retail Law (South Australia) Act 2011 as a law of the ACT with some modifications.

As I have previously indicated, this legislation is also being adopted by other jurisdictions in the national electricity market and is scheduled to commence on 1 July this year. I commend this bill to the Assembly.

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

Children and Young People Amendment Bill 2012

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

Title read by Clerk.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (11.46): I move:

> That this bill be agreed to in principle.

I am pleased to be tabling the Children and Young People Amendment Bill 2012. This bill seeks to make minor amendments to the Children and Young People Act 2008 to improve the administration and interpretation of the act and the provision of services to children, young people and their families.

Two amendments in this bill stem from the ACT government's response to the Human Rights Commission's review of the ACT youth justice system.

The Human Rights Commission made 224 recommendations to ensure a quality youth justice system here in the ACT. To date the government and the Youth Justice

Implementation Taskforce have been working to implement these recommendations, and we will continue to do so.

The government is committed to ensuring the ACT has a high-performing and effective youth justice system, the Bimberi Youth Justice Centre. It is our aim to have a system which will have a strong focus on early intervention, prevention, therapeutic programming and diversion. Importantly, the youth justice system and places of detention must comply with human rights standards and practices.

Following the Human Rights Commission review, the government announced a blueprint for youth justice in the ACT. The blueprint will provide strategic direction for the development of the youth justice system. It is my intention to present the blueprint to the Assembly later this year.

The government recognises that an important part of maintaining a high-performing and effective youth justice system is ensuring that the legislative framework promotes the best interests and the rights of children and young people. This includes making sure that the powers of administrative agencies, such as Bimberi, are appropriate and based on the human rights framework encompassed in the ACT Human Rights Act.

This is why the government agreed with the Human Rights Commission recommendation to consider legislative change, and the two recommendations addressed in this bill were identified as priority actions.

Firstly, the government bill addresses the Human Rights Commission's recommendation regarding the use of force under section 223 of the Children and Young People Act. The commission recommended that the government amend the Children and Young People Act, policy and procedures to require a doctor or nurse to be notified as a matter of course every time force is used rather than providing the young person with the option to see a doctor or nurse after the event.

The government agreed with the intent of this recommendation while drawing a distinction between unplanned use of force, for example when used in response to an escalating or dangerous situation, and the planned use of force, such as during an escort to court or an appointment out of the detention place.

The proposed amendment will strengthen the statutory requirement to report the use of force to a doctor or nurse, except for the planned use of force for escort purposes when this is determined to be necessary, such as when the young person is a flight risk. While the amendment does not require notification as a matter of course for this type of use of force, the young person retains the option to see a doctor or nurse after the event. All other events that may require the use of force during an escort will continue to be reported. In addition, use of force within the Bimberi Youth Justice Centre would be reported.

The amendment maintains current requirements around the use of force, including that the circumstances are sufficiently serious to justify the use of force, ensuring that the kind of restraint is appropriate in the circumstance and the restraint is used appropriately in the circumstance.

Secondly, the concerns raised relating to the use of strip searches and body searches to maintain good order at a youth detention centre are also addressed in the amendment bill. As it currently stands, strip searching of a young detainee can only be undertaken when the director-general suspects on reasonable grounds that the young detainee has an item concealed that is prohibited or that poses a risk to personal safety, or for security or good order at a detention place as outlined in section 258 of the Children and Young People Act.

Current body searches of young detainees can only be undertaken when the director-general reasonably suspects that a young detainee has ingested or inserted something that may be harmful to themselves or that the young detainee has a prohibited item concealed in their body that may be and poses a substantial risk to security, or for good order at a youth detention place as outlined in section 262 of the Children and Young People Act.

The use of strip searches was considered by the Human Rights Commission as part of its review of the ACT youth justice system. Given the impact strip searches have on young people, especially young people who have been the subject of abuse or trauma, the commission recommended the removal of good order as it applies to strip searches. The government agreed with this recommendation.

The proposed amendments will remove references to good order being a basis to conduct a strip search. Further, the government has extended this amendment to the removal of good order as a reason for body searches under the Children and Young People Act.

These amendments protect the rights and interests of children and young people by limiting the grounds on which strip searches and body searches may take place.

Apart from acting on the two key recommendations of the Human Rights Commission's review, this bill addresses the issue of revoking general parental authorities for foster carers and residential care services when they no longer provide or intend to provide care to children and young people.

Sections 519 and 520 of the Children and Young People Act enable the director-general to authorise foster carers and residential care services to exercise daily care or long-term parental responsibilities for any child or young person for whom the director-general has daily or long-term parental responsibility.

Sections 523 and 524 enable the director-general to revoke a carer's authorisation when the carers have failed to perform their responsibilities or where the person has sought to have the authority revoked. The act does not include a provision enabling the director-general to revoke the authority when the carer or entity is no longer available to provide care or where the carer or entity has not provided care during a period of time. Without the capacity to revoke such authorities, carers and entities remain authorised when no longer providing or intending to provide care for children and young people.

The amendment addresses this issue by incorporating additional criteria to apply to the revoking of foster carers and residential care services where they are no longer available to provide care or have not provided care for a period during the past 12 months. This new provision would not prohibit a carer or entity from applying to become a carer at a later time, and the process to revoke a person's authorisation remains the same. It still remains that procedural fairness and natural justice provisions of the Children and Young People Act must be followed.

The final amendment relates to the Children and Young People Death Review Committee. Last year the Assembly passed the Children and Young People (Death Review) Amendment Bill 2010, which established the Children and Young People Death Review Committee. The committee has a number of important functions, including helping to prevent or reduce the likelihood of the death of children and young people. The committee is required to maintain a register of deaths of children and young people.

The government has realised that section 727(4) of the Children and Young People Act is not consistent with the same clause contained in the explanatory statement attached to the 2010 amendment bill. This provision relates to when information about the cause or circumstances of the death of a child or young person can be placed on the register of deaths.

The proposed amendment makes clear that any coronial inquest or review by the territory must have ended before any information can be placed on the register of deaths. This ensures that the Children and Young People Death Review Committee is the last mechanism of review once all other review processes have been completed. This amendment is consistent with the explanatory statement attached to the 2010 amendment bill.

The Children and Young People Amendment Bill is an important step by the ACT government to improve the administration and interpretation of the Children and Young People Act, supporting vulnerable children and young people, and ensuring a high-performing and effective youth justice system in the ACT.

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

Disability Services Amendment Bill 2012

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

Title read by Clerk.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (11.55): I move:

> That this bill be agreed to in principle.

I am pleased to present the Disability Services Amendment Bill 2012, which amends the Disability Services Act 1991. The bill complements and builds upon existing legislation allowing the Minister for Community Services to approve disability service standards and establish regulation-making power.

This government is committed to delivering and funding good quality services for people with a disability in the ACT. By moving the standards from a contract and policy matter to a legislative platform and by allowing for ministerial approval of disability service standards and the establishment of regulations, the protection of people with disability will be further enhanced. Both the standards and regulations are disallowable instruments which may be subject to scrutiny by the Assembly.

I can now outline the amendments this bill seeks to make.

The section 11 amendment allows the Minister for Community Services to approve standards related to the provision of services for people with a disability, and the approval may apply, adopt or incorporate an instrument as in force from time to time.

The section 12 amendment relates to the regulation-making power and states that the executive may make regulations for this act. A regulation may make provision in relation to standards in areas such as the need for entities to comply with the standards; performance measures for measuring compliance with the standards; the monitoring of compliance with the standards; the enforcement of compliance with the standards; and the consequences of failing to comply with the standards.

The section 4 amendment sets out that the Minister for Community Services will not approve a grant unless the minister is satisfied that the relevant standards will be complied with.

The Human Rights Commission Act 2005 will be amended to state in section 40(b)(va) that a person may complain to the commission if a service provider acts inconsistently with a standard approved in terms of the new section 11.

I commend the bill to the Assembly.

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

Corrections and Sentencing Legislation Amendment Bill 2012

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

Title read by Clerk.

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (11.59): I move:

> That this bill be agreed to in principle.

Madam Deputy Speaker, today I introduce the Corrections and Sentencing Legislation Amendment Bill, which contains a number of legislative amendments to enable ACT Corrective Services to provide services more efficiently and effectively. The government is concerned to ensure ongoing review, revision and improvement of corrective services in the territory. This bill is a part of that process.

ACT Corrective Services and the Sentence Administration Board operate in accordance with a legislative framework that includes the Crimes (Sentencing) Act, the Crimes (Sentence Administration) Act and the Corrections Management Act. The bill addresses an important issue raised in the 2011 *Independent review of operations at the Alexander Maconochie Centre, ACT Corrective Services*, prepared by Knowledge Consulting, known as the Hamburger review.

Section 5.2.4.5, recommendation 4 of that review, tabled in the Legislative Assembly by the Attorney-General, Simon Corbell, on 5 April 2011, recommended that ACT Corrective Services work with appropriate authorities to review the detainee disciplinary process to address concerns relating to its complexity and to facilitate a simpler process.

On 20 March 2012 the government tabled a report on progress with implementing the recommendations of the 2011 Knowledge Consulting report. A review of the detainee discipline process has been one of the important areas of that progress. The review confirmed the observations that Mr Hamburger and his team made; namely, that it is important that the disciplinary process balances procedural fairness, timeliness, flexibility and discretion in decision making in this area, and that the process be clear and easily understood by detainees.

At present, detainee discipline provisions impose overly burdensome administrative requirements on corrections officers. The current provisions refer to separate roles for a primary decision maker, administrator and investigator. In practice, this has led to confusion among detainees about how the process functions. Therefore, it is critical that the current system be made more effective and responsive while continuing to ensure rights are properly protected.

The amendments improve the efficiency of the detainee discipline process by removing the "administrator" role from the process and making the "investigator" role a step to be used at the discretion of the presiding officer. The removal of the "administrator" will speed up the process of detainee discipline and alleviate unnecessary delays that impact on detainees.

The changes proposed have been discussed with the Human Rights Commission and brought to the attention of the Ombudsman's office and the Office of the Public Advocate. The streamlined provisions comply with the Human Rights Act and still provide transparency in the context of administrative decisions made by corrections staff and procedural fairness for detainees. In addition, the provisions will allow a detainee to request a review of their alleged disciplinary breach and allow for the director-general to review an alleged breach of discipline decision of her own motion if appropriate.

Parallel to the legislative changes that I introduce today, ACT Corrective Services will make complementary improvements to their detainee disciplinary policy and related procedural tools. These changes will provide better guidance to corrections officers. The improvements will include information for corrections officers on suitable penalties for certain types of offences as well as guidance on how to conduct proper investigations when required.

The bill also provides for several important technical amendments to the Crimes (Sentence Administration) Act. These modifications include providing that offenders who are not performing periodic detention will not be given credit for performing period detention over excluded periods; clarifying the Sentence Administration Board's power to give retrospective approval not to perform periodic detention; amending section 70 of the act in relation to cancellation of periodic detention orders by the board; and ensuring the chair of the board has the power to reorganise divisions of the board where board members are unavailable.

The first technical amendment will prohibit holiday exclusions applying to offenders who do not consistently attend periodic detention for a number of periods. At present, the Crimes (Sentence Administration) Act provides that offenders serving periodic detention are deemed to have attended a periodic detention period for those days where holidays, such as Christmas Day and Easter Sunday, fall during a detention period. In effect, this provision excuses all periodic detention detainees from their normal reporting obligations on these holidays.

The amendment will ensure that in order to be eligible for the holiday exclusion an offender must attend, or be taken to have attended, periodic detention the week prior to, and the week following, the prescribed holiday. In circumstances where the offender's last term of periodic detention will fall on a prescribed holiday, the offender will only be required to attend the week prior to the holiday.

The second technical amendment will clarify the board's power to manage an offender's absence from two or more periods of periodic detention in situations where an offender's health or unexpected circumstances justify the absence. This amendment provides the board with the ability to give an offender retrospective approval not to perform periodic detention on two or more occasions, and up to a maximum of eight occasions, if the offender's health or exceptional circumstances justify such approval.

The amendment will also ensure that for each period of leave granted to the offender, the offender's periodic detention period and sentence of imprisonment will be automatically extended by one week. This amendment will allow the board to manage each individual case in line with the goals of sentencing set out in the Crimes (Sentence Administration) Act.

The third technical amendment will insert the word "commits" into the new section 70(1) of the Crimes (Sentence Administration) Act. The amendment is made in response to the ACT Supreme Court determination that cancellation of periodic detention orders by the board under section 70 should only occur where the relevant offence was committed during the periodic detention period.

The new provisions clarify the confusion that has been caused in some instances where the relevant offence was committed prior to the periodic detention period but the offender was convicted or found guilty of a relevant offence while serving periodic detention.

The amendment will ensure that section 70 cancellation applies in circumstances where, during a periodic detention period, an offender commits, and is convicted or found guilty of, a further offence in the ACT or within Australia that is punishable by imprisonment or, in the case of an overseas jurisdiction, the act was against the law and, if it had been committed in Australia, would have been punishable by imprisonment.

The fourth technical amendment will provide for the chair of the board to organise the business of the board with greater efficiency. Currently, the chair lacks the legislative authority to reconstitute divisions within the board on occasions where board members are unavailable—for example, due to illness. This can result in delays to matters being heard by the board as there may not be enough members to constitute the two divisions.

The new provisions will allow the chair of the board the power to allocate board members to two or more divisions at the same time and allow for at least one judicial member to sit in each division. These amendments will ensure that the chair of the board has the flexibility and authority to reorganise divisions of the board in circumstances where board members are unavailable. This amendment will greatly improve the efficiency of the board.

In summary, the amendments are made in direct response to the recommendations made to the government in the Knowledge Consulting review. The amendments retain and improve the right to review a disciplinary decision available to a detainee when accused of committing a disciplinary breach, allow for the board to organise its business more efficiently and provide greater clarity of detainee obligations when sentenced to periodic detention. I believe these amendments will strengthen our corrections system and provide for improved outcomes for the territory. I commend this bill to the Assembly.

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

Legislative Assembly (Office of the Legislative Assembly) Bill 2012

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

> That this bill be agreed to in principle.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (12.09): The government supports this bill in principle, with some amendments that will be moved in the detail stage. The government has previously indicated support for the establishment of a separate legal base for the Legislative Assembly, which this bill provides.

The bill recognises that the role of the Clerk and the staff of the Legislative Assembly Secretariat are distinct from the rest of the public service in our system of government. The Clerk and the Secretariat play an important role, valued by members of the chamber, in the management of the Legislative Assembly. We all know and appreciate the work that is done to keep this place running smoothly. However, it is also important to publicly recognise the functions performed by the Clerk and the Secretariat so that we can fully understand and appreciate the importance of what this bill will do.

The Clerk and the Secretariat perform a broad range of functions. They provide advice on parliamentary practice and procedure and the functions of the Assembly and committees; they report proceedings of the Assembly and meetings of committees; they maintain an official record of the proceedings of the Assembly; they provide library and information facilities and services for members; they provide staff to enable the Assembly and committees to operate efficiently; they provide business support functions, including administering the entitlements of members who are not part of the executive; and they maintain the Assembly precincts.

These are important functions and we are grateful for the professional way in which the staff deliver these services to us. These functions are important not only in terms of ensuring that our capacity to represent the community and to govern the territory are maximised but also to ensure that the importance and independence of the Clerk and the Secretariat are rightfully observed.

Prior to this bill, that role had been recognised de facto. However, this bill provides statutory confirmation of the Clerk's important role. In the framework of overall direction by the Speaker and other elected members of the Assembly, there is merit in formally charging the most senior unelected official of the legislature with the responsibility for ensuring that sound management practices are recommended to and observed in the Assembly.

The government supports the central theme of the bill, which is to give greater effect to the separation of powers doctrine. It does this by clarifying the administrative and legislative framework that applies to the support agency of the legislature and to formalise its independence from executive government—and it is appropriate that it does so.

The bill will create a separate legislative basis for the Secretariat outside the Public Sector Management Act—where the prescription is currently provided—consistent with the doctrine of the separation of powers and in line with the practice in other jurisdictions, including the commonwealth.

Currently, the Secretariat and the position of Clerk of the Assembly are prescribed in division 3.8 of the Public Sector Management Act. This division covers all of the necessary provisions for establishing the Office of the Clerk and for the day-to-day operations of the office and are similar to provisions prescribed for other holders of statutory office in the territory.

These provisions include the establishment of the office and the requirements to be met on the appointment of the Clerk, leave of absence and a requirement to disclose interests, provision for the resignation of the Clerk, suspension and ending of the Clerk's appointment and a retirement provision. It also provides for terms and conditions where such terms and conditions of employment are not provided for elsewhere.

Division 3.8 also provides for an acting Clerk, that the staff of the Secretariat must be employed under the Public Sector Management Act and that the Clerk has the powers of the head of service in relation to the appointment, engagement and employment of people.

The bill covers all the elements currently prescribed in the Public Sector Management Act in relation to the Clerk and the staff of the Secretariat, and importantly, in addition to this, it identifies specific functions that the Office of the Clerk is required to perform. This is not the case in the existing prescription in the Public Sector Management Act.

The bill appropriately places limits on the involvement of the executive in the affairs of the office of the Secretariat in a number of areas, including procurement, annual reporting and the role of the Commissioner for Public Administration in relation to the operations of the Office of the Legislative Assembly. This recognises that the staff in the Secretariat work in a different operating environment from staff in the broader public service who, generally speaking, serve the executive arm of government. These limitations will not diminish the accountable and transparent way that the Assembly staff perform their duties. Instead, they change the relationship of accountability to be one with the entire parliament rather than the executive. This is a more accurate articulation of the accountability relationship.

Recently I made a statement to the Assembly about the ACT integrity framework. In that statement I welcomed the findings made by Professor John Halligan of the ANZSOG Institute for Governance at the University of Canberra in his review of the ACT's application of the *Commonwealth (Latimer House) principles on the three branches of government* that was tabled in the Assembly last year.

I want to reiterate part of what I said at the time—namely, that those principles embody accepted conventions of conduct in the relationship between the executive, the parliament and the judiciary. Professor Halligan has concluded that the three branches of government in the ACT perform strongly against the Latimer House principles and that the ACT system has many fine governance attributes which, in combination, make for a system unique in the Australian context.

I also indicated when I made that statement that we should not become complacent and that there was potential for improving the quality of governance in a number of aspects. I consider that this bill is another important step in continuing to establish robust arrangements for the governance of the territory. And what could be more central to this than the appropriate and separate establishment of the Office of the Legislative Assembly which this bill provides for?

It is appropriate after more than two decades of self-government that the territory has in place an office with appropriately prescribed roles, functions and independence to assist the Legislative Assembly. This bill will ensure that the Office of the Legislative Assembly will be responsible for providing advice and support to the legislative branch of government in the territory.

The government supports this bill in principle, but I also foreshadow we will be moving amendments in the detail stage.

MR SESELJA (Molonglo—Leader of the Opposition) (12.15): The Canberra Liberals will be supporting this bill today. I would like to take the opportunity to thank the Assembly Secretariat for their time in having provided my office and me with a briefing to further discuss the details of this bill. The bill will more clearly codify the roles, functions and independence of the office responsible for providing advice and support to the legislative branch of government in the ACT. Of course, we know this office now as the Secretariat.

I note that clause 5 will establish the Office of the Legislative Assembly, which is made up of the Clerk and the staff of the office. This changes the present situation that is in place in this Assembly, where sections 46, 53A and 54 of division 3.8 of the Public Sector Management Act 1994 established the Office of the Clerk, who is supported by staff, and what we know as the Legislative Assembly Secretariat.

I also note that clause 6 formalises the functions of this office, with clauses 7 and 8 respectively noting that its staff are public servants under the Public Sector Management Act, yet are not subject to direction by the executive of any minister. These are important clauses as the Public Sector Management Act recognises the independence of the Clerk, but not Secretariat staff.

Part 3 makes provisions for the Clerk of the Assembly, and l would like to bring attention to sections 13, 14 and 15, which creates suspension provisions. This seems to be a unique feature of this bill; it is not present in legislation pertaining to the Auditor-General and commissioners.

Part 4 reserves the right of the executive to make regulations for this act. However, regulations must be notified and presented to the Legislative Assembly under the Legislation Act, with additional provisions that the executive must consult the Speaker.

Finally, I note that schedule 1 makes consequential and other amendments in relevant legislation in relation to the new independence of the office regarding annual reports, appropriation, procurement and investigative rights relating to the Commissioner for Public Administration.

Taken as a whole, this bill will clarify the administrative and legislative framework that applies to the support agency of the legislature and enshrine in law its independence from the executive; remove provisions in the Public Sector Management Act 1994 relating to the Clerk and the Secretariat and create a new

Office of the Legislative Assembly; identify specific functions that the office is required to perform; state in clear language that the office and its staff are not subject to direction from the executive; introduce new arrangements for appointing, suspending and ending the appointment of the Clerk; place limits on the executive's involvement in the affairs of the office in a number of areas, including procurement, annual reporting and the role of the Commissioner for Public Administration; and give the Clerk enhanced procedural fairness protection while at the same time preserving the prerogative of the legislature to make a determination relating to such matters.

Much of what is encapsulated in this bill is largely administrative in nature, as is to be expected with a bill seeking to codify roles and functions. I understand that there have been issues raised which will be discussed in the detail stage. We will be having additional debates on those matters and I will make our views clear at the time. We are supportive of initiatives that will strengthen our democratic processes in the ACT. We have great respect for the role that the Clerk performs for all members and the staff who work for the Clerk. We will, therefore, be supporting this bill.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (12.19): This is a very important bill and the Greens are very happy to support it. We are a mature democracy and many things just happen without any of us ever giving much consideration to them. However, it is important that we have in place the systems and the legal framework to protect the institution and ensure that it continues to work as well as it has, for many years to come.

It is appropriate that the Office of the Legislative Assembly is a separate statutory agency. Certainly, in the Westminster model there is a blurring of the executive and the legislature. However, that does not mean that there needs to be a blurring of the office of the parliament and the executive. They are separate functions. The Greens strongly support the aim of the bill to clearly separate the office of the Assembly and the rest of the executive.

Turning to the details of the bill, the Greens agree with the proposed functions of the office and of the Clerk. We have an amendment to the process for the appointment of the Clerk. However, that particular concern aside, the Greens are generally supportive of the proposed process. Equally, we are happy with the proposed process for suspending or ending the appointment of the Clerk and confident that the proposed process will be capable of dealing with whatever misdemeanours he or she may have, through us.

I would note also at this point that the Greens do not believe that there should be a regulation-making power delegated to the executive and will be opposing the clause. I will talk more about that in the detail stage.

The Greens also support the reporting provisions, as well as the other provisions adapting other administrative acts with the office of the Assembly. We agree with the proposal that there be a separate appropriation act for the Legislative Assembly and the proposed mechanism for arriving at that budget. We certainly recognise the concern that it would be more appropriate for the Assembly to determine its own

budget. However, given the limitation imposed upon us by the self-government act and the doctrine of the financial initiative, the Crown, we accept the proposal as the best available model.

The Greens believe that the separation of powers is very important and that even within the Australian model of government it is possible and appropriate to separate the executive from parliament. This bill is a very good example of the application of a better separation and is consistent with the Latimer House principles that this Assembly adopted as a continuing resolution earlier in this parliamentary term. Of course, a lot of that came about because of the ALP-Greens parliamentary agreement, which included the Latimer House principles.

MR RATTENBURY (Molonglo) (12.22), in reply: In closing the debate in principle I would simply like to thank members for their contribution in the debate today and for their support of this bill. When I introduced the bill in February I said that it seeks to build upon and solidify the institutional independence of the agency that has primary responsibility for providing advice and support to members of this place and to the legislative arm of government more generally. The bill gives full effect to the relevant Latimer House guidelines contained in the *Commonwealth (Latimer House) principles on the three branches of government*—namely, that the parliament should be serviced by professional staff independent of the regular public service.

I do not wish to repeat any of the detail of the legislation. I think members have addressed that quite well today. We will come back to some of the specific details in the detail stage when there will be some amendments in a number of areas. I would simply like to conclude by again thanking members for their support and commending the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (12.24), by leave: I move amendments Nos 1 and 2 circulated in my name together *[see schedule 1 at page 2466]*.

These amendments are quite straightforward. They require that, before appointing a Clerk, in addition to having to consult with the Chief Minister and the Leader of the Opposition, the Speaker must also consult with the leader of any other party that has two or more members in this place.

There are three established parties represented in this place, and we do not believe we should continue to operate under the old two-party system and mindset. That is not

how the community thinks. While we appreciate that other parties will have a role through their representation on the administrative and procedures committee, being consulted as part of a group is a very different thing from being consulted individually as a party.

The additional requirement is not onerous and it is appropriate that, where there is a clear level of community support and significant representation in this place, that should be respected by the administrative processes that we operate under.

MR SESELJA (Molonglo—Leader of the Opposition) (12.25): We will not be supporting the Greens' amendments. We see from this what the Greens are predicting they will have in the Assembly after the next election. I think this is all about giving the Greens representation. What has been put forward by the Speaker, in consultation with the Clerk, is the appropriate way to do it. That includes the government, the opposition and admin and procedures also. I think there is a fair amount of consultation with the entire Assembly. The Greens' amendment begs the question: if it is good enough for a minor party such as the Greens which has maybe two members, why is it not good enough for any independent? That is a little bit inconsistent. I think the current arrangement is fine, and we will not be supporting the amendment.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (12.26): The government will be supporting this amendment. We think the appointment of a Clerk is a critical decision in the life of a parliament and that that decision should be taken in consultation with all recognised parties in the Assembly. I note that in a small parliament like this there is the opportunity for all members to be involved or consulted at some level.

I find the amendment a little clumsy and interesting—"in consultation with the leader (however described)". I presume that is a reference to "parliamentary convener", although I believe you are now the leader, Ms Hunter. There are other words obviously—"commander", "general" perhaps, "boss"—but it is a typical Greens' amendment to have that slight caveat in there and to not necessarily have a leader of your party, but the government will be supporting the amendment.

Amendments agreed to.

Clause 9, as amended, agreed to.

Clauses 10 to 12, by leave, taken together and agreed to.

Clause 13.

MR RATTENBURY (Molonglo) (12.28): I move amendment No 1 circulated in my name *[see schedule 2 at page 2466]*.

This amendment addresses comments made by the scrutiny committee that a note is be included to this effect to more clearly establish the link to the requirements in section 179 of the Legislation Act so far as a statement of reasons is concerned.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14.

MR RATTENBURY (Molonglo) (12.28): I move amendment No 2 circulated in my name *[see schedule 2 at page 2466]*.

This amendment also addresses comments made by the scrutiny committee in relation to improving the procedural fairness protections to the Clerk. The amendment provides that the Clerk must be given notice three business days in advance of a meeting held by the administration and procedure committee to consider his or her suspension.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (12.29): I will just speak briefly on all four of the amendments. The government will be supporting these amendments. Given the magnitude of the decisions involved in suspending or terminating the Clerk, it is imperative that proper and clear processes are followed. Although these sections will little be used, it nevertheless remains important that there is a clearly defined process established ahead of time. Provisions will go to enshrining the principles of procedural fairness and due process, and, while one could argue that they should and would be followed in any event, there is merit in codifying them.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clause 15.

MR RATTENBURY (Molonglo) (12.30): I move amendment No 3 circulated in my name *[see schedule 2 at page 2467]*.

This amendment also addresses comments made by the scrutiny committee in relation to providing greater protection to the reputation of the Clerk. The provision requires that a statement of reasons, again as provided for in section 179 of the Legislation Act, must be provided to the administration and procedure committee where the Clerk's suspension is ended by the Speaker.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clause 16.

MR RATTENBURY (Molonglo) (12.31): I move amendment No 4 circulated in my name *[see schedule 2 at page 2467]*.

Once again, this amendment addresses matters raised by the scrutiny committee in relation to statutory requirements imposed on other parliaments in moving and debating a motion to end the appointment of the Clerk. The point was made that introducing a requirement to provide notice of a motion of this kind would serve two purposes: first, the Clerk would be in a position to seek a legal remedy in advance of the debate having occurred and a resolution having been passed; second, MLAs would have sufficient opportunity to inform themselves on the matters raised in the motion and to give them due consideration.

I accept the wisdom of this approach, and the amendment, I think, addresses the matters raised by the committee. On advice and on reflection, I am attracted to seven calendar days rather than the six sitting days, as provided for by our commonwealth counterparts, on the basis that it would obviate the need for a large number of special sittings to be brought on in the event that the Assembly wished to debate the matter during a period when the Assembly was not sitting, such as the traditional holiday period between December and February.

Amendment agreed to.

Clause 16, as amended, agreed to.

Clauses 17 to 19, by leave, taken together and agreed to.

Clause 20.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (12.32): I move amendment No 3 circulated in my name *[see schedule 1 at page 2466]*.

This amendment proposes to omit clause 20, the regulation-making power. It is inconsistent with all the important principles that I discussed during the in-principle stage. The importance of the bill lies in clearly separating the legislature from the executive to the greatest extent possible in a Westminster parliament. To then delegate a regulation-making power to the executive over the office of the parliament is not consistent with that principle.

It is very unlikely that the power would be used, and, whilst that can be used as an argument for both sides, the fact that it is unnecessary should not be seen as a reason not to worry about the important principle. This is the legislature and, should there be an issue that needs to be resolved, as the legislature we should be able to resolve it. It should be our sole responsibility to collectively keep our house in order rather than delegating that responsibility to one particular group within the Assembly.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (12.34): The government will not be supporting this amendment. We recognise the contribution from Ms Hunter and the principles of separation of powers underpinning the removal of the regulation power from this bill. But we are concerned that this proposed amendment may leave us in the circumstances of needing to recall the Assembly in the event of an unforeseen

occurrence that might occur that could otherwise be remedied through regulation. It is not there to undermine the principles of the separation of powers. As we have with other legislation, it is a useful tool available and it is, of course, subject to disallowance.

MR SESELJA (Molonglo—Leader of the Opposition) (12.34): The Canberra Liberals will not be supporting this amendment. I think it is ill considered. We need to retain some flexibility through regulations to deal with circumstances as they arise. If we were to take this power out, it would potentially have a lot of unforeseen consequences. The executive needs to have the opportunity in certain circumstances to respond with regulation. Of course, nothing could be done that would be inconsistent with the act anyway, so we do not believe this amendment should be supported.

Amendment negatived.

Clause 20 agreed to.

Clauses 21 to 53, by leave, taken together and agreed to.

Schedule 1.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (12.36), by leave: I move amendments Nos 1 to 6 circulated in my name together *[see schedule 3 at page 2467]*.

I am moving amendments to schedule 1 part 1.3, amendments to the Financial Management Act 1996, because the government recognises the principles that underpin the proposal for a separate appropriation bill for the Office of the Legislative Assembly but does not consider that we need to go to the extent of a separate appropriation bill in this jurisdiction. The government considers appropriate transparency can be provided through the separate presentation of the office's budget in the appropriation bills that appropriate money for all the purposes of the ACT government, including the judiciary.

Currently section 20 of the Financial Management Act provides a mechanism for the Speaker to advise the Treasurer of a draft budget and appropriation for the Secretariat for the financial year. The legislation does not obligate the Speaker to make a recommendation, nor does it require the Treasurer to accept the Speaker's advice without question or prevent that advice from being considered in the context of wider budget considerations.

This bill will substitute section 20 with new sections 20 and 20AA. Under the proposed sections 20 and 20AA, the Speaker would be required to advise the Treasurer of the budget and appropriation the Speaker considers necessary for the Office of the Legislative Assembly for the financial year. The Treasurer would present to the Assembly a separate appropriation bill for the Office of the Legislative Assembly and, if the amount in the appropriation bill is less than that proposed by the Speaker, the Treasurer would be required to provide the Assembly with a statement of reasons for departing from the recommended approach.

The government's view is that there would appear to be little reason to make a substantial change to the process of appropriating funding to the Assembly. The current budget process for the Secretariat under section 20 provides an effective mechanism to ensure that all expenditure is well justified and in the public interest, ensures public moneys are allocated in a transparent and accountable manner whether it is expended by government agencies or the Assembly, fulfils the objectives of responsible financial management, and allows funding decisions to be made in the whole-of-government budget context.

MR SESELJA (Molonglo—Leader of the Opposition) (12.38): The Canberra Liberals will not be supporting these amendments. We listened very carefully to what the government had to say on this and received some briefing in relation to some concerns they had on the administration, but we also consulted with the Clerk on this issue. It was certainly put to us that this is an important part of this bill. In fact, doing it in this way is part of what the bill is designed to do—that is, to make it very clear that the legislature is separate. I understand from my discussions that this occurs in other jurisdictions—not all jurisdictions—in this country. I think that is a positive, and it certainly sends the message that the legislature is independent from the executive.

That said, it does not in any way provide an unchecked ability for the legislature just to set its own budget. In the end, the executive will still be bringing forward the budget and it will still be voted on in the way appropriation bills usually are. We are satisfied that leaving it in is the right way to go and taking it out would potentially undermine the effectiveness of this legislation.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (12.40): The Greens will not be supporting the government's amendments. As I said earlier, we agree there should be a separate appropriation for the Legislative Assembly and the proposed mechanism for arriving at the budget. I pick up on Mr Seselja's comments that the Assembly will not get to determine its own budget. However, we have got the best model here. We believe it is in the spirit of the act and, therefore, we will not be supporting the government's amendments.

Amendments negatived.

Schedule 1 agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 12.41 to 2 pm.

Ministerial arrangements

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation): The Chief Minister will be absent from question time today, attending a funeral. I will take questions in the Chief Minister's portfolios.

University of Canberra and Canberra Institute of Technology
Statement by minister

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections): Mr Speaker, I seek leave to make a statement to clarify answers I gave in question time yesterday and on Thursday 3 May.

Leave granted.

DR BOURKE: Last week, in answer to a question from Mr Doszpot, I said that less than $60,000 had been spent on the costs of the process of the merger of UC and CIT. On advice received I indicated that the details were commercial-in-confidence. Yesterday Mr Doszpot asked me to clarify what was included in that figure and again I said that the details were commercial-in-confidence.

This morning I asked for the advice to be clarified. Under part 3 of the ACT Government Procurement Act 2001, consultants are able to request that their daily rate only be treated as confidential. I will provide the Assembly with a statement of costs as soon as this is provided to me.

Questions without notice
Roads—pedestrian crossings

MR SESELJA: My question is to the Deputy Chief Minister. In my consultations with seniors groups in the ACT they have indicated concerns about the short time periods that lights at pedestrian crossings stay green for. Minister, what are the standards used for the calibration of these cycles and when was the last time they were reviewed by the ACT government?

MR BARR: I will need to take some advice from Territory and Municipal Services. I would presume it would be the Australian standard that would apply in relation to pedestrian crossing timing. I am happy to take some advice from TAMS and provide that information to the Assembly.

MR SPEAKER: A supplementary, Mr Seselja.

MR SESELJA: Minister, does the government make allowances for crossings directly adjoining and close to aged care facilities?

MR BARR: My understanding is that such allowances are made in a number of different areas—areas that are close to childcare centres, aged-care facilities et cetera. There are different road transport treatments provided in those areas. I will seek a more fulsome brief from TAMS and provide that information to the Assembly.

MS BRESNAN: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, will you consider expanding the 40 kilometre per hour trial which has occurred at Woden and Gungahlin to community centres and areas around aged care facilities?

MR BARR: I will take some advice on that matter. It is possible, obviously, to extend trials but that is not of itself a difficult task. One would need to ascertain the evaluation, of course, of the initial trial before making decisions to extend further.

MR SPEAKER: Supplementary, Mr Smyth.

MR SMYTH: Minister, will you review those crossings near aged care facilities and report back to the Assembly on the suitability of the timings of the lights?

MR BARR: That is a reasonable request and, yes, I am happy to undertake that review.

Communication and social awareness playgroups

MS HUNTER: My question is to the Minister for Education and Training and relates to the communication and social awareness playgroup program. Minister, the Education and Training Directorate's website describes the communication and social awareness playgroups as being part of the directorate's support programs for students with disabilities. Can you advise the Assembly of the current location of funding arrangements for the communication and social awareness playgroups?

DR BOURKE: I thank the member for her question and her capacity to drill into the website to find this particular area. No doubt I will be able to take this on notice and provide her with the information that she requires.

MR SPEAKER: Ms Hunter, a supplementary question.

MS HUNTER: Minister, if this program was trialled under new arrangements in 2011, what was the outcome of that trial and will you make public any review or evaluation?

DR BOURKE: I will take the member's question on notice.

MS LE COUTEUR: A supplementary.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, if this program is no longer provided by the Education and Training Directorate, was the program put out for tender?

DR BOURKE: This is an extremely detailed matter. If the Greens party does want a briefing on that, perhaps we could have arranged that for them rather than trying to come down and ambush me in question time by asking extremely detailed questions to which I do not have the answers at my fingertips. I will take it on notice.

Ms Bresnan: On a point of order, Mr Speaker—

Members interjecting—

MR SPEAKER: Order, members! I cannot hear Ms Bresnan.

Ms Bresnan: Ms Le Couteur's question was whether the program was put out for tender, not whether the Greens had asked for a briefing.

MR SPEAKER: Dr Bourke, do you wish to add anything further?

DR BOURKE: No.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, will you be responding to letters written to your office regarding this program?

DR BOURKE: All letters to my office are responded to.

Planning—Chisholm

MR SMYTH: My question is to the Minister for Economic Development. Minister, you would be aware that the community in Chisholm has been concerned about proposals to offer for sale block 2 section 590 in Chisholm. While this block has been identified for development for something like 30 years, it is currently seen as a community park. The community has a number of concerns about any development proposals, particularly including issues related to traffic, the loss of open space and density. A further program of community consultation has now been proposed about the future of this park. Minister, were previous consultations about this block successful, and what program for further consultation has been prepared in relation to the future of the block?

MR BARR: I thank Mr Smyth for the question. I first had my attention drawn to just how long this block had been proposed for sale when this issue received some media and community interest. It was fascinating to go back and look at the cabinet minutes from 10 years ago that were signed off, I think, by you, putting the block for sale with 20 units on it. That was interesting. Given the correspondence I received from you, Mr Smyth, I was somewhat surprised when I delved into the history of said block to see that it had been put up for sale by the Carnell government. It was not put up for sale as a dental facility; it was put up for sale for 20 units. So the history of this particular block is, no doubt, colourful.

I understand that the piece of land has two planning zonings—one for commercial and another that is urban open space. Of course, that is how it appears on the territory plan. In the context of its appearance on the ground, it probably would not be obvious which part of the block is commercial and which part is urban open space. I understand that a playground was put on the commercial part of the block at some point previously.

Undoubtedly it has a history, and it has been identified as a site for sale for some time. I think signs have been up on that site since about 2003, so it is no great surprise to anyone—

Mr Seselja: On a point of order, Mr Speaker, this has been a fascinating history lesson, but it is now two minutes into his answer, and I would ask you to ask the minister to be directly relevant. The question was: were previous consultations successful, and what program for further consultation has been prepared in relation to the future of this block?

MR SPEAKER: Yes, minister, thank you for the context; if you could turn to the specific question now.

MR BARR: The initial part of the question was about the history of the block and there being a 30-year history, as Mr Smyth indicated.

The consultations that occurred in relation to the most recent proposal for sale involved, as I understand, more than 3,500 letters being sent out to surrounding residents notifying of the government's intention to put the block on the market. As is normally the case, there was a fairly small return—I think about one per cent of those letters were responded to by members of the community. I then understand that further notices were put in people's letterboxes by a member of this place who might happen to live very near by the area.

Mr Coe: Yes, we know how to letterbox over here.

MR BARR: Well, indeed, yes, so it would seem. I have received a number of representations from people concerned about the nature of those particular circulars. Nonetheless, I have indicated that a further consultation process will occur. I understand that there are a variety of different views as to the nature of any redevelopment that should occur on the site. Some people would prefer just standard residential blocks; others would prefer no development at all. In all of these issues, it will not be possible to please everyone with the outcome. But it is important that people have the opportunity to have their say. So the Economic Development Directorate is convening a series of workshops to discuss options with the community.

MR SPEAKER: Mr Smyth, a supplementary question.

MR SMYTH: Minister, does the government intend to sell the block following the consultation?

MR BARR: It is zoned for commercial release. I do not intend to change the territory plan. I have no proposal to do that. Let me be clear: the land will not be rezoned. There is no need to rezone the land. It is current land use policy and, as I indicated in my opening remarks, there are two parcels of land, as I understand. One is zoned urban open space, as is appropriate. Another part of the area that people would identify as the park is zoned for commercial release and has been for some time.

I have no plans to change the territory plan variations. I have no plans to do that. But there are a variety of different options that could be pursued in relation to any sale, or not, of the land. We will have those conversations. I do not think it will be possible to reach a consensus. There will always be someone who will be unhappy with the outcome.

Mr Smyth: Point of order, Mr Speaker.

MR SPEAKER: One moment, Mr Barr. Stop the clocks.

Mr Smyth: It was a very simple question: do you intend to sell the land following consultation?

MR SPEAKER: Mr Barr, if we can focus on the question, thank you.

MR BARR: Thank you, Mr Speaker. I was just outlining the different options that are available to government. A decision has not been taken as yet as to what will happen with that land. We will have a workshop with the community and discuss the variety of options. Am I determined to sell the land? No.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, in terms of the block of land that Mr Smyth is referring to, what is the state of repair of the playground equipment on that block and is it in the refurbishment or replacement program?

MR BARR: I understand that the equipment is somewhat rundown and that there is a view from some in the community that there is a need to replace the playground. It may be possible that a replacement—

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, thank you.

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson!

MR BARR: playground can be provided and some development could occur. In fact the two could work quite well together as an outcome. That is something that should be discussed. But the idea that land that has been zoned for this purpose for 30 years should suddenly be rezoned because Mr Smyth put a few letters in a letterbox is not a reasonable proposition.

Mr Seselja: A hundred people.

MR BARR: I do not doubt that a hundred people came, but 370,000 people did not, and everyone in this city—

Opposition members interjecting—

MR SPEAKER: Members, thank you. Order! Mr Barr has the floor.

MR BARR: Everyone in this city has a stake—

Mr Coe interjecting—

MR SPEAKER: Mr Coe, I have just asked for order. You are now on a warning for interjecting.

MR BARR: Everyone in this city has a stake in the territory plan and the planning framework for this city. Everyone has a stake, and it is broader than just one group of people. It always is and always will be.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Minister, what are the arrangements for the proposed workshop and how will this approach facilitate the involvement of the community?

MR BARR: It will involve an opportunity for small group work for people to get down to the detail of the block and the different development options that may be available to discuss the opportunities for the renewal of the playground and also to address some of the concerns that people have raised in relation to transport connections, traffic and also open space provision within that part of Tuggeranong Valley.

Visitors

MR SPEAKER: Ms Le Couteur, you will have the call but just before you ask your question, I would like to point out to members that we have staff from Parks and City Services in Territory and Municipal Services joining us in question time today. I welcome you to the Assembly.

Questions without notice

Energy—renewable

MS LE COUTEUR: My question is to the Minister for the Environment and Sustainable Development and concerns support for micro and medium scale generators of renewable energy. Minister, it is my understanding that the installation of residential solar PV has dropped rapidly as a result of the feed-in tariff closure last year, with 1,333 systems installed in September 2011 and only 129 systems installed in December 2011. Given this steady decline in installations, what is the government doing to ensure that micro and medium scale generators, that is installations of less than 200 kilowatts, are being assured of reasonable ongoing payments for the electricity they produce?

MR CORBELL: I thank Ms Le Couteur for the question. The answer to Ms Le Couteur's question is quite simple: existing micro and medium scale renewable energy generators who were eligible and who were connected prior to the closure of the feed-in tariff scheme are guaranteed payments under that scheme for an extended period.

MS LE COUTEUR: A supplementary.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Given that the figures I referred to earlier relate only to the feed-in tariff, can you report how many people are currently connecting under ActewAGL's solar buyback scheme?

MR CORBELL: No, I am not able to do that but I am happy to make inquiries of ActewAGL and provide advice to Ms Le Couteur.

MR SPEAKER: Mr Seselja.

MR SESELJA: Minister, can you give the Assembly an update on the large scale solar process?

MR CORBELL: I thank Mr Seselja for his interest in the large scale solar process. The large scale solar project has received a very strong level of interest from consortia who are wanting to bid in the scheme. The government went to an expressions of interest process, the first stage of the auction, earlier this year. We received a very strong level of interest. I am just trying to recall the exact figures now, but certainly over 30 individual proposals had been put forward for access to the large scale feed-in tariff reverse auction.

Those initial bids or expressions of interest are now being assessed by the Environment and Sustainable Development Directorate against the criteria as to whether or not they will be eligible to bid. Members will recall that the government has established a two-stream bidding process. Those parties who are ready to put a best and final offer this year, who have done their due diligence and who have done all of the other assessments they believe are necessary for them, will be invited to make a best and final offer for up to 20 megawatts of the 40-megawatt tranche this year.

Other parties who are assessed as eligible but not yet ready to make their best and final offer will be given the opportunity to do that in the second part of this first tranche auction, the other 20 megawatts, later this year or early next year. At this point in time we are on time in terms of our assessment of the proposals and the proceeding to best and final offer for those entities willing and able to make that bid.

This is a very exciting development for the ACT. We are leading the nation when it comes to the deployment of large scale renewable energy, particularly with the ongoing question marks over the commonwealth's solar flagships.

MS BRESNAN: Supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, what other measures is the government taking or will it be taking to support the continued installation of micro and medium renewable energy systems?

MR CORBELL: The government's policy position on this is quite clear. The government has indicated that its emphasis now in terms of price support is large-scale renewable generation. That is why we are proceeding with the large-scale renewable energy projects I have just been speaking about. The government at this stage has no plans in relation to micro or medium scale generation beyond the existing scheme, which is already operating in place for those who have gained eligibility under it.

Energy—efficiency

MR HARGREAVES: My question is to the Minister for the Environment and Sustainable Development. Can the minister please tell the Assembly what the ACT community can expect from the new energy efficiency programs which will be delivered by electricity retailers in the ACT?

MR CORBELL: I thank Mr Hargreaves for the question. The community will be seeing a range of benefits from the rollout of the government's new energy efficiency scheme as a result of the Energy Efficiency (Cost of Living) Improvement Act which was passed by the Assembly last week. The community will see benefits at an individual level, as ACT residents who choose to participate will see immediate reductions on their power bills, and also for all Canberrans, who will see a reduction in overall energy consumption, which is good in terms of demand management and good in terms of greenhouse gas reduction.

In the lead-up to the start date of 1 January next year, Canberrans will see the first offers to customers being advertised and marketed by ACT electricity retailers. The exact nature of what will be available to ACT consumers is up to retailers as this is a market-based scheme, within the wide range of eligible activities specified under the legislation.

This scheme is new to the ACT but it is modelled on successful schemes in other states, especially the residential energy efficiency scheme, or REES, in South Australia and the Victorian energy efficiency target or VEET scheme. Both have achieved real and substantial savings for participants in terms of their electricity bills, as well as saving hundreds of thousands of tonnes of greenhouse gas emissions.

ACT consumers who choose to take part are likely to first have an energy audit which will identify what sorts of eligible energy efficiency activities might be available to them through their supplier, based on their particular circumstances in their home. They might be offered something as simple as the installation of a "smart power

board" to control standby or active power consumption for nests of computers and other home entertainment equipment. Or maybe they will be offered the installation of a real-time in-home display to help change consumer behaviour. This might be just for electricity or could cover both electricity and gas. These are likely to be at very low or no cost to the consumer.

As I said the energy efficiency measures will reduce bills for Canberrans not just once but on a continuing basis over the life of the installed measures. These provide significant reductions. For example, a rental tenant who installs just one stand-by power controller and a single water-efficient showerhead could achieve savings of $287 per annum for an up-front cost of only $140 after incentives as a result of the scheme.

A homeowner who is assisted by the utility to install insulation and so increase the star rating of their home will generate savings for themselves of around $500 per annum, while increasing the value of their property. Equally a landlord who installs insulation and so increases the star rating of their property increases the rentability of the property and the capital value of their asset, and the tenant makes direct savings on their utility bills.

Of course the exact nature of how electricity retailers will deliver the eligible activities to ACT residents is for the retailers to establish. It is, after all, a market-based scheme. What we do know is that the mix of activities eligible under the legislation will be offered at very competitive pricing and that quite a few will be at a nominal or no cost to participants, whilst saving householders on average about $300 on their electricity bills by the year 2015.

MR SPEAKER: Mr Hargreaves, a supplementary.

MR HARGREAVES: Can the minister provide a brief background please on how low income households will benefit from having improvements to the energy efficiency of their homes?

MR CORBELL: Again I thank Mr Hargreaves. The government has made sure that low income households will be provided with additional incentives to participate in the energy efficiency scheme by the 25 per cent priority household target which the legislation imposes. The retailers will employ targeted marketing campaigns to engage this group of consumers and overcome some of the up-front cost barriers that otherwise act as a real disincentive for low income households to participate.

In Victoria and in South Australia the schemes have been exceeding the targets set for low income earner participation, which means direct, tangible savings for more people who are in that most vulnerable group in our community. Importantly, and it is often overlooked, many of the eligible measures also mean much improved, year-round comfort and amenity for residents, not just measured in dollars but of great comfort and value, therefore, to the individuals concerned.

It is important to note too that these schemes have been strongly supported by electricity retailers and governments of all persuasions. That is contrary to the claims

of the Liberal opposition, who seem not to have read the regulatory impact statement or listened to their Victorian ministerial counterpart who only last week told me that their energy efficiency obligation scheme puts downward pressure on residential electricity prices. They do so by reducing overall demand. That means lower costs for the generation, transmission and distribution network, which of course accounts for more than 70 per cent of electricity prices.

This is very much a Labor scheme, intentionally crafted and directed to benefit the most disadvantaged people on lower incomes. It has been designed so that we get the best result, through allowing marketing decisions to be made by those businesses best able to do so.

MS PORTER: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, can you advise the Assembly what are the benefits of increased energy efficiency to the broader ACT community?

MR CORBELL: Again, I thank Ms Porter for the question. The advantages of the scheme and the broader benefits of increased energy efficiency are very much around first of all reduction in greenhouse gas emissions. Reductions in greenhouse gas emissions make a significant contribution towards meeting our overall emissions reductions targets. This scheme alone delivers three-quarters of a million tonnes worth of abatement over a two-year period, a very significant contribution in the operation of the scheme.

The biggest opportunities when it comes to greenhouse gas abatement are, of course, in energy efficiency and energy conservation. That is why this scheme is such an important step. Energy efficiency reduces demand and therefore lowers costs. As I mentioned in my earlier answer, ACT households get a range of benefits from this scheme, but the greater the reduction in overall demand, the lower the cost to everyone. If we reduce demand, everybody wins, whether they participate in the scheme or not, because it reduces demand on the network, it reduces demand for augmentation, it reduces demand for that augmentation to be met through increases in power prices.

Of course, another advantage to the wider community is that it helps to start the transition from a model that sees utilities making their profit from selling more and more energy to a model that has them selling energy services, which means that the energy becomes an input cost. So their incentive is to reduce that cost by providing goods and services which use less energy, not more. Experience in Victoria and South Australia tell us that residents will take to the scheme with enthusiasm. We look forward to its uptake here in the ACT.

MR COE: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, in your earlier answer you referred to savings that rental tenants—

Mr Hargreaves: Is this a preamble, Mr Speaker?

MR SPEAKER: Get straight to the question, Mr Coe.

MR COE: Is the minister aware that the information he gave was incorrect because the vast majority of rental tenants do not pay water bills?

MR CORBELL: I do not know whether Mr Coe has noticed but when you put your shower on in the morning it is hot, and the reason it is hot, Mr Coe, is that it uses energy—

Mr Coe interjecting—

MR CORBELL: It uses energy, Mr Coe. It uses energy—and where does that energy come from?

Opposition members interjecting—

MR CORBELL: It might come from an old electric hot water system.

Opposition members interjecting—

MR SPEAKER: Thank you, members!

Opposition members interjecting—

MR SPEAKER: Order!

MR CORBELL: I think Mr Coe just has to pay a little bit closer attention to how this scheme actually operates, because, if he did and if his leader had, he might not have asked such a silly question.

Housing—OwnPlace

MR COE: My question is to the Treasurer. Treasurer, the intention of the OwnPlace scheme is to provide affordable houses to first homebuyers. Minister, as has been brought to your attention, there are some OwnPlace purchasers who bought with a put and call option that have been delayed for in excess of a year. What are you doing to address the inequality and financial burden which has arisen with this delay?

MR BARR: I have received some representations in relation to some delays for some who have entered into contracts with particular builders. That, of course, is a matter between those builders and the individuals concerned.

Mr Seselja: It's your scheme.

MR BARR: No, it is not the scheme, Mr Seselja.

Mr Hanson: It's not your scheme?

MR BARR: No, it is not the fault of the scheme. Some of the issues that have occurred relate to contractual arrangements between builders and their clients.

Opposition members interjecting—

MR SPEAKER: Members, thank you. The minister is answering the question.

MR BARR: That is very good advice, Mr Seselja. I look forward to everything that you could possibly do in relation to housing affordability from your cynical perch over there on the opposition benches.

Members interjecting—

MR SPEAKER: Mr Barr, one moment, thank you. Mr Barr, let us focus on the question that has been asked and try to ignore the interjections. Just focus on your answer, thank you.

MR BARR: The government is providing what assistance it can, but we cannot intervene in civil matters between a builder and clients.

MR SPEAKER: Mr Coe, a supplementary.

MR COE: Minister, is it fair that first homebuyers who utilise the OwnPlace scheme should have to pay rates on their land, despite delays in construction of more than a year?

MR BARR: There are allowances and special circumstances that allow for waivers to be provided in some circumstances where hardship is incurred. That opportunity is there for people to avail themselves of.

In relation to delays in building, that is not something the government can take responsibility for. It cannot take responsibility for that, but if there are any individuals in financial hardship, then I, of course, am always open to consider the possibility of waiving fees for those individuals.

MR SESELJA: Supplementary.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: How many OwnPlace blocks have been sold and how many have had completed homes built?

MR BARR: I understand around 1,200, of which 600 are complete, but I will check those figures and if there are more updated numbers I can provide them to the Assembly.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Minister, will you waive the rates for those participants in the OwnPlace scheme who have been forced to wait over a year whilst paying rates where this has been brought to your attention?

MR BARR: I refer the member to my previous answer.

Transport—rail

MS BRESNAN: My question is to the Minister for the Environment and Sustainable Development and concerns the progress of rail projects for and in the ACT. Minister, as you know, a Canberra to Sydney high speed rail route would bring enormous benefit to our city. When compared to other potential sections of a possible east coast network, a Canberra to Sydney high speed rail route would also be the most financially viable with lower building costs and high patronage. Is it the ACT government's position that Canberra to Sydney should be the first stage that is built of any high speed rail east coast network?

MR CORBELL: Yes.

MR SPEAKER: Ms Bresnan, a supplementary question.

MS BRESNAN: Minister, what efforts has the government made to progress the argument that Canberra to Sydney should be the first stage built of any high-speed rail east coast network, including explicitly arguing this case to the federal government?

MR CORBELL: I thank Ms Bresnan for the question. Carriage of this matter is largely held in the Chief Minister and Cabinet Directorate, but given the Chief Minister's absence I will try to answer the question.

The government is represented through representation of officials, with commonwealth officials and officials from other state governments, in relation to this project. Our engagement and consultation with the commonwealth and its officials on this issue are close and ongoing. The government continues to reiterate its position that we see the link to Canberra as a vital part of any high-speed rail project that the commonwealth will commit to. And obviously we indicate that we believe a connection to Canberra should be the first stage of any project.

There is a range of options open to the commonwealth through the feasibility assessment that it is looking at. One is what is known as a through-station where Canberra has a station as part of a link between Canberra and Melbourne. The other is where Canberra acts as a terminus station, effectively on a spur from the main Sydney-Melbourne line. Both of these options are under close consideration through the process that the commonwealth minister, Mr Albanese, has announced. We remain closely engaged with the commonwealth and its officials in terms of their consideration of this matter and the views of the territory and indeed the other states with an interest in it.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, regarding the potential for light rail in Canberra, are the only financing options that you are examining ones that require federal funding, or are you looking at how the ACT could progress light rail itself?

MR CORBELL: Both, Mr Speaker.

MS HUNTER: A supplementary.

MR SPEAKER: Ms Hunter.

MS HUNTER: Minister, have you had any conversations or have you engaged in any way with the New South Wales government on improving regional rail services, such as the line from Canberra to Bungendore, or even looking at the closed line from Canberra to Cooma?

MR CORBELL: Discussions when it comes to engagement with the region are the responsibility of the Chief Minister. I would need to take the question on notice and seek some advice from her.

Visitor

MR SPEAKER: I wish to acknowledge the presence in the public gallery of a former member of this place, Mr David Lamont, and I welcome you back to the Assembly.

Questions without notice

Art—public

MRS DUNNE: My question is to the Minister for the Arts. Minister, on 29 March this year in answer to a question from Mr Seselja you said:

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

Minister, did you use that quote, which was in fact misquoted, to validate the point that you were making in answer to your question to Mr Seselja?

MS BURCH: You did verbal me and I think that was the second week in a row that you, I think, misquoted me, Mrs Dunne. I do not have *Hansard* in front of me. I will answer the question, Mrs Dunne. I do not have *Hansard* in front of me. I do not have the quote which I was using from the *Canberra Times* by a local—I think he is a local—commentator about his views of the benefits of public art.

Mrs Dunne, without that in front of me I cannot say whether you are right or I am wrong. But let us be very clear that we support public art and let us be clear that you do not support public art, Mrs Dunne. You are very much on record—

Opposition members interjecting—

MS BURCH: Mr Hanson has quoted across the chamber to ban all public art.

Mrs Dunne: Point of order, Mr Speaker.

MR SPEAKER: Yes.

Mrs Dunne: My question was explicit: did the minister use the quote in support of her arguments in favour of public art?

MR SPEAKER: Minister, can we focus on the question and not what Mrs Dunne or Mr Hanson may think of public art, thank you.

Mr Hanson: What do you allege I said?

MS BURCH: You, across the chamber, said, "Ban all the public art."

Mr Hanson: When?

MS BURCH: I could go to *Hansard* and find that for you.

MR SPEAKER: Members! Ms Burch, if you could focus on the question.

MS BURCH: It was captured.

Mr Hanson: Otherwise come back in this place and apologise.

MR SPEAKER: Mr Hanson, thank you. Ms Burch is going to answer the question.

MS BURCH: I think the roundabout question from Mrs Dunne was: was I making reference to that article to support the benefits of public art? Is that the question, Mrs Dunne?

Mrs Dunne: Yes.

MS BURCH: Yes, and I think the answer is yes; I have not stepped away from this government supporting public art.

MR SPEAKER: Mrs Dunne, a supplementary.

MRS DUNNE: My supplementary question is: minister, what research has the government undertaken to establish whether and to what extent public art increases property values and will you table that research? If the assertion in your misquotation is not supported by research, why did you use the quotation?

MS BURCH: I did use that quote to underline the benefits of public art to the community. I do not think anyone needs research to understand that public art brings a benefit to the amenity and the benefits of the community, both in built form and in social form. In fact, I am sure that is what Mr Seselja did when he opened the public art at the Village Building Co compound in north Canberra.

MR SPEAKER: Supplementary question, Mr Seselja.

MR SESELJA: Minister, how much will land values go up in Kambah as a result of the new bogong moth on Drakeford Drive?

MS BURCH: If Mr Seselja was listening to that answer he would be clear that I have said no amount of research that will underpin the value of public art across the broader community. Socially, in terms of amenity—

Opposition members interjecting—

MS BURCH: If you want to bring that argument to say because people like public art, and I used a quote out of the *Canberra Times*, and you want to drag that across to increasing property prices, that is the most ridiculous—

Opposition members interjecting—

MR SPEAKER: Order, members! Minister Burch, address your remarks through the chair, thank you.

MS BURCH: Pardon me?

MR SPEAKER: Address your remarks through the chair, thank you.

MS BURCH: I will, Mr Speaker. I made reference to an article that supported a view of support for public art. Those opposite do not support public art. In fact, Mrs Dunne is calling for the end of a project that ended a number of years ago. We have Mr Hanson saying, "Ban all public art." Mr Seselja now is coming in with this sort of weird line to say that because they have made reference to somebody supporting public art, and his views—

Mr Smyth: You quoted it to support your argument.

MR SPEAKER: Thank you, Mr Smyth.

MS BURCH: Because that argument is around supporting public art. If Mr Seselja is trying to join the dots between that and property values, did he ask the question when he opened that public art on behalf of the Village Building Company: will this unveiling by my hands impact those families?

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: My question to the minister is: did the property values in Gowrie go up when Mr Seselja moved out of it and took his public art with him?

Mrs Dunne: On a point of order, Mr Speaker, again this is an abuse of the supplementary questions to try and protect a minister from having to answer questions. Mr Hargreaves has asked a question which is clearly out of order and does not relate to the principal question as a means of using up one of the questions.

Mr Hargreaves: Mr Speaker, there were two phrases used in all of the questions preceding mine. One was "property values" and the other was "public art". I used both of those in my question.

MR SPEAKER: The question is clearly out of order, Mr Hargreaves, and I remind you to ask questions that are actually within the scope of the minister's responsibility. Mr Doszpot has a further question without notice.

Education—English as a second language review

MR DOSZPOT: Mr Speaker, my question is addressed to the minister for education.

Opposition members interjecting—

MR SPEAKER: Order! I cannot hear Mr Doszpot. Please, he is your own colleague. Mr Doszpot, would you start again.

MR DOSZPOT: Minister, in response to a motion passed in the Assembly in March, the government committed to review ESL/EALD programs in schools, and the report was tabled last week. Given the numbers of students—over 50 per cent—falling below the average language performance rating of a native English speaking student, what plans does the government have to address this gap?

DR BOURKE: I thank the member for his question. The government continues to prioritise the needs of English as an additional language of dialect students. Each year funding for the students continues to increase progressively and has done so for the last five years. Over the last two years funding has also been reallocated to ensure more students receive support.

On top of that, last year an additional $245,000 of funding was allocated to the ESL staffing budget from within the directorate budget. This supplements the system-generated allocation and the 2008 ACT government election commitment of $3.144 million over four years.

MR SPEAKER: A supplementary, Mr Doszpot.

MR DOSZPOT: Minister, how has this ESL funding kept pace with the increased enrolments on a per student basis and will the ESL action plan time lines be met in respect of this strategic priority?

DR BOURKE: Yes, I appreciate that we have seen a 20 per cent increase in the number of funded students from over two years ago. And it is not just individual face-to-face hours that we are increasing funding to. In the last year we have opened a new primary introductory English centre to cater for demand, and we remain committed to building staff capacity to continue addressing the needs of students.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: The minister threw me with his sudden end. Minister, given the increase in the number of teaching positions, what additional resources are provided by the directorate to assist ESL-EALD teachers?

DR BOURKE: There is a range of diverse supports to support these students. They range from intensive support at the introductory English centres which I just talked about at the primary and secondary level through to expert one-on-one support from specialist English as an additional language or dialect teachers.

Mr Seselja: Point of order, Mr Speaker.

MR SPEAKER: One moment, Minister Bourke. Stop the clocks.

Mr Seselja: The minister appears to have misunderstood my question. The question was in relation to assistance to teachers. He might address the actual question.

MR SPEAKER: Perhaps that clarification assists, minister.

DR BOURKE: Thanks, Mr Speaker. I was just about to get to that bit. There is also the provision of a range of EALD professional learning courses for teachers. This ensures that staff are properly trained and qualified and can continue to meet the needs of students.

Schools—asbestos

MR HANSON: My question is to the minister for education. Minister, how often are hazardous material survey and management plans initiated for ACT public schools?

DR BOURKE: The Education and Training Directorate progressively undertakes building condition assessments of all ACT public schools and these are undertaken over a three-year rolling program.

MR SPEAKER: Mr Hanson, a supplementary.

MR HANSON: When reports are published with recommendations for removal as soon as practicable, is there any time limit on what that realistically means?

DR BOURKE: I am advised that high risk materials or areas are classified at the 1A or 1B level, which means that they are rendered safe immediately and then progressively fixed over a six-month period.

MR SPEAKER: A supplementary, Mr Doszpot.

MR DOSZPOT: Minister, given that there are upwards of 25 schools that have reports with recommendations for action as soon as practicable and that the reports are up to five years old, what assurances can you provide that at least the older issues have been addressed?

DR BOURKE: It is simply not appropriate to report on every nail or every screw that has been placed in an ACT school, in each and every one of our 84 schools. This is maintenance work which occurs in every school every day, every week.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, have financial resources been set aside to deal with the removal of asbestos that has been identified through these asbestos management plans that you provided to us recently?

DR BOURKE: Yes.

Industrial relations—long service leave

MS PORTER: My question is to the Minister for Industrial Relations. Given a recent media report of an intention to wind back the provision of long service leave to ACT workers, can the minister advise the Assembly of the origins of long service leave and its ongoing relevance today?

DR BOURKE: I thank the member for her question and acknowledge her long contribution to industrial relations in the territory.

Australia has moved on from the days of the First Fleet and colonisation that the opposition appear willing to take Canberra workers back to. Long service leave has its origins—

Mr Coe: A point of order, Mr Speaker.

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

Mr Coe: I ask that the minister be directly relevant to the question.

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

MR SPEAKER: Yes.

Mr Hargreaves: "Can the minister advise the Assembly of the origins"—that is the salient part of the question.

MR SPEAKER: Yes, at this point there is no point of order. Minister Bourke, you have the floor.

DR BOURKE: Long service leave has its origins in 19th century Victorian—

Mr Hanson interjecting—

MR SPEAKER: Thank you, Mr Hanson.

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, thank you.

DR BOURKE: and South Australian civil service legislation.

Mr Hanson interjecting—

MR SPEAKER: One moment.

DR BOURKE: What the opposition spokesperson did not mention—

MR SPEAKER: Dr Bourke, one moment thank you. Stop the clocks. Mr Hanson, I just asked you to stop interjecting and you immediately interjected again. You are now on a warning.

DR BOURKE: What the opposition spokesperson did not mention is that long service leave was arbitrated by the Commonwealth Conciliation and Arbitration Commission in 1964. The ACT Long Service Leave Act was enacted in 1976.

Time does not alter the value of long service leave to hard-working Canberrans. The Canberra Liberals believe long service leave is redundant. According to their shadow industrial relations spokesperson's extraordinary statement on Tuesday, "it is dubious to think that workers remaining in an industry, let alone a single employer, should be able to accumulate long service leave". Can the Canberra Liberals assure us they reject the views of the industrial relations spokesperson? Is it Canberra Liberals policy to abolish long service leave?

Opposition members interjecting—

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

MR SPEAKER: One moment Dr Bourke, thank you. Mr Hargreaves on a point of order.

Mr Hargreaves: Quite clearly those opposite have ignored your ruling, particularly Mr Hanson, who was just laughing and interjecting quite significantly. Can you please remind him of the ruling.

MR SPEAKER: Order members! It is very difficult when Dr Bourke is doing his best to stir up the members of the opposition. Dr Bourke, perhaps you could comment more on your own views on industrial relations and less about those of the Liberal Party.

DR BOURKE: Perhaps those opposite can assure us that long service leave of Canberra public servants is not in danger. What about the long service leave of our teachers, our nurses and emergency service workers? Is their long service leave dubious or redundant? We live in a society that values the contributions of all working people, whether they are employers or workers. We live in a society that values families and a society—

Mrs Dunne: A point of order, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

Mrs Dunne: Relevance. The question was about the origins of long service leave and not the views of the opposition or whether or not particular employees' long service leave would be at risk.

MR SPEAKER: Yes, I did ask Dr Bourke to focus on long service leave. When you just intervened, Mrs Dunne, I think he had actually got on to his own views on long service leave, so at this point there is no point of order. But we will stay away from the Liberal Party's views on long service leave, thank you, Dr Bourke.

Mr Smyth: It was about the history of it. We've got no history.

MR SPEAKER: History and policy, I think.

DR BOURKE: When I was an employer I valued the opportunity to provide to my employees long service leave. In fact one of them stayed long enough for a second go. Long service leave has been a cornerstone of workplace arrangements since the 50s. The long service leave arrangements are as relevant today as the minimum wage, reasonable work hours, public holidays and annual leave.

At the same time that Canberra workers enjoy these benefits, I also welcome today's news that unemployment in the ACT has dropped to 3.3 per cent from 3.4 per cent last month, and from 3.8 per cent a year ago. To suggest that long service leave is redundant or dubious is a ridiculous notion.

Mr Hanson: Mr Speaker, on a point of order, he again directly inferred that Mrs Dunne had made statements. He was directly referring to what the Canberra Liberals' statements might have been. You have advised him not to. Dr Bourke this week has continually refused to—

MR SPEAKER: Mr Hanson, what is your point of order?

Mr Hanson: It is a point of order on relevance and also I am just seeking your advice because he has continually refused to answer questions. He has continually been out of order when it comes to relevance. At what point do you warn a minister to be relevant to answering questions and to directly answer questions? You are quite willing to warn members of the opposition for interjecting but when members of the executive—

MR SPEAKER: Thank you, Mr Hanson.

Mr Hanson: refuse to answer questions—

MR SPEAKER: This is not a point of order. Sit down, Mr Hanson. This is an opinion, not a point of order. Ms Porter, a supplementary question.

MS PORTER: Minister, can you advise the Assembly why the government has been so progressive in establishing portable schemes for long service leave?

DR BOURKE: The ACT Labor government is proud of our commitment to long service leave for our public servants and our efforts to extend it to other Canberra workers, such as security guards and community workers, unlike the opposition. The opposition is clearly unaware that major structural change in Australian industries is moving employment to the service industries. Technology has transformed the very nature of work, and new industries have emerged to replace jobs that no longer exist. The pace of this change is increasing every decade.

The era of one job and one company for life has all but disappeared. Most young workers now and all workers in the future will have several career changes in their working lives. They will also have shorter working lives relative to the length of their lives. The trend is now towards non-standard working hours and variable working patterns which include casual, part time, job sharing and contract work. There has been an increase in self-employment.

It has become necessary for a large number of workers to develop a portfolio of skills that can be adapted to different working environments and across industry boundaries. It is for these reasons that we have been so progressive. We have been willing to think outside the box to ensure the objectives of long service leave are met and that workers receive their full entitlements.

As I have said, unlike the opposition, this government will not walk away from its responsibilities to ensure fairness to all workers in the ACT. We do not believe long service leave is dubious or redundant.

MR HARGREAVES: Supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Can the minister advise the Assembly of the numbers of workers in the ACT who would benefit from portable long service leave schemes, without consulting Wikipedia?

DR BOURKE: I thank the member for his question. The ACT construction industry portable long service leave scheme is in its 31st year. The scheme started on 1 October 1981 in conjunction with the commencement of the new Australian Parliament House project. The scheme was designed to ensure that workers in the construction industry, who generally move from one project to another, could accrue a long service leave entitlement throughout their career. Without such a scheme, many construction workers would never fulfil a normal requirement of long service leave, working for a single employer.

The ACT leads the country in the protection of long service leave for workers in high mobility occupations while ensuring portability of their benefits. Currently the construction scheme has registered over 5,068 employers since inception and has 1,497 active employers and 22,059 active employees, of which 13,435 are currently registered on employer returns. Since its inception, it has made 11,497 long service payments totalling $61 million. The cleaning scheme has registered over 270 employers since its inception and has 88 active employers. There are some 5,263 active employees, of which 3,877 are currently registered on employer returns. Since its inception it has made 852 long service leave payments, totalling $2.1 million.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, given your commitment to portable long service leave, why did you not support the Greens amendment to bring in portable long service leave for the security industry on 1 October this year rather than 1 January next year?

DR BOURKE: I thank the member for her question. Allow me to reiterate the points I made in the debate the other day, which I am sure the member was listening to or could refer to in *Hansard*. I will go through them anyway.

Firstly, there needs to be an actuarial report on the appropriate levy. This needs to have work done with the industry to determine the nature of the employment and the employees. Secondly, there needs to be discussion with the industry and awareness raising about the implementation of the scheme.

Mr Barr: With great relief, I ask that all further questions be placed on the notice paper.

Supplementary answer to question without notice

Roads—pedestrian crossings
Housing—OwnPlace

MR BARR: Mr Speaker, Mr Seselja asked me a question in question time earlier relating to the timing of pedestrian crossing sequences. I have received some advice from the very efficient team in Territory and Municipal Services that, yes, they certainly are able to look at particular crossings on a case by case basis. I understand Mr Seselja referred to one particular crossing in his question. If there are any others

he would like to refer to TAMS for investigation to potentially extend the length of time, we are very happy to do that.

I also was asked a question—I think it was a supplementary—by Mr Seselja in relation to the number of OwnPlace properties. I apologise to the Assembly that the numbers I provided were for the land rent scheme, of which 600 had settled and 600 were exchanged. The numbers for OwnPlace are 454, of which 293 are complete, 106 are under construction and 55 are scheduled to commence construction this year.

Personal explanation

MRS DUNNE (Ginninderra): Mr Speaker, I have a matter arising out of question time. I am not quite sure how to deal with this, but perhaps if I use standing order 46 it will be easier. I seek leave to make a statement under standing order 46.

MR SPEAKER: Yes. Are you claiming to have been misrepresented, Mrs Dunne, or what is the—

MRS DUNNE: Yes, I am.

MR SPEAKER: Okay. Thank you.

MRS DUNNE: In question time again today Ms Burch claimed that I had verballed her. I seek leave to table, for the information of members, after I read it, page 9 of *Hansard* of 29 March where Ms Burch said:

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

I also seek leave to table, for the information of members, the article from page 9 of the *Canberra Times* of 27 March, from which Ms Burch attempted to quote, by Mr Philip Nizette, who is a landscape architect. He said:

> … Public art can express our cultural identity and values; build a sense of place and ownership; stimulate thought and dialogue; humanise urban spaces; educate and inform; improve well-being and healing in a health care setting; increase property values and sales; stimulate tourism and local economic development.

Leave granted.

MRS DUNNE: I table the following papers:

> Public art—
>
> Extract from *Hansard*, dated 29 March 2012.
>
> Copy of article from The Canberra Times, dated 27 March 2012.

Supplementary answer to question without notice
Communication and social awareness playgroups

DR BOURKE: Ms Hunter asked me a question during question time about the communication and social awareness playgroup. I can advise Ms Hunter that I have received a letter about the issue and a response will be sent shortly.

Art—public

MS BURCH: During question time I was asked to confirm Mr Hanson's comment, and I refer to the *Hansard* of 29 March:

> We are very consistent. Ban all public art.

That was from Mr Hanson on 29 March in *Hansard*.

Financial Management Act—instruments
Papers and statement by minister

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

> Pursuant to the Financial Management Act 1996:
>
> > Pursuant to section 16, an instrument directing a transfer of appropriations from the Justice and Community Safety Directorate to the Chief Minister and Cabinet Directorate, including a statement of reasons;
> >
> > Pursuant to section 16A, an instrument authorising appropriation for payment of accrued employee entitlements within the Justice and Community Safety Directorate, including a statement of reasons;
> >
> > Pursuant to section 16B, an instrument authorising the rollover of undisbursed appropriation of the Treasury Directorate, including a statement of reasons; and
> >
> > Pursuant to section 19B, an instrument varying appropriations related to the Local Government Reform Fund—Territory and Municipal Services Directorate, including a statement of reasons.

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

Leave granted.

MR BARR: As required by the Financial Management Act 1996, I table a number of instruments issued under sections 16, 16A, 16B and 19B of the act. Advice on each instrument's direction and a statement of reasons must be tabled in the Assembly within three sitting days after it is given.

Subsections 16(1) and 16(2) of the FMA allow the Treasurer to authorise the transfer of appropriation for a service or function to another entity following a change in responsibility for that service or function. This package includes one instrument authorised under section 16. This instrument facilitates the transfer of $483,000 in net costs of outputs appropriation from the Justice and Community Safety Directorate to the Chief Minister and Cabinet Directorate associated with the transfer of the ACT Ombudsman. This transfer is budget neutral.

Section 16A of the act enables the provision of an additional appropriation to an entity for the payment of accrued employee entitlements that are in excess of the amount approved for the financial year, by direction of the Treasurer. This package includes one instrument authorised under section 16A of the act and this instrument allows for $429,000 for employee entitlements to be paid by the Justice and Community Safety Directorate during the 2011-12 financial year for which it did not have funding. The appropriation is being passed on as a capital injection appropriation.

Section 16B of the act allows for appropriations to be preserved from one financial year to the next as outlined in instruments signed by me as Treasurer. This package includes one instrument signed under section 16B. The appropriation being rolled over was not disbursed during 2010-11 and is still required in 2011-12 for the completion of the projects identified in the instrument.

The instrument authorises a total of $23.461 million in rollovers for the Treasury Directorate comprising $47,000 in net costs of outputs and $23.414 million of territorial capital injection. These rollovers have been made as the appropriation clearly relates to project funds where commitments have been entered into but the related cash has not yet been expended during the year of appropriation or where expected increased activity necessitates that undisbursed funds will be required in a subsequent year.

Section 19B of the act allows, by the direction from the Treasurer, for an appropriation to be authorised for any new commonwealth payments where no appropriation has been made in respect of those funds. This package includes one instrument authorised under section 19B. This instrument provides for $207,600 in net cost of outputs appropriation funding from the commonwealth for the local government reform fund. The increase in appropriation will be provided to the Territory and Municipal Services Directorate for the development of an asset and financial planning management framework.

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

Paper

Mr Corbell presented the following paper:

ACT Criminal Justice—Statistical Profile 2012—March quarter.

Lake Burley Griffin—watercourses and catchments
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:

> Commissioner for the Environment Act, pursuant to section 22—Commissioner for Sustainability and the Environment—Report on the state of the watercourses and catchments for Lake Burley Griffin—
>
> > Part 1. Report, dated April 2012, including CD of Summary and Recommendations, Report and Appendices.
> >
> > Part 2. Appendices, dated April 2012.
> >
> > Part 3. Submissions, dated April 2012.

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

Leave granted.

MR CORBELL: In line with the resolution of the Assembly of 30 March 2011, as amended by the Assembly on 25 August 2011, which required the Commissioner for Sustainability and the Environment to investigate the state of watercourses and catchments for Lake Burley Griffin and to report to the Assembly by the last sitting day in May this year, I am pleased to table in the Assembly today the commissioner's report on the investigation into the state of watercourses and catchments for Lake Burley Griffin.

The commissioner is to be congratulated for a wide and thorough review of the issues affecting our waterways and catchments. The commissioner has made 17 recommendations and the government will be considering these in detail in preparing a detailed response to the report.

Some of the recommendations relating to Lake Burley Griffin will involve significant contribution from the commonwealth, as that lake is the responsibility of the commonwealth under the national capital plan. The government is committed to working closely with the NCA to address the issues identified for Lake Burley Griffin while recognising the commonwealth's funding and management responsibilities for that waterway.

The report identifies the need to engage with all the levels of government that have responsibility over our waterways that feed into our lakes. That consultative work will build on the positive contributions the commonwealth and local government areas in New South Wales have already made to findings of the report. In some cases action can be taken immediately and I have asked:

- the Environment Protection Authority to work closely with ACT Health to address the issue of prompt notification of the lake's reopening after being assessed as meeting the appropriate health standards;

- Actew to address the issues identified in relation to the possible leakages from ageing sewer pipes; and

- the EPA to work with Queanbeyan City Council to further review the authorisation of the city's sewage treatment plant to ensure the treatment matches contemporary best practice standards.

The EPA has continuing responsibility for enforcing pollution issues where standards have been breached. The current review of the Environment Protection Act will ensure standards applied in the ACT meet national guidelines as recommended by the report. We will be working under the catchment management structures to review the standards and ensure that they meet national guidelines as recommended by the report.

It is important to note that the commissioner has identified significant scope for Canberrans to take individual responsibility for actions that do impinge on the quality of water in our lakes. These include:

- the excessive use of fertilisers which can be easily addressed by gardeners following manufacturers' directions on application levels to reduce run-off of nutrients into the lakes;

- sewage and other spills should be immediately reported to the utilities or to Emergency Services;

- to reduce vegetation matter collecting in the lakes, leaves can be collected and used for mulch rather than swept into street gutters to wash into the lakes and exacerbate oxygen depletion as they decompose; and

- excrement by pets should be collected and properly disposed of rather than left to wash into waterways and ultimately into our lakes.

Catchment management is a complex issue, as identified in the report. We will shortly be addressing a new catchment management focus following the review of think water, act water. In the meantime, the government has addressed recommendations made by Professor Gary Jones by making catchment management a specific responsibility within the Environment and Sustainable Development Directorate.

The government is implementing improved coordination on catchment management and a review of our monitoring and reporting arrangements across the catchment to ensure that we can better identify where standards are not being met in our waterways. The government will then be moving on the information provided through enhanced monitoring to identify the actions needed to address the specific requirements of the different waterways.

The commissioner's report makes a significant contribution to our understanding and planning on how this work can be implemented. I would like to thank the commissioner, Mr Neil, and his staff and advisory members who contributed to this report. I commend it to the Assembly.

Environment—climate change
Discussion of matter of public importance

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

> The importance of evaluating the ACT's performance in delivering climate change initiatives.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (3.13): I am very glad to be able to bring this matter of public importance to the Assembly today. The Greens are highly committed to ensuring that the ACT takes strong and ambitious action on climate change. It was in this spirit that we decided to conduct an assessment of the government's progress on their first climate change strategy, weathering the change action plan 1.

Given that the government is currently finalising its second weathering the change action plan, we felt it particularly timely to reflect upon the first plan and to draw out key lessons that might help inform the development of action plan 2. Although we found significant shortfalls in meeting the commitments undertaken in action plan 1, we do wish to acknowledge the complexities of, and many challenges inherent in, responding to climate change as a whole. I must note that our assessment was never intended to rate the government's progress on climate change as a whole but rather to evaluate their progress on the 43 actions committed to under action plan 1.

Taking strong action on climate change takes time. The Greens have been vocal in emphasising the urgency of taking strong action on climate change, but do not believe that this urgency justifies quick fixes or short cuts. Similarly, we understand that the outcomes of action on climate change are seldom instantaneous. Given the sentiments conveyed in their recent attacks on the Greens and the government, this is not something I think the Canberra Liberals appear to have grasped.

Returning to the details of the report card itself, I would first point out that in assessing the government's progress we encountered a series of obstacles. These included that few of the actions were measurable in terms of the level of abatement they delivered, many actions were already underway before action plan 1 was released, and multiple actions were double-counted due to a sometimes porous delineation between the four categories into which the plan was divided.

Further complicating the plan's evaluation was the inability to evaluate the level of overall abatement it delivered. This was in part due to the aforementioned lack of measurable actions but also the time lag currently inherent in collating the ACT's annual greenhouse gas inventory. Consequently, we currently have data only for half of the plan's implementation period and due to the lack of measurable actions cannot confidently associate any positive trends with the plan itself.

That said, we can conclude that little to no abatement has been delivered under action plan 1. Emissions in the ACT have grown by 31.7 per cent since 1990. Indeed, the latest state of the environment report indicates that emissions grew by seven per cent from 2005-09. Whilst emissions dropped by 2.9 per cent in the first year of the plan, they continued to grow by 1.3 per cent in 2008-09. The state of the environment's findings that the ACT's per capita carbon footprint and urban footprint both grew rapidly suggests this emissions growth is likely to have continued into the second half of action plan 1. In fact our calculations revealed that the trajectory set by action plan 1 would actually have resulted in a net increase in emissions by 2020.

The Greens believe that the bedrock of a rigorous climate strategy is measurable abatement targets and goals. Due to the limitations in the design of action plan 1 and the weaknesses identified in its delivery, which I will elaborate upon later, we did have a score of 48 per cent that was arrived at for the government's overall performance.

We hope that this assessment will provide the government with food for thought as it finalises action plan 2. As their own advice from Pitt & Sherry pointed out in July of last year, it is still technically feasible to achieve a 40 per cent reduction within the next eight years. However, to do so the measures set out in action plan 2 must be highly integrated, specific, measurable and ambitious.

I would now like to turn to the substance of the report card. To summarise our analysis of every action point would take too long. Therefore, I have selected a cross-section of illustrative points, both positive and negative, from each of the plan's four categories. First of all, I turn to category 1, which is being smarter in our use of resources.

One of the positive examples from this section was the commitment to develop a park-and-ride strategy. The government has now completed feasibility and concept design studies and a number of new sites, including at Mawson and EPIC, have been constructed in fulfilment of the Labor-Greens parliamentary agreement. It is promising to see that further sites are currently in planning. The Greens look forward to further promotional work being undertaken to ensure this beneficial amenity is made widely known to the ACT community.

A disappointing example from this category was the goal to pursue carbon neutrality in government buildings. This action is behind schedule and an October 2010 audit of government agencies' environmental performance conducted by the sustainability and environmental commissioner found that only one agency had a dedicated resource management plan for achieving carbon neutrality.

Lack of action in this area is particularly concerning given Pitt & Sherry's recent finding that the commercial building sector is the ACT's largest source of emissions. This action is further constrained by the current lack of resources for accurately measuring progress. However, it is promising to see that the government is working to improve this through the development of a whole-of-government reporting system.

A further unfortunate example from category 1 was the commitment to replace the ACTION bus fleet with CNG vehicles. Whilst CNG vehicles generate fewer emissions than regular vehicles, they are less efficient than hybrid vehicles. Performance aside, this measure was well underway before action plan 1. Yet at the current rate of 70 vehicles replaced in the past 10 years, it would take 50 years to replace the entire fleet.

I turn to category 2, designing and planning our city to be more sustainable. Overall, this category ranked the lowest, an evaluation which is borne out by a finding in the latest state of the environment report on the rapid and in many cases poorly regulated growth of the ACT's urban footprint over the period of the plan's implementation.

A success under this section was the commitment to double new homeowners' financial entitlements to trees and shrubs, which was increased from $110 to $220 in 2008. Whilst a positive achievement, it should be noted that such a measure is relatively soft in terms of its overall contribution to mitigating climate change.

A negative example from this category was the commitment to mandate greenhouse-friendly options for new dwellings. The government not only failed to act on this measure but it actively opposed the Greens' efforts to phase in energy-efficient hot-water systems in existing homes. They also attempted to block mandatory hot-water efficiency standards for new homes. However, this legislation was eventually passed by the Greens and Liberals in 2010.

The government has also not taken appropriate measures to fulfil its commitment to integrated land use and transport planning. Although a great deal of academic effort has been expended, little practical action has been initiated. The government is currently pursuing 72 per cent of all its development on greenfield sites and urban sprawl—nine per cent in the past four years according to the 2011 state of the environment report—the prioritisation of private car travel continues under existing policies. From 2007 to 2011 the government built approximately 100 times more roads than transit and bus lanes. Consequently, the ACT is now the only Australian jurisdiction to have increased its average private passenger vehicle kilometres and transport currently accounts for almost a quarter of our emissions.

According to category 3, adapting to climate change, a success in this category was the progress made to protect sphagnum bogs. Bogs are highly vulnerable to climate impacts, play a critical role in regulating groundwater and provide habitat for endangered alpine species. Under the plan $50,000 was allocated for restoration and maintenance of these precious natural resources. That said, the funding is due to expire soon and experts report that the current monitoring program is, indeed, under review to ensure that future climate impacts can be managed.

The government performed particularly poorly in pursuing their commitment to protect areas of high conservation value. It was found that recommendations from a series of key reports, including the Commissioner for Sustainability and the Environment's grasslands investigation and the lowland woodland conservation strategy, were often ignored and that no new areas have been protected since weathering the change was released, other than for offsetting. Further complicating the situation is that neither the Assembly nor the public have been made privy to or consulted in the development of the ACT's offsets policy which, we are told, is currently under development.

Similarly troubling was the action to plant one million new trees. The latest count, as of 2011, was 741,000. However, 17 per cent of these were found to be shrubs whose sequestration potential is much lower than that of trees. The target includes planting programs that were underway prior to action plan 1. It is also unclear whether the arboretum plantings are included in this target. Repeated requests by the Greens for information from the minister has yielded little clarity on this point.

Finally, category 4, improving our understanding of climate change, rated the most favourably of all and included two actions which we felt worthy of full marks. One of these was the commitment to implement sustainability in schools. Through the Australian sustainable schools initiative, sustainability curriculum packages were introduced to all ACT schools in 2007. An independent evaluation conducted in 2010 revealed glowing results from this initiative including a 94 per cent satisfaction rate amongst teachers, multiple benefits reported by students and staff and many practical resource management achievements. Given these positive results, the Greens strongly hope that the federal government will commit ongoing funding to the AuSSI program.

Another successful action was the government's undertaking to partner with institutions to encourage climate change research. The government has commissioned a series of ANU research projects, awarded grants to the ANU Climate Change Institute and provided a bursary to the ANU's Fenner School of Environment and Society. Unfortunately, this category also included some poor outcomes, in particular the commitment to undertake a carbon sequestration audit.

Whilst it was completed in 2009, the audit's recommendations appear not to have been followed. We could find no evidence that the recommended research plots were established and the chipping of removed trees is still common TAMS practice, despite the ANU warning that this releases carbon at a much greater rate than in non-chipped wood. An analysis of the remaining weathering the change actions can be found in our full report which is available on the ACT Greens website.

In conclusion, it is hoped that this assessment will provide the government with food for thought as it finalises weathering the change 2. Far from this being an exercise in unnecessarily dredging up the past, it is intended to ensure that the way forward will be more ambitious and deliver stronger action on climate change in the ACT. Our evaluation reveals that action plan 1 delivered only quite timid first steps. We now need action plan 2 to deliver giant leaps to take us towards a sustainable and prosperous future.

The Greens look forward to working with the government to ensure that action plan 2 will deliver this future by building on the strengths and learning from the weaknesses of action plan 1, incorporating only the most proven and effective mitigation and, where necessary, adapting strategies and ensuring that the foundation measures of the plan are highly specific and measurable.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (3.25): I thank Ms Hunter for raising this matter of public importance today. Greenhouse gas emissions are changing Australia's climate and it is critical that governments at all levels adopt prudent and effective policies that reduce our emissions and ensure the welfare and continued competitiveness of our communities in our transition to a carbon constrained future. I will not go through the implications of climate change for Australia. They are well understood, or should be.

But in relation to our region, these changes are projected to result in higher maximum and minimum temperatures, which will bring about a range of impacts, including changes to the location and timing of rainfall, changes to bushfire regimes, increased evaporation and adverse effects on population health, particularly among the very young and very old.

Consistent with global change, by 2050 the climate of the ACT and surrounding region is certain to be hotter, with a likely increase in rainfall in the summer and a decrease in the winter. Changes in the timing of rain events will affect run-off and stream flows, which are likely to decrease in spring and winter and increase in summer. Snowfall is also likely to decrease.

Increasing temperatures, loss of snow cover and changes in water availability, rainfall seasonality, drought and fire are very likely to cause widespread changes to some natural and semi-natural ecosystems in and around the ACT. The challenges posed are therefore obvious and require concerted action to avoid serious consequences and to adapt to those that are certain to occur.

The government is committed to responsible and long-sighted action to transition the ACT towards being a carbon neutral city that can adapt to a changing climate. According to the latest greenhouse gas inventory, the ACT is responsible for around one per cent of Australia's national emissions. This includes emissions from energy generation that we consume but which is generated outside our border.

We have high per capita emissions despite our overall contribution to the Australian economy, and the residents of the ACT also expect leadership on the issue of environmental management and sustainability. This was affirmed in feedback the government received through the time to talk Canberra 2030 process where Canberrans indicated a commitment to decisive action on climate change.

These conversations have illustrated that Canberrans have a firm understanding of the complexity of climate change issues and the need for climate change to be a key consideration in the effective management of the ACT's energy and water resources, along with the need to ensure efficient and diverse housing and integrated transport and land use.

Following considerable community discussion in November 2010, the Assembly enacted the Climate Change and Greenhouse Gas Reduction Act. Members would be familiar with the targets established in that act. These targets require an ambitious program of improving energy efficiency combined with new investments in low carbon and renewable energy infrastructure, a program that the government intends to release this year through weathering the change action plan 2.

Action plan 2 is being developed in a different context to action plan 1. We now have a national carbon price which both unlocks potential investments and requires more attention be paid to matters of policy complementarity and environmental additionality. The actions this government will set out to meet our emissions reduction targets respond to these changes: building on international experience, adopting emerging technologies and learning from the implementation of our policies to date. The development and implementation of action plan 1 provided valuable lessons for the government and the community and we will build on these experiences to ensure a continued and further achievement into the future.

The ACT also knows that while addressing climate change is of importance, it is essential that our actions are considered, cost effective and have real and measurable outcomes for the community, with these being key principles underpinning the government's response to the issue.

An example of the government's commitment to the principles I have just outlined is the development of the energy efficiency improvement scheme with the legislation adopted by the Assembly last week. The scheme takes advantage of the efficiency of market-based approaches to addressing climate change by requiring electricity retailers to deliver real energy savings for Canberra homes and businesses, driving the overall energy efficiency of our economy at least cost and driving down our greenhouse gas emissions.

The scheme has been developed based on learnings from schemes across Australia and internationally and is underpinned by a comprehensive and rigorous regulatory impact statement. The impact statement incorporates consultation with industry, community and environment organisations and stakeholders. The assessment includes a detailed analysis of the likely impacts of the scheme and a comprehensive analysis of the likely economic costs and benefits for the territory.

The analysis concludes that real and substantial greenhouse gas savings of over 740,000 tonnes can be achieved against our inventory as a result of the scheme, with a net economic benefit for the territory. It is important to also note that the scheme includes inbuilt review mechanisms which will address the effectiveness of the scheme as well as developments in other jurisdictions and nationally, such as the implementation of a national energy efficiency scheme.

Another activity is, of course, the government's large-scale solar auction initiative, a practical response to the key challenge of how to stimulate investment in large-scale renewables at the lowest cost to the community. It is a practical response that is going to achieve real, on-the-ground outcomes.

The auction will result in renewable energy infrastructure that will significantly contribute to the territory's greenhouse gas abatement targets, reducing our emissions by 850,000 tonnes over 20 years, and these investments will enhance the clean energy industry in the ACT. This is abatement above and beyond the national emissions reduction effort. The auction leverages economies of scale and location, provides financial security for developers and reduces the overall costs of solar energy.

In developing this policy, the government has reviewed and considered best practice internationally and learned from past approaches, some of which have been less than successful, including the commonwealth's solar flagship program and our own solar farm expression of interest process in 2009.

We now have a situation where the nation and the world are looking to the ACT for a new best practice model. This is reflected in the extraordinary level of interest by industry both nationally and internationally in our process and the strong support we have received for our approach from industry and industry commentators.

The government has committed to sharing outcomes from the policy with industry to an unprecedented extent. In accordance with section 22 of the Renewable Energy Feed-in (Large-scale Generation) Act, the government will table a review in the Assembly, including a range of key performance indicators that will be valued highly by industry and policymakers both in Australia and abroad, such as total proposal costs and feed-in tariff values sought, and a summary of major project cost components so that the government can look at ways to bring this down further in the future.

In addition, the independent advisory panel which has been appointed to advise the government on proposals has also been asked to advise on potential improvements that may be made to future auction processes. I look forward to these recommendations as well as providing further updates to the Assembly on the outcomes of the auction process in the coming months.

The government is also committed to showing leadership on climate change mitigation through its own actions and for its own operations. The government is currently considering options to achieve carbon neutrality by 2020 in its own operations. The framework for carbon neutrality under consideration provides for the long-term, systemic approach needed to tackle energy price rises and drive down emissions.

The government has already invested in a new sustainability data management system, or SDMS, a best practice, whole-of-government platform to improve resource management and reduce energy and other utility costs. This will provide a consistent benchmark against which to measure our progress.

A key lesson learned from many program evaluations and industry studies is that a lack of quality performance data holds organisations back in their quest to reduce energy costs and emissions, and historically this has been an issue for governments also. With the government's investment in an SDMS coming online later this year, we

will be able to be more proactive in achieving our cost reduction and emission reduction goals.

The government is also committed to ensuring that social equity is maintained while we work together to reduce the territory's greenhouse gas emissions. We know that some Canberrans are less well placed than others to take action on climate change and we have implemented a number of programs that help those most in need, including our outreach program, water and energy savings in the territory, or WEST, and the new WEST plus scheme. These programs provide effective, integrated assistance to households struggling to reduce their energy use. This has the effect of reducing the impact of rising energy prices for these households, whilst also reducing emissions in the residential sector.

The government is committed to driving the creation of a sustainable and prosperous community, delivering real progress on the path to a low carbon economy but also looking after the most vulnerable in the community.

From the lessons learned in the development and implementation of action plan 1, action plan 2 will present a comprehensive set of policies that deliver material reductions in greenhouse gas emissions and set the territory on a path towards carbon neutrality.

Action plan 1 was reviewed in 2009 and I understand my colleague Ms Porter will speak further on that shortly. Importantly, the review identified that all but one action had been completed or is ongoing. The government has been very mindful of the outcomes of the review, especially in relation to the benefits of incorporated monitoring and review of policy initiatives. This, as an outcome, will be reflected in action plan 2 and is reflected in recent government initiatives such as the energy efficiency legislation and the large-scale solar auction.

Action plan 2 will establish a policy framework for responding to climate change and the approaches the government will pursue to support the community to reduce emissions, including through increasing energy efficiency of households and commercial buildings, avoiding energy wastage and embracing the production and use of renewable energy. The final plan will also address adaptation issues to ensure the territory is prepared for a level of climate change that we can no longer hope to avoid, while ensuring that the low income households, our elderly and other vulnerable segments of the community are supported and assisted in this transition period.

The government, finally, acknowledges that it is critical that all jurisdictions across Australia work together to address climate change. The ACT is a signatory to the national partnership agreement on energy efficiency, committing to the development of a nationally consistent and coordinated package of measures to advance energy efficiency outcomes, which will be one of the key ways Australia and the ACT can cost-effectively reduce our emissions profile and reduce the impacts of climate change. The partnership agreement incorporates annual reporting to ensure progress is tracked and evaluated on an ongoing basis.

The ACT is also actively involved in the Select Council on Climate Change and its associated working groups—the first meeting of this body was last Friday—working collaboratively with other jurisdictions to address the complex array of issues associated with a national approach to addressing climate change. One particularly important work stream coordinated by the council will be the review of jurisdictional and national schemes for complementarity to a price on carbon. It will be essential to ensure that our actions as a jurisdiction are part of a broader, nationally consistent and comprehensive collaboration to address climate change.

The government does not take the challenge of this issue lightly. Our actions in the pursuit of energy efficiency or large-scale solar demonstrate our commitment to achieving results. With action plan 2 we will continue to undertake real, effective and affordable actions to reduce greenhouse gas reductions across the entire community. I thank Ms Hunter for raising this matter of public importance today.

Visitors

MADAM ASSISTANT SPEAKER (Mrs Dunne): Before we proceed with the matter of public importance, I acknowledge the presence in the gallery of delegates on the Australian political exchange program from the Socialist Republic of Vietnam and members of the National Assembly of the Socialist Republic of Vietnam. I welcome you to the ACT Legislative Assembly.

Environment—climate change
Discussion of matter of public importance

MR SMYTH (Brindabella) (3.39): I also would like to welcome the delegates from Vietnam. You are most welcome here in our parliament.

I thank Ms Hunter for bringing this matter of public interest to the Assembly today. The Canberra Liberals are very supportive of the need to measure and evaluate the ACT's performance in delivering its climate change initiatives. After all, as the management saying goes, you cannot manage what you cannot measure.

But with that, allow me to tie this MPI back to the issues that matter to Canberrans, particularly the cost of living. Here are some updated figures. We have seen taxation per capita increase by 90 per cent; property rates and charges up by 90 per cent; rents up 77 per cent, with average weekly rents at $500; water up 200 per cent; electricity up 85 per cent; and the cost of first homes over $400,000, with a median dwelling price of $510,000, the second highest in the country, after Sydney, which has a median house price of $540,000.

But let us be more specific now and tie this back into the MPI Ms Hunter has raised. Courtesy of the government-Greens climate change initiatives, the alliance up there at the big house and the alliance at this place, we will see the carbon tax. This new tax will now slug Canberrans $189 per year. It is helping to account for the 78 per cent electricity price increases for Canberra families on 1 July.

Three in five Canberra families will be worse off, paying a portion of the $189 tax. A family of five can expect to see their electricity bills increase by $478 from 1 July, of which $370 is attributed to the carbon tax. A family of four can expect to see their electricity bill increase by $333 from 1 July, of which $258 is attributed to the carbon tax. A family of three can expect to see their electricity bills increase by $297 from 1 July, of which $230 is attributed to the carbon tax.

It will add at least $73 million to the cost of running the ACT government over the next four years, and that will be passed on to taxpayers. That is between $110 and $140 per household each year just to cover the government's existing activities. And this is on top of the $225 that they have to pay every year in their power bills to pay for this government's solar feed-in tariff scheme.

Canberra residents will have to collectively pay up to $1 million a month to support the ACT Labor-Greens energy efficiency improvement scheme. And what about the Cotter Dam blow-out? It has added an estimated $230 to every Canberran's water bill even before the effects of the March floods are taken into account. Then there is the flagging ACTION bus network, which Canberrans pay approximately $321 per person every year to maintain regardless of whether they use the bus service or not. And let us not forget about the plastic bag ban.

The question is: how effective are some of these initiatives? And what quantifiable environmental measurable do Canberra residents get in return for supporting the ACT Labor-Greens government schemes? Here are a few examples from the recent *State of the environment report*. Canberra's ecological footprint is 13 per cent above the Australian average—the second highest in the country, behind Perth. That is an outstanding achievement on behalf of the Greens-Labor alliance! Canberrans are using 14 times the land area of the ACT to support their lifestyles. Greenhouse gas emissions have increased eight per cent over the last five years under a Labor government and a Labor-Greens government—an eight per cent increase in greenhouse gas emissions. That is an outstanding performance from this Greens-Labor alliance! Waste generation is up 28 per cent—faster than the rate of population growth. Green spaces decreased by nine per cent over the last four years. And there was only a 4.9 per cent take-up rate for GreenPower by Canberra residents.

These are the achievements, as measured by the commissioner, that condemn this government, this Greens-Labor alliance, for their incredibly poor performance on the environment. It is quite astounding that Ms Hunter puts on the notice paper the importance of evaluating the ACT's performance in delivering climate change initiatives when we have a report that damns both the Greens and the Labor Party for their failures in government over that period.

Ms Hunter's MPI today is quite poignant. Yes, evaluating climate change initiatives are important. Yes, we do need to measure outcomes. But when the results are less than stellar, Ms Hunter, the Greens and ACT Labor must hone their facts: their initiatives have missed the mark, yet at the same time they are costing Canberra residents millions of dollars every year to maintain.

Instead of acknowledging the results of the *State of the environment report*, Ms Hunter's party blithely blames the government. Here are a few examples of what they have said. They said that the Gallagher government's policies were "driving the territory in completely the wrong direction". Who holds the balance of power? They quite proudly stand up and say, "We are the balance of power." That balance of power has either been complicit in driving or has driven the government in this direction. So there we go. We have got this acknowledgement: "driving the territory in completely the wrong direction".

They said that the government's business as usual policies are driving the ACT in the wrong direction. That is a paraphrase, but that is what it means. This is the business as usual. Well, it is business as usual on your watch, Greens, as the crossbench. You put the government there, you maintain the government there and you fail to hold this government to account. So much for third-party insurance policy. It is the third-party betrayal of the environment in the ACT under the Greens.

The good news stories coming out of this report are almost all community-based actions. The failings are largely on the government end—a government put in office, kept in office and aided in office by their colleagues the Greens. They said of the report:

> … the Government's inaction on sustainable transport, organic waste and protecting biodiversity are the clear lowlights.

They said:

> What we need the Government to do now is implement recommendations rather than writing more strategy documents.

Clearly, their strategies and their policies have failed.

We have this sort of Greens denial and blame game, but the Greens are complicit in this. I only need to go back to Spark Solar, before the government was formed, when we were talking with the Greens. I assume they had the same conversation with the Labor Party. They asked us if we would help Spark Solar. We said yes, we would. But they got into bed with the government and Spark Solar was abandoned, forgotten.

There was an opportunity to diversify the ACT's economic base. There was an opportunity to build a private sector business. There was an opportunity to have manufacturing in the ACT. There was an opportunity to have more blue-collar jobs. There was an opportunity to say, "This is a sustainable industry contributing to the protection of the environment in the ACT, across Australia and around the world." But what happened? Nothing. All the Greens are interested in is keeping the government in power. They have got all the talk, but they completely failed to take the walk.

Ms Hunter's MPI today is not about the people of Canberra. It is a continuation of the blame game on the government. It is not surprising that as we get closer to the

election we have got distancing of the Greens from the government: "It was not really us. We weren't there. You won't find our fingerprints at the scene of the crime." But they have supported every budget of this government that has led to these poor outcomes.

We hear Bob Brown on the radio saying: "We've got an alternative policy to job cuts. We'll do it a different way." Bob Brown can stop the public service cuts by the Labor Party, if he is interested, by blocking their budget. But he will not. We know he will not. Senator Brown will not stand up. He will talk about public servants, but the Greens have the perfect opportunity. If Adam Bandt stands up in the House of Reps and votes against the budget, those cuts do not have to go ahead. And if Mr Bandt will not do it, the Greens have got the balance of power and the Senate could stop the budget dead in its tracks. But will they? No. They are too cosy in this arrangement.

Whether it is the Greens-Labor alliance at the federal level or the Greens-Labor alliance at the ACT level, the Greens are all talk. The Greens have had four years to effect the sway on climate change in the ACT through their alliance with ACT Labor. They have come up with nothing.

An MPI today will not fool the people of Canberra. What we have here is an MPI with superficial comments from Ms Hunter. Analysis is important, but the real questions are these: what is being analysed? How is it being analysed? What are the assumptions being used? And how are the issues being framed? Not only will we continue to have ineffective climate change initiatives that increase the cost of living for Canberrans; we now have a Greens MPI that insults their intelligence as well.

MR RATTENBURY (Molonglo) (3.49): I thank Ms Hunter for bringing on this matter of public importance today. It is useful to evaluate the programs that have been in place in recent times. That is what the Greens sought to do when we sat down to analyse the specific points under action plan 1 of weathering the change. This was the policy put in place by the Labor Party in 2007; it came to an end in 2011.

As action plan 2 is being developed, it is useful to reflect on how some of those measures rolled out; to look at the programs and what impact they had, or in some cases did not have; and to try and draw from that what worked and what did not. I think that is quite a constructive approach. It is certainly much easier to come in here and roll out the campaign stump speech, but it actually takes a lot more effort to sit down and do the work, to actually look at the effect of some of the programs and how they could be improved to inform future policy development. That is what this report seeks to do.

The report did find that in many places progress had not been what it should have been. It found that some of the measures in the first place were very difficult to measure. This report was written in 2007, an era when there was no real commitment to action on climate change. The actual target of weathering the change action plan 1 sums that up. If you looked behind the gloss of it—that we were going to stabilise emissions at 2000 levels by 2020—you would see that that was a classic shifting of the baseline exercise. Most scientists and most public policy debate on this issue use the 1990 baseline. When you do the very simple arithmetic around the megatonne

targets, you see that it was a 14 per cent increase above 1990 levels by 2020. This was at a time when the scientists, the Intergovernmental Panel on Climate Change, in international negotiations in Bali and other places, were identifying that we needed to be making cuts for developing countries in the range of 25 to 40 per cent.

That is what we have seen now, and that is one of the differences of having a balance of power situation in this Assembly. We have gone from having an emissions increase target of 14 per cent above 1990 levels by 2020 to a 40 per cent reduction target by 2020. That is a massive turnaround. That is the consequence of having a balance of power situation in this Assembly. The Greens have been able to work with the Labor Party to begin to turn around the oil tanker.

This is not a simple exercise. The cheap analysis around the commissioner for the environment's report simply fails to recognise that these trends do take time to change. But we have set in place some of the measures that will begin to turn that oil tanker around, and I think that the next commissioner for the environment's report will begin to demonstrate that.

In her earlier remarks, Ms Hunter went through a range of issues. She went through the 41 points under action plan 1 and discussed them specifically. It is a valuable contribution to public discourse in the ACT, because it looks at each of the measures and undertakes that analysis of how they played out.

There were varying performances against the original criteria. Some of the criteria were very difficult to judge, in the sense that they were not measurable: they were vague, they were unspecific or they did not have a number attached to them. This is where the importance of this analysis comes through as the government sets to adopt action plan 2. It is quite important that in action plan 2 the targets are much clearer, much more specific and more measurable and that the community is able to see how they are actually working.

The Seventh Assembly has seen different outcomes from what was adopted in action plan 1 in the Sixth Assembly. The energy efficiency legislation that we passed last week is an example of the sorts of measures that we now need. That reflects the new commitment to action in this place that has been a feature of the Seventh Assembly.

That new legislation is measurable, it has a very specific target, it is enforceable, and it will deliver actual reduction of greenhouse gas emissions. It is quite clear that there are consequences that will flow from that legislation—a real change in behaviour. That is the sort of change the Greens have brought to this Assembly, and I think that that reflects well.

I think also, to be fair to the government, that that is why you do this analysis and why you reflect on past programs. I am very pleased to see that, despite some of the weaknesses of action plan 1, the programs that are now being implemented on the whole are stronger programs, better programs and programs that will deliver the sort of change the ACT community expects this place to deliver.

It is probably best to leave most of Mr Smyth's comments alone and recognise them for what they were. But it is fascinating. Mr Smyth is a very experienced member of this place. It is interesting to think about how he might exercise the balance of power if he had it. The answer seems to be to block supply. I am sure that that is a discussion that will be very interesting to have on an ongoing basis. How should a balance of power party operate? Do you paralyse government? Is that what Mr Smyth is proposing? Or do you work to get actual outcomes that can make a difference?

Mr Smyth interjecting—

MR RATTENBURY: Poor Mr Smyth; he cannot help himself. He cannot help himself. I sat there and listened to him pretty much quietly, but as soon as I start to reflect on some of the outrageous comments that he made, he and his colleagues start immediately interjecting across the chamber—as they do every time I get on my feet. It is almost tedious.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Order! Mr Rattenbury, it may be better if you address the chair rather than the opposition benches. Perhaps then you would not elicit such responses.

MR RATTENBURY: Madam Assistant Speaker, I was addressing the chair, and I am happy to continue to do so. It seems that the Liberal Party approach to dealing with the balance of power is to block supply. That is a salient lesson in how they operate.

The reality of having the balance of power requires a little more subtlety than that. It requires one to both push the envelope at the right moment and also ensure that government actually goes on in this town. At the end of this term, my Greens colleagues and I will happily stand in this place and stand by our record of ensuring that government has continued in this town whilst being improved by the ideas and the accountability the Greens have brought to it.

I would simply conclude my remarks today by seeking leave to table a copy of the weathering the change action plan 1 assessment report that was released a couple of weeks ago.

Leave granted.

MR RATTENBURY: I table the following paper:

> Climate change—Weathering the Change—Action Plan 1—An ACT Greens' Assessment of Progress, dated April 2012.

MR RATTENBURY: Thank you, colleagues. That report is one that we have put in the public space as a contribution to the debate and one that will, hopefully, be read by members of the government, members of the opposition and those that work in the department—for all of us to reflect on what programs have worked, what has proven to have an impact on the community, what has not worked as well and how we might do things better in the future.

I commend Ms Hunter for bringing this important topic to the Assembly today.

MS PORTER (Ginninderra) (3.57): I am happy to speak to this important matter this afternoon and to endorse Mr Corbell's statements in relation to the government's strong commitment to tackling climate change. It is a shame Mr Smyth used quite a bit of his time parroting Mr Abbott's scare campaign.

In July 2007 the government released the ACT climate change strategy, weathering the change action plan 1. This year we will release action plan 2, as we have been talking about this afternoon. The difference between the two reflects changing economic policy and technological context but also important lessons taken from our evaluation and review processes, as Mr Rattenbury was just saying.

I would like today to talk about how the government has adopted what we have learnt from weathering the change action plan 1 to create action plan 2 as well as some of the successes that we are able to build on. Weathering the change 1 outlined how the community with strong leadership from the ACT government addressed climate change between then and 2025. It contained 43 actions to both reduce greenhouse gas emissions and help the ACT government to adapt to climate change. The actions were funded through the 2007-08 budget, the 2007-08 supplementary appropriation and the 2008-09 budget.

A thorough review of action plan 1 was undertaken in 2009. Each action was reviewed in terms of status, effectiveness and efficiency, and appropriateness in relation to national policies and programs and relationship to further policy development. The review found there had been concerted efforts to implement the 43 actions outlined in the plan: 14 were completed, eight actions were completed with associated work going on; 20 actions were ongoing; and one action had been overtaken by commonwealth government policy.

The ACT government has continued to implement actions on climate change and has commenced the development of the second action plan, as you know. It is important to recognise that the success of action plan 1 included: development of sustainable energy policy, including energy efficiency improvement legislation adopted by the Assembly last week; implementation of energy efficiency improvements in government housing; undertaking energy efficient light replacement; introduction of the feed-in tariff scheme to drive the uptake of solar; and implementation of sustainability in schools.

Action plan 1 was the platform for the ACT to respond to climate change. While action plan 1 is full of success stories, the evaluation of it highlighted the need for greater emphasis on suitable metrics, both for individual actions and in relation to the greenhouse gas reduction targets. The government has recognised this, and action plan 2 will have improved data benchmarking, monitoring and reporting.

In November 2010 the ACT government passed the Climate Change and Greenhouse Reduction Act 2010, which established emission reductions targets: zero net greenhouse gas emissions by 2060; peaking per person greenhouse gas emissions by

2013; 40 per cent below 1990 levels by 2020; and 80 per cent below 1990 levels by 2050. These targets were informed by the legislative inquiry which involved extensive consultation with the ACT community. The targets set a clear direction for the ACT in planning its sustainable future.

The Climate Change and Greenhouse Gas Reduction Act 2010 sets out the ways in which the ACT will report on climate change and greenhouse gas reductions. The act identifies two reports: an annual report on actions taken against climate change and the ACT greenhouse gas inventory. For each financial year the Minister for the Environment and Sustainable Development must prepare a report on the effectiveness of actions taken to abate emissions and to adapt to climate-driven changes in the ACT.

The ACT greenhouse gas inventory is prepared by an independent entity, ensuring consistency with the best national and international practices while still addressing the ACT-specific methodology requirements. The inventory includes a comparison of the annual greenhouse gas emissions in the territory, identification of the main sources, and tracking against the greenhouse gas reduction targets, both total and per capita.

In accordance with the greenhouse gas reduction act, the government annually reviews the ACT greenhouse gas inventory methodology to ensure it is consistent with best practice. It is important to note that the ACT greenhouse gas inventory is a more comprehensive account of the greenhouse gas emissions in the ACT than given in state and territory greenhouse gas inventories prepared by the commonwealth.

The commonwealth inventory for the ACT calculates emissions using a production approach which focuses on specific facility or production process where emissions occur. The ACT has adopted a position of assuming responsibility for the greenhouse gas emissions created in the production of electricity that is supplied to the ACT from the national electricity market.

Greenhouse gas inventories are only ever used as an estimate of emissions for an entity. The ACT government will continue to look at options to improve and include emissions sources that are attributable to the ACT. This will include some work on how to best include local energy generation and the ACT's renewable energy target. One such improvement the ACT government is exploring will be undertaking more timely releases of emissions reports.

Consistent with the commonwealth national accounts, the ACT government releases its greenhouse gas inventory with approximately a two-year lag. This is to allow for complete datasets to be verified, especially in the land use, land use change and forestry sectors. As these sectors are a fairly small percentage of the ACT inventory, a more timely release may be achievable with land use emissions verified at a later time corresponding with the release of the national accounts. This would allow the ACT to more closely track how we are progressing against the greenhouse gas reduction targets over the next decade, particularly towards the 2020 reduction target, and address any problems more rapidly.

The ACT government has committed to carbon neutrality in its own operations by 2020. It recognises the need to lead by example. By providing real examples of

emissions reduction to the community in a range of office and non-office facilities, the government can inspire and motivate the community to engage in similar actions in their daily lives. The ACT government is committed to sharing the lessons learnt with the community, which will build knowledge and understanding and should lead to better practice in reducing emissions.

In order for the ACT to claim carbon neutrality, a more accurate monitoring and reporting of energy use and emissions will be required. The ACT government is already well underway with this. Ongoing monitoring and evaluation and continuous improvement is the core of this government's commitment to improving productivity, reducing our resource consumption and costs and cutting our emissions.

Minister Corbell mentioned the government's investment in a sustainable data management system. The SDMS will improve the quality and timeliness of data available to property managers across government. The system will allow for the government to evaluate the savings achieved from energy or water saving initiatives and target activities to the greatest areas of opportunity. This shows the commitment by government to evaluation of the performance of its climate change initiatives. This is a best-practice approach. It is as good as it gets in data monitoring, and the ACT will be at the forefront.

The weathering the change draft action plan 2 was released for public consultation on 5 December 2011. The options paper presented examples of five pathways for meeting an emissions reduction target of 40 per cent below 1990 levels by 2020 to stimulate community discussion around the range of options available. Each pathway was accompanied by costs and benefits providing the community with unprecedented transparency and capacity for informing input into the government's policy development processes. The consultation period closed on 2 March 2012.

The consultation process was supplemented by written comments to the time to talk website, and there were also shopping centre stalls at Dickson, Jamison and Erindale and a world cafe and technical workshop were undertaken. A summary of the outcomes from the consultation on the draft action plan is available on the directorate's website.

The government is now working to finalise action plan 2, incorporating community views where possible and undertaking the complementary disciplined policy development work required for implementation. Action plan 2 will include review points and key performance indicators for each action and, more importantly, review points and KPIs that add value, have meaning and help the government and the community to learn and adapt over time. Having set review points will allow actions to be updated with the latest science and technology.

The ACT government has always recognised the importance of evaluating the ACT's performance in delivering our climate change initiatives and has already adopted a best-practice approach.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): It appears the discussion is concluded.

Climate Change, Environment and Water—Standing Committee
Report 6

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.07): I present the following report:

> Climate Change, Environment and Water—Standing Committee—Report 6—*Inquiry into the ecological carrying capacity of the ACT and region*, dated 8 May 2012, including dissenting comments *(Mr Seselja)*, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

I would like to start by thanking my fellow committee members. We had Mr Zed Seselja and also Mr John Hargreaves in the early days and Ms Mary Porter in the latter part of the inquiry. This has been an inquiry that has gone on for some considerable time for a range of reasons. It has been quite a complicated inquiry. It had an extensive terms of reference. During that time we also had quite a turnover in the secretariat as well which meant, of course, that there were some delays at certain points. But I have to say that the secretariat did a great job in supporting this inquiry.

I want to mention those people who have been involved. Ms Margie Morrison, Mrs Nicola Kossek, Dr Sandra Lilburn, Ms Veronica Strkalj, Dr Chris Beer, Ms Sam Salvaneschi, Mr Paul Oliver and, of course, Ms Lydia Chung. I would like to thank Lydia because I know she did some great work in formatting this large report, particularly in the last few days. Also we did rely on the resources of the library. I would like to acknowledge the library staff and, of course, the Legislative Assembly librarian who led that team, Ms Siew Chin Scholar, for their assistance.

As I said, it has been an extensive inquiry. We had a very large terms of reference and we did have quite a few people who contributed to the inquiry. We had several public hearings where people came in to give evidence and we had 36 written submissions. We also had a number of exhibits that were presented to the inquiry. I would like to thank each and every one of those submitters and those people who participated in the public hearings.

We have come up with this report that contains 23 recommendations. They are wide-ranging recommendations that really reflect the terms of reference. It really is about understanding the significance of our ecological footprint and, I guess, the impact that has on our environment and how we can look at ways to reduce that ecological footprint. Not only was this report about the ACT; it was about the surrounding region as well. I would like to acknowledge the surrounding town councils who participated as well.

We did include in this report information from, in particular, those 17 town council areas around the ACT. We were able to do that because, as many of you would know, the Commissioner for Sustainability and the Environment carries out a state of environment report for those town councils as well. Therefore, we did have quite a bit of information that we could include in this report.

I have to say from the outset that I was disappointed that Mr Seselja put in dissenting comments. It is just unfortunate, I guess, that we could not come to a consensus position. Mr Seselja's comments are included at the back of the report. After reading those comments, I would say that I think Mr Seselja has missed the point and the importance of understanding the impact of our ecological footprint.

The fact remains that the ACT has a very, very high ecological footprint and we know this because of the work that has been done. We have had extensive studies and so forth that were done through the Commissioner for Sustainability and the Environment. The commissioner commissioned a report on our ecological footprint. It has told us that we really are using up the resources of something like 14 ACT's worth of resources. This is something we really need to be looking at if we are to get a handle on how we can better, I guess, look after the environment that we live in and look at the sort of finite resources that we are using.

There was, as I said before, an ISA study. That analysed the ACT's ecological footprint for 1998-1999, 2003-2004 and 2008-2009. It used a methodology that showed that our footprint continues to rise. We do need to have a look at how we can reduce that footprint.

We have recommended that the ACT Commissioner for the Environment Act be amended to incorporate a formal responsibility for biannual reporting on the ACT ecological footprint. It is important that we keep track of what is going on. That way we can see whether or not particular programs and initiatives we are putting in place are reducing our ecological footprint. We also recommend that additional funding be given to the office of the commissioner and the Environment and Sustainable Development Directorate as well as community environment organisations and groups to promote a more sustainable use of resources. We have included in this things like food waste and energy efficiency so that we can play a role in the ACT's the surrounding region's ecological footprint to reduce that footprint.

The inquiry looked at other issues. As I said, there was the size of the footprint and there was the population growth and how it interacts with the ecological footprint. What we found is that in the ACT generally we do have quite high incomes. Therefore, people do spend quite a bit more money on goods and services. Of course, consumption is very much a part of this picture. We looked at that consumption around how you can still have very high standards of living, that we still ensure that people can enjoy a good lifestyle, but maybe there are some areas where we can look at that issue of consumption and how we might address that.

Mr Seselja addressed this in his dissenting comments by saying that his view was that this was around dampening economic activity. I think the report has shown that that is

not necessarily the case at all. We can be looking at still having a prosperous economy at the same time as looking at the issues around our environmental footprint.

Other chapters covered water and what is happening with the quantity and quality of water and water supply in the ACT and surrounding region. We looked at energy. In the area of energy, we were particularly looking at things like built infrastructure, but also transport. We did pick up on some great things that are being done out there around more energy-efficient buildings that are being built. We got some information on what the Green Building Council of Australia was up to. We really can make a big difference with the buildings we build but also by retrofitting. In this respect, we were talking about how into the future we need to be ensuring that we have infrastructure that has low energy needs and therefore has low emissions.

We also looked at the issue of transport. This is quite an important one—how people in the future are going to be able to get around our city, particularly with the issues of peak oil and also rising energy prices, fuel prices. There was also that connection to transport in our region. We know already that there is a still ongoing issue around public transport across the border into Queanbeyan. Considering the number of workers that come from Queanbeyan to work in the ACT each day, and even the number of workers in the ACT that go out to Queanbeyan, we need to sort out that problem of being able to have that public transport in place.

Also, we found that there are a lot of people who are living at Murrumbateman or other places around the region who are coming into the ACT to work. Those councils were raising the issue of transport and how that needed to be sorted out. On that issue, we also looked at what is happening in the region. How does the ACT connect with the region? What are the mechanisms, what are the forums in place to sort through some of these planning issues, some of these transport issues and so on so that we can be working together?

I think Mr Seselja took the one around transport as meaning that the ACT had to build and provide the transport throughout the region. That certainly is not said in the report and that was never the intent at all. It is about the councils and the ACT government working together, and there is an involvement from the New South Wales government as well, to see what sort of collaboration, what sort of initiatives, programs and services can be coordinated and put in place.

We found that there were a range of different forums. There is the regional leaders forum and there is a range of MOUs and other agreements that have been signed off for cross-regional governance. I also note that the New South Wales government has recently put in place a commissioner to look at these cross-border issues. Obviously, this is not just around New South Wales and the ACT. They are also looking at between the Queensland and New South Wales border and the New South Wales and Victorian border. We believe it really is important that we look at these issues in a regional way, that we can get some great outcomes if we can work together to look at not only better services for people, but also how we can assist the environment in the meantime.

We also looked at food. We found that there was a lot of food wasted, for instance, in the ACT. That came out from an Australia Institute report. For instance, we looked at campaigns around these sorts of issues, how you might be able to get education and information out to people around their purchasing decisions. That is not just around food. It can be around a range of goods and services. But we looked at giving them some tips and ideas and things to think about when they are purchasing goods and services, and that includes food.

We looked at the ecological footprint reduction measures and the cost of that. One of the things we know about climate change from many experts around the world, including the Stern report, is that you really need to be looking at the cost of not acting. This applies to the ecological footprint as well. We do need to be tackling these issues and looking at the ways that we can put steps in place. Some of them will be around technology but others will be around the way that we live and how we interact with our environment. As I have said, this does not need to be at the cost of being a prosperous place. It does not have to be at the cost of having a great lifestyle. That very much was also outlined in the report.

I would again like to thank all those involved. It was a very big task. I particularly thank Ms Porter. We did have to have many meetings there at the end to go through what is a significant number of pages and information. I would again like to thank particularly the secretary who was finishing off the end of the inquiry, Sam Salvaneschi.

It has been quite a journey getting through this document but I do hope that it will be picked up, that not only the ACT but also those surrounding town councils will take the opportunity to read through the report. I do hope that we will get some movement on this very important issue. Obviously, we will be looking forward to the government's response that we should be getting back within the next three months. Again, I would commend this report to the Assembly.

MR SMYTH (Brindabella) (4.22): Mr Seselja was going to deliver the speech. Unfortunately, he is unable to be here so, with the indulgence of the Assembly, I will deliver it on his behalf.

As I have paid Ms Hunter the courtesy of giving advance knowledge that I will be dissenting from this report, I would like to take this opportunity to make a few comments in relation to the document that has been presented to this Assembly today. Firstly, I would like to thank the committee secretary, Ms Sam Salvaneschi, who did a very good job on this report. I know that members of the committee value her very hard work. We always find her to be very professional in her dealings. I would like to put that on the record today.

The committee report uses an adversarial premise as its conceptual basis of its discussion. It has been made clear throughout this report that economic growth and population growth are antithetical to the environment. Paragraph 3.40 sums this idea up best, when it stated:

> … high population growth rates and high employment and income rates being strongly and positively correlated with large ecological footprints.

With all the Green-cred initiatives that Canberrans have to pay for in this city—the carbon tax, the solar feed-in tariff and now the energy efficiency improvement scheme—I was hoping that this committee would have something positive to say to Canberra residents. Unfortunately, as I was reviewing this report, it was clear that what they received was a litany of tag lines accusing Canberrans of eating too much, buying too much, driving too much, using too much electricity and maybe even procreating too much.

Simply put, Madam Assistant Speaker, I do not agree with how this report has framed the issue. Many of the conclusions that it draws are mainly intuitive inferences driven by an ideological position. As to the ideological position—I remind members that I am speaking for Mr Seselja—I have served in this Assembly for a long time and this is probably the first instance where a committee report begins with an openly stated philosophically driven position. For this report the committee drew on University of British Columbia Professor William E Rees, who defined "carrying capacity" as:

> … the maximum rate of resource consumption and waste discharge that can be sustained indefinitely in a given region without progressively impairing the functional integrity and productivity of relevant ecosystems.

A quick glance of his biography on this university website has this to say:

> Modern techno-industrial society is a product of the 'enlightenment project' and is deeply rooted in what philosophers refer to as the 'Cartesian dualism.' … Dualism, and its companion expansionary-materialistic worldview, are arguably the major source of many of the so-called 'environmental problems' confronting humankind today.

This is the underlying philosophical position that this report assumes. It is neo-Malthusian and has undertones of asserting notions of unsustainable populations and a plundered earth. This report also furthers the discussion on population, taking its cue from Professor Paul Ehrlich of Stanford University. Although this report cites his 1971 article co-written with John Holdren entitled "Impact of population growth", he received recognition for his 1968 book *The Population Bomb* published by the Sierra Club. Here is a little bit of what he had to say:

> At this late date nothing can prevent a substantial increase in the world's death rate … In the 1970s the world will undergo famines. Hundreds of millions of people are going to starve to death.

He goes on to say:

> We must take action to reverse the deterioration of our environment before population pressure permanently ruins our planet. The birth rate must be brought into balance with the death rate or mankind will breed itself into oblivion.

These ideas sound like something from a eugenics movement publication, and I find this committee's framing of the issue along these lines rather chilling. What are the results of pushing the population agenda? The outcome of this orientation, of course, is the fact that peppered through the report we get statements such as:

> ... in each state and territory, the population in the centre and inner suburbs of the capital city are contributing the most per person to the ecological footprint …
>
> ... researchers on ecological footprints are all in agreement about high population growth rates and high employment and income rates being strongly and positively correlated with large ecological footprints …
>
> ... the bulk of the ACT ecological footprint of the ACT and ACR is due to steadily increasing consumption of food, goods and services per person …

It goes on to say:

> ... the Australian Conservation Foundation has nominated human population as a 'key threatening process' to Australia's biodiversity under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

It was alarming to note that a noticeable number of submissions understood the intent of this report, as it noted:

> A quarter of the submissions to the Inquiry expressed an expectation that the Committee might orient the Inquiry towards proposing a maximum carrying capacity population for the ACT. Some also unambiguously argued that the ACT's population should be limited …

That is on page 65 of the report. I note that recommendation 22 asks the ACT government to work with ACR governments to "prevent and mitigate" the adverse environmental impacts of population. In all these submissions and recommendations there is a push to limit population. I do not agree that this is a viable or desirable policy approach.

Then, of course, there was the shaky evidence. Yet much of what is asserted in this report implicitly concedes that it is based on inconclusive evidence. Hence we find this report attempting to fill the data gap for its agenda, yet at the same time making recommendations regardless of not having sufficient data. For example, it is firm in its position on population's impact on our ecology, as shown in recommendations 19 and 22, yet it states:

> The office of the ACT Demographer is located in the CMCD. While that office has published useful analyses of the ABS demographic data on the ACT, it has not published any on ACT population growth and population growth in human settlements surrounding the ACT, or how population dynamics interact with the state of the environment in the ACT or the ACR.

The report also mentions "peak oil" repeatedly in several sections and in recommendation 16, yet it has no empirical proof to base its assertion on, admitting:

> It is difficult to estimate precisely how vulnerable the ACT and the wider ACR will be to peak oil …

Recommendation 9 calls for "active support" for electric vehicles infrastructure, yet it concedes:

> No evidence was given to the Committee about the extent to which the uptake of electric vehicle infrastructure might increase the ecological carrying capacity of the ACR or decrease its ecological footprint or whether and how this uptake should be accelerated …

Recommendation 9 mentions biofuels, yet, besides a submission advocating it in two sentences, the report conceded:

> No other evidence on the potential of biofuels was presented to the Committee …

The report asserts that our use of fossil fuels needs to be reduced, yet it notes:

> The Committee was not presented with evidence on the costs of not reducing the significant contributions of transport and stationary energy combustion in the ACT towards greenhouse gas emissions and the ACT, and therefore, ACR ecological footprint …

And this trend continues with food waste in recommendation 17. Yet again, this was neither founded on available empirical proof nor based on the committee process, noting:

> The Committee has not been able to find any research that quantifies the contribution that food waste makes to the ACT or ACR ecological footprints …

What does all this mean? This report spells out only one outcome for Canberra residents—higher cost of living. By changing our lifestyles to force us to consume less, this can only mean one thing—higher prices for the things we cannot do without. Already we live in a city where taxation per capita has increased 90 per cent, where property rates and charges are up by 90 per cent, where rents are up 77 per cent since 2001, with average weekly rents at $500. Water is up 200 per cent under this government. Electricity is up 85 per cent and will increase by another 17.22 per cent after 1 July. The cost of first homes is over $400,000. The median dwelling price is $510,000, the second highest in the country after Sydney, which has a median house price at $540,000.

While on the topic of electricity prices, given this government's support for the carbon tax, come July Canberrans will be hit with an additional $244 to their electricity bills, bringing the average Canberran's annual electricity bill to $1,662. On top of this, there is also the $225 they have to pay every year in their power bills to pay for this government's solar feed-in tariff scheme. Given last week's passing of the government's energy efficiency improvement bill, Canberra residents will collectively have to pay up to $1 million a month to bankroll that initiative. This is within the context of the recent CommSec economic report which found that Canberrans

experienced the lowest wage growth but the highest increase in consumer prices in the country.

What are the implications on businesses? Concern for the implications of this report should not be relegated to households. The implication on business is also quite apparent. On two occasions the report has the construction, retail, and hotels, clubs, restaurants, and cafes as the second, third and fourth largest components of our ecological footprint. These are sectors that are vital elements that form the basis of our economy. Raise their utility costs, and this will be reflected in the prices passed on to Canberra households. Make it more expensive for businesses to transport their goods and services or get supplies, and Canberra households will pay. Make a business environment untenable to operate at a profit and businesses will leave town. This is what policy makers get when they forget about encouraging economic growth.

Turning to this report's cost implications, no doubt the recommendations in this report would present additional costs to families and local businesses. Here are some: recommendation 12—develop a rapid, reliable and environmentally sustainable public transport between the ACT and the ACR and develop environmentally sensitive renewable energy generators throughout the ACR; recommendation 11—require full lifecycle footprint analyses of infrastructure proposals; recommendation 21—establish a procurement system that bases its purchasing decisions on whole-of-life environmental costings—and recommendation 22—mitigate environmental impacts of population growth.

Let's bring some sense into all of this. The position that this report maintains is limiting. It does not consider all perspectives available to us. There is scope to equally frame this report within the context that views Canberra and region residents as more than just hungry mouths to feed. Given our role as the home of research and development to some of the nation's most prestigious institutions and a prodigious hub of entrepreneurial activity, why not consider the issue of carrying capacity from the perspective of our ability to effect technological shifts, or the notion that land, capital, labour, technology and natural resources are not as fixed as we think when considered in the long run? Then again, this report comes from the perspective that condoned the destruction of scientific research that may increase the productivity capacity of our city and region. The ideological framing of this report would not see any problems with last year's destruction of CSIRO crop research by Greenpeace. As such, this report may be seen as an opportunity missed.

Madam Assistant Speaker, as has been outlined, I have serious reservations with the ideological agenda of this study, the lack of empirical evidence directly informing its conclusions and the impacts such ideas will have on Canberra families and businesses. At a time when we are facing 4,200 job cuts to the commonwealth public service, courtesy of the federal Labor government, this report's negative spin on economic growth, improved outcomes and more jobs is callous.

This report's ideology does not allow for all sides of the issue to be considered. Its emphasis and underlying views on population are disturbing. This and the earlier example of the CSIRO case shows this report's perverse outcomes if its first principles were honoured to its proper extent. It is not a position that I seek to support and, as such, I submit my dissenting comments.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee
Report 10

MRS DUNNE (Ginninderra) (4.36): I present the following report:

> Justice and Community Safety—Standing Committee—Report 10—*Report on Annual and Financial Reports 2010-11*, dated 10 May 2012, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

MRS DUNNE: I will be only brief on this. Although I was present for the hearings on this matter, I was, because of family circumstances, not present for the compilation of the final report as it appears today, so I have had little input into the final report because of my personal family circumstances. I thank Ms Hunter and Mr Hargreaves for stepping into the breach and, as always, I thank Dr Lloyd, our committee secretary, for his very capable support.

Question resolved in the affirmative.

Planning, Public Works and Territory and Municipal Services—Standing Committee
Report 14

MS PORTER (Ginninderra) (4.37): I present the following report:

> Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 14—*Report on Annual and Financial Reports 2010-2011*, dated 9 May 2012, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

MS PORTER: The Standing Committee on Planning, Public Works and Territory and Municipal Services considered the 2010-11 annual reports of the Territory and Municipal Services Directorate, including ACTION and the Animal Welfare Authority; the ACT Heritage Council included in the annual report of the Environment and Sustainable Development Directorate; the Land Development Agency; the ACT Planning and Land Authority; and the ACT Public Cemeteries Authority.

The committee's report that I table today focuses on the issues raised and assessed during the committee's four public hearings and makes two recommendations:

> Where part of a question taken on notice falls within the purview of another minister, the minister to whom the question has been directed should either (a) ensure that a copy of the question is forwarded to the relevant minister to provide a direct response, and the Committee advised that this has occurred, or (b) seek input from the relevant minister and incorporate it in his or her response to the Committee.

Secondly:

> … that details of the reasons for the Planning and Land Authority's decisions to adopt a single select or select tender process for its procurements be included in future annual reports.

In closing, I would like to thank Minister Corbell, Minister Barr and their accompanying officials for assisting the committee in this inquiry and for providing their time and expertise as witnesses at the public hearings. I would also like to thank my fellow committee members Ms Le Couteur and Mr Coe, the committee secretary, Veronica Strkalj, and the Committee Office staff. I commend the report to the Assembly.

Question resolved in the affirmative.

Appropriation Bill 2011-2012 (No 2)

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

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (4.39): The opposition will be supporting this appropriation bill this afternoon. There are three main components to the bill. The first is some $19 million to assist with meeting the costs of the recently negotiated EBAs. It is always appropriate to ensure that ACT public servants are paid appropriately, so we will be supporting that component.

The second and third components relate to some capital works. Firstly, there is money to replace the Malkara hydrotherapy pool. I could not imagine that anyone in this place would vote against such a notion, and I wish Malkara every success with the new pool. When the renovations began it was found that it would be more practical simply to replace the pool than repair and upgrade it, so we are certainly in favour of that.

The third aspect of course is to appropriate money for the commencement of the upgrade to Ashley Drive. The Ashley Drive upgrade was the subject of three recommendations in the public accounts committee's report on the bill, and I note in the government's response that the government has agreed with all three of the recommendations in regard to the Ashley Drive upgrade.

The first recommendation of the committee was that the government, before they proceeded with the works, might reconsider the sequencing, in an attempt to minimise

the number of traffic lights proposed. The government have agreed, saying that they will, as part of progressing the further design of these works, review the need for the number of traffic lights identified in the initial feasibility study covering the upgrade of Ashley Drive. So I thank the government for that, and I am sure those that will be coming out of Isabella Plains, Richardson, Chisholm, Calwell, Gowrie and Monash also look with favour upon a safer environment, for sure, but fewer traffic lights would be welcome.

The second recommendation followed the GTA Consultants report, which said that further work needed to be done "to examine the traffic generating characteristics of Gowrie, Fadden and Macarthur, and assess route choice and alternative routes in the area". Again, the government has agreed that in relation to the timing the government will undertake a further detailed traffic study to examine the traffic generating characteristics of Gowrie, Fadden and Macarthur. So again I thank the government for that approach.

The third recommendation, which would be dear to your heart, Madam Assistant Speaker Le Couteur, asks the government to explain to the Assembly the compatibility of the proposed works to be encompassed under the Ashley Drive upgrade project with the goals of the ACT sustainable transport plan. The government has agreed and I suspect that might be the only explanation we get; there are about five or six lines saying that the transport plan promotes efficient and safe travel across Canberra and that Ashley Drive as proposed will do that. I do not think we are going to get more detail about bus lanes or cycling or footpaths in regard to the report, but there are six lines there that may whet your appetite, Madam Assistant Speaker, so I am sure you will read that part of the government's response with great delight.

That said, we will be supporting the appropriation bill this afternoon.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.43): The Greens will also be supporting this appropriation bill this afternoon, and I note that the report of the Public Accounts Committee on this appropriation bill did recommend that the bill be passed.

I will follow up on some of the comments that Mr Smyth made. This appropriation bill has about $18 million to pay for the outcome of enterprise bargaining arrangements. Of course we need to pay our public servants and acknowledge through their pay how much we appreciate the work that they do for the people of the territory. So we have no issue at all with that part of the appropriation bill.

There were two capital works projects and one was the Malkara hydrotherapy pool replacement. As Mr Smyth said, of course everybody in this place would support such a worthy capital works project. It was about expanding a previous initiative. It was about refurbishment and construction of the new pool at Malkara, and the new pool will provide a modern, safe and therapeutic facility for disabled students and community agencies working with adults with disabilities. The facility will include a larger main pool and spa pool, a new plant room, new toilets and change rooms, and associated amenities. I know that this facility will be used by many in the community and will have great benefits.

The second one, as mentioned, was the Ashley Drive upgrade. This was about improving traffic flows and relieving significant queuing and delays that are currently being experienced during peak periods at key intersections on Ashley Drive, so it was around improving the traffic flow and so forth. I do note, as has Mr Smyth, that the government has agreed to the Public Accounts Committee report recommendations around that road upgrade project.

There is nothing in this appropriation bill that is of concern to the ACT Greens and we will be supporting the bill this afternoon.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (4.45), in reply: I thank members for their support of the appropriation bill. This could perhaps be a precursor to support for the budget in a few months time.

Mr Smyth: Don't hold your breath.

MR BARR: Don't hold my breath? I am sorry; it has just been one of those days where there seems to be a bit of agreement across the political divide on budget strategy. I am still recovering from the shock of the shadow treasurer endorsing an appropriation bill of the government, but that is welcome, and I thank Mr Smyth and Ms Hunter for their comments and support.

Just to reiterate, the bill before us provides for the additional costs to agencies for funding the recently agreed enterprise agreements. We had made partial provision for wage increases in the 2011-12 budget. However, there was a need to appropriate additional funding now that the negotiations have concluded. The $18 million in appropriation for 2011-12 provides for the additional costs of pay increases to territory public servants negotiated through the normal enterprise bargaining processes.

The public service not only represents the largest expenditure component of the territory budget; it is also our greatest asset and one which we should protect, and I am sure all members appreciate this. The government recognise that to maintain a capable workforce, to deliver high quality services to the community, our remuneration must be competitive with those of our state and commonwealth counterparts. With the recent enterprise bargaining outcomes we have not allowed that gap to grow to a level which could result in a leakage of staff to other employers.

The two capital works projects that are authorised through this process, the Malkara hydrotherapy pool replacement and Ashley Drive improvements, are indeed important projects for their respective communities. I note, though, that actual funding of these projects will be managed through capital underspends this year and topped up in the 2012-13 budget. However, commencing work on these projects is necessary now; hence the authorisation contained in the bill.

I thank the committee for their support of the bill and for their report and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Egg production
Statement by minister

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation), by leave: I wish to provide the Assembly with a statement on the progress of negotiations with Parkwood farm to adopt alternative egg production methods. This statement arises from the resolution of the Assembly of 21 March 2012 that was moved by Ms Porter.

I can report that the Economic Development Directorate has commenced discussions with Pace Farm, the owner of the Parkwood farm, and that a range of options are under active consideration. The engagement to this point has been positive but it has highlighted that there are a number of large and complex decisions for Pace Farm, and I reasonably expect that negotiations will need to continue for some further time. I undertake to report back to the Assembly when a final decision is taken.

Sitting suspended from 4.50 to 7 pm.

Electoral Amendment Bill 2012
Detail stage

Clause 1.

Debate resumed from 29 March 2012.

Clause 1 agreed to.

Clauses 2 and 3, by leave, taken together and agreed to.

Clause 4.

MRS DUNNE (Ginninderra) (7.01): I move amendment No 1 on the white paper circulated in my name *[see schedule 5 at page 2472]*.

This is a procedural amendment which addresses the inclusion in the Criminal Code of a range of offences in this legislation. The approach that the Canberra Liberals have taken—and we have had some discussions on this with the Greens—is that we believe that the penalties in this legislation should be onerous and large but we do not believe that they necessarily should be criminal penalties.

Many of the approaches that the government takes in their bill we fundamentally disagree with and we think that the penalties in these provisions should not include a criminal sanction. In summary, the overall approach that the Canberra Liberals have taken is that if there is over-expenditure on the cap or over-donation on the limits on donation caps, the penalty for those overspends or over-receives should be twice the amount that is overspent or over-received and that should be a civil penalty.

The inclusion of a range of matters in the Criminal Code is contrary to the spirit of the issues that we have taken forward in our approach to this legislation and therefore we propose to remove all of the penalties from 205A, 205B, 205C and 205F of the Criminal Code. I note that the government is proposing by its amendments to include another provision in the Criminal Code and we would be opposing that as well. This is basically a difference of opinion between the attorney and me and, I suspect, Ms Hunter on the approach that needs to be taken on these matters and it will be resolved by vote.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (7.04): The government will be opposing this amendment. This amendment is consequential to the Liberals' proposed amendments 10 and 13 which remove the scheme for establishing an ACT electoral account and amend the proposed new section 205F in relation to electoral expenditure by party groupings.

The amendment removes references to the government's proposed new sections 205A, 205B, 205C and 205F in the bill which establish the requirements of an ACT election account. As the government will not be supporting Liberal amendments Nos 10 and 13 we are also opposing this amendment.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (7.05): We will not be supporting Mrs Dunne's amendment. This is a technical amendment. I will also have an amendment that fills this space. We do not agree with this amendment at this stage because of the substantive policy changes that flow from this amendment.

Amendment negatived.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (7.06), by leave: I move amendment No 1 circulated in my name *[see schedule 9 at page 2478]*.

My amendment is about changing the expenditure cap and I will be speaking more about this later in the debate.

MRS DUNNE (Ginninderra) (7.06): We will be supporting this amendment because it deals with the same principle but in a narrower frame than the amendment that I just moved and was not successful in having passed. But this removal of 205F from offences under the Criminal Code is the central element of the approach that I wanted to take. Our approach was more widespread. But we will be supporting this.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (7.06): The government will be supporting this amendment. It is a consequential amendment that omits the dot point in clause 4 of the government bill that signposts section 205F which creates an offence for exceeding the expenditure cap. Amendment 1 is consequential to amendment 5 which proposes an alternative section 205F and a new section, section 205FA, both of which concern electoral expenditure.

Amendment agreed to.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (7.07), by leave: I move amendment No 1 circulated in my name *[see schedule 4 at page 2468]*.

This relates to the amendments not considered by the scrutiny of bills committee. I table a supplementary explanatory statement. This is a consequential amendment that inserts a new dot point into clause 4 of the Electoral Amendment Bill. Clause 4 lists the offences in the Electoral Amendment Bill to which the Criminal Code 2002 applies and amendment 1 reflects the insertion of a new section, section 215FA, in amendment No 11.

Amendment negatived.

Clause 4, as amended, agreed to.

Clauses 5 to 7, by leave, taken together and agreed to.

Proposed new clause 7A.

MRS DUNNE (Ginninderra) (7.09): I move amendment No 2 circulated in my name on the white paper *[see schedule 5 at page 2473]*.

For the information of members here, I have four sets of amendments, and I thank Janice Rafferty in particular and the Secretariat staff for their forbearance. Just to make life easier as we go on, there are amendments on the white paper, which are my amendments to the bill itself, and there are pink amendments. If some of these amendments fail then I will move these contingent amendments. In addition there are amendments on the blue paper, which are my amendments to the attorney's amendments to his bill, and there is one amendment on a yellow page which is a contingent amendment—just so everyone knows what we are talking about and why we have come up with this colour coding.

Turning to the amendment itself, this amendment inserts a new definition of affiliation fee. It is a definition which does not exist in the legislation as it currently stands and it is contingent upon amendments that I propose to move to the government's new clause 198AA. It is necessary for those amendments to have an affiliation fee attached to them. I am sure that most people who work in politics would understand what an

affiliation fee means. It is an amount that an organisation pays to a political party to become associated with it and to become involved and participate in the affairs of the party. The disaffiliation fee has implications for them.

As we get to the bill proper—this is in the definitions part—there are issues that relate to affiliation fees and whether or not they are gifts within the meaning of the act. The Canberra Liberals take the view that affiliation fees, or a substantial part of affiliation fees, should be considered a gift. There is no problem with giving gifts. It is just that they have to be recorded and reported upon. If this legislation is successful they would be limited to $10,000 in any one calendar year.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (7.12): The government opposes this amendment from Mrs Dunne. The reason for that is that this amendment inserts a new clause 7A into the bill to provide a new definition of affiliation fee. Basically, what this means is that there will be a requirement that for people and organisations that pay an affiliation fee it will be considered a gift. Affiliation is not a gift. Affiliation is in relation to a relationship—for example, between a trade union and the Australian Labor Party. The government does not see why this provision should be included in the legislation.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (7.12): The Greens will be opposing this amendment. As has been explained, this is in the definition, so the definition would be seeing an affiliation fee considered a gift. We do not agree with that. This will be part of the debate later in the piece. It is the start of bringing the unions into the expenditure cap of the Labor Party. We will also be opposing Mrs Dunne's amendment No 3 for the same reason.

Question put:

> That proposed new clause 7A be agreed to.

The Assembly voted—

Ayes 4		Noes 9	
Mr Coe	Mr Smyth	Mr Barr	Ms Hunter
Mr Doszpot		Dr Bourke	Ms Le Couteur
Mrs Dunne		Ms Bresnan	Ms Porter
		Ms Burch	Mr Rattenbury
		Mr Corbell	

Question so resolved in the negative.

Proposed new clause 7A negatived.

Proposed new clause 7B.

MRS DUNNE (Ginninderra) (7.16): I move amendment No 3 circulated in my name to insert a new clause 7B *[see schedule 5 at page 2473]*.

This is the most important provision in this legislation as far as the Canberra Liberals are concerned, because it defines the relationship of associated entities with parties. An associated entity—and this is a definition which is extracted substantially from the New South Wales legislation which has recently passed into operation—is an organisation which is controlled by a party or operates completely or to a significant extent for the benefit of the party, or is authorised under the party rules to participate in the formulation of policies, election of office-bearers, or the preselection of candidates. There are similar provisions for associated entities for an MLA or candidate.

This is really the important question, because it depends on how an associated entity is treated as to whether the election expenditure cap—which is essentially, for major parties, $1,020,000—can be breached or not or whether parties can get around the expenditure cap by allowing their associated entities to campaign on their behalf and not have their expenditure included.

It is vitally important, for this legislation to be successful, that the definition of associated entities is tight and that the legislation makes it perfectly clear that if you participate in the decision making of a party or in the decision making of an independent, and if you engage in political expenditure, that expenditure becomes the expenditure of the independent, the individual MLA or the party. What we have all talked about—I even heard the Attorney-General use the phrase the other day when he introduced this bill—is putting an end to the arms race of election campaign expenditure. This is how you put an end to it.

First and foremost, the most important thing to get right is how you count the expenditure of associated organisations. If an organisation is so closely associated with you that they get to choose your preselection candidates, or participate in that, participate in the election of office-bearers and participate in the formulation of policy, then they are part of you, and if they spend money in the election campaign it is as if the party or organisation were expending that money. This is what this definition does.

If we fail here, we will fail the people of the ACT, because we will not bring in real campaign finance reform and we will not be as brave as the New South Wales parliament has been, under both Labor and the Liberals, with the support of the Greens. If we fail with this amendment here, we may as well pack up and go home, because the cap on expenditure will be a fiction. It will mean, if this is the case, that the Liberal Party, if it runs 17 candidates, can spend up to $1,020,000. But there is no reason why organisations associated with us who pay for the privilege of helping to select our candidates, informing the policy debate or selecting our office-bearers cannot do the same. They can go out and they can spend any amount of money that this Assembly allows them to do as third-party campaigners.

This is the real problem. We have had a debate. We had a committee of inquiry. The committee of inquiry said that there should be a cap on expenditure; that that should be $60,000 for every party person who ran as a candidate; and that third parties, people who were not prepared to put their name on the ballot paper but who wanted to participate in the election campaign as observers from the outside, could spend half that amount of money, $30,000.

Now the Greens, in their infinite wisdom, which no-one has been able to explain to me, have decided that they want to increase the amount of money that a third-party campaigner can spend by four times what was recommended by the standing committee. So if an organisation is closely affiliated with a party or an independent member, they can extend their expenditure cap. So what happens to everything that everyone has said? Everyone at some stage in this debate, going back to 2010, has said: "We want to put an end to the arms race of expenditure. We want to put an end to the arms race." The Attorney-General said it himself the other day. I nearly drove off the road when I heard him. Even he had absorbed the rhetoric: "We want to put an end to the arms race." I challenge the members in here today: if you do not create a process whereby associated entities are incorporated in that cap, you have not put an end to the arms race.

If you go on and address the rate at which the Greens now propose to give third parties the right to campaign, you will see that we will have escalated that quite royally. We will have failed the people of the ACT. We said that we would create an end to the arms race—we would make elections about policies and ideas, not who could raise the most money to run the most ads on TV. What will happen under this scheme if the Labor Party and the Greens do not accept this amendment and they go on to accept the Greens' proposal for $120,000 for someone who is not prepared to put their name on the ballot paper but who gets to have a say? We will have escalated this beyond the wildest dreams of the average Canberran.

I go back to my favourite phrase about campaign finance reform from President McKinley's campaign director: "There are two things about elections: there's money, and I can't remember what the other one was." If we do not draw a line in the sand here today and say that associated entities have to be counted in the cap of expenditure by the party or organisation that they are associated with, we will have made elections about money.

That is why this is the most important amendment to this legislation that we will see tonight. If we fail here, we will have failed the people of the ACT.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (7.24): The way Mrs Dunne characterises this amendment is not what this amendment is about. This amendment is about targeting trade unions and targeting political parties themselves in terms of their own operations and saying to them that they must abide by the onerous reporting requirements that are imposed on associated entities.

We do not believe it is appropriate that a trade union should have to report every membership fee it gets from every member of that union. It is completely impractical. For example, the Community and Public Sector Union in this town has thousands and thousands of members. Under this provision, Mrs Dunne is saying they must report all that expenditure, all that income, even though it may not go in any way towards a political campaign.

That is what Mrs Dunne is saying. The government does not agree. Affiliated entities, if they make donations to political parties, will have to declare those. They will be captured by the same provisions around a gift as any other entity. Mrs Dunne is trying to go further. She is trying to require a whole range of onerous reporting requirements for those entities in a way which is unjustified.

Trade unions and like bodies play a legitimate role in our democracy. They are part of the social democratic fabric of Australian society. What Mrs Dunne is trying to do is restrict and restrain their capacity to legitimately participate in social democratic debate.

The government does not support this amendment.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (7.26): We will not be supporting this. What Mrs Dunne is proposing is administratively difficult. We did seek advice, and we were given advice by the Electoral Commissioner, who also said that it would be administratively very difficult.

We do not think that this is the best way to achieve the goal that Mrs Dunne wants. We do not agree on the premise of Mrs Dunne's argument that this will have the dire consequences that she suggests. Despite links through affiliation, unions are separate entities and we need to be very careful about how we regulate them. We do not think that this is the right way to achieve the goal that Mrs Dunne has put out there.

As I said, we did seek advice. This is administratively very difficult. There are too many problems with what she has proposed. Therefore we will not be supporting it.

MRS DUNNE (Ginninderra) (7.27): It is delicious to hear the government and the Greens say, "We cannot do this because it is administratively difficult." They actually dodge the issue. The issue is this: are affiliated organisations counted in the cap for expenditure purposes or are they not?

We have to remember the genesis of this. We had a motion in this place. We referred it to the JACS committee inquiry into this. The majority of the committee—Ms Hunter and I were the majority of the committee—came forward with recommendations that said that affiliated organisations should be counted in the cap.

After that, I introduced a bill that implemented the recommendations of the committee. It is extraordinarily difficult, and there were problems with that bill. The problems of drafting extraordinarily complex legislation from opposition are not to be underestimated. But at no time has the attorney or Ms Hunter come to me and said, "We agree with the principle, but this is a bit onerous." Ms Hunter said here that it is administratively difficult. Did she offer a suggestion for fixing the administrative difficulty?

We are hanging our hat on the fact that this is administratively difficult and allowing affiliated unions to participate in the election campaign—not to the tune of $30,000,

which was suggested by the majority of the committee that reported and advised this Assembly, but to the tune of $120,000 if Ms Hunter's amendments get up later.

Let us think about it. Suppose Joe Bloggs decides to put his hat in the ring and run as an independent candidate. If this all washes out the way that Ms Hunter wants it to today, Joe Bloggs, who stands in the seat of Ginninderra and runs against Ms Hunter and I, gets to spend on his election campaign the princely sum of $90,000. He puts his name on the ballot paper and he gives it a red-hot go. But any other organisation, including the HSU, the CFMEU, the AEU or any sort of organisation associated with the Liberal Party, like the 250 Club, if it continued—it does not exist anymore, but I use it as an example—could have been in this category. They can go out and campaign on behalf of the Liberal Party or the Labor Party, and the Conservation Foundation can go out and campaign on behalf of the Greens, to the tune of $120,000, and they never get to put their name on the ballot paper. But my constituent who wants to run against me and give it a red-hot go gets to spend $90,000.

In addition to that, using the example of the Liberal Party, the Liberal Party will have, effectively, a cap of $1,020,000 at the next election campaign if this legislation passes tonight. The Labor Party will have the same cap. But the Labor Party has a whole lot of affiliated unions, and each one of those will be able to go out and spend up to $120,000. If my legislation passed, it would be $30,000. If the government's initial proposal passed, it would be $60,000. But if the Greens get up, it will be $120,000. There are, I think, at last count, 15 affiliated unions. You do the maths. That more than doubles the cap of the ALP. And then we will have a real arms race.

The Attorney-General can shake his head and be all indignant, but that is what it means. The attorney is going to be very tired of hearing me say this tonight, but what this means is that the Labor Party and its affiliated organisations can run a multimillion dollar campaign and circumvent the cap. That is what they have always wanted to do. They have been dragged kicking and screaming to the table. They only introduced their bill when they saw the recommendations of the committee and they saw that members of the committee were prepared to do the work. They thought, "Holy mackerel; we can't afford for this to happen." Since then they have introduced this bill, which has been roundly criticised. And they spent a whole lot of time—I do not know what they have been doing—lovey-doveying up to the Greens, because the Greens have changed their mind mightily over these issues.

The negotiations that I had in committee when we were putting together this committee inquiry and where we are today are light years apart. What the Greens agreed to as part of a tripartite committee they have walked away from if they do not support this amendment today.

This is the most important amendment that we have in here today. This is where the Assembly decides whether we have an arms race or we have authentic campaign finance reform. The question is up to the Greens and the Labor Party. Do you want to stop the arms race? Everyone has used the term. The attorney used it the other day. We want to stop the arms race. We were prepared to put legislation on the table that stopped the arms race. We are now at the really pointy end of this debate where they have to vote to stop the arms race. That is my challenge for them today: vote to stop

the arms race. If you oppose this amendment, you are declaring that we are all going out and buying our own electoral ICBMs. That is what you are doing.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (7.34): The partisan nature of Mrs Dunne's amendment is laid bare in the comments she just made tonight. She made it very clear just then that the purpose of this amendment is to hobble her political opponents. That is what she said. She was quite blatant about it. She said, "The Labor Party has affiliated unions and we want to stop them supporting the Labor Party."

This is not about the partisan advantage that Mrs Dunne is seeking to achieve through this amendment tonight. This is about recognising that trade unions participate in the political environment in their own right. They may be affiliated with the Labor Party. Some of them are; some of them are not. But we know that trade unions participate in political debate in their own right and trade unions are quite happy to criticise the Labor Party if they believe the Labor Party is not doing what they believe is in their members' interests.

Trade unions make donations to other political parties. We know that trade unions, for example, have made political donations to our political opponents like the Greens. This highlights that trade unions are independent actors in the political environment. They are legitimate players in the social democratic debate. It is wrong of Mrs Dunne to seek to try and tie them to expenditure on the part of the Labor Party. They are not part of the Labor Party. They are separate entities. They engage in political debate on their own terms and they should not be treated in the way that Mrs Dunne seeks to do tonight for her base political advantage.

MR COE (Ginninderra) (7.36): Not only is this amendment—and, indeed, the entire bill if this amendment is successful—unfair but also it is quite impractical. What we are going to have is a situation whereby, as Mrs Dunne says, an independent candidate who puts their name on the ticket, who takes a risk in being a candidate and puts their family on the line, can spend $90,000. Meanwhile the CFMEU, who do not have a name on the ticket, can spend $120,000. That, to me, is absolutely absurd. You have an independent who has taken a risk and put their name on the ticket who can spend $90,000. Meanwhile the CFMEU, who do not have a name on the ticket, can spend $120,000.

That is absolutely absurd. It is unfair. It is another example of Labor and the Greens gerrymandering yet another bill to suit their political ends. It is very interesting that in New South Wales the Liberals and the Greens came together to form an agreement whereby affiliated unions would be included in a cap. The Greens in New South Wales, perhaps some of the most radical Greens of all, came together with the New South Wales Liberal Party to form a decision whereby affiliated unions would come under that cap.

Why is it that the brothers and sisters in the territory of that same clan suddenly think it is immoral, just about, for unions to be included as an affiliated organisation under the cap? Because of their selfish political ends. It has nothing to do with good

governance. It has nothing to do with what is right and what is proper. It is for their selfish political ends, which is why they are not allowing affiliated unions to come under the same cap. I think Mrs Dunne has very well articulated the stance of the opposition on this. I think the speeches by both the government and the crossbench have highlighted to this place just how partisan and just how political the decision making has been with regard to this amendment.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (7.39): That was all a little rich. It is about a squabble over money. Really, why would we be focusing on one group—in this case, the unions? We go to the example of Clive Palmer, who has poured millions and millions into coalition campaigns to rage against the superprofits tax on mining. This has really shown some true colours here. We need to be aware that all groups have a right to participate in our democracy and recognise that tonight we may not necessarily be coming up with absolutely the best solution, but Mrs Dunne's amendment is going too far. Why focus on one when there are other groups out there? As I said, when you look at Clive Palmer, Gina Rinehart and all their mates, the amount of money that they have poured into federal Liberal campaigns is unbelievable. I believe it is just a little bit rich to be pulling that argument in this particular case.

Question put:

> That proposed new clause 7B be agreed to.

The Assembly voted—

Ayes 4		Noes 9	
Mr Coe	Mr Smyth	Mr Barr	Ms Hunter
Mr Doszpot		Dr Bourke	Ms Le Couteur
Mrs Dunne		Ms Bresnan	Ms Porter
		Ms Burch	Mr Rattenbury
		Mr Corbell	

Question so resolved in the negative.

Proposed new clause 7B negatived.

Clauses 8 and 9, by leave, taken together and agreed to.

Clause 10.

MRS DUNNE (Ginninderra) (7.44): I move amendment No 4 circulated in my name on the white paper *[see schedule 5 at page 2473]*.

This amendment is proposed in the interests of clarity and to avoid impractical distinctions. The definition of electoral expenditure in the act is mind-bogglingly complex, as is almost everything with the Electoral Act. One of the things that I have learned over the last two years is that if ever there was a piece of legislation that needs a root and branch review, it is the Electoral Act. This is not the time and place for it,

but I am just putting it on reference that when I become the Attorney-General, as I hope to after October, it will be one of my chores to ensure that we have a root and branch review of the Electoral Act to ensure that it is clear and that there are not impractical distinctions.

The question here is about the definition, in section 198 of the Electoral Act, of electoral expenditure. It includes a whole lot of things which are pretty bleeding obvious, including broadcasting an electoral advertisement, publishing an electoral advertisement and displaying electoral material. I do not have a problem with any of these sorts of things. It includes a consultant's or advertising agent's fees relating to electoral matters mentioned in specified paragraphs and the distribution of those materials. And then we get to:

> … carrying out an opinion poll or other research undertaken to support the production of electoral matter mentioned in subparagraph (i) to (vi); but … does not include administrative expenditure.

I defy anyone to determine whether a particular opinion poll is undertaken to support the production of electoral matter. In practice, opinion polls will never be taken with that exclusive aim. I would say that to take a random sample of 1,000 or 2,000 people, ring them up and say "How would you be voting if there was an election held today?" does not give you any information that would help you fashion an ad, a pamphlet or anything of that sort.

There are sorts of polling that might be done. That would be the sort of thing where you have a focus group, you run an ad past them or you run some messages past them and you see how people respond. But opinion polling does not do that. Opinion polling asks people: "If you had to vote today, how would you vote? And of the people that might run in the election, do you recognise their names?"

The real issue will be that political parties will have to go to the Electoral Commissioner with their polling material and say: "Here is a poll that we ran. It cost us $30,000 to put it in the field and it had five questions. This question, this question and this question were about voter intention. They had nothing to do with formulating policy anywhere. But in this question over here, we asked people what their views were on light rail and the VFT. We subsequently formulated a policy on light rail and VFT and we used that information. Therefore, of the six questions and the $30,000 that we put in the field, one of those questions relates to this, so we propose to put forward $5,000."

Then the Electoral Commissioner has to moderate whether or not that is actually what happened. It is not his job. He should not be asked to do that. Electoral commissioners should not be asked to do this. One of the things that the Electoral Commissioner has said to us on a number of occasions is: "Make our job simpler."

An example of one of the things that we are going to do tonight that will make the Electoral Commissioner's job simpler is about administrative expenditure. The government's proposal, on the advice of the Electoral Commissioner, who gave the same advice to me, was: "Don't have an acquittal system, because we have to go

through and check your records. We know that you will spend more on administrative expenditure than the amount of money that you will ever get back through the publicly funded system, so just claim it. We don't want to have an acquittal system, because it makes our life too difficult."

This is going to make life extraordinarily difficult. Opinion polls are rarely used for specifically formulating information that would go into a broadcast ad, a policy, a pamphlet, a flyer or something that goes in a letterbox. When we discussed this with the attorney, he said, "We wanted to stop people using push polling and saying it was opinion polling." Push polling, attorney, is illegal. It has been for some time. Push polling cannot be done. So we are not using this as a means of stopping people using push polling.

If the minister came in here and said, "If you use focus groups to test your policy ideas, to run a slogan through them or anything like that, and it comes within the capped expenditure period," we would say, "Right on." Absolutely. But as this currently stands, it is completely and utterly unenforceable and unmanageable. You will end up having the Electoral Commissioner saying, "It is too hard. If you conduct an opinion poll, whether or not it was used for formulating a policy position or whether or not it helped you formulate an ad or a brochure, we will count it."

That is patently unfair, because that is not what opinion polling is used for. It shows that if this is the attorney's idea, he knows very little, as an experienced campaigner, as an experienced member who has faced six or seven elections, of exactly what opinion polling is used for. He should get out more and learn what it is for.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (7.51): Mrs Dunne is wrong. Push polling is not illegal, and the party with the record on push polling in this territory is the Liberal Party. Let us remember that.

Mrs Dunne: And it is illegal.

MR CORBELL: It is not illegal. There is nothing in the ACT Electoral Act that prohibits parties using push polling. So it is appropriate that we ensure that opinion polling is captured in the definition of electoral expenditure. The government does not support Mrs Dunne's amendment.

Leaving aside the issue of push polling—which of course was used notoriously by the Liberal Party in the Canberra by-election that saw Mr Smyth elected to the House of Representatives; let us just remember that Mr Smyth has got form when it comes to the issue of push polling—the broader issue that I and the government find it difficult to understand is the claim that opinion polling is not used to inform the decisions of political parties about the sort of material that they put together, the sort of slogans or campaign messages that they use. Of course opinion polling does that. Of course it does that. All political parties do that. All political parties use opinion testing to help inform messages, help inform slogans, help inform the production of written, printed and electronic advertising material. That is why it is in there.

You have to ask the question: why do the Liberal Party want to exempt it? I do not understand why, but their motivations cannot be good ones when you consider the purposes for which opinion polling is used in the context of an election campaign.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (7.53): We will not be supporting this amendment. It is quite clear that opinion polls are used to tailor slogans, to tailor campaigns, to tailor messages, so it is a bit of a nonsense to be saying that they should not be included in the expenditure cap. Of course opinion polls and research that are included here are used to inform the production of campaign material. As Mrs Dunne said, there will be some difficulty in it all for the Electoral Commission. Nevertheless, there is a link here. There is a clear link between opinion polls and research and formulating campaigns and messages and so forth. So we will not support the omission of opinion polls and research from that expenditure cap.

MRS DUNNE (Ginninderra) (7.54): It is ironic that neither speaker who would oppose this has given examples of how opinion polls are used; they just asserted that they would be. This is the thing with opinion polls: it depends on what you ask. What we are going to end up having to do is go through this whole process in fine detail and put more work on the Electoral Commissioner, who is going to have to arbitrate whether the opinion poll in a particular case was research that was undertaken to support the production of electoral matter.

I will give an example of ABC polling doing a poll for the Labor Party. They ring up and say: "I want to talk to the person who is close in age to 23 in this household. Are you enrolled on the electoral roll?" "Yes." "Would you like to answer these questions?" "Yes." "If there was an election tomorrow, who would you vote for?" If the answer comes back that X percentage say they are going to vote for the Labor Party, X percentage say they are going to vote for the Liberal Party, there are people who are going to vote for the Greens, somebody is going to vote for anybody else that they can possibly think of, and there are a whole lot of people who do not know, how is that informing? That is one question on the poll.

The next question might be: "You live in the electorate of Ginninderra. Who are your local members and can somebody answer that question unprompted?" They probably cannot. And then the next question is: "Of these people," and they read out a whole list of people, "do you recognise their names? Are they a member of the Legislative Assembly?" How does that inform the publication and development of election material? It might tell a political party how well they are travelling or how badly they are travelling and whether there is reasonable name recognition and favourability of their members and their candidates; that is all it tells them.

If they then ask, "What are your views about building a light rail down Northbourne Avenue?" that question might do. If the party then decides that it wants to run on light rail and it goes around and gets a focus group and says, "This is a really important issue because" and "Here is a message; how do you respond to that?" that is material that could be used. We need to be utterly clear that not every time you ask someone an opinion is that going to inform the way that you put together your election material.

The real challenge for the attorney is this: if ABC polling ring my house tonight and ask to speak to the youngest voter in the house and ask them if there was an election tomorrow how would they vote, I would like you to tell me, attorney, how that will directly inform the publishing and preparation and dissemination of electoral advertising? That is what it is all about. That is what it is all supposed to be about.

The attorney says that if we are opposed to this we must have nefarious intent. Quite frankly, the Canberra Liberals run rings around the Labor Party when it comes to campaigns. The Labor Party are overfunded, fat and lazy and they will spend much more time and much more money on opinion polling than we ever will, because we can do it smarter and better than they do. That has been borne out year after year. They will outspend us time and again and they will not get significantly more votes than we do, because they do not think about how they do it, because they have got buckets of money and they just fling it all around.

If this goes in it will be more to the detriment of the Labor Party than it will be to the Liberal Party. The Labor Party will, without a doubt, spend much more on polling than we will between now and the election campaign—because they have much more money to spend—and they will do it badly and we will do it well.

The whole issue is not whether we have a nefarious intent; it is about whether we have a workable electoral system. The definitions in this are wrong and muddle headed and the attorney and the Electoral Commissioner will rue the day this is put in here, because the Electoral Commissioner will have to sit down at the end of the election period and arbitrate on whether this question is in or out. That is why, for the sake of simplicity, for the sake of getting things done properly and for the reason that we all recognise that every political party spends money on polling and it all evens itself out in the long run, we should oppose this inclusion here.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (8.01): Mrs Dunne does not seem to understand the intent of her own amendment. It completely omits the subsection which includes "opinion poll or other research".

First of all, opinion polling can be quantitative or qualitative. It can simply assess voting intention or it can do more than that: it can test people's opinions; it can ask qualitative questions about people's views on certain matters or what they might favour in terms of government or opposition or political party policy. That is going to directly inform the production of electoral matter. But of course, even if it is not a qualitative or quantitative opinion poll, the clause that Mrs Dunne seeks to omit also includes the term "other research". What is "other research"? Other research could be focus points. It could be a whole range of other things designed to inform a political party about what sort of electoral material it should produce to be successful. It is directly linked to electoral expenditure and it should be captured in, not omitted from, the definition.

Question put:

> That **Mrs Dunne's** amendment be agreed to.

The Assembly voted—

Ayes 4		Noes 9	
Mr Coe	Mr Smyth	Mr Barr	Ms Hunter
Mr Doszpot		Dr Bourke	Ms Le Couteur
Mrs Dunne		Ms Bresnan	Ms Porter
		Ms Burch	Mr Rattenbury
		Mr Corbell	

Question so resolved in the negative.

Amendment negatived.

MRS DUNNE (Ginninderra) (8.06): I move amendment No 5 circulated in my name on the white paper *[see schedule 5 at page 2473]*.

This amendment amends section 198 of the principal act—the definition of "electoral expenditure" and the definition of "financial representative". In the Electoral Act there are people who have to take responsibility for certain decisions. One of the things here is that for party groupings and the like there are reporting agents for the party who take responsibility for this. The current legislation as drafted by the minister and his officials is that for a third-party campaigner a financial representative—if the third-party candidate is an individual—is that person themselves or in any other case the managing director, however described, of a third-party campaign. I propose to simplify that to say:

> in any other case—the person responsible (however described) for the management of the third-party campaigner.

Many third-party campaigners might be quite small organisations. As I said to the Electoral Commissioner, Evatt residents for Vicki Dunne may be a very strong group indeed, but they may be an incorporated organisation who just come together to support my election campaign. They might spend a couple of thousand dollars on telling Evatt residents why they should continue to support Vicki Dunne in the next Legislative Assembly. These people would not have a managing director, however described, because they would not have that corporate structure.

So for third-party campaigns I think it is appropriate—and I understand that there is agreement generally for this—that the financial representative should be more simply described as the person responsible for the management of the third-party campaign. It will be perfectly obvious to the Electoral Commissioner and anyone else. It will probably be the person whose name is attached to the authorisation in small organisations in particular. If it is a large organisation, it will also be obvious because it will have a corporate structure.

It would be difficult and unreasonable for grassroots organisations that may spring up. Belconnen residents who want lights at the dog park are another group of people that might spring up. They do not have a managing director. They might put a couple of

thousand dollars in to campaign on a particular issue in the run-up to the election and they should not be excluded from doing so because they do not have a managing director.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (8.10): The government will be supporting this amendment. The expression proposed in the amendment is intended to be broader, capturing whichever person can be identified as the person responsible for the management of a third-party campaign.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (8.10): We will be supporting Mrs Dunne's amendment. It is a sensible amendment that defines who is responsible for a particular entity.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11 agreed to.

Clause 12.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (8.11), by leave: I move amendments Nos 2 to 4 circulated in my name together *[see schedule 4 at page 2468]*.

This is a series of amendments to clarify the operation of certain provisions in relation to definitions. Amendment 2 changes paragraph (b) of each of the definitions of "non-party candidate grouping" and "non-party prospective candidate grouping". As proposed in the bill, it would capture electoral expenditure by any person to support a candidate or prospective candidate without the knowledge of the candidate or prospective candidate. This is not the intention of the amendment, as it is unreasonable that a candidate or prospective candidate should be held responsible for expenditure that has been incurred without their knowledge or authority.

Accordingly, this amendment proposes that these provisions be further amended to provide that they only apply in cases where the person incurring the electoral expenditure has done so on the authority of the candidate or prospective candidate. It is conceivable that a person or organisation could deliberately undertake such expenditure to embarrass a candidate or prospective candidate, leading to prosecution of the relevant financial representative. This amendment will address those concerns.

Turning to amendment 3, this amendment amends paragraph (b) of the definition of "non-party prospective candidate grouping" in clause 12 of the bill. This amendment, like amendment 2, narrows the definition to ensure that it only applies in cases where the person incurring the electoral expenditure has done so on the authority of the candidate.

Finally, turning to amendment 4, paragraph (g), the definition of "party grouping" in new section 198 of the bill has been inadvertently included in the definition. As noted with respect to amendments 1 and 2, it would be inappropriate to make the financial representative as defined in new section 198 responsible for expenditure incurred by an unrelated person or organisation whereby that expenditure pushes the sum of expenditure incurred by the party grouping over the expenditure cap. It is conceivable that a person or organisation could deliberately undertake such expenditure to embarrass a party or lead to prosecution of the party's financial representative.

MRS DUNNE (Ginninderra) (8.13): The Canberra Liberals will be supporting this. We drew these issues to the attention of the attorney. To his credit, he immediately grasped the problem and undertook to address the issue, for which I thank him.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (8.14): The Greens will be supporting these amendments. They change when and by whom expenditure is incurred. The proposal in the bill is too broad, so we support the government's amendments to better capture electoral expenditure.

Amendments agreed to.

Clause 12, as amended, agreed to.

Clause 13 agreed to.

Clause 14.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (8.14): I move amendment No 5 circulated in my name *[see schedule 4 at page 2469]*.

This amendment amends the definition of "third-party campaigner" in new section 198 of the electoral bill to narrow the meaning of the term "publisher of a news publication" as used in the current definition in clause 14. As drafted, clause 14 could allow genuine third-party campaigners to avoid their obligations by publishing their own news publication. Amendment 5 is intended to address this concern by narrowing this definition to a publisher of a news publication, except a publication published for, or for the benefit of, a party, MLA or candidate grouping.

MRS DUNNE (Ginninderra) (8.15): The Canberra Liberals on reflection will be supporting this amendment. We notified the attorney of this the other day. We highlighted this as a problem some time ago. We had a somewhat different, more elegant and labyrinthine approach, for which I thank the drafters, but this is actually simpler. I am not quite sure that it does it as well and as comprehensively as our amendment, but it is definitely simpler.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (8.16): We will be supporting this amendment. It improves the proposal in the bill and for that reason we will support it. It is important that we exclude legitimate news publications; that we

do not let political publications slip through the definition and avoid being considered as third parties.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clause 15.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (8.16), by leave: I move amendment No 6 on the white paper and amendment No 1 on the green paper circulated in my name together *[see schedule 4 at page 2469 and schedule 10 at page 2481]*.

Turning first to amendment No 6 on the white paper, this amendment refines the new definition of "gift" in the electoral bill to clarify the current definition in clause 15. The current definition may leave doubt as to whether an amount of more than $250 paid at a single fundraising event could be considered a gift if the donor considered that he or she had received consideration for the gift. For example, a person could claim that a payment made to attend a fundraising seminar was not a gift as the person had received an experience that could be taken to be value for money.

Amendment 6 addresses this doubt by separating the definition of "gift" into two parts. Section 198AA(1) includes the concept currently contained in the Electoral Act 1992, which is the traditional notion that a gift is a disposition of property made by one person to another without consideration in money or money's worth or with inadequate consideration, and that a gift includes the provision of a service for no consideration or inadequate consideration.

Section 198AA(1A) provides that a payment of a membership fee to a party or a payment that is made at a single fundraising event, of more than $250, is taken to be a gift, even if it is argued by the donor that they have received consideration for the payment.

Finally, section 198AA(1B) provides that a number of things are not considered to be a gift, including the first $250 of a fundraising contribution at any single fundraising event. The intent of these changes is to ensure that donors cannot avoid the obligations pertaining to gifts by claiming that payments to parties and other political entities are not gifts but instead are membership fees or payments for services received at fundraising events. This amendment makes it clear that payments of this kind over $250 are to be treated as gifts. In the government's view, $250 is a reasonable limit for this type of payment.

My amendment No 1 on the green paper makes provision for certain elements in relation to the operation of associated entities to expire on 1 January 2014. This makes provision for associated entities to manage the transition of the new electoral arrangements in a timely and orderly fashion.

MRS DUNNE (Ginninderra) (8.21), by leave: I move amendments Nos 1 to 3 circulated in my name on the blue paper together, to amend Mr Corbell's amendments *[see schedule 7 at page 2477]*.

This is why I said this was the furry end of the lollipop; this is getting quite complex here, Madam Deputy Speaker. While the procedure is quite complex, the amendments that the Canberra Liberals propose today are quite simple. The definitions of gift again in this legislation are complex; they are becoming much more complex than they are in other comparable electoral legislation and it is something that we should be concerned about, because once you get this level of complexity you will end up with loopholes.

However, in proposed subsection 198AA(1B) I propose a variation to the definition of gift in the attorney's proposal for anything that is a subscription to a party or a fundraising contribution, at a single event, say a dinner. We are proposing to increase the figure from $250 to $1,000 and also in doing so to add a new subclause 198AA(1A)(aa) that if an affiliation fee is paid to a party by an entity then the first $1,000 is not considered a gift but the remainder would be considered a gift under this legislation. This is comparable to the provisions in the New South Wales legislation where the threshold is $1,000 rather than $250 and I think this is a reasonable approach.

The whole issue of gifts is a fraught one and the issue becomes what is no or insufficient consideration; that is a very subjective question. Someone who is a supporter of a particular political party and who considers the leader or a particular member of the political party to be their hero, the acme of achievement in politics, might be quite happy to pay $1,000 or $2,000 or $3,000 to have dinner with that person and they would consider that value for money. They would consider it value for money because they got an opportunity to speak and meet with someone; they might get nothing out of it other than the warm, furry feeling of getting to have dinner with the Attorney-General or the minister for planning. There would be people who would think that that was a reward in itself. And that is a very subjective question.

I would disagree that having to pay $3,000 to have dinner with the Treasurer of the ACT would be a reward in itself. I would not get that warm, fuzzy feeling; but other people might.

Mr Barr: I could be quite charming, Vicki. You never know.

MRS DUNNE: You could be quite charming, but not charming enough. You could be charming, but you would have to try really hard to charm me that much. But the thing is that there are people who would think that it would be reasonable to do that. I think that going down this path of being very prescriptive and saying, "If you have dinner with the Attorney-General or the planning minister, we will consider that $250 pays for the dinner and anything else is a gift for reporting purposes," means that this legislature is imposing upon people what they think is adequate consideration, and that is a very subjective judgement. I have some real concerns about this and I think that the general approach across jurisdictions is that, if we are going to impose that

sort of sense of what we think is an adequate consideration, the bar should be lifted much higher and that $1,000 would be considered appropriate. This is what my amendments propose to do.

I do put on notice that, if this amendment to Mr Corbell's amendment should fail, I still think that it is appropriate, and if we decide that the bar should be set at $250 I think that it is appropriate that affiliation fees over $250 should be considered gifts and reported on in the same way as moneys paid for dinners and moneys paid for individual membership of the party.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (8.26): The Greens will not be supporting Mrs Dunne's amendments. All evidence presented to the JACS inquiry said less money, not more. For that reason we will not agree to this amendment. Mrs Dunne says it is subjective, but in fact the government amendment makes it clear and deems that more than $250 is a gift. It makes it easier to administer, and it is an important protection for the integrity of the caps.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (8.26): The government does not support Mrs Dunne's amendment either. It raises the threshold for the amount of money that can be collected at fundraising activities such as dinners without them needing to be declared and captured by the cap, and that is not acceptable. I think all of us have been to fundraising dinners where the ticket price may have been $1,000 or $2,000 and the quality of the meal did not equate to that value. This is an obvious loophole that must be closed. That is why $250 is the appropriate threshold—not the higher amount proposed by Mrs Dunne.

Mrs Dunne's amendments to **Mr Corbell's** amendments negatived.

MRS DUNNE (Ginninderra) (8.28): I move amendment No 1 circulated in my name on the yellow paper, which amends Mr Corbell's amendment No 6 *[see schedule 8 at page 2477]*.

As I have foreshadowed, this is an amendment which, whilst keeping the threshold at $250, incorporates an affiliation fee into the definition of gift which is currently not there. The government proposes a change to the definition of gift relating to what happens if one pays a membership fee to a party. If I paid $300 a year as my membership to the Liberal Party, which I do not, the first $250 of that would be considered a membership fee and the remainder would be a gift for the purposes of the act. If I paid $1,000 a plate for a dinner with the Attorney-General, $250 of that would be considered the consideration for the dinner and the remainder would be considered a donation and reported appropriately. That leaves out a large sum of money which comes to organisations through affiliation fees. Affiliation fees can be on a per capita basis, so in the case of a membership organisation which is affiliated with a political party you might pay either a flat fee or so much per membership of the affiliating organisation. This amendment incorporates the same principle: if an individual pays an annual subscription, the first $250 is considered to be a membership fee and the rest is a gift; if an affiliated organisation pays an annual subscription fee, the same conditions would apply.

This is only logical, but if we are going to impose these strictures on individuals and on people who attend a single fundraising event, they should be equally imposed on organisations that would affiliate themselves actively with the political party of their choice.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (8.30): The government will not be supporting this amendment. The effect of this amendment is to limit the capacity of affiliated entities to make payments to the political party they choose to be affiliated with and to make sure it is no more than $10,000. The fact is that the government is of the view that affiliation fees are not a gift; affiliation fees are a payment in consideration. You pay to join a political party or pay to be affiliated with a political party and have rights in the political process in the political party as a result. It is not a gift; it is not a donation. It is a payment for consideration, a payment to access services and access the operations, decision making and policymaking of the political party. The government does not support the amendment.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (8.31): The Greens will not be supporting this amendment. Part of it is that we have not had time to have a proper look at this. Our understanding is that it is $250 from an entity, which we just think is way too low. At this stage the Greens will not be supporting this amendment.

MRS DUNNE (Ginninderra) (8.32): I am not surprised by the outcome. I am surprised at the blatant attitude of the attorney, who says, "If you pay $300 as an individual to a political party, we deem that $50 of that is a donation; it is a gift." But if an organisation pays the same amount of money—"No, that is a fee for a right to participate." What does the attorney think that a membership fee is? If a political party chooses to charge a membership fee of $300 to an individual and an individual is prepared to pay that, that person is paying to participate in the political party. That is not valid, according to the attorney. He says that if you pay $300 and you are an individual, we deem that that is too much money and that some of that money will be deemed as a gift. But if an organisation pays $300, that is all right because that is the fee that they pay to participate.

I know that politics sometimes causes you to take contradictory views and try and justify them, but that was an example of the completely unjustifiable. The fact that the minister could do it with a straight face and will be able to sleep tonight after putting forward such a preposterous proposition defies belief. There is no consistency in the approach that this minister has taken. This epitomises the hypocrisy of the Labor Party here. Any time money might come to them through affiliation fees, they say: "No, we have to protect that at all costs. That is okay."

Let me take unions as an example. This is about unions to a large extent. They are the people, the organisations, most inclined to pay affiliation fees to parties. Unions can pay tens of thousands of dollars and it is not a gift; it is not reportable—all of these things. It will not appear anywhere; it will just go into the coffers of the Labor Party and they can use the money however they like. But if an individual, a man off the

street, comes into the Labor Party and says, "I am prepared to pay your $300 premium membership," they say: "That is not right; you can't do that. You're an individual; you can't exercise individual rights." It shows exactly the nature and mentality of the Labor Party—the corporatist mentality. The corporation, the union, can pay as much money as it likes and it does not matter; it does not come under the cap. If a union wants to pay to be affiliated with the Labor Party, it does not matter how much it is; it is never too much. But if an individual wants to exercise those same rights, the Labor Party, with the support of the Greens, are prepared to say that $250 is the most you can pay and anything over that is a gift which is reportable.

Then we come to Ms Hunter. We have been talking about this for two years. For two years we have been talking about this. For weeks now I have been suggesting politely, communicating with Ms Hunter—"When can we talk about these things?" Now she uses the excuse that they have not had time to think about it. Ms Hunter has not been able to sit down in a room and negotiate about any of this. She comes to this and says: "This has taken us by surprise. We can't possibly contemplate this. And if we did want to contemplate it, we would like to make it more." She had the opportunity to make it more just five minutes ago, and she could not do it.

I am coming to the conclusion that some of the members in this place have not come to this debate in good faith. Someone stands up in this place and says, "I could not possibly think about this because I have not had enough notice." As the representative of the Canberra Liberals, I have been trying to get in the same room as Ms Hunter or have her respond to my communication for weeks, and I have been met with silence. These amendments have been around for weeks, and I have been met by silence. Now she says, "I have not had a chance to contemplate this." It defies belief.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (8.37): Briefly in response, the key issue here is about recognising the role of affiliated entities. Affiliated entities are an important part of our political system.

Mrs Dunne interjecting—

MR CORBELL: It is not my problem that trade unions do not want to be affiliated with the Liberal Party. That is not my problem; that is the Liberal Party's problem. The fact is that industrial organisations have been a key component of Australian democracy since federation and before. They are entitled to engage and participate in the political process and they are entitled to be affiliated to political parties. This provision is designed to make that more difficult. That is not appropriate in a democracy where we seek to see voices of organised labour engaged in political debate and engaged with political organisations. That is an entirely legitimate and democratic element of Australian democracy and it should not be treated in the way that Mrs Dunne proposes with her amendment.

Mrs Dunne's amendment to **Mr Corbell's** amendments negatived.

Mr Corbell's amendments agreed to.

Clause 15, as amended, agreed to.

Clauses 16 to 18, by leave, taken together and agreed to.

Clause 19.

MRS DUNNE (Ginninderra) (8.39): I move amendment No 6 circulated in my name *[see schedule 5 at page 2474]*.

This amendment seeks to delete division 14.2A from the legislation. I think this is one of the more flawed parts of this legislation. To ensure that we maintain a cap on donations, the government's proposal requires people to keep a separate ACT election account. A separate ACT election account, as I described it in the in-principle stage, is essentially the Maginot line of campaign finance reform. This bill will create an account. Money can go into that account and it can be used for ACT electoral purposes, but if there is anything more than $10,000 from an individual in any particular year that other money goes somewhere else. As I described it to staff today, it is a 1920s approach to accounting where you had a whole lot of jam jars. You had your electricity money in one jam jar, your groceries money in another jam jar and your school fees in another jam jar. If you had a cash flow problem, you could not take the money out of the school fees jam jar to pay your groceries because, well, that was in the school fees jam jar.

This is what we have here today. Has not anyone on the government benches heard of modern accounting principles? You should be embarrassed. What you need to do, in terms of the most that anyone can donate to an ACT election campaign in any one financial year, is to have a chart of accounts. Political parties and electoral organisations have huge requirements for auditing, for the keeping of accounts and for keeping track of who donates what to whom, when and how much. We already have the system in place. Over that we are going to overlay a system that says, "If somebody makes a donation to the ACT Liberal Party for their 2012 election campaign after 1 July, the ACT Liberal Party has to create an ACT election account and money can go into that." If somebody wants to donate $20,000 to the Liberal Party, we can put $10,000 into that and we can put the rest in the other bank account. There nothing to stop us saying later on, at the end of the election period: "Gee, there's only a million dollars in this account and we've spent a million and 20. We need to take $20,000 out of another account so that we can pay the bills." Who is to say that some of that money that was put in over here earlier in the piece does not slough through and come out into this campaign account? The ultimate fungibility of money means that there is no way that you can guarantee that.

The government is going to move some amendments later in the song that will make this a less ludicrous system. If we passed the bill the way the government has drafted it, the only thing that we would account for is actual good, honest cash money. If somebody gives you good, honest cash money, you can put that in an account, but if somebody says, "Gee, I've got a printing press and I'll print you off $10,000 worth of brochures," that would not have been accounted for in any way. With the government's amendments it will be accounted for on the way in but it will not be

accounted for on the way out. It is still a flawed system. It will be a less flawed system. The Maginot line will not be quite as obvious, but there will still be a Maginot line.

It was quite simple. What did they do during the First World War? They said, "We'll build a wall so the Germans can't come in." It was a really big, strong wall. And what did they do? They went into Belgium and came in around the edge. This is what will happen with this system. This is the financial Maginot line of the ACT electoral system. It has been operating in New South Wales and it has been problematic. The New South Wales system is better than this system.

In New South Wales not only do you have to bank cash money but also you have to notionally bank in a chart of accounts, which obviates the need for having a bank account, any gift in kind. When a gift in kind is valued and put on the chart of accounts at its market value, it is automatically deemed to have been expended under the expenditure cap at the same time. But the government's amendments do not do that. We have got a system whereby people can donate gifts in kind to political parties all they like and they do not have to account for them. We have to account for them coming in, but somebody could print $10,000 worth of pamphlets and they could be distributed. We would account for the gift on the way in but we would not count it as expenditure against the expenditure cap on the way out. This is because the government has not actually caught up with modern accounting systems.

When my staff and I were first briefed on this just after Christmas, this was the first issue that was raised: had anyone talked to an accountant about this? Was there a better way of doing this? If you had asked an accountant or a set of auditors if there was a better way of doing this, would you have come up with this? They did not ask. Well, I did, because I have someone who works for me who is an accountant and an auditor and is qualified. He can tell you till you are blue in the face—and he has done it—just how flawed this system is. This system will fail. It could be solved because we already have the accounting principles. All you have to do is require that we have a chart of accounts kept to the appropriate accounting standard that registers the cash money that comes in, the gifts in kind that come in and when they are expended. That can be audited.

The Electoral Commission already audit our books. When they audit our books, they will be able to see through the chart of accounts, kept to the appropriate Australian standard, exactly what came in and what went out. There would be no Maginot line. You would have to account for it. But, as the bill is drafted, there is a huge risk. The government amendments will make it slightly better but they will not fix the system.

My proposal is to do away with the whole notion of election accounts. Then we would have a system whereby donations would be recorded in a chart of accounts. It is the sensible way to go. I know that I am not going to have any success here because the government is locked into its position. The Greens have said, "Well, it sort of works in New South Wales." I have spent some time talking to people who have been involved with setting up the system in New South Wales and they wish they had done it differently. It has created problems. Superficially it looks simple, but in time it will not be simple. Auditors will tell you that when you have multiple accounts people will

make mistakes and put money in the wrong accounts. The moving of them backwards and forwards, doing it legally, accounting for it and making sure the audit trail is there creates more trouble than it is worth.

The whole notion of having a separate banking account rather than dealing with this through appropriate accounting methods is antiquated and outmoded. If the Assembly is concerned about doing this is in a modern and progressive way, it should do away with the notion of a separate banking account. It should not rely on the fact that New South Wales has done it and therefore we should do it, because the political parties in New South Wales regret that they have done it this way.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (8.50): With this amendment, and in talking about accounts—whether you have a separate bank account, whether you set up your chart of accounts as Mrs Dunne has spoken about—yes, it could go either way, and that has been some of the discussion. But on balance, and on the Electoral Commissioner's advice, we think that there should be a separate account. Mrs Dunne has just said that with a separate account you could accidentally deposit something into that account. The same thing can happen with a chart of accounts, putting something to the wrong budget line item or whatever. So as far as I am concerned the same accidents can happen at times. As I said, in a way it is pretty balanced in both cases. The Electoral Commissioner has advised it this way. We will be supporting a separate account at this stage.

Amendment negatived.

MRS DUNNE (Ginninderra) (8.51), by leave: I move amendments Nos 7 and 8 circulated in my name together *[see schedule 5 at page 2474]*.

These amendments reinsert into the government's bill the expenditure caps that were in my legislation that was tabled in November last year. These expenditure caps most closely reflect the recommendations by the Standing Committee on Justice and Community Safety inquiry into campaign finance reform. The recommendations were that for party groupings there should be an expenditure cap of $60,000 per candidate seeking election, up to a maximum of 17 members, and that any third-party campaigner should be given an expenditure cap of $30,000.

In consultation with my colleagues and others in putting together the drafting of this bill, we came to the view that independent members would be somewhat constrained by an expenditure cap of $120,000. If there was a genuine independent, Fred Smith for Ginninderra, who ran as an independent in Ginninderra and he did not have any party organisations, with $60,000 it would be difficult for him to run an effective campaign, without the economies of scale of having a large party organisation behind him.

It was suggested to me by my colleagues and others that perhaps they should have a different and larger cap. My proposal was to double that cap. I notice that there is a multiplicity of views around the place as to the extent of whether that should be double or some other amount. But there is clear recognition that real, bona fide independents would find it difficult to run an election campaign within the cap and

that they should be given the right and the privilege to perhaps spend more, in recognition of the fact that they are running by themselves.

The justification for giving third-party campaigners a lower cap was that they do not have any skin in the game, quite frankly. People who put their names on the ballot paper and political parties who put forward their candidates for election are there campaigning for the main game. Third-party campaigners are commentators, essentially. If they are not prepared to put their name on the ballot paper, I think the view in the committee was that they did not have the same rights. They have a right to express themselves in the political process but they probably do not require the same cap as independents.

I notice that the Greens are proposing a much more radical approach than this and are proposing to up the cap fourfold from the original recommendations of the Standing Committee on Justice and Community Safety which I have touched on and which I will touch on again later in the song.

Amendment 8 is consequential to amendment 7 because as the government's bill currently stands there is only one amount, $60,000. My amendment creates three amounts; therefore we need to have multiple amounts.

I commend this amendment to the house because this is the amendment that most closely reflects the views of the Standing Committee on Justice and Community Safety. This was the advice of the Standing Committee on Justice and Community Safety to this Assembly. It was not done lightly. It was done with considerable deliberation and based on the substantial evidence put forward that said there needs to be a reasonable amount of money to allow people to legitimately participate in the democratic process, while at the same time being mindful of the fact that we believe there should be some caps on this so that we do not have all-out war when it comes to expenditure.

I commend my amendments 7 and 8 to the house.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (8.56): We will not be supporting Mrs Dunne's amendments 7 and 8. I will be moving my own amendments shortly. We disagree with the caps that are proposed by Mrs Dunne. In particular, we are concerned that the $30,000 cap on third parties may well be unconstitutional. That is one of the key reasons why we will not be supporting the caps that have been put forward by Mrs Dunne in her amendments.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (8.57): The amendments are not supported by the government. They remove the government's proposed new section 205D from the bill. That provision defines "expenditure cap". The Liberals' amendments substitute a new section 205D which alters the level of the expenditure cap to leave the party cap unchanged at $60,000 per candidate, double the cap for non-party MLAs and candidates to $120,000, and reduce the cap for third-party campaigners to $30,000. Putting such a low cap on third-party campaigners could arguably be discriminatory and contrary to the constitutional right of free

speech, as it would arguably be a significant restriction on that free speech.

In addition, the amendments will provide a powerful incentive for a third-party campaigner wishing to spend more than $30,000 to simply put forward one or more candidates for the purpose of becoming entitled to a higher spending cap. Avoiding this arguably artificial inflation of the number of candidates on the ballot papers is one of the reasons that the government chose to apply an across-the-board level of $60,000 per candidate.

Question put:

> That **Mrs Dunne's** amendments be agreed to.

The Assembly voted—

Ayes 4		Noes 9	
Mr Coe	Mr Smyth	Mr Barr	Ms Hunter
Mr Doszpot		Dr Bourke	Ms Le Couteur
Mrs Dunne		Ms Bresnan	Ms Porter
		Ms Burch	Mr Rattenbury
		Mr Corbell	

Question so resolved in the negative.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (9.02): Madam Deputy Speaker, after consultation with other members, given that the approaching amendment is extremely complex and it needs a little bit more finessing before we proceed to debate, can I invite you, with the agreement of colleagues, to suspend the sitting for 10 minutes to allow some final work to occur.

Sitting suspended from 9.03 to 9.25 pm.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (9.24): I move amendment No 2 circulated in my name *[see schedule 9 at page 2478]*.

The Greens agree with the starting principle that economies of scale do exist in election campaigns and that parties are at an advantage when they pool resources available to multiple candidates. When it comes to the practical nature of some aspects of running an election campaign such as purchasing advertising or printing of communication material, you really do get much better value for money the more you are able to spend. Your electoral impact exponentially grows as your budget grows.

The Greens also believe in providing a more level playing field to the extent where the independent candidates do have a realistic chance of competing with the other parties. For this reason it does make sense that independent candidates are able to have a larger expenditure cap than the parties. The Greens propose a $60,000 cap on candidates from a party and a $90,000 expenditure cap for independents.

Related to these caps are the expenditure caps of third-party groups. The same two principles apply in that there are economies of scale that these groups miss out on and, secondly, they should be able to voice an opinion. The Greens have proposed a $120,000 cap on expenditure for these groups, as this is a better reflection of what it takes to run a campaign in the territory. That is why we are putting forward this amendment around caps.

MRS DUNNE (Ginninderra) (9.26): The Canberra Liberals are vehemently opposed to the multipliers that the Greens have proposed in this amendment. They are a radical departure from the deliberations of the Standing Committee on Justice and Community Safety, most particularly in the case of their approach to third-party campaigners. Third-party campaigners, according to the Greens' proposal, would be awarded a fourfold increase in the cap over those recommendations of the Standing Committee on Justice and Community Safety. There has been no justification put forward for this—no justification at all.

The analysis works like this, and I have said this before: someone stands as an independent in my electorate, seeking to become a member for Ginninderra in the next Assembly, and by the Greens' calculation they would get $90,000. But somebody who is not prepared to put their name on the ballot paper but who wants to participate in the electoral process gets to spend $120,000. So, if the Conservation Foundation, the CFMEU or, in the case of the person that Ms Hunter wants to deride, Mr Palmer, want to participate in the election campaign on whatever issue Mr Palmer or the CFMEU or the Conservation Foundation supports, but they do not put their name on the ballot paper, they get the privilege of being able to expend $120,000, whereas my constituent who wants to run against me can only spend $90,000.

This is fundamentally unjust—that someone who is prepared to put their name on the ballot paper, put their reputation on the line, put their life on hold, commit their families and their friends to months and months of hard work, gets a much lesser amount of money to play with than someone who is not prepared to put their reputation on the line and put some skin in the game.

This is fundamentally unjust. No rationale that can be justified has been put forward by the Greens for this and, when pressed—I have not been able to press Ms Hunter because Ms Hunter will not talk about these issues, but I pressed her staff on this—I was told, "Well, circumstances have changed." I do not know how circumstances have changed. I do not know what those changed circumstances are. But we do know that it is about 5½ months to the next election. Whatever those changed circumstances are, they will be divulged in the next few months, so that if the Greens have done a deal with somebody it will be divulged.

If we see people out there campaigning furiously on green issues, on behalf of the Greens as a third party but without their name on the ballot paper, this will be obvious. It will be obvious for all to see. It will be obvious that they have done some dirty deal, because when we sat down across the table and negotiated the outcome in the Standing Committee on Justice and Community Safety, Ms Hunter was in favour of a cap that was half that afforded to people who were prepared to put their name on the

ballot paper. And that is as it should be: they have a right to participate; they have a right to spend money; they have a right to put forward their views; but they do not have the same rights as people who are out there seeking election. They have a right to raise issues in the election campaign.

There has never been any justification from the Greens for this departure. A fourfold increase in the allowance to third-party campaigners is unjustifiable and the Canberra Liberals will not support this amendment.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (9.31): The government will not be agreeing to this amendment either. The government's original bill proposed that the limit on electoral expenditure for non-party MLAs and an associated entity of the MLA, for non-party candidate groupings and for third-party campaigners should be set at $60,000 each. We believe that is a reasonable threshold for those participants in the political process. Ms Hunter's proposal lifts that to $90,000 for the case of non-party MLAs or associated entities of the MLA and for non-party candidate groupings and to $120,000 for a third-party campaigner.

The government believes on balance—and it is an on-balance decision—that those thresholds are too high and therefore we will not be supporting them.

I should foreshadow that the government will need to move an amendment, if Ms Hunter's amendment is defeated, to still replace the existing criminal penalty in the government's bill with the preferred civil penalty, which is twice the amount by which the electoral expenditure exceeds the amount allowed under the relevant subsection, on the basis that that is what has been agreed between other respective parties.

Amendment negatived.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (9.33), by leave: I move amendment No 3 circulated in my name on the grey paper *[see schedule 6 at page 2475]*.

My amendment No 3 omits the existing criminal penalty proposed in the government bill and replaces it with a civil penalty, the penalty being a penalty to the territory equal to twice the amount by which the electoral expenditure exceeds the amount under the relevant subsection, and that the commissioner may recover the amount payable under that subsection.

This reflects the discussions across the parties that there is a preference, by majority, for a civil penalty rather than a criminal penalty. The government accepts that that is the view of the majority of members in this place and I am moving that amendment accordingly.

MRS DUNNE (Ginninderra) (9.35): The Canberra Liberals will be supporting the government's amendment No 3. It is a compromise all round. I have been a little

uncomfortable with the government's proposal that everybody has the same cap. I was of the belief that there should be some differential, but the proposal of the government's is far superior to that put forward by the Greens and I thank the attorney for the recognition that the civil penalties approach is one that has considerable support and I think that as a result we have, while it is still a compromise, a reasonably good outcome on this one.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (9.36): We will be supporting this, as my amendment was voted down. I still think it is disappointing that we could not recognise that independents do not have those economies of scale and that that should have been recognised in a greater amount of money. I know that Mrs Dunne proposed an even higher amount. We could have had that discussion around putting that up to the higher amount as well, at $120,000, but that debate is over for today. So, in the absence of my amendment getting up, we will be supporting the government's amendment.

Amendment agreed to.

MRS DUNNE (Ginninderra) (9.37): I move amendment No 10 circulated in my name on the white paper *[see schedule 5 at page 2474]*.

Amendment No 10 inserts a new clause 205FB which is a limit on electoral expenditure for third-party campaigners acting in concert. This was one of the issues that arose on a number of occasions during discussion in the Standing Committee on Justice and Community Safety. As one of the staff put to me recently, money will find a way. Electoral expenditure reform is an ongoing and constant thing because money does find a way. This is a means of ensuring that it is harder for money to find a way. One of the things that we discussed at length was the possibility that people outside political parties would collude and act together to create extra campaigning for a particular issue.

Probably the most spectacular example of this is what is seen in the United States in the "super PACs" where people notionally do not know what is happening but there are third-party organisations who have enormous sums of money that run often very negative ads in electoral campaigns. We have seen the great fiction. I think it was Newt Gingrich who said, "I think the next thing you will see from the 'we love Newt Gingrich super PAC' is blah-de-blah." When he was challenged and asked: "How do you know that is going to happen? There is supposed to be autonomy between the two," he was caught out and a little embarrassed. The super PACs are a fiction and we do not want to create mini PACs here in the ACT by creating the circumstances where a number of third-party campaigners can get together and advertise and work in particular ways and put their capped expenditure together to sort of create a substantial force.

This is a simple provision. It is based on provisions in the securities legislation that cover people who act in a similar way for a particular outcome and this would be outlawed under this legislation. If third-party campaigners contravene this, the amount by which the combined third parties exceed their expenditure cap would be paid in

double penalties back to the territory in the same way as is proposed in many of the other penalty provisions here.

This is a sensible means of ensuring that we have a level playing field, that there is not a mini arms race in relation to campaign funding and that it is as clear and as above board as possible. I commend the amendment to the Assembly.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (9.40): We agree to this amendment. It is about preventing people from working together to circumvent the expenditure cap and I do agree with the statements that Mrs Dunne has made. It is important that we do have a level playing field; that we make sure that we close off any gaps in the legislation. We will be supporting this amendment.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (9.41): The government supports Mrs Dunne's amendment. The proposed new section 205FB introduces a new offence of acting in concert with another third-party campaigner to exceed the expenditure cap. This clause is problematic. It may be difficult to determine, where two or more third parties act in concert to exceed the expenditure cap, which of the third parties is required to pay the penalty. It may be difficult to prove that someone was acting under an agreement, whether the agreement is formal or informal, in breach of this provision, in the absence of clear written proof of an agreement.

However, the government still sees merit in the amendment and we will support the proposal.

Amendment agreed to.

MRS DUNNE (Ginninderra) (9.42): I move amendment No 11 circulated in my name on the white paper *[see schedule 5 at page 2475]*.

This innocuous looking amendment will be quite controversial; I have no doubt about that. This amendment creates a new section 205FC, which will be time limited. This effectively takes the provisions of the bill proposed by Mr Smyth, and agreed to in principle, in June last year and incorporates the essential provisions in this legislation.

What Mr Smyth's amendments to the Electoral Act did last year—they were agreed to in principle in this place but have not progressed beyond that—was create a donation cap for the period from 22 June of $50,000. This was done in anticipation of the Labor Party's actions; there are no two ways about it. This was about the Labor Party taking large amounts of money out of the Labor clubs and transferring it over to the Labor Party in anticipation of the implementation of campaign finance reform. If campaign finance reform had got up in the way that the Standing Committee on Justice and Community Safety had envisaged, it would be very difficult for the Labor Club to donate more than $10,000 every year to the Labor Party.

What Mr Smyth did in anticipation of this, and very wisely, was move a set of provisions that created, from the date of the introduction of his legislation, a

prohibition on party groupings accepting a gift of more than $50,000 from any one entity in the period between then and the commencement of this legislation, which was anticipated.

The bill, at the time, only progressed to the in-principle stage because there was some discussion and some uncertainty. The more I think about it and the more I discuss it, I realise that the level of uncertainty was unclear. What exactly was the cause of the problem? I thought at the time—it was my understanding at the time—that the Greens had some reservations because Mr Smyth's bill had a penalty in it, a substantial criminal penalty. My understanding was that the Greens were concerned about the criminal penalty.

So when we had discussions about this some time ago, I put forward the provisions. We thought that Mr Smyth's bill was important and that it should be passed. The Greens said to us, "We want to deal with it all within one piece of legislation." I said: "Good; that is fine. I am sure that we can translate the provisions already agreed to by the Assembly into this. And while we are about it, if you are concerned about the criminal penalties, let us make it a civil penalty." I got sort of nodding agreement: "Gee, that was a good idea."

The civil penalties in the bill as it is evolving tonight are that usually if there is an overpayment the penalty is double. Essentially this would mean that if anything in excess of $50,000 was received in this period from 21 June to the commencement of this legislation—if any party received more than $50,000 from one organisation, they would have to give it back to the donor. And if they could not give it back to the donor, they would have to give it back to the territory.

What we were actually proposing—and everyone gave me nodding agreement: "Gee that is a good idea."—was that everything would be as it was on 21 June 2011. No-one would have a disbenefit. There would be no penalties. No-one would get a criminal record. We would just say, "As of 21 January, this is how the accounts looked and that is how they will continue." They could receive donations of up to $50,000, and that is it. And $50,000 is generous compared to the limitations on donations in this piece of legislation that we are debating here today.

So I drafted this in these terms. Since I drafted it, I have been scratching my head and trying to work out why the Greens will not talk about it. It was revealed to me about dinner time today. They now think that because we have taken away the criminal penalty, these provisions somehow now have retrospective effect. But there is no disbenefit to anyone. The greatest disbenefit is that if you receive more than $50,000 from one organisation, you have to give it back to them. Everybody ends up where they were on 21 June. How can that be a retrospective piece of legislation—which it is not—that has a negative effect on anybody?

I was left quite perplexed. Then I was told, "The concerns were not about the criminal penalties in Mr Smyth's bill; they were about something else." But I still do not know what that is.

On occasions I have had discussions with Ms Hunter about this. She has sort of said, "It is really naughty that the Labor Club has passed this money over." I think she actually said, "The horse has already bolted on that." I think they were her words. It was a sort of "The horse has bolted and we should shrug our shoulders and not do anything about it. We should let them get away with it."

We know from the annual report of the Labor Club that they did transfer the money. And they did it in anticipation of being fined for it if they did it—in the full knowledge, which they published in their annual reports. How bold can you get? Mr Smyth's legislation is perfectly clear. If after 21 June you receive more than $50,000 from an organisation and you are a political party, you will be in breach of the law.

It is pretty simple. I introduce a piece of legislation on 21 June and I say, "From this day, if you do this or this or this, there will be a penalty imposed." It is actually a much better proposal than the sort of thing you get around budget time, for instance, when the federal government puts out a press release that says, "Duty on such and such is up by 10 per cent" and "As of the time of publishing, we will pass legislation sometime in the future that will make it illegal to charge duty from the date of this press release." So the press release is the notification that creates the lack of retrospectivity.

Mr Smyth did not do that. He did not put out a press release that says, "I will introduce a piece of legislation that will be effective from the date of this press release." He did the work. He introduced a bill and he said, "The bill will have effect from the date that it is introduced." There is no retrospectivity about that. Mr Corbell will get up and tell me, tell the place here, just how wicked retrospective legislation is. He will get himself all in a lather. I have been in the room while he has got himself into a lather. He has practised his lines with his staff and me. They do not wash, because they are not true.

There are plenty of instances where governments say: "As from this day, if you do this, it will be against the law. And if you do it, we will fine you for it." I reckon that if I went through the press releases that are associated with the federal budget that came down two nights ago, I could find half a dozen instances. "As of today, such and such a duty will be dealt with in such and such a way." They do this so that people do not create artificial systems to compensate for this in the run-up to the passage of legislation. It is just sound policy.

Mr Smyth introduced sound policy. He knew what the government denied. Mr Corbell stood up in this chamber at the time and said that this was based on a rumour; it was untrue. Mr Corbell, the Attorney-General, the minister responsible for electoral affairs, the minister who has members of the board of the Labor Club in his office, stood up in here and said there was nothing to see here—it was not happening; it was just a vicious rumour. And then in the annual report the Labor Club came down and confirmed everything that Mr Smyth had anticipated. He put the lie to everything that Mr Corbell said in this place about this.

It is important that we pass these provisions today so that the Labor Club does not get out of jail free on this one. *(Second speaking period taken.)* It is important that we pass this now to create the continuity so that we are not defeatist and say that the horse has bolted and there is nothing we can do about it. There is something we can do about it. We can pass these amendments that implement the spirit of Mr Smyth's legislation, which has been on the table since 21 June. And what will the penalty be? The penalty will be to restore things to what they were on 21 June. That is not a penalty. That does not have an adverse effect upon anybody.

Even the Labor Club, who anticipated paying fines, will get off the hook to some extent. But there will not have been large-scale transfers of funds as a means of getting around the provisions of this legislation. When we are trying to ensure that there will not be an arms race in relation to campaign finance reform, there is no point saying that we are going to limit donations if the money has already been transferred. Millions of dollars have been transferred already to the Labor Party. And from what I am hearing, money is being transferred even as we speak. It did not stop after the 2011 financial year. It is still going on. We do not know the extent of that, and we will not know until September or October this year, because that is when the next annual report will come out.

I urge members to support these provisions, which put in place Mr Smyth's very sensible provisions from June 2011. I urge members not to be defeatist and say that the horse has already bolted on that one. The horse has not bolted while ever we have the will to do something about it.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (9.54): This amendment is opposed by the government. It proposes a retrospective penalty for an action that is, and always has been, legal. It creates a disbenefit—it may not be a criminal disbenefit, but it is still a disbenefit—to entities and organisations who were acting legally at the time and are still acting legally.

The amendment appears to mirror the retrospective provisions in Mr Smyth's electoral donation limit amendment bill; however, there are also some important differences. In particular, this new provision refers to the concept of a party group, which is not present in Mr Smyth's bill. It is arguable that the new provision does not apply to payments from one entity within a party grouping to another entity within the grouping. As a result, it would appear that this new Liberals clause would not apply to a gift made by an associated entity of a party to the relevant recipient party.

As for the Liberals' amendment 12, this amendment does not distinguish between gifts made for federal purposes and those made for ACT purposes, and may therefore be attempting to regulate federal election transactions, which the government is advised is not within power. It is presumed that the reference to associated entity in this clause would pick up the new definition of associated entity in these amendments.

If the intention of this clause is to justify its retrospectivity by reference to the publication of Mr Smyth's bill last year, it is arguable that this new amendment has

extended the reach of the provision to pick up new entities in the expanded definition of associated entity which were not the subject of Mr Smyth's original bill.

While this amendment would allow party groupings to return amounts received over $50,000 within 30 days after the commencement of the amending provisions, this might arguably work only for cash. It would not work for gifts in kind where those gifts were in the form of labour provided and would be difficult to achieve in the time required if the gift was made by way of transfer of real estate, for example.

For all these reasons, the government does not support this provision.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (9.57): We will not be supporting this amendment, and we have told the Canberra Liberals that in negotiations.

Part of it is that we cannot go back and change the past. Issues about retrospectivity have been raised. The amendment about giving it all back really just exposes that whole issue about squabbling again over money. We need to be saying that today we are passing a new scheme; we are passing a significant reform; we are putting in place legislation to move on from here.

I also refer to the issues raised by the attorney about the constitutionality issues that go with this amendment.

If we go back to why the Greens agreed to Mr Smyth's bill in principle, we said at the time that we supported the principle of a cap. The issue here was about caps on donations. That was the very important principle that we were concerned with—one that the Greens have long campaigned for. It is not just about caps on electoral expenditure, but also about caps on donations. That was the principle that was part of that debate.

That is a principle that we very much are embedding into the bill here. In this whole legislation tonight, we will be including caps on donations. We are setting up a new scheme. We are setting up significant reform for the future. We will not be going back. How far are we going to go back? Are we going to go back to 1973, when the major parties were given money and told they could go out and invest it? One decided to invest in real estate and one decided to invest in setting up a club. How far back do we go?

The principle here is about caps. That is what we are getting. What we are getting from this legislation tonight, what will come out tomorrow, is caps on donations. That is the principle that we have been campaigning on. We will not be supporting this tonight. It is looking backwards. We want to look forward.

There are a number of concerns that I did raise with Mrs Dunne. She seems to be getting to the point of doing a little bit of verballing, but I am going to let that go by the way and just stick to the main debating point.

We are about a principle here. It is about caps on donations. That is what we are doing with this whole legislation tonight. Otherwise, it is just very blatant squabbling over money. Let us lay the foundations; let us get in place some good legislation reform; let us move forward. We will not be the only ones. We will not be the only parties into the decades ahead that will be running in elections. Let us look at the bigger picture. Let us look at the reform that we are getting through tonight.

MR SMYTH (Brindabella) (10.00): I want to use Mr Corbell's words back on 29 June last year:

> In conclusion, the government strongly opposes this bill. It is unnecessary, it is based on rumour and innuendo, it is poorly drafted, it has no justification in fact …

All wrong. What Mr Corbell is asking the parliament to believe tonight is that when I tabled my bill on 22 June last year no-one had any concept, idea, vision, thought, plan or scheme to transfer money from the Labor Club to another entity to fund the Labor Party. 22 June—both the head of the Labor Party and the Labor Club said they had no notion of any scheme whatever to transfer money from one entity to another. We bring the bill on a week later, the 29th, and the Chief Minister and Mr Corbell said in this place, "No idea, no knowledge, nothing going on, nothing to see here," despite the president of the Labor Party working in their offices and members of the Labor Club board working in each of their offices.

With the passing of this bill, which was at about midday or 12.30 on the 29th, no-one in the world apparently knew that about $5 million was going to be transferred from the Labor Club to an associated entity of the Labor Club. Remember, it is all innuendo, it is all rumour—"no basis in fact, it has no justification in fact". So somebody after lunch on 29 June 2011, and before close of business on 30 June 2011, suddenly decided, having been prompted by my bill, to go and work out a scheme to transfer $5 million from an entity associated with the Labor Club to another entity associated with the Labor Club to avoid the report of the committee. The Greens say: "Don't worry about that. It's about what might happen in the future." This is scandalous and it is corruption of the highest order to say that nothing was happening, no-one knew anything about what was happening—

Mr Corbell: A point of order.

MR SPEAKER: One moment, Mr Smyth. Stop the clock, thank you.

Mr Corbell: Mr Smyth is using the term "corruption". It is in the context of decisions he alleges have been made by either the Labor Party or the Labor Club, and therefore by association the Labor Party. It is an imputation of the gravest order, and he should not be allowed—

MR SMYTH: It is not against a member.

Mr Corbell: It is an imputation on my party and me and my colleagues and it is unparliamentary.

MR SMYTH: No, it is not.

Mr Corbell: He should be asked to withdraw the term.

MR SPEAKER: Yes, I think it is unparliamentary, Mr Smyth. I would ask you to withdraw the term unless you intend to move—

MR SMYTH: Under what standing order is it unparliamentary, Mr Speaker?

MR SPEAKER: I am just checking my numbers, Mr Smyth, because I know that—

MR SMYTH: I would be very pleased if you do and you will find that the standing order refers to an imputation against a member.

Mr Corbell: That is what it was.

MR SMYTH: It was not. I did not mention a member.

Mr Corbell: You did not have to use my name.

MR SMYTH: You name the member that I named. Are you feeling guilty, Simon?

MR SPEAKER: Order, members! I am considering—

Mr Corbell: You did not have to use my name to make the imputation.

MR SMYTH: Feeling a bit guilty there, are we?

MR SPEAKER: It is under standing order 55, Mr Smyth.

MR SMYTH: I think it is a very interesting interpretation of standing order 55. I will withdraw, Mr Speaker.

The facts stand that somewhere between the passing of my bill in principle and the close of business on 30 June, this scheme was cooked up to transfer the money, because it is in the annual report of the Labor Club. Nobody knew about it. Not a single soul knew about this scheme. It was not even thought of, apparently; that is what we are asked to believe on the basis of the statements by the Chief Minister and Minister Corbell in this place on the 29th: "It did not happen, it was not going to happen, it isn't happening." But apparently it was. Well, it happened at some stage because we know the money went across. We know it must have happened, because Mr Corbell would not lie to the Assembly; the Chief Minister would not lie to the Assembly to say that this was not happening. So it happened in the 36 hours after the bill was passed. That is pretty quick. Does anybody really believe that fantasy, that concoction?

What we do know is that in the Labor Club's report they acknowledge that this is a law in principle. Remember, members, that I said, "I hope this law does not have to be passed because, based on what was said across there, apparently there is no need for it." I think I am on the record as saying, "I hope this law does not need to be passed."

What we do know now is that millions of dollars were transferred, Ms Hunter, to beat this legislation, in anticipation of this legislation here today. The Labor Club, in their annual report, actually acknowledge that what they are doing may be subject to a penalty. What I did was not retrospective. I simply drew a line in the sand, and there are many examples of this in many jurisdictions where things have immediate effect. We have it in some of our laws. You can have a draft variation with immediate effect. It happens all the time. Anyone who says that it is retrospective is lying, because it is a lie. It started from the point that it was tabled in the Assembly, not the day before, the week before, the month before or the year before. It started the day I gave notice that that was the start date. "From this point forth it will be law if it's passed." That is what I said. I did not cast it back. I did not go back years, decades, centuries—whatever you want. It is not retrospective and anyone who says so is lying, because it had a specific start date and moved forward.

What confuses me immensely is that the Greens would support this on that day but they have now rolled. What the Greens are condoning is what the Labor Club board actually said in their report, which was, "If this law passes we'll be fined because we'll be breaking the law." They knew that. They went ahead in the full knowledge that they would cop a $50,000 fine per offence. But they saw that as the cost of doing business. That is the Labor way. You have seen it in Wollongong, in New South Wales, in so many jurisdictions: "We'll cop the fine because it's simply the cost of doing business." That is not right. For the party of fairness, equity, truth, justice and all the things that the Greens purport to be, when push comes to shove they are the lackeys of the Labor Party and they go to pieces.

This bill was passed in good faith in principle. It was passed in principle so that when we got to this debate today the whole emphasis of the new law had not been rorted. The emphasis of the new law has been rorted. It has been rorted by the Labor Party. They have got in ahead of it and now, aided and abetted by the Greens, they will pay no penalty for it. There will be no price here.

The Greens, who like to hold people up and attack people who behave corruptly, are going to let the Labor Party get away with this because it suits them. There has been no genuine explanation from Ms Hunter as to the stance that the Greens have taken tonight. I would ask the other Green members whether they agree that you vote for something in principle that we say we hope never needs to be used, we have denial from the party for whom this law was put in place that it was even happening, and yet in the last 36 hours of the financial year everything I said came to pass. It is amazing how, in 36 hours, you can make loans, set up trusts and buy properties.

The Labor Party did not know that the 1973 foundation, the Labor Club or whoever it was who had bought it was buying them an office. It is just like Christmas in July: here is an office! But they knew enough so that if they did not

declare it in their annual report they would be breaking other laws. So they took the punt. They took a punt and suspected that the Greens would roll, and the Greens have rolled. The Greens have caved in. The Greens cannot stand in this place and say, "We will hold others to account," if they do not pass this amendment tonight. What they will do is say, "We knew when we passed the law on 29 June that it was the right thing to do, but 10 months later we will just roll over and let them off the hook, because it's about looking forward."

It is so easy: "It's about looking forward now; it's not casting back." The excuse is made: how far do you go back? You go back to the day that the law was given effect, and the day that I asked for that effect to be was the day that I tabled it, on 22 June last year. It became in-principle law on the 29th but apparently tonight it is just going to go away; it is just going to dissolve.

We do not actually know who made this decision because let us remember that the president of the club, the secretary of the Labor Party, the Chief Minister and the Attorney-General, none of whom knew about this—well, so they claim—all said this was not happening. And yet it did. The moral foundation of those that vote against this tonight will be eroded by this millstone that they will put around their necks for all time, because whenever you stand and talk about people who rort schemes I will stand up and remind you of what you do here tonight. You betray your principles; you betray the process of all the people who made submissions or gave testimony to the inquiry; you betray the inquiry that you, Ms Hunter, signed up to; and you betray the principle that we put in place when we passed it in principle—that transfers of money to rort the system in advance of the legislation that will be passed tonight are unacceptable. This amendment should be passed.

Question put:

> That **Mrs Dunne's** amendment be agreed to.

The Assembly voted—

Ayes 4		Noes 9	
Mr Coe	Mr Smyth	Mr Barr	Ms Hunter
Mr Doszpot		Dr Bourke	Ms Le Couteur
Mrs Dunne		Ms Bresnan	Ms Porter
		Ms Burch	Mr Rattenbury
		Mr Corbell	

Question so resolved in the negative.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.15): I move amendment No 3 circulated in my name *[see schedule 9 at page 2479]*.

This amendment is pretty self-explanatory. It applies a donation cap from the day that the bill is notified. This is obviously so that we do not get any big donations coming in before the legislation comes into effect. As I said, it is pretty self-explanatory. It is applying a donation cap from the day the bill is notified.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.16): This amendment is not supported by the government as it introduces an earlier commencement date for the cap on gifts after the amending act is notified. If this amendment succeeds, bringing the application of this section forward today on notification, and if the following amendment regarding the federal election account does not succeed, there will be a resulting inconsistency.

The government's proposed 205G relies on the concept of an ACT election account, which does not become a legislative requirement until 1 July this year. Given that there is very little time left until that date, and anyone wanting to make significant donations has had plenty of opportunity to do so, knowing this bill has been scheduled for debate, it is unlikely that moving the date forward to the date of notification will have much practical effect. Therefore, to avoid any legal inconsistencies resulting from the different start dates of interrelated clauses, the government does not support the amendment.

MRS DUNNE (Ginninderra) (10.17): The Canberra Liberals will not be supporting this amendment either. It does create a staggered approach, which was something that Ms Hunter and I discussed earlier in the piece when it looked like this bill would have been completed in about February. We also discussed a staggered approach to the introduction of a wide range of provisions. That has been abandoned, except for this provision. We are now so close to the effective commencement date of 1 July that I think this will have no effect. Also the combination with the other amendments which come after this and which the Canberra Liberals will not be supporting will create real problems. So we will not be supporting this.

Amendment negatived.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.19): I move amendment No 11 on the white paper circulated in my name *[see schedule 4 at page 2470]*.

This amendment inserts a new section into the electoral bill, section 205G(2A), for the purpose of including gifts in kind in the amounts included in the cap on donations received. Under the current electoral bill only amounts of cash deposited in an ACT election account are included in the calculation used to determine whether a person has exceeded the $10,000 cap on donations in a financial year. As gifts in kind are not included in section 205G, donors could avoid the cap on donations by making donations of gifts in kind rather than cash. For example, a donor could directly pay for the printing of electoral material for a party or candidate. Amendment 11 will enable gifts in kind that are used for electoral expenditure to be included in the calculation used to determine whether the cap on donations has been exceeded.

Amendment agreed to.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.20): I move amendment No 4 circulated in my name *[see schedule 9 at page 2479]*.

I was going to speak earlier to Mrs Dunne's amendment but she has dropped that amendment. This is about getting some consistency with the Commonwealth Electoral Act. This amendment regulates donations as best we can and the government's proposal is inadequate as the threshold for paying money into an account does not sufficiently regulate donations. This proposal in the amendment we have put forward is modelled on the provisions of the New South Wales act.

MRS DUNNE (Ginninderra) (10.21): The Canberra Liberals will not be supporting this amendment. The amendment has two parts, both of which are unacceptable in their present form. The first part, the insertion of a new clause (2A), makes the situation worse. I have been long and loud in my complaint on the notion of creating an ACT electoral collection account. The Greens think that we can solve the problem by creating another account on top of that. So instead of having one badly constructed account we will now have two if the Greens have their way. There was an argument put forward that this would be slightly better and that there would be less capacity for rorting, but it does not pass the first test. It is not simple and it is not easy to understand. We already have the systems in place for accounting for where donations go. It is not supported by the experience in other jurisdictions.

The second part of the provision creates the notion that only individual natural persons can donate to elections. It is sort of hidden away and it took me a while to find it. When the minister's staff rang my office one day and said, "Are you in support of accepting gifts from natural persons only?" I thought, "There's no provision in there." It took us a while to find it and we did miss it. This is a provision that I do not think the ACT is ready for at this stage. It was discussed at some length during the deliberations of the Standing Committee on Justice and Community Safety.

I am concerned about this. I know that, for instance, Canada has a prohibition on corporations donating to political parties. I know that recently New South Wales has gone down that path. Although there are some arguments in favour of it in terms of transparency and the like, I am particularly concerned that in the run-up to an election we might place ourselves in a very uncomfortable constitutional difficulty. If we were to pass this and someone contested the matter in the High Court in the six months between now and the election, it would be quite troublesome for us.

I had discussions with Ms Hunter and her staff at the time that Mr O'Farrell announced his intention to introduce these provisions in New South Wales. I thought I had successfully convinced Ms Hunter that this was a pretty bad idea when we were negotiating on the completion of the campaign finance reform report of the Standing Committee on Justice and Community Safety. At about the time that I thought I had probably convinced Ms Hunter that this was a pretty bad idea, Mr O'Farrell had to come along and ruin my argument by announcing that he was going to introduce the very provisions that I thought I had been quite convincing about.

There is some concern in New South Wales as to whether these provisions are constitutional. A few people have been a bit hairy-chested in saying that they are going to contest the matter. Quite frankly, I would rather that New South Wales bore the cost of that legal challenge. There is three years to go before the New South Wales election. Someone may challenge between now and then and it would be resolved. If it were resolved in a way that was favourable to the New South Wales provisions, I would be happy to consider them. But I am not prepared to put our electoral laws at risk some 5½ months out from an election by putting forward provisions which may be open to constitutional challenge and would put the ACT—a very small jurisdiction—to a great deal of expense.

Quite frankly, if New South Wales wants to go down that path and test the waters constitutionally, I would be quite happy to sit back and watch the results. Then we can make up our mind on the basis of the views of the High Court. Conversely, if no-one decides that it is worth testing their hand in the High Court then it may be something that we can consider further down the track. I think that we run the risk that if someone wanted to contest it they would end up contesting it in the ACT because the ACT is closer to an election than New South Wales is. It would leave us in a very difficult position indeed. This is not to say that we are totally closed to the idea of third-party campaigners. We are just not prepared to take the risk in constitutional terms at this time.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.27): Madam Assistant Speaker, I foreshadow that I will be seeking your leave to have this question divided. The reason for that is that the government will be supporting part (2B) but not part (2A) of the amendment. The government does not agree that there should be the establishment of a federal election account. This is for the reasons that Mrs Dunne has already outlined. A federal election account is neither defined nor legislated for other than in this amendment. The government is of the view that the establishment of a federal election account is potentially beyond the power of the territory, as it would purport to regulate political activity beyond those associated with ACT elections. For that reason we do not support the provisions in part (2A). We will be supporting part (2B).

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.28): The second part of the amendments I have put up is around limiting donations to individuals and excluding corporations. At the heart of this issue is the fact that democracy is not for sale and that democracy is owned by the people. That is the truest and most honest meaning of the word "democracy". Politicians and those who engage in the political and public debate are there to serve the interests of the people and to do so with those intentions in mind. The formulation of policies by political parties and the votes of members of parliament must be beyond purchase and must be seen to be beyond purchase.

Limiting donations to individuals and excluding corporations is longstanding Greens policy. That is something we are very proud of. One important point to make is that this restriction on donations will not in any shape or form prevent organisations from

engaging in the public debate. What it will do is encourage organisations to make a choice: do they really want to enter the public and political debate and campaign directly, putting their own name and face to their views, or would they prefer to allow the discourse to carry on without them? The Democratic Audit of Australia put it very well when they said:

> Such limits effectively encourage organisations to have the public courage of their political convictions: to spend money campaigning directly, rather than by funding political parties or candidates.

It is important to note that this approach of limiting donations to individuals has already been adopted by New South Wales. It was quite amusing that day when we were deliberating on the report and Mrs Dunne came in. She had hoped that I had not heard the radio and had not seen the news that Mr O'Farrell had come out and supported the natural person. Anyway, we did have a bit of a laugh about it. I have to say that Barry O'Farrell is certainly somebody I have respect for now on that particular matter.

On the constitutional issue, the committee had advice from Professor Anne Twomey. Professor Anne Twomey gave evidence to the committee. She stated quite clearly that this was constitutional—that there were not any constitutional problems or issues with it. We are very pleased that this will be getting support today.

Ordered that the question be divided.

Ms Hunter's amendment No 4 part (2A) negatived.

Ms Hunter's amendment No 4 part (2B) agreed to.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.34): I move amendment No 5 circulated in my name *[see schedule 9 at page 2479]*.

This amendment is consequential on the previous amendment that was not passed.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.34): The government does not support this amendment. This amendment is contingent on clause (2A), which has just been defeated. Therefore amendment No 5 is unnecessary.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.34): Madam Assistant Speaker, we would request just a few moments to sort out where we are up to on these amendments, considering that the last amendment did not get through. We are just a bit confused about where we are up to at this point.

Sitting suspended from 10.35 to 10.40 pm.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.40): I seek leave to withdraw my amendment No 5.

Leave granted.

Amendment withdrawn.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.39), by leave: I move amendments Nos 7 to 9 circulated in my name together *[see schedule 9 at page 2480]*. I will not be moving amendment No 6.

The substance of these amendments is relatively minor. The most substantial gives effect to the previous amendment, which is around a natural person. This adds in that sort of penalty clause to follow on from that amendment.

Amendments agreed to.

MRS DUNNE (Ginninderra) (10.41): I am not going to move amendment 13.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.42): I move amendment No 10 circulated in my name *[see schedule 9 at page 2480]*.

Madam Assistant Speaker, this is an amendment that regulates transactions between parties.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.42): The government does not agree to the introduction of the federal election account. The federal election account is neither defined nor legislated other than in this amendment. As I indicated previously, the government is of the view that it is beyond the power of the Assembly to legislate in this regard, as it would purport to regulate political activity in federal election campaigns. The government does not support the amendment.

Amendment negatived.

Clause 19, as amended, agreed to.

Clause 20 agreed to.

Clause 21.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.43): I move amendment No 12 circulated in my name *[see schedule 4 at page 2470]*.

This amendment inserts new section 215FA to provide that it would be an offence for a party or a non-party MLA to use administrative expenditure funding to pay for electoral expenditure related to an ACT federal, state or local government election. This amendment gives effect to the original policy intent of the administrative expenditure fund, which is that this fund will provide support to parties and non-party MLAs by providing them with funding for administrative expenses. It was not

intended that this fund could be used for election campaigning purposes at an ACT level or indeed at any other level.

MRS DUNNE (Ginninderra) (10.45): The Canberra Liberals will be opposing this amendment. There are competing amendments from Ms Hunter and me that are in the same space but that deal with the penalties in a different way. The approach that the Canberra Liberals have taken is to remove the criminal offences and to have civil penalties, which have established a pattern in this legislation. So we will not be opposing this. Ms Hunter and I both have amendments which are almost identical, but mine delete some words which I am now having some concerns about. I will defer to Ms Hunter's amendment; I think it may be safer than mine.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.45): We will not be supporting the government's amendment, as I have my own amendment coming up. I will speak to that when I move it.

Amendment negatived.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.46): I move amendment No 11 circulated in my name *[see schedule 9 at page 2481]*.

This, as I said, is an alternative to the government's amendment. It is the same in substance to the government amendment but changes it from criminal to civil offences so that the penalty is always proportionate to the offence.

Amendment agreed to.

Clause 21, as amended, agreed to.

Clauses 22 to 24, by leave, taken together and agreed to.

Clause 25.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.47): I move amendment No 12 circulated in my name *[see schedule 9 at page 2481]*.

This amendment is about reducing the level of anonymous donations to $250. This makes sure that we have a consistent cap. That is why we have put this amendment forward.

Amendment agreed to.

Clause 25, as amended, agreed to.

Clause 26.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.49), by

leave: I move amendments Nos 13 and 14 circulated in my name together *[see schedule 4 at page 2471]*.

Amendment 13 removes a redundant reference to an associated entity in section 216A(1). Associated entities are already included in the definitions of the various groupings referred to in subsection (1). Section 216A provides for regular disclosure of gifts received and subsection (1) lists those to whom the section applies. As it is currently drafted, section 216A(1) duplicates the reporting requirements with respect to an associated entity. Associated entities are included in the party grouping at (1)(a) and with a non-party MLA at (1)(b). If paragraph (1)(e) is left to stand as is, gifts received by relevant associated entities would be reported twice, once by the associated entity and again by the party grouping or non-group party MLA, respectively. This is clearly undesirable.

In relation to amendment 14, new section 216A(6) provides for the relevant period for the regular disclosure of gifts. Paragraph (b) contains a drafting error, and the wording of paragraphs (b) and (c) can be expressed more concisely. Accordingly, paragraphs (b) and (c) are substituted with a clearer definition for the relevant period for reporting by non-party candidates and non-party prospective candidates. The effect of amendment clause (6) does not alter the intent of the original amendment of the amendment bill.

Amendments agreed to.

Clause 26, as amended, agreed to.

Clauses 27 to 35, by leave, taken together and agreed to.

Clause 36 agreed to.

Clauses 37 to 56, by leave, taken together and agreed to.

Clause 57.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.52): I move amendment No 15 circulated in my name *[see schedule 4 at page 2471]*.

New section 236 of the amendment bill, which relates to offences, has omitted existing section 236(2) of the Electoral Act, which provides for the offence of submitting an incomplete return and the offence of failing to keep records in accordance with section 239. This was an inadvertent omission in the drafting of the new section. The effect of this amendment will be to retain existing offences of the current Electoral Act.

Amendment agreed to.

Clause 57, as amended, agreed to.

Clauses 58 to 61, by leave, taken together and agreed to.

Clause 62.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.53): I move amendment No 16 circulated in my name *[see schedule 4 at page 2472]*.

This amendment is intended to correct references in relation to the publication of annual returns, which is dealt with in section 243(3) of the bill. Amendment 16 is intended to bring forward the date of the publication of annual returns from the beginning of February in the next year to the beginning of September after the end of the financial year to which the return relates. As it is currently drafted, section 243(3) inadvertently refers to the year of the election to which the return relates rather than to the financial year. This amendment corrects that error.

Amendment agreed to.

Clause 62, as amended, agreed to.

Clauses 63 to 69, by leave, taken together and agreed to.

Clause 70.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.54): I move amendment No 17 circulated in my name *[see schedule 4 at page 2472]*.

For the 2011-12 reporting year, parties are not required to take account of individual gifts received of less than $1,000 in determining which donors they have to identify in their annual returns under Electoral Act sections 230 and 232, which continue to apply, under the transitional provisions in the bill, for the 2011-12 financial year. This gap in recording is in part covered by the requirement under section 221A of the Electoral Act for donors who give amounts that sum to more than $1,000 in the reporting year, regardless of the size of any individual amounts, to lodge annual returns. The amendment bill closes this gap in party reporting by requiring that all gifts received by parties after 1 July this year that total to $1,000 or more be reported in their annual returns.

While section 221A remains in force until 30 June this year, it is omitted from the act after 1 July. However, the amendment act has no transitional provision requiring donors to submit returns to the commissioner for the 2011-12 financial year. In order to avoid opening a loophole in reporting of gifts received for the remainder of the 2011-12 financial year, the new transitional amendment in proposed new section 506A applies section 221A for the purposes of the 2011-12 reporting year. It also requires that donor returns be submitted by 31 July this year, in line with the requirements for reporting by parties, MLAs and associated entities for the 2011-12

year, as proposed in transitional amendments 507 and 508 of clause 70 relating to the amendment bill.

Amendment agreed to.

Clause 70, as amended, agreed to.

Clause 71 agreed to.

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

MRS DUNNE (Ginninderra) (10.57): I would like to make some closing remarks on this important piece of legislation that has been, as my staff would attest, a bit of an albatross around my neck for the past two years. It has been an interesting experience. I have learnt a lot about electoral affairs. I have learnt about negotiating and how not to do it, and I have learnt a lot about drafting.

I would like to place on the record my thanks to some people. I would like to place on the record my thanks to my personal staff and other staff of the Canberra Liberals who have been always there as a sounding board; they have been very supportive and given me every opportunity to explore ideas and to discuss implications of them.

I want to place on record my appreciation for one of my hapless volunteers. On the first day he came in to volunteer in my office he thought that as it was his first day he would probably come in and make the tea. He asked, "Is there anything I can do?" and I said, "Well, actually, I have this bill to introduce tomorrow and the person who was helping me with it has had the audacity to go and get appendicitis. Clinton, I need to write an introductory speech and an explanatory statement." This was at lunch time, and at 9 o'clock that night we walked out with an introductory speech and explanatory statement, and that volunteer has been since then working diligently on this matter and now knows much more about electoral reform than most people care to.

I want to place on record my esteem and high regard for the professional work of the parliamentary drafters. This has been an extraordinarily difficult job. As one person said to me the other day, "Every time I sit down to do some work on this, I have to sort of recalibrate because it is so complex and there is so much going on in this space." But the Parliamentary Counsel's Office have been extraordinarily generous with their time and their professionalism and they have got it right so many times. I thank them very warmly for that. I am glad that they are here. They do a great job.

This is not the outcome that the Canberra Liberals would have hoped for when we set out on this path of campaign finance reform about 2½ years ago, and it certainly was not the path that I thought that we would get to when the Standing Committee on Justice and Community Safety tabled its recommendations late last year.

We have made some modest steps tonight towards campaign finance reform, but we will have to be back in this space. We will have to be back in this space because the recommendations that the Standing Committee on Justice and Community Safety worked hard to come up with—a set of recommendations that addressed as many

issues as possible and created checks and balances—have essentially been thrown out. A cap on expenditure of a million and $20,000 for major parties are about all we have got out of it. There are things that have been brought into this today—

Mr Coe: You could drive a truck through—

MRS DUNNE: with the passage of this legislation, as Mr Coe rightly says, that you could drive a truck through.

The caps on donations are illusory and there are so many loopholes. It is better than it was, but there are still so many loopholes. The scales fell from my eyes late in the debate and I now understand why the Greens changed their mind on Mr Smyth's provisions. It is quite clear when you put together all that has happened here tonight that the Labor Party, against all odds and against the advice that Mr Corbell gave to me in his office two weeks ago, has agreed to the Greens' proposal to limit donations to natural persons. That has huge implications for everyone. It has real implications for the Labor Party, who will no longer be able to receive donations from unions.

When I discussed this and what happened in New South Wales, the Labor Party were vehemently opposed to donations only by natural persons in New South Wales because of that. So it becomes quite clear: the Labor Party and the Labor Club have already moved all the money that they need out of the Labor Club and into their various entities, so they do not have to rely on donations anymore. They can donate to the federal party all they like, but they now have a big enough war chest that they can live off their interest. That is quite clear, and we will see that, eventually, about the time of the election. The Labor Party have done a deal with the Greens, and the deal is "we'll give you natural persons if you make sure that Brendan Smyth's provisions don't get up". That is what has happened here tonight.

The people of the ACT have been sold out by the Labor-Greens alliance. We have minute improvements in campaign finance legislation. We have a cap on expenditure. We do not need to cap donations—because the Labor Party have got all the money they will need for decades to come. It will take some time for this to reveal itself. If I am wrong, I will come in here and eat my words. But I will lay you quids, Madam Deputy Speaker, that that is what will be revealed over time.

This is not the sort of reform that the Greens signed up to when they signed up to campaign finance reform, when they agreed that we should inquire into this. They keep saying, "It's in our parliamentary agreement." Well, what is the worth of the parliamentary agreement tonight? What is the worth of the parliamentary agreement tonight when all we get out of this after 2½ years of work is a cap on expenditure, a very poorly constructed cap on donations which has loopholes everywhere, and where the Labor Party have already salted away all their money? They do not have to worry about whether there is a cap on donations.

The people of the ACT have been sold short here tonight by the Labor Party and the Greens. The Greens have reneged on their own principles. They have said that they wanted to work hard for campaign finance reform, but if the horse has already bolted, to use Ms Hunter's words, and they are not prepared to do anything about it, we have

not got campaign finance reform. We do not have the level playing field that we set out to achieve.

Ms Hunter has done this to the people of the ACT for very strange and inexplicable reasons. It has been quite clear to my colleagues and me for the last two or three weeks that we were going to get to this situation tonight—because Ms Hunter was just not prepared to engage. We would sit down and say: "Can we have a talk about where we are going with campaign finance reform? These are the things we agree on. These are things which we think are important. Can you tell us whether you are going to support them or not? Can you tell us whether you are going to keep your word about Mr Smyth's provisions? Can you tell us whether or not associated entities are inside the cap or outside the cap?"

These were simple questions. When we were in the committee, associated entities were inside the cap, but somewhere along the line they ceased to be inside the cap. Ms Hunter would not engage. I do not know whether she was embarrassed; that she did not understand what was going on. But I think now that she is embarrassed. She made commitments to the people of the ACT, by signing up to the majority report of the Standing Committee on Justice and Community Safety, that we would go down a particular path, but she has reneged on it. She made commitments to the people of the ACT when she supported Mr Smyth's legislation in principle, and she has reneged upon it.

The people of the ACT have been sold out by Meredith Hunter, who did not even have the decency, after a number of attempts to meet with her, to meet and discuss this today. She sent her staff. Her staff went away and they came back and her staff rang my staff at the eleventh hour to say, "No, we are not going to support any of these things." I knew that she was not going to support them; if she had been going to support them, she would have told us weeks ago. But she did not have the decency to walk through my door, look me in the eye and say: "I have broken my word. I have broken my commitment to the people of the ACT." That is the measure of the leader of the Greens in the ACT—the people who came here with their parliamentary agreement for third-party insurance but have not given it. They have sold out to the Labor Party, and in doing so they have sold out the people of the ACT.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.07): This is a bill of compromises; there is no doubt about that. There are compromises on the part of all parties in this place. It obviously is not the bill that Mrs Dunne hoped she would get, but that is because she has had to compromise as well and she has had to accept that some provisions that she was hoping to see in this bill have not come to pass.

There are many provisions in this legislation that the government, the Labor government, would prefer not to see in the legislation. We believe that significant elements of the legislation are onerous and unfairly restrict the capacity of different entities and organisations to participate in the political debate. We believe that many of the reporting requirements are overly onerous. But we have accepted that in an Assembly where no one party has the majority we need to accept that there is give and

take on a range of provisions in this legislation. And that is what has eventuated this evening.

But that is not to say that the bill is without significant improvements; there are significant improvements. There are improvements in accountability, there are improvements in reporting and transparency, there are improvements in limitations on campaign expenditure and on the extent to which gifts can be made to candidates and political parties—and to a greater rather than a lesser degree these are significant improvements.

Mrs Dunne has a whole range of conspiracy theories around what has occurred this evening, none of which is based in any fact. If only the Labor Party were in the wonderfully robust financial circumstances that Mrs Dunne would like to suggest—but the fact is that that is not the case. The Labor Party's capacity to rely on donations from a whole range of organisations is significantly limited under this legislation, and that element should not be dismissed.

The other point I would make is that, because of the nature of the debate this evening and the complexity of amendments, many of which on all sides arrived late in the proceedings, it will be necessary to look closely at the final product to make sure that it does operate as a coherent piece of legislation. If necessary, the Assembly may need to revisit some technical elements of this bill before it actually commences on 1 July. We do have an opportunity in June to do that, should that be necessary, and I flag that that is obviously an issue the government will look at closely prior to the bill's proposal to commence.

Finally, I would simply make the observation that Mrs Dunne may have grievances with Ms Hunter, but there are those of us who have grievances with Mrs Dunne, for exactly the same reasons. Late declaration of positions on a whole range of matters has also been a sin committed by the Liberal Party, and that has also made it difficult to proceed in an informed manner until quite late this evening. So those are issues that Mrs Dunne should reflect on.

This legislation does amount to a very significant change to the way electoral finances are regulated in the territory. It imposes a whole range of new conditions around transparency, reporting, disclosure, on the amount of donations that can be made to political parties and on the amount of money that political parties can spend in an election campaign. That was the objective that all parties ultimately signed up to and that is the objective that we have taken significant steps towards in this legislation this evening.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.12): I would like to start by thanking the PCO and, in particular, David Metcalf, who has done a sterling job over the last so many weeks, even till today, and also Janice Rafferty, who was very helpful in putting together our script tonight. It must have been a real headache. I very much want to acknowledge her role in helping us get through what has been quite a difficult journey tonight.

This has been a win for democracy. There have been improvements to what existed before in this area. We have got some limits in there as far as donations and expenditure are concerned. We have also got limits around natural persons. This is something that the Greens have campaigned on for a long time. We are incredibly pleased and proud that we have got that win tonight on individuals donating. This takes corporations, developers and lobbyists out of the equation—

Mr Coe interjecting—

MS HUNTER: We think that is a good thing, Mr Coe. We think it is a good thing to limit it to individual people.

Mr Coe interjecting—

MADAM DEPUTY SPEAKER: Mr Coe, may I remind you that you are on a warning from earlier.

MS HUNTER: It is not a level playing field out there. The Greens know it is not a level playing field out there. If you have a look at our electoral returns, I think you will see it has not been a level playing field. And—guess what?—going into the future we do not have the sorts of reserves and the sorts of property that you have. But we have not come into this debate from some corner of self-interest. That is why it is a little bit hard to sit there and watch the squabbling over the money. This is about trying to move forward and get some reform in this area.

I think we have also made great improvements to the disclosure regime. This was part of the parliamentary agreement. That is something we have also achieved along the way. I think this carping and carrying on is a little bit too much. There has been some carrying on about us not being consistent with the committee report. When we go into committees, we go in as parliamentarians. We listen to the evidence put before the committee and, hopefully, in a consensual way, we come up with a report.

But guess what? Sometimes what we come up with in the report may not necessarily sit with our parties. An example I will give you was the inquiry of the JACS committee around murder. We came up with a consensus. Mrs Dunne went back to her party and came back with a different position from what the consensus report was. She was chair of that committee. I have not got up and banged on about that because—guess what?—it happens. It happens all the time. It is not unusual that when you go into a committee process you may, when it comes down to legislation and debate, have some different views that come from your party room.

I want to go back to being more positive about all of this. Yes, we will need to come back. We will need to see how all of this hangs or does not hang together after a good night's sleep, because it has been a quite extraordinary process. Certainly, as a fairly new member of this place, it has been an extraordinary experience tonight. Again, I would like to thank everybody, including all of the advisers who have sat here on the floor with us, as well as my adviser, who shall not be named.

I want to focus on the positives. There has been significant movement forward in the reform around this area tonight. I would also like to thank Phil Green and the directorate staff as well. They have been of great assistance along the way. We have had a number of briefings, even a briefing in recent days, to help us get through this. Your advice and assistance on matters is always welcome.

Once again, I want to finish on a positive note. I think we have pushed through with some historic reform here in the ACT. I know that we will improve on it in the months to come, and probably in the years to come. I think that it is something we should be congratulating ourselves on—that we have taken this issue on and we have got legislation in place to show that democracy is not for sale in the ACT.

Remainder of bill, as a whole, agreed to.

Question put:

> That this bill, as amended, be agreed to.

The Assembly voted—

Ayes 9		Noes 4	
Mr Barr	Ms Hunter	Mr Coe	Mr Smyth
Dr Bourke	Ms Le Couteur	Mr Doszpot	
Ms Bresnan	Ms Porter	Mrs Dunne	
Ms Burch	Mr Rattenbury		
Mr Corbell			

Question so resolved in the affirmative.

Bill, as amended, agreed to.

Adjournment

Motion by **Mr Corbell** proposed:

> That the Assembly do now adjourn.

Crace memorial

MR COE (Ginninderra) (11.20): I rise this evening to say a few words about the Crace memorial which was unveiled at hilltops community park in Crace on 5 May. My Liberal colleagues Zed Seselja, Jeremy Hanson and fellow member for Ginninderra, Vicki Dunne, were also present for the special occasion. The dedication of the memorial marked the 70th anniversary of Australia's involvement in the Battle of the Coral Sea and a significant strategic victory for the Allies. The memorial was built to honour the contribution made by Vice Admiral Sir John Crace KBE CB RAN and the 1,500 people who served under his command during the historic World War II naval battle.

Sir John was the son of the suburb's namesake, Edward Crace, who had extensive landholdings in the region from the 1870s. Edward Crace's journey to Australia in 1869 from the United Kingdom was particularly eventful, as the ship he was travelling on, the *Duncan Dunbar*, was shipwrecked off the coast of Brazil in 1865. After finally arriving in Australia, he spent time in Sydney and Toowoomba before visiting England.

After once again travelling to Australia, he acquired properties in our region, including Ginninderra, Gungahlin and Charnwood. Edward Crace was a very successful businessman and active in the community, including as president of the Ginninderra Cricket Club. He was to tragically drown in Ginninderra Creek in 1892 when his son, John Crace, was just five years old.

In October 1899, Edward's widow, Mrs Kate Crace, held a ball and supper at the old Ginninderra store to mark the departure of a very young John Crace to the United Kingdom where he would continue his studies. Prior to this, he had studied at the King's school in Parramatta. In England, he joined the Royal Navy, training on the HMS *Britannia*. During World War I, he served as a torpedo officer on HMAS *Australia* and in other roles. Between the wars, he held a number of positions, including as captain of HMS *Valhalla* and director of the tactical division at the Admiralty. In 1939, he was promoted to rear admiral and appointed commander of the Australian squadron.

Crace became commander of the allied naval squadron, Anzac Force, early in 1942 and, a few months later, played a significant role at the Battle of the Coral Sea. The squadron under his command was charged with stopping Japanese troopships travelling towards Port Moresby. Despite coming under heavy attack, they were successful. The events of those days in May would play a very important role in the course of World War II. Later in 1942, he was promoted to vice admiral and retired a few years later. In 1947 he was made Knight Commander of the Order of the British Empire.

Sir John died in the United Kingdom in 1968. Over 300 people were at the unveiling of the memorial, including many members of the extended Crace family. Amongst the attendees was the son of Sir John, Christopher Crace, and his son who travelled from the United Kingdom to attend the memorial's dedication.

Christopher Crace spoke of his father and the honour it was to have his contribution remembered in the memorial. Like the memorial itself, the ceremony was graceful and did justice to the legacy of Sir John. Vice Admiral Peter Jones DSC AM RAN presided over the ceremony, which was made possible through the generosity of CIC Australia. I would like to extend my thanks and congratulations to the Chief Executive of CIC Australia, Col Alexander, for making the memorial a reality. I would also like to commend Gordon Johnson and Derek Holyoake for championing the need for a memorial.

We should not forget our heritage. Our region has a proud history of pioneers who have made tremendous sacrifices for the betterment of our community. Whether it be

the early pastoralists who put our region on the map or subsequent generations who have served in the forces, public service, industry and community sector, we have to remember the contribution of these past generations.

I hope that all Canberrans and visitors to our city are able to visit the memorial so that they might comprehend the contribution that Vice Admiral Sir John Crace made to Australia and the world.

Question resolved in the affirmative.

The Assembly adjourned at 11.25 pm until Tuesday, 5 June 2012, at 10 am.

Schedules of amendments

Schedule 1

Legislative Assembly (Office of the Legislative Assembly) Bill 2012

Amendments moved by Ms Hunter

1
Proposed new clause 9 (2) (ca)
Page 5, line 9—

insert

(ca) in consultation with the leader (however described) of a registered party (other than the party to which the Chief Minister or Leader of the Opposition belongs) if at least 2 members of the Legislative Assembly are members of the party; and

2
Proposed new clause 9 (5)
Page 5, line 20—

insert

(5) In this section:

registered party—see the *Electoral Act 1992*, dictionary.

3
Clause 20
Page 12, line 2—

[oppose the clause]

Schedule 2

Legislative Assembly (Office of the Legislative Assembly) Bill 2012

Amendments moved by the Speaker

1
Clause 13 (3), proposed new note
Page 7, line 3—

insert

Note The Legislation Act, s 179 deals with the information that must be included in a statement of reasons.

2
Proposed new clause 14 (2A)
Page 7, line 20—

insert

(2A) The administration and procedure committee must give the clerk written notice that a regular meeting will be held at least 3 business days before the day the meeting is to be held.

3
Proposed new clause 15 (4A)
Page 8, line 29—

insert

(4A) If the Speaker ends the clerk's suspension, the Speaker must give written notice of the ending of the suspension and a copy of a statement of the reasons for ending the suspension to the clerk and administration and procedure committee.

Note The Legislation Act, s 179 deals with the information that must be included in a statement of reasons.

4
Proposed new clause 16 (1A)
Page 9, line 11—

insert

(1A) For a resolution mentioned in subsection (1) (b), notice of the motion to which the resolution relates must be given at least 7 days before the day the motion is first debated in the Legislative Assembly.

Schedule 3

Legislative Assembly (Office of the Legislative Assembly) Bill 2012

Amendments moved by the Chief Minister

1
Schedule 1, part 1.3
Amendment 1.12
Page 19, line 4—

omit

2
Schedule 1, part 1.3
Amendment 1.14
Page 19, line 13—

omit

3
Schedule 1, part 1.3
Amendment 1.15
Page 20, line 1—

omit

4
Schedule 1, part 1.3
Amendment 1.16
Page 20, line 6—

omit

5
Schedule 1, part 1.3
Amendment 1.17
Page 20, line 14—

omit amendment 1.17, substitute

[1.17] Section 20 heading

substitute

20 Budgets for Office of the Legislative Assembly

6
Schedule 1, part 1.3
Proposed new amendment 1.17A
Page 21, line 12—

insert

[1.17A] Section 20

omit

Legislative Assembly secretariat

substitute

Office of the Legislative Assembly

Schedule 4

Electoral Amendment Bill 2012

Amendments moved by the Attorney-General

1
Clause 4
Section 3A, proposed new dot point
Page 2, line 20—

insert

- s 215FA (Payments for administrative expenditure not to be used for electoral expenditure)

2
Clause 12
Section 198, proposed new definition of *non-party candidate grouping*, paragraph (b)
Page 5, line 24—

omit paragraph (b), substitute

(b) any other person who has incurred electoral expenditure with the authority of the candidate to support the candidate in contesting the election.

3
Clause 12
Section 198, proposed new definition of *non-party prospective candidate grouping*, paragraph (b)
Page 6, line 5—

omit paragraph (b), substitute

(b) any other person who has incurred electoral expenditure with the authority of the prospective candidate to support the prospective candidate in contesting the election.

4
Clause 12
Section 198, proposed new definition of *party grouping*, paragraph (g)
Page 6, line 14—

omit

5
Clause 14
Section 198, proposed new definition of *third-party campaigner*, paragraph (b) (iii)
Page 7, line 24—

omit paragraph (b) (iii), substitute

(iii) a publisher of a news publication (except a publication published for, or for the benefit of, an entity mentioned in subparagraph (i));

6
Clause 15
Proposed new section 198AA (1)
Page 8, line 4—

omit proposed new section 198AA (1), substitute

(1) For this part, each of the following is a ***gift***:

(a) a disposition of property made by a person to another person without consideration in money or money's worth or with inadequate consideration;

(b) the provision of a service (other than volunteer labour) for no consideration or inadequate consideration.

(1A) For this part, each of the following is also a ***gift***:

(a) if an annual subscription paid to a party by a person for the person's membership of the party is more than $250—the amount of the subscription that is more than $250;

(b) if a fundraising contribution in relation to a single fundraising event is more than $250—the amount of the contribution that is more than $250.

(1B) However, for this part, none of the following is a ***gift***:

(a) a disposition of property under a will;

(b) an annual subscription for membership of a party of $250 or less;

(c) if an annual subscription for membership of a party is more than $250—the first $250 of the subscription;

(d) a fundraising contribution in relation to a single fundraising event of $250 or less;

(e) if a fundraising contribution in relation to a single fundraising event is more than $250—the first $250 of the contribution;

(f) a gift mentioned in subsection (1) if—

(i) the gift is given to an individual in a private capacity for the individual's personal use; and

(ii) the individual does not use the gift solely or substantially for a purpose related to an election;

(g) a payment under division 14.3 (Election funding) or division 14.3A (Administrative expenditure funding);

(h) a payment made by an entity within a party grouping to another entity within the party grouping.

11
Clause 19
Proposed new section 205G (2A)
Page 17, line 12—

insert

(2A) For subsection (2)—

(a) if a receiver receives a gift from a person that consists of a service or product that would be electoral expenditure if paid for by the receiver—

(i) an amount equal to the value of the service or product is taken to have been deposited in the ACT election account when the service or product was provided or delivered; and

(ii) the amount is taken to be a gift from the person; and

(b) if a receiver receives any other kind of gift from a person that is not an amount of money and uses an amount of money derived from the gift for electoral expenditure—

(i) an amount equal to the amount used for electoral expenditure is taken to have been deposited in the ACT election account when the expenditure was incurred; and

(ii) the amount is taken to be a gift from the person.

12
Clause 21
Proposed new section 215FA
Page 24, line 6—

insert

215FA Payments for administrative expenditure not to be used for electoral expenditure

(1) The reporting agent of a party commits an offence if an amount paid to the party for administrative expenditure under this division is—

(a) deposited in an ACT election account; or

(b) used for electoral expenditure in relation to an ACT, federal, state or local government election.

Maximum penalty: 100 penalty units.

(2) A non-party MLA commits an offence if an amount paid to the MLA for administrative expenditure under this division is—

(a) deposited in an ACT election account; or

(b) used for electoral expenditure in relation to an ACT, federal, state or local government election.

Maximum penalty: 100 penalty units.

13
Clause 26
Proposed new section 216A (1) (e), except note
Page 25, line 17—

omit

14
Clause 26
Proposed new section 216A (6), definition of *relevant period*, paragraphs (b) and (c)
Page 27, line 11—

omit paragraphs (b) and (c), substitute

(b) for a non-party candidate grouping or non-party prospective candidate grouping—the period—

(i) if the candidate was a candidate at an election the polling day for which was within 5 years before polling day for the election at which the candidate is a candidate—starting on the 31st day after the polling day for the last election at which the candidate was a candidate; and

(ii) in any other case—starting on the earlier of—

(A) the day when the candidate publicly announced that he or she would be a candidate in the election; and

(B) the day when the candidate was nominated as a candidate for the election in accordance with section 105; and

(iii) ending on the 30th day after polling day for the election.

15
Clause 57
Proposed new section 236 (2) and (3)
Page 36, line 13—

omit proposed new section 236 (2) and (3), substitute

(2) A person commits an offence if—

(a) the person is required to give the commissioner a return under this part; and

(b) the person gives the commissioner the return; and

(c) the return is incomplete.

Maximum penalty: 20 penalty units.

(3) A person commits an offence if the person fails to keep records in accordance with section 239.

Maximum penalty: 20 penalty units.

(3A) Subsections (1), (2) and (3) do not apply if the person has a reasonable excuse.

(3B) An offence against subsection (1), (2) or (3) is a strict liability offence.

16
Clause 62
Page 38, line 8—

omit

September in the year of the election to which the return relates

substitute

September after the end of the financial year to which the return relates

17
Clause 70
Proposed new section 506A
Page 40, line 14—

insert

506A Annual returns of donations

(1) Despite their repeal—

(a) section 221A (Annual returns of donations) continues to apply in relation to gifts made in the financial year ending on 30 June 2012; and

(b) section 221B (Advice about obligations to make returns) continues to apply in relation to gifts received in the financial year ending on 30 June 2012.

(2) However, returns under section 221A for that financial year must be given to the commissioner not later than 31 August 2012.

Schedule 5

Electoral Amendment Bill 2012

Amendments moved by Mrs Dunne

1
Clause 4
Proposed new dot points
Page 2, line 15—

omit

- s 205A (Financial representatives to keep ACT election accounts)
- s 205B (Offence—loans to be repaid from ACT election accounts)
- s 205C (Financial representative to ensure electoral expenditure paid from ACT election account)
- s 205F (Offence—exceeding expenditure cap)

2
Proposed new clause 7A
Page 3, line 4—

insert

7A Definitions for pt 14

Section 198, new definition of *affiliation fee*

insert

affiliation fee means an amount paid (however described) by an entity to a party to become affiliated with, or participate in the affairs of, the party whether or not the amount is called an affiliation fee.

3
Proposed new clause 7B
Page 3, line 4—

insert

7B Section 198, definition of *associated entity*

substitute

associated entity means an entity that—

(a) for a party—

(i) is controlled by the party; or

(ii) operates completely or to a significant extent for the benefit of the party; or

(iii) is authorised under the party's rules to participate in the formulation of policies, election of office-bearers or pre-selection of candidates; or

(b) for an MLA or a candidate—

(i) is controlled by the MLA or the candidate; or

(ii) operates completely or to a significant extent for the benefit of the MLA or the candidate; or

(iii) is affiliated or associated (however described) with the MLA or the candidate in a way that allows the entity to be directly involved in the development of policy for the MLA or the candidate.

4
Clause 10
Section 198, proposed new definition of *electoral expenditure*, paragraph (a) (vii)
Page 4, line 24—

omit

5
Clause 10
Section 198, proposed new definition of *financial representative*, paragraph (f) (ii)
Page 5, line 11—

omit paragraph (f) (ii), substitute

(ii) in any other case—the person responsible (however described) for the management of the third-party campaigner.

6
Clause 19
Proposed new division 14.2A
Page 11, line 19—

omit

7
Clause 19
Proposed new section 205D
Page 14, line 10—

omit proposed new section 205D, substitute

205D Meaning of *expenditure cap*—div 14.2B

For this division, the ***expenditure cap*** is—

(a) for a party grouping—$60 000, or, if an amount is declared under section 205E, the declared amount; or

(b) for a non-party MLA and an associated entity of the MLA—$120 000, or, if an amount is declared under section 205E, the declared amount; or

(c) for a non-party candidate grouping—$120 000, or, if an amount is declared under section 205E, the declared amount; or

(d) for a third-party campaigner—$30 000, or, if an amount is declared under section 205E, the declared amount.

8
Clause 19
Proposed new section 205E (1)
Page 14, line 17—

omit

an amount

substitute

amounts

10
Clause 19
Proposed new section 205FB
Page 16, line 27—

insert

205FB Limit on electoral expenditure—third-party campaigner acting in concert with others

(1) A third-party campaigner must not act in concert with another person to incur electoral expenditure in relation to an election in the capped expenditure period for the election that is more than the expenditure cap for the third-party campaigner for the election.

(2) If a third-party campaigner contravenes subsection (1), the third-party campaigner is liable to pay a penalty to the Territory equal to twice the amount by which the electoral expenditure exceeds the third-party campaigner's expenditure cap for the election.

(3) The commissioner may recover an amount payable under subsection (2) from the third-party campaigner.

(4) In this section:

act in concert—a person ***acts in concert*** with someone else if the person acts under an agreement (whether formal or informal) with the other person to campaign with the object, or principal object, of having a particular party, MLA or candidate elected.

11
Clause 19
Proposed new section 205FC
Page 17, line 2—

insert

205FC Limit on gifts received before commencement of Electoral Amendment Act 2012

(1) This section applies to a gift to a party grouping for a party made after 22 June 2011 and before the commencement of the *Electoral Amendment Act 2012*.

(2) The party grouping must not accept 1 or more gifts from a person or entity that total more than $50 000.

(3) If a party grouping contravenes subsection (2), an amount equal to the amount by which the gift or gifts exceed $50 000 is payable to the Territory.

(4) However, if the party grouping returns the amount by which the gift or gifts exceed $50 000 within 30 days after the commencement of the *Electoral Amendment Act 2012*—no amount is payable to the Territory.

(5) The commissioner may recover an amount payable under subsection (3) from the party.

(6) This section expires 1 year after the commencement of the *Electoral Amendment Act 2012*.

Schedule 6

Electoral Amendment Bill 2012

Amendment moved by the Attorney-General

3
Clause 19
Proposed new section 205F
Page 15, line 7—

omit proposed new section 205F, substitute

205F Limit on electoral expenditure—party groupings

(1) This section applies to electoral expenditure in relation to an election that is incurred by or on behalf of a party grouping in the capped expenditure period for the election.

(2) The electoral expenditure must not exceed the expenditure cap for the election multiplied by the sum of—

(a) for each 5-member electorate—the lesser of—

(i) 5; and

(ii) the number of candidates for the party for election in the electorate; and

(b) for the 7-member electorate—the lesser of—

(i) 7; and

(ii) the number of candidates for the party for election in the electorate.

(3) If the electoral expenditure exceeds the amount allowed under subsection (2), the party grouping is liable to pay a penalty to the Territory equal to twice the amount by which the electoral expenditure exceeds the amount allowed under subsection (2).

(4) The commissioner may recover an amount payable under subsection (3) from the party.

205FA Limit on electoral expenditure—MLAs, candidates and third-party campaigners

(1) This section applies to electoral expenditure in relation to an election that is incurred by or on behalf of any of the following (an ***expender***) in the capped expenditure period for the election:

(a) a non-party MLA and an associated entity of the MLA;

(b) a non-party candidate grouping;

(c) a third-party campaigner.

(2) The electoral expenditure must not exceed the expenditure cap for the election.

(3) If the electoral expenditure exceeds the expenditure cap for the election, the expender is liable to pay a penalty to the Territory equal to twice the amount by which the electoral expenditure exceeds the expenditure cap for the election.

(4) The commissioner may recover an amount payable under subsection (3) from—

(a) if the expender is a non-party MLA or associated entity of the MLA—the non-party MLA; or

(b) if the expender is a non-party candidate grouping—the non party candidate; or

(c) if the expender is a third-party campaigner—the third party campaigner.

Schedule 7

Electoral Amendment Bill 2012

Amendments moved by Mrs Dunne to the Attorney-General's amendments

1
Amendment 6
Proposed new section 198AA (1A)—

omit

$250

substitute

$1 000

2
Amendment 6
Proposed new section 198AA (1A) (aa)—

insert

(aa) if an affiliation fee paid to a party by an entity is more than $1 000—the amount of the affiliation fee that is more than $1 000;

3
Amendment 6
Proposed new section 198AA (1B)—

omit

$250

substitute

$1 000

Schedule 8

Electoral Amendment Bill 2012

Amendment moved by Mrs Dunne to the Attorney-General's amendment No 6

1
Amendment 6
Proposed new section 198AA (1A) (aa)—

insert

(aa) if an affiliation fee paid to a party by an entity is more than $250—the amount of the affiliation fee that is more than $250;

Schedule 9

Electoral Amendment Bill 2012

Amendments moved by Ms Hunter

1
Clause 4
Page 2, line 19—

omit

- s 205F (Offence—exceeding expenditure cap)

2
Clause 19
Proposed new section 205F
Page 15, line 7—

omit proposed new section 205F, substitute

205F Limit on electoral expenditure—party groupings

(1) This section applies to electoral expenditure in relation to an election that is incurred by or on behalf of a party grouping in the capped expenditure period for the election.

(2) The electoral expenditure must not exceed the expenditure cap for the election multiplied by the sum of—

(a) for each 5-member electorate—the lesser of—

(i) 5; and

(ii) the number of candidates for the party for election in the electorate; and

(b) for the 7-member electorate—the lesser of—

(i) 7; and

(ii) the number of candidates for the party for election in the electorate.

(3) If a party grouping contravenes subsection (2), the party is liable to pay a penalty to the Territory equal to twice the amount by which the electoral expenditure exceeds the amount allowed under subsection (2).

(4) The commissioner may recover an amount payable under subsection (3) from the party.

205FA Limit on electoral expenditure—MLAs, candidates and third-party campaigners

(1) This section applies to electoral expenditure in relation to an election that is incurred by or on behalf of any of the following (an ***expender***) in the capped expenditure period for the election:

(a) a non-party MLA and an associated entity of the MLA;

(b) a non-party candidate grouping;

(c) a third-party campaigner.

(2) The electoral expenditure must not exceed—

(a) for a non-party MLA and an associated entity of the MLA—1.5 times the expenditure cap for the election; and

(b) for a non-party candidate grouping—1.5 times the expenditure cap for the election; and

(c) for a third-party campaigner—twice the expenditure cap for the election.

(3) If an expender contravenes subsection (2), the expender is liable to pay a penalty to the Territory equal to twice the amount by which the electoral expenditure exceeds the expenditure cap for the election.

(4) The commissioner may recover an amount payable under subsection (3) from—

(a) if the expender is a non-party MLA—the non-party MLA; or

(b) if the expender is an associated entity of a non-party MLA—the associated entity of the MLA; or

(c) if the expender is a non-party candidate grouping—the non party candidate; or

(d) if the expender is a third-party campaigner—the third party campaigner.

3
Clause 19
Proposed new section 205G (1)
Page 17, line 5—

after

(a ***receiver***)

insert

after the day the *Electoral Amendment Act 2012* is notified

4
Clause 19
Proposed new section 205G (2A) and (2B)
Page 17, line 12—

insert

(2A) A receiver other than a third-party campaigner must not accept 1 or more gifts from a person in a financial year that total more than $10 000 unless the gifts, or the amount of the gifts that exceeds $10 000, are paid into a separate account (the ***federal election account***) that is used only for a federal election campaign.

(2B) Also, a receiver other than a third-party campaigner must not accept a gift from a person who is not an individual enrolled to vote in the ACT unless the gift is paid into the federal election account.

5
Clause 19
Proposed new section 205G (3)
Page 17, line 13—

omit proposed new section 205G (3), substitute

(3) If a receiver contravenes subsection (2) or subsection (2A), the receiver is liable to pay a penalty to the Territory equal to twice the amount by which the gift or gifts exceed $10 000.

7
Clause 19
Proposed new section 205G (4) (b)
Page 17, line 22—

omit

identified or

8
Clause 19
Proposed new section 205G (4A) and (4B)
Page 17, line 24—

insert

(4A) If a receiver contravenes subsection (2B), the receiver is liable to pay a penalty to the Territory equal to twice the amount of the gift.

(4B) However—

(a) if the receiver pays the amount of the gift into the federal election account within 30 days after the gift is received—no amount is payable to the Territory; or

(b) if the receiver returns the amount of the gift within 30 days after the gift is received—no amount is payable to the Territory; or

(c) if the receiver takes all reasonable steps to return the amount of the gift but is unable to return the amount because the donor cannot be found—an amount equal to the amount of the gift is payable to the Territory.

9
Clause 19
Proposed new section 205G (5)
Page 17, line 26—

omit

or subsection (4) (b)

substitute

, subsection (4) (b) or subsection (4B) (b)

10
Clause 19
Proposed new section 205I (3)
Page 19, line 7—

omit proposed new section 205I (3), substitute

(3) A party must not accept 1 or more payments from 1 or more related political parties in a financial year that total more than $10 000 unless the payments, or the amount of the payments that exceeds $10 000, are paid into a separate account (the ***federal election account***) that is used only for a federal election campaign.

(3A) If a party contravenes subsection (2) or subsection (3), the party is liable to pay a penalty to the Territory equal to twice the amount by which the payment or payments exceed $10 000.

11
Clause 21
Proposed new section 215FA
Page 24, line 6—

insert

215FA Payments for administrative expenditure not to be used for electoral expenditure

(1) If an amount is paid to a party or non-party MLA for administrative expenditure under this division, the party or non party MLA must not—

(a) deposit any part of the amount in an ACT election account; or

(b) use any part of the amount for electoral expenditure in relation to an ACT, federal, state or local election.

(2) If a party or non-party MLA contravenes subsection (1), the party or MLA is liable to pay a penalty to the Territory equal to twice the amount deposited or used.

(3) The commissioner may recover an amount payable under subsection (2) from the party or non-party MLA.

12
Clause 25
Section 216, proposed new definition of *small anonymous gift*
Page 25, line 6—

omit

$1 000

substitute

$250

Schedule 10

Electoral Amendment Bill 2012

Amendment moved by the Attorney-General

1
Clause 15
Proposed new section 198AA (1C)
Page 9, line 9—

insert

(1C) Subsection (1B) (h) and this subsection expire on 1 January 2014.

Answers to questions

ACT Ombudsman—annual report (Question No 1995 — supplementary answer)

Mrs Dunne asked the Attorney-General, upon notice, on 14 February 2012 *(redirected to the Chief Minister)*:

(1) In relation to the 2010-11 annual report of the ACT Ombudsman, table 1, achievements against performance indicators, page 6, what assessment has the Ombudsman made of the primary reasons for the (a) increasing trend in complaints made against ACT Government agencies and (b) decreasing trend in complaints made against ACT Policing.

(2) Why has the percentage fallen for complaints against ACT Government agencies being resolved within three months.

(3) In relation to statement of agency performance, page 6, what is the status of the negotiations with the ACT Government for increased funding for the Ombudsman.

(4) What is the quantum of increased funding being sought by the Ombudsman.

(5) In relation to Looking ahead, page 17, how has the Government responded to the 10-point plan for improved complaints handling.

(6) Is the Attorney-General able to say to what extent the Ombudsman is confident that the Government will implement the 10-point plan.

(7) What tools does the Ombudsman propose to use to facilitate implementation of the 10-point plan.

(8) In relation to point 3, culture of denial and defensiveness, (a) is the Attorney-General able to say what the Ombudsman's assessment is of how entrenched this culture is, (b) how difficult will it be to change that culture, (c) what tools does the Ombudsman suggest can be used to facilitate that change and (d) in the Ombudsman's assessment, to what extent is this culture a response to the Public Interest Disclosure Act and is this Act focussed negatively rather than positively.

Ms Gallagher: The answer to the member's question is as follows:

Parts (3), (4) and (5) of this question were answered in the first response I provided in March 2012.

A response was sought from the ACT Ombudsman for parts (1), (2), (6), (7), and (8) and has been received (Attachment A).

(8)(b) This is not a question for the Ombudsman.

The ACT Government is continuing to change the culture across all ACT Government agencies at all levels to facilitate a better outcome.

The ACT Ombudsman's response is as follows:

1. a.) **Increase in complaints about ACT Government agencies**

Table1.0—Complaints and approaches received for the period 2006 to 2011

	2006-07	2007-2008	2008-2009	2009-2010	2010-2011
ACT	528	541	546	507	600
ACT Policing	413	170	176	169	142

As shown in Table 1.0, the number of complaints and approaches received in 2010-11 about the ACT Government agencies increased by 73 over 2009-10. This increase was mainly in the following areas:

- ACT Corrective Services—169 complaints and approaches in 2010-11 compared to 151 in 2009-10, an increase of 18. We have not identified a particular trend in the increase of complaints.
- Housing ACT—146 complaints and approaches in 2010-11 compared to106 in 2009-10, an increase of 40. Our report, *Housing: Assessment of an application for priority housing, June 2011—report no.01/11* reflects the issues we are seeing that result in complaints to our office.
- Roads ACT—22 in 2010-11 compared to 5 complaints and approaches in 2009-10 an increase of 17. We have not identified a particular trend in the increase of complaints.

b.) **Decrease in Complaints about ACT Policing**
Table1.0 shows a decrease of 27 in the number of complaints and approaches received in 2010-11 when compared to 2009-10. There is no clear trend or identifiable reason for this decrease although we note that complaints and approaches about arrest and custody decreased in 2010-11.

2. **Percentage of complaints finalised within three months**
The decrease in the percentage of complaints finalised within three months is a reflection of the slight increase in complaints numbers and an increase in the number of complaints requiring investigation. During 2010-11, we investigated 150 (or 24%) of the complaints we finalised whereas in 2009-10 we only investigated 105 (or 21%) of the complaints we finalised.

3. This is not a question for the Ombudsman.

4. This is not a question for the Ombudsman.

5. This is not a question for the Ombudsman.

6. This is not a question for the Ombudsman.

7. **Tools for facilitating the 10 point plan**
The Ombudsman will encourage ACT Government agencies to consider the principles that underpinned the plan through our regular liaison with agencies, our contributions to ACT Government reviews and our complainant handling mechanisms. In addition, the Ombudsman is committed to providing complaint handling training to ACT agency staff that promotes the essential principles of effective complaint handling. We are currently in discussion with Community Services Directorate and Territories and Municipal Services Directorate about developing appropriate training for their staff.

The Ombudsman is also in the process developing a methodology for a regular inspections program, covering the broad range of conditions and services available at and via ACT Corrective Services.

8. **Culture of denial and defensiveness**

a.) The ACT Government has a number of different complaint handling systems and, based on the complaints we receive, it appears that some of these systems are more effective than others. The Ombudsman is working with Directorates (starting with the Directorates where the majority of our complaints arise) to improve complaint handling. We acknowledge that it takes times to achieve substantial cultural change and, given some of the challenges with service delivery in the ACT, we understand that this process will ongoing.

b.) This is not a question for the Ombudsman.

c.) Effective complaint handling is important in improving government administration. The Commonwealth Ombudsman's Better Practice Guide to Complaint is a useful tool in reviewing or establishing a complaint handling system. Implementing, reviewing or 'refreshing' complaint handling systems is an important way to create a more responsive and transparent organisation.

Another useful tool for creating responsive and transparent organisations is the Commonwealth Ombudsman's publication, Lesson for public administration (Ten Lessons). The lessons set out in this publication include:

- heed the limitations of information technology systems
- guard against erroneous assumptions
- control administrative drift
- remove unnecessary obstacles to the prudent exchange of information
- promote effective communication within your agency.

The Ombudsman will continue to engage with ACT Government agencies at all levels to facilitate better understanding of the role and function of the office. In addition to regular stakeholder meetings with Directorate heads and agency staff, the Ombudsman will be holding an ACT government agency forum later this year.

d.) The Ombudsman does not have any direct knowledge about the impact of the Public Interest Disclosure Act 1994 on agencies' culture. The Ombudsman intends to submit a response to the ACT Government's Exposure Draft of the Public Interest Disclosure Bill 2011.

ACTION bus service—capacity issues (Question No 2102)

Ms Bresnan asked the Minister for Territory and Municipal Services, upon notice, on 20 March 2012:

(1) In relation to ACTION buses, what peak hour capacity issues has the Government identified on (a) blue and (b) red rapid routes.

(2) Which other ACTION routes has the Government identified as having capacity issues.

(3) Can the Minister provide data on the number of ACTION buses that are unable to stop at every stop on a route due to the bus being full for (a) the total ACTION network, (b) blue rapid routes and (c) red rapid routes, per (i) day, (ii) week or (iii) month.

(4) What is the Government doing to address peak hour capacity issues on (a) blue rapid routes, (b) red rapid routes and (c) other routes with identified capacity issues.

(5) What is the number of articulated buses currently used by ACTION and what percentage of the fleet is articulated buses.

(6) Can the Minister provide the data, referred to in part (5), for each year from 2008 to 2012.

(7) What is the Government's position on increasing the number of articulated buses operating on routes with identified capacity problems, such as the blue rapid route.

(8) What is the Government's position on increasing the percentage of articulated buses in the fleet to help deal with capacity issues.

Ms Gallagher: The answer to the member's question is as follows:

(1) Feedback and observation has identified peak hour capacity issues on:

a) Some morning peak Blue Rapids from Tuggeranong to the City and from Belconnen to the City as well as some afternoon Blue Rapids from the City heading both north and south, and

b) Red Rapid morning peak services from Gungahlin Marketplace to the City.

(2) Feedback and observation has identified capacity issues on other services such as routes 2, 4, 6, 7, 8, 10, 18, 19, 39 and 59.

(3) Data on the number of buses that are unable to stop at every stop has not been recorded. ACTION is however putting in place a system to capture this information; this will involve the driver advising the ACTION communications centre whenever a bus has a full standing load and has had to miss a stop, or a number of stops.

(4) Where raised, capacity issues are investigated on a case by case basis. If the outcome of the investigation finds that a service is regularly overcrowded, TAMS makes changes such as higher capacity buses where possible to alleviate the problem.

Additional services on the Blue and Red Rapid routes identified in (1) and also the routes identified in (2) as having capacity issues, have been factored into the new Network 12, to be implemented shortly.

(5) ACTION currently has 33 articulated buses representing 7.7% of the in-service fleet.

(6) In 2008 - 33 articulated buses represented 8.7% of the in-service fleet
In 2009 - 33 articulated buses represented 8.4% of the in-service fleet
In 2010 - 33 articulated buses represented 7.9% of the in-service fleet
In 2011 - 33 articulated buses represented 7.7% of the in-service fleet

(7) Where a route is identified as having ongoing capacity issues, TAMS considers scheduling articulated buses or Scania Steer Tags, where resources permit, and where the roads on the route can accommodate large capacity buses.

(8) The Government has been progressively increasing its large capacity bus fleet. By June 2012 the ACTION large capacity fleet will include 33 Renault PR180 articulated buses and 26 Scania Steer Tag Easy Access buses in-service. The Scania buses have been purchased over the last two years.

From July 2012 the first of 20 Scania Easy Access articulated buses will also enter service, as a one for one replacement for the oldest of the Renault PR180 articulated buses. The 20th Scania Easy Access articulated bus is scheduled to enter service by April 2013.

ACTION bus service—buses (Question No 2104)

Ms Bresnan asked the Minister for Territory and Municipal Services, upon notice, on 20 March 2012:

(1) Can the Minister provide the most up-to-date breakdown of ACTION's bus fleet including the (a) number and age of buses and (b) number of buses using different types of fuel.

(2) How many of ACTION's diesel buses are equipped with diesel particulate filters.

(3) What is the quality of the filter for any buses equipped with diesel particulate filters, for example, what percentage does it reduce particulate emissions by.

(4) What is the cost of equipping an ACTION bus with a diesel particulate filter.

(5) What is the cost of equipping the entire ACTION diesel fleet with diesel particulate filters.

(6) What percentage of ACTION's diesel fleet use ultra-low sulphur diesel fuel.

(7) How many and what percentage of the ACTION fleet meet the standards of Euro (a) I, (b) II, (c) III, (d) IV, (e) V and (f) VI.

Ms Gallagher: The answer to the member's question is as follows:

(1) The breakdown of the ACTION in-service fleet as at 30 March 2012 is demonstrated in the table below

Bus model	**In-service fleet**	**Average age (years)**	**Fuel type**
Dennis Dart	25	14.56	ULS Diesel
Renault PR100-2	138	21.45	ULS Diesel
Renault PR100-3	42	17.52	ULS Diesel
MAN Euro 4	2	1.62	ULS Diesel
MAN Euro 5	78	1.62	ULS Diesel
MAN CNG	16	3.55	CNG
Irisbus Single Door Rigid	20	9.48	ULS Diesel
Scania CNG	54	6.95	CNG
Renault PR180-2	33	22.76	ULS Diesel
Scania Euro EEV	20	1.50	ULS Diesel
TOTALS	**428**	**14.16**	

(2) Two Euro IV and 98 Euro V buses, of the in-service diesel fleet are already fitted with diesel particulate filters. 70 CNG buses do not require a particulate filter.

(3) The particulate filters reduce the particulate emissions by around 20 to 25%.

(4) The estimated cost of retrofitting a particulate filter to an ACTION legacy (orange) bus is $3,000.

(5) The estimated cost of retrofitting a particulate filter to the remaining 238 buses in the ACTION legacy fleet is $ 714,000.

(6) 100% of the ACTION diesel fleet consume ultra low sulphur diesel.

(7) The table below demonstrates the proportion of each fleet type as at 30 March 2012 to the relevant Euro emissions standard. Euro VI is not yet required for new heavy vehicles in Australia.

Euro standard	No. of in-service fleet	Cumulative %
Euro VI	0	0
Euro V	98	22.8%
Euro IV	100	23.3%
Euro III	170	39.7%
Euro II	190	44.4%
Euro I	428	100.0%

Drugs—addiction maintenance programs (Question No 2110)

Mr Hanson asked the Minister for Health, upon notice, on 21 March 2012:

(1) What are the Government's opioid maintenance programs involving (a) methadone and (b) buprenorphine.

(2) How many patients are respectively being treated under the programs referred to in part (1).

(3) Can the Minister provide the number of patients, referred to in part (2), from 2008 to present.

(4) What are the per patient costs in the corresponding years.

(5) Have there been cases of death after detoxification and what is the post-detox mortality rate from 2008 to present.

(6) What is the total cost per patient to deliver these addiction maintenance programs and (a) how much are patients expected to pay to the cost, (b) what is the ACT Government's contribution, (c) what is the Commonwealth Government's contribution, (d) what exemptions apply and (e) are these costs the same with programs in the prison system; if not, can the Minister identify cost differences and funding contribution elements.

(7) What is the total number of patients in this program and how many receive a fee exemption.

(8) What relapse prevention program does the Government offer such patients and what (a) are the components to this program and corresponding costs and (b) is the average cost per patient.

(9) What are the components of the Government's Naloxone program and corresponding costs.

(10) How many clients are there in the program referred to in part (9).

(11) What is the cost per client for the program referred to in part (9).

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) There is one Opioid Maintenance Treatment (OMT) Program in the ACT. The pharmacotherapy used for OMT in the ACT is either Methadone or Buprenorphine. This program is co-ordinated through the ACT Government Health Directorate Alcohol and Drug Services (ADS).

(2) The number of patients that are respectively being treated under the programs can be found in the table under question 3.

(3) The number of patients referred to in part (2) , from 2008 to present is as follows:

	2007/2008	**2008/2009**	**2009/2010**	**2010/2011**	**2011/2012**
Total	822	825	835	865	883

(4) The per patient costs in the corresponding years are as follows;

	2007/2008	**2008/2009**	**2009/2010**	**2010/2011**	**2011/2012**
Total expenditure	1,700,000	1,900,000	2,200,000	2,500,000	2,660,000
Expenditure per client/week ($)	40	44	50	55	57

(5) Advice from the Medical Addiction Specialist is that there is no mortality associated with detoxification from opioids.

(6)

(a) Total costs for the program are described in the table under Question 4. Clients contribute $15 per week towards the cost of their treatment.

Some clients are exempted from payment in accordance with Harm Minimisation principles. This includes clients at AMC.

Depending on the classification within the program some clients are exempt from payment and other clients contribute $15 per week toward the cost of their treatment.

(b) Total costs for the program is described in the table under Question 4.

Participating community pharmacies receive a subsidy from the ACT Government of $20 plus indexation per client per week. This is included in the above expenses.

Medication bottles to provide unsupervised (take-away) doses are provided to Community pharmacies by the ACT Government. This is included in the above expenses.

(c) Clients who have their prescription from a GP utilise the Medical Benefit Fund through Medicare rebate.

The Pharmaceutical Benefit Scheme subsidises Opioid Maintenance Treatment medication (Methadone and Buprenorphine).

(d) Some clients are exempt from payment in accordance with Harm Minimisation principles. This includes clients at AMC who are on the OMT program.

(e) Clients at AMC are exempt from payment in accordance with Harm Minimisation principles.

(7) The total numbers of clients on the program are included in the table at Question 3. The total number of clients who received a fee exemption for 2011/2012 is 275, this includes 73 at AMC.

(8) Relapse prevention is available through counselling and psychotherapies provided on an individual basis as well as through group therapy.

These programs are provided by the Health Directorate Alcohol and Drug Services as well as a number of Alcohol and Drug Non Government organisations funded by the Health Directorate.

In 2010/2011 the ACT Government Health Directorate spent $15,300,348 on alcohol, tobacco and other drug treatment and support services.

Of this $7,220,000 goes to ADS and the remainder goes to non-government treatment organisations. Support and treatment includes relapse prevention among other treatment and supports services.

(9) The components of the Naloxone program include:

- a training program;
- supply of prescribed naloxone to eligible participants; and
- an independent evaluation of the program.

The costs borne by the Health Directorate are approximately $100,000 funding over two years, commencing in 2012 and ceasing at the end of 2013. Costs relate to the development of the training program, supply of prescribed naloxone to eligible participants and the independent evaluation,

(10) The anticipated number of clients in the program is 200 over two years (2012/2013).

(11) The approximate cost per client for the program is $500 per client (for 200 clients over two years 2012-2013).

Schools—building condition audits (Question No 2114)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 21 March 2012:

(1) What is the frequency of audits into the building conditions of ACT public schools.

(2) How many ACT public schools have had building condition assessments done in the last five years.

(3) Can the Minister provide details of reports of each school inspected including any recommendations as to remediation and cost for the last five years.

(4) Can the Minister provide details of tree assessment audits for all ACT public schools for the last three financial years.

(5) Can the Minister provide details of works being undertaken in 2011-2012 and scheduled for 2012-2013 under all directorate asset management programs.

Dr Bourke: The answer to the member's question is as follows:

1) School building condition assessments are conducted every three years, on a rolling program of assessments.

2) All ACT public school sites have a current building condition assessment report.

3) I am not prepared to authorise the use of considerable resources that would be involved in providing the detailed information to answer the Member's question.

4) I am not prepared to authorise the use of considerable resources that would be involved in providing the detailed information to answer the Member's question.

5) The Directorate's school capital works projects are shown in the 2011-12 Budget Paper No. 4 (pages 330 and 331). A breakdown of the 2011-12 schools capital upgrades program is at **Attachment A** and a copy of 2011-12 repairs and maintenance program is at **Attachment B**.

The 2012-13 programs and projects are currently being developed and will be subject to the 2012-13 ACT Budget processes.

ATTACHMENT A

2011-12 Capital Upgrade Program

Project Name	Project Description	Base Allocation $'000
Older School Upgrades		$4,441
Hughes Primary School	Older School Upgrade (OSU)	
Torrens Primary School	OSU	
Red Hill School	OSU	
New School Facilities		$1,794
Ngunnawal Primary School	four classroom and teaching spaces	
Canberra College Performing Arts Centre	Specialist teaching fitout and external works	

School Infrastructure Improvements		$2,830
Charles Conder Primary School	Student facility upgrade	
Cranleigh School	Landscape improvements	
Farrer Primary School	Administration upgrade	
Forrest Primary School	Administration upgrade	
Gilmore Primary School	Student facility upgrade	
Hawker College	Science classroom upgrade	
Hawker Primary School	Student facility upgrade	
Macquarie Primary School	Canteen upgrade	
Macquarie Primary School	Minor Refurbishment	
Mawson Primary School	Accessibility works	
Miles Franklin Primary School	Student facility upgrade	
Mt Rogers Primary School	Student facility upgrade	
Pre Schools	Capital Works Upgrades	
Taylor Primary School	Canteen upgrade	
Wanniassa School (senior campus)	Science classroom upgrade	
Wanniassa Hills Primary School	Administration upgrade	
Building Compliance Upgrades		$1,830
Various Schools	Glazing Upgrades	
Various Schools	Emergency exit signage	
School Security Improvements		$854
Various Schools	Security Upgrades - Fences	
Palmerston District Primary School	Security upgrade	
School Safety Improvements		$275
Charnwood Dunlop Primary School	Car park works	
North Ainslie Primary School	Shade structure	
Environmentally Sustainable Design Initiatives		$854
Landscaping school pilot program		
Energy saving initiatives		
Total of all Categories		$12,878
Allocation for 2011-12		**$12,878**

ATTACHMENT B

2011-12 REPAIRS AND MAINTENANCE PROGRAM		
Schools Total Budget Allocation		$11,800,000
General Repairs and Maintenance Items		
Unforseen Maintenance		$4,370,000
Specific Works Program		$3,270,000
Roof Safety Access Systems Inspections		$70,000
Heating, Ventilation and Air-conditioning (HVAC) maintenance (including after hours callouts)		$1,500,000
Fire Protection maintenance		$250,000
Emergency Lighting maintenance		$100,000
Lifts/Auto doors maintenance		$100,000
	Sub-total	**$9,660,000**

Scheduled Mandatory Maintenance Contract Management		
Insurance excess (the Education and Training Directorate is responsible for the first $25K of a claim)		$100,000
Condition Assessment Reports (including trees, asbestos, buildings and heritage)		$500,000
Fire monitoring		$160,000
HVAC contract management (including annual plant and equipment assessment, compliance audit and consultant)		$750,000
Fire Protection contract management		$400,000
Emergency lighting contract management		$100,000
Lifts/Auto doors contract management		$100,000
The Territory and Municipal Services Directorate HELP Desk (actions calls from schools with problems with fire systems, emergency lighting and HVAC systems		$30,000
	Sub-total	**$2,140,000**

Education—English as a second language programs (Question No 2115)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 21 March 2012:

(1) How many students are in receipt of English as a Second Language (ESL)/English as an Additional Language (EALD) support and what is the cost per student as at the start of the 2012 school year.

(2) How many students are classified under each of the levels on the 0-5 rating of the ACT's official measure, within the ESL (EALD) program operating in Introductory English Centres.

(3) What assistance is available to students who, after exhausting the available hours of assistance, are still below the proficiency level of 1.75.

(4) How many were in the category referred to in part (3) for the (a) 2010 and (b) 2011 school years.

(5) How many teachers are currently employed as ESL teachers in ACT public schools by (a) number, (b) location and (c) hours engaged.

(6) How many full-time equivalent directorate staff are engaged in support for the ESL (EALD) programs in ACT public schools and where are they located.

Dr Bourke: The answer to the member's question is as follows:

(1) 2 510 students in Mainstream
258 students in the Introductory English Centres (IECs)

Due to the complexities associated in full and partial funding for EALD students in mainstream schools and different teacher to student ratios in IEC programs, I am unable to present these figures on a cost per student basis.

(2) The 258 students attending an IEC program in 2012 are at the minimal level of the Language Performance Rating Scale (LPR) on commencement, between LPR levels 0.00 to 1.00.

(3) Support is not provided to students on an hourly basis and EALD learners will continue to receive assistance if required whether through the IECs or in the mainstream setting. Mainstream schools received a staffing allocation for EALD students. Schools are responsible for this allocation and for making decisions about the most effective way to manage the program. EALD learners are the responsibility of all teachers and schools use a range of strategies to meet their needs.

EALD students in the Primary IEC programs transfer to a mainstream school after two terms/20 weeks, with the possibility of an extension to three terms/30 weeks in the IEC program, as required. The Secondary IECs offer a three level program based on English language proficiency levels: Pre-Intermediate, Intermediate and Advanced. Placement in the appropriate level of the program is based on an initial assessment. Students starting the Pre-Intermediate level would normally attend the IEC for three terms/30 weeks, the Intermediate for 2 terms/20 weeks and the Advanced for one term/10 weeks.

(4) a) In February 2010, there were 1,735 students identified between LPR levels 0.00 and 1.75.
b) In February 2011, there were 1,695 students identified between LPR levels 0.00 and 1.75.

(5) In February 2012, a total full time equivalent (FTE) staffing allocation of 69.5 teachers has been allocated across Directorate schools. Depending on the number of EALD students identified, the individual school allocation can range from one day per week to three or more full time teaching positions.

(6) There is one full time EALD Executive Officer located in the Literacy and Numeracy Section of the Directorate with direct responsibility for EALD Policy and Programs. Support is also provided to the EALD Program by:

a) the Manager and Assistant Manager of the Literacy and Numeracy section in the Directorate

b) accredited tutors in the *Teaching ESL Students in Mainstream Classroom (TESMC) and Teaching ESL Students in the Mainstream for the Early Learner (ESLMEL)* courses

c) facilitators in the *Incorporating Strategies for an Inclusive Curriculum (InSinc)* and *Time for Talk*, primarily located in schools

d) school-based Literacy and Numeracy Coordinators and Field Officers who have received targeted EALD professional learning to facilitate a whole school approach to the needs of EALD students in mainstream schools.

Education and Training Directorate—alternative programs (Question No 2138)

Ms Hunter asked the Minister for Education and Training, upon notice, on 21 March 2012:

(1) What are the full-time equivalent hours for the Alternative Programs Manager position in the Education and Training Directorate.

(2) How many programs are managed by this position.

(3) Could the Minister provide a brief description of these alternative programs.

(4) Does the Alternative Programs Manager fulfil any other roles for the Education and Training Directorate; if so, what are the roles.

(5) Has any work been undertaken to expand alternative programs in ACT public schools; if so, what work has been undertaken.

(6) What is the status of the "Flexible learning options/centres in the ACT" research being undertaken by the University of Queensland and (a) are there any preliminary findings or results, (b) when will this research be completed and (c) will the research be made public.

Dr Bourke: The answer to the member's question is as follows:

(1) The full-time equivalent hours for the Alternative Programs Manager position in the Education and Training Directorate are 0.6 FTE (22 hours 3 minutes - 3 days per week).

(2) The number of programs managed by this position varies between four to six programs each term.

(3) Alternative Program activity is designed for Years 9 – 12 students at risk of disengaging from alternative education settings or main stream education.

Students are supported to achieve nationally accredited Certificate II qualifications or partial qualifications.

Career development and pathway planning support is embedded within programs.

Programs are generally funded or sponsored and provide transport/lunch as required in order to address some of the barriers disengaging young people have in accessing vocational training.

Expressions of interest and a brief description as to why a student should be supported to attend a program are required by the Alternative Program Manager to secure a place.

The following activities have been put in place for Term 1 and 2, 2012:

- Pace It Program (Year 9 – 10 students)
- Farm Skills and Farm Animal Program (Year 9 – 12 students)
- CHART Hairdressing Program (Year 9 – 12 students)
- Horticulture and Nursery Work Program (Year 9 – 12 students)
- Clubstart - Wait Skills and Bar Skills course (Year 10 – 12 students)
- Sam Cawthorn, Young Tasmanian of the Year in 2009 will present two motivational workshops for students of government and non-government schools who are disengaging from school. There will be 200 places available per workshop.

(4) The Alternative Programs Manager also works 0.4 FTE (14 hours and 42 minutes – 2 days per week) as a Moving Forwards Officer at an ACT public College.

(5) No specific work will be undertaken to expand alternative programs in ACT public schools until the current programs being implemented have been fully evaluated.

(6) This research was commissioned to provide empirical evidence about what practices of flexible/alternative learning options in the ACT are most effective in reengaging young people, and what policy focus is needed in relation to flexible learning options in order to achieve goals for disengaged youth as articulated in the ACT Youth Commitment.

a) The researchers have visited case study sites, including current alternative programs, analysed the public and non-government school surveys and are preparing their interim report. The interim report, together with preliminary findings will be presented to the ACT Youth Commitment Steering Group meeting in May.

b) The research is expected to be completed later this year.

c) On completion this research will be presented to the ACT Youth Commitment Steering Group which has representation from a number of stakeholder groups. The research will then be available publicly.

Health—education programs (Question No 2139)

Ms Hunter asked the Minister for Education and Training, upon notice, on 21 March 2012:

(1) What health education programs are currently being used in ACT public schools.

(2) Are any of these health education programs designed for specific target groups, such as children and young people from Aboriginal and Torres Strait Islander, or culturally and linguistically diverse backgrounds.

(3) Which of these programs are run in conjunction with Federal health promotion and education initiatives.

(4) Who is currently responsible for the development and implementation of health education programs in ACT public schools.

(5) What strategies are in place to ensure that health education programs are timely and responsive to the needs of the community.

(6) Have community organisations been supported to provide health promotion activities and education programs in schools.

Dr Bourke: The answer to the member's question is as follows:

1) ACT public schools continue to use the content within the Essential Learning Achievements from *Every chance to learn – curriculum framework for ACT schools Preschool to year 10* in the learning area of health and physical education. This will be replaced with content from the Australian Curriculum once ACARA has finalised the phase three subjects (Health PE, Technologies, Economics, Business, Civics and Citizenship). The draft Shape Paper for Health and PE is available on the ACARA website for public consultation. In addition to the ACT health and PE curriculum, many schools are involved in additional health promotion activities. These include:

   - Active Kids Challenge (previously the Minister's Physical Activity Challenge)
   - It's Your Move ACT Initiative
   - Active Travel 2 School
   - Healthy Food @ School
   - SmartStart for Kids
   - + Healthy Exercise, Eating and Lifestyle Program (HEELP)
   - Promoting Healthy Food for Young People
   - Promotion of KidsMatters, MindMatters – a whole school approach to mental health education
   - Promotion of the Beyondblue high school Mental Health Education resource- 'Sensibility Kit'.
   - Sexual Health Professional Learning Series – for educators
   - Sexual health – for children and young people with a disability
   - Challenges and Choices – Drug and driver education resilience resources from P-12
   - School Youth Health Nurse Program

2) The ACT health and physical education curriculum does not target specific groups such as children from either Aboriginal and Torres Strait Islander or culturally and linguistically diverse backgrounds. Schools, however, are responsible for deciding how they will organise the curriculum and may also identify additional learning for some or all students in order to meet the learning needs of all of their students. All health promotion initiatives conducted in the ACT are designed to be culturally aware and sensitive to the requirements of students, schools and their communities.

3) A number of programs in ACT schools are supported by or relate to Federal initiatives. A Curriculum Officer within the Directorate, working across both Education and Training and Health to oversee key health initiatives in schools, is funded through the National Partnership Agreement on Preventative Health (NPAHP). Kidsmatter (primary) and Mindmatters (secondary) are national mental health initiatives for schools funded by the Australian Government. The *beyondblue* initiative is supported by the Australian Federal Government and every State and Territory Government in Australia. Furthermore, many of the programs listed in response to Question 1 are run in partnership with the ACT Health Directorate.

4) The Education and Training Directorate is responsible for health education programs in ACT schools through the curriculum framework *Every chance to learn*. As noted above, the NPAHP provides funding for a Curriculum Officer position within the Directorate to work across both Education and Training and Health to oversee health initiatives, and the Directorate works in partnership with ACT Health wherever possible to implement appropriate health programs in schools.

5) The Curriculum Officer – Health position was established specifically to strengthen the partnership and links between Health and the Directorate. This relationship ensures that the Directorate remains responsive to developments in health research and practice that affect students, and can access the best advice from Australian health professionals.

6) The Healthy Schools, Healthy Children funding round is open to members of the ACT school community and/or community groups working in an agreed partnership with a school.

The Curriculum Officer – Health represents schools and the Directorate on the Healthy Schools Provider Network which consists of:

- Cancer Council ACT - National Sun Smart Schools program
- Diabetes ACT - Diabetes education and prevention
- Asthma Foundation ACT - Asthma emergency training in schools
- Heart Foundation ACT - Jump Rope for Heart program
- Life Education NSW/ACT - Drug and Health education programs
- Nutrition Australia ACT - whole school nutrition information
- Sports Medicine Australia ACT - School awareness programs
- Pedal Power ACT - Getting more Canberra kids out riding to school
- ACTSPORT - Sports Leadership.

Projects operated by these providers are actively encouraged and promoted to schools.

Centenary of Canberra—local artists (Question No 2140)

Ms Hunter asked the Minister for Aboriginal and Torres Strait Islander Affairs, upon notice, on 21 March 2012:

(1) What is being done to support local Indigenous artists to engage with the upcoming Centenary of Canberra celebrations.

(2) Will local Indigenous arts and history be a focus of the celebrations.

(3) Are there any specific Indigenous youth arts programs being developed for the celebrations.

(4) Are there any seeding grants or mentoring programs designed to enhance local Indigenous arts groups' ability to showcase their work as part of the celebrations.

Dr Bourke: The answer to the member's question is as follows:

(1) The Centenary of Canberra celebration will be rich with Indigenous cultural content which will feature in the months of February and July 2013. An Indigenous Program Producer has been appointed to manage the development and contracting of this important element of the Centenary program.

The Indigenous Cultural Program will include both local and national content. Local Indigenous artists will have a range of opportunities to engage in the program which will be initiated by the Indigenous Program Producer over the coming months.

(2) Local Indigenous arts and history will be one of the many elements of the Centenary Indigenous Program. The full Centenary of Canberra program will be announced in September 2012 once development and contracting has been finalised.

(3) The Centenary of Canberra program will include a range of arts initiatives for the community, including Indigenous and youth participants. Some of these details are available in the Centenary of Canberra Preview document that was launched in March 2012. Examples include:

- *Selling Yarns 3: weaving the nation's story*, Produced by CraftACT, this conference, workshop, market day and exhibition program promoting local and interstate Indigenous textile artists aims to bring Indigenous practitioners together to exchange stories, transfer knowledge and to engage with each other, visitors and the local community;

- QL2 Dance *Hit the Floor* Together, a full length dance collaboration of young people from a wide range of cultural backgrounds. This new work will be developed by professional choreographers with approximately 30 Indigenous and non-Indigenous young people (aged 15-26) from Canberra and region plus an equal number of experienced Indigenous visiting dancers from National Aboriginal Islander Skills Development Association (NAISDA) Dance College and the Australian Company of Performing Arts (ACPA); and,

- Exhibitions, residencies, showcases and talks are also being developed by ACT institutions such as the Canberra Glassworks and the Canberra Museum and Gallery (CMAG).

  Full details of the full Indigenous program will be available in September 2012.

(4) With relation to funding, the Community Centenary Initiatives Fund was established to support community development of a range of celebratory activities, initiatives and programs that deliver upon the vision and goals of the Centenary. Successful applications are being announced progressively. ACT Heritage and ArtsACT grants programs are also open at this time and encourage applications that celebrate the Centenary.

The program being developed by the Centenary of Canberra team is participation focussed and will include opportunities for workshops and master classes.

Labor Party—meetings (Question No 2145)

Mrs Dunne asked the Minister for Police and Emergency Services, upon notice, on 22 March 2012:

(1) Has any Labor Party meeting or Labor faction meeting of any description been held in the Minister's ministerial office suite; if so, (a) how many times, (b) on what dates and (c) was payment made at the time.

(2) If payment was made (a) can the Minister detail the date of each meeting, (b) what were the amounts paid for each meeting and (c) what is the date that the payment was made for each meeting.

(3) Has any Labor Party meeting or Labor faction meeting of any description been held in the Assembly that was sponsored and or facilitated by the Minister or any of his employees; if so, (a) how many times, (b) on what dates and (c) was payment made at the time.

(4) If payment was made (a) can the Minister detail the date of each meeting, (b) what were the amounts paid for each meeting and (c) what is the date that the payment was made for each meeting.

Mr Corbell: The answer to the member's question is as follows:

(1) I undertake a wide range of activities to fulfil my duties as the Member for Molonglo, a number of which involve use of my office facilities. This is consistent with long-established practice, as set out for example by the Clerk of the Assembly in a letter to the then Speaker on 27 June 2008.

(2) See answer to (1) above.

(3) See answer to (1) above.

(4) See answer to (1) above.

Housing—rents
(Question No 2149)

Mr Coe asked the Minister for Community Services, upon notice, on 22 March 2012:

(1) What is the current (a) maximum and (b) minimum amount of market rent charged to eligible social housing tenants and how many tenants pay this amount.

(2) What percentage of social housing tenants paying full market rent are in arrears.

(3) How many social housing tenancies have had rental arrears written off as bad debt once or more since February 2011 and what was the amount written off for each tenancy.

Ms Burch: The answer to the member's question is as follows:

(1) (a) $570 per week (1); (b) $210 per week (1)

(2) 19.5%

(3) Since February 2011, eight (8) current tenancies have had rental arrears written off totaling $10,800 due to bankruptcy. Under normal circumstances debt write-offs do not occur whilst a tenant remains in a public housing property. Housing Managers continue to work with tenants to assist them met their tenancy obligations, including payment of rent and arrears. However, in certain circumstances write-offs may occur, such as where there is a legal impediment to collection, eg bankruptcy.

Labor Party—meetings (Question No 2153)

Mr Smyth asked the Minister for Economic Development, upon notice, on 22 March 2012:

(1) Has any Labor Party meeting or Labor faction meeting of any description been held in the Minister's ministerial office suite; if so, (a) how many times, (b) on what dates and (c) was payment made at the time.

(2) If payment was made (a) can the Minister detail the date of each meeting, (b) what were the amounts paid for each meeting and (c) what is the date that the payment was made for each meeting.

(3) Has any Labor Party meeting or Labor faction meeting of any description been held in the Assembly that was sponsored and or facilitated by the Minister or any of his employees; if so, (a) how many times, (b) on what dates and (c) was payment made at the time.

(4) If payment was made (a) can the Minister detail the date of each meeting, (b) what were the amounts paid for each meeting and (c) what is the date that the payment was made for each meeting.

Mr Barr: The answer to the member's question is as follows:

(1) I have undertaken a wide range of activities to fulfil my duties as the Member for Molonglo, a number of which have involved the use of my office facilities. This is consistent with long-established practice, as set out for example by the Clerk of the Assembly in a letter to the then Speaker on 27 June 2008.

(2) See answer to (1) above.

(3) See answer to (1) above.

(4) See answer to (1) above.

Labor Party—meetings (Question No 2154)

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 22 March 2012:

(1) Has any Labor Party meeting or Labor faction meeting of any description been held in the Minister's ministerial office suite; if so, (a) how many times, (b) on what dates and (c) was payment made at the time.

(2) If payment was made (a) can the Minister detail the date of each meeting, (b) what were the amounts paid for each meeting and (c) what is the date that the payment was made for each meeting.

(3) Has any Labor Party meeting or Labor faction meeting of any description been held in the Assembly that was sponsored and or facilitated by the Minister or any of his employees; if so, (a) how many times, (b) on what dates and (c) was payment made at the time.

(4) If payment was made (a) can the Minister detail the date of each meeting, (b) what were the amounts paid for each meeting and (c) what is the date that the payment was made for each meeting.

Mr Barr: The answer to the member's question is as follows:

(1) I have undertaken a wide range of activities to fulfil my duties as the Member for Molonglo, a number of which have involved the use of my office facilities. This is consistent with long-established practice, as set out for example by the Clerk of the Assembly in a letter to the then Speaker on 27 June 2008.

(2) See answer to (1) above.

(3) See answer to (1) above.

(4) See answer to (1) above.

ACT public service—workplace investigations (Question Nos 2166, 2167, 2168 and 2169)

Mr Hanson asked the Minister for Women, the Minister for the Arts, the Minister for Multicultural Affairs and the Minister for Ageing, upon notice, on 22 March 2012 *(redirected to the Minister for Community Services)*:

In relation to the Minister's directorate, how many workplaces investigations/reviews have been (a) requested and (b) carried out.

Ms Burch: The answer to the member's question is as follows:

These have been answered on QON 2170.

Hospitals—emergency admissions (Question No 2178)

Mr Hanson asked the Minister for Health, upon notice, on 27 March 2012:

(1) What is the percentage of presentations to The Canberra Hospital Emergency Department with a length of stay less than four hours, for each month from December 2010 to December 2011.

(2) What is the percentage of presentations to Calvary Hospital Emergency Department with a length of stay less than four hours, for each month from December 2010 to December 2011.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

The Canberra Hospital Emergency Department data is currently subject to audit and external analysis. I am happy to provide the Member with a response to these questions following the outcome of the audit process.

Taxation—carbon tax
(Question No 2179)

Mr Hanson asked the Minister for Health, upon notice, on 27 March 2012:

Has any analysis been conducted by or for the ACT Health Directorate on the impact of the Federal carbon tax on the cost of providing health services; if so, what is the estimated total impact of the carbon tax in 2012-13 and in the out years; if not, why has this analysis not been undertaken.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

The Health Directorate has not conducted its own analysis on the estimated impact of the Federal carbon tax as it is relying on a Whole of Government approach to this issue by ACT Treasury. However, based on the draft determination recently released by the Independent Competition and Regulatory Commission in which the ICRC has estimated the impact will be around 13 percentage points on retail electricity prices, this would put the impact on the cost of electricity for the Health Directorate at around $380k in 2012-13 and similar amounts in the out years.

Following the Commonwealth Government's announcement of carbon price arrangements in July 2011, Treasury undertook some preliminary analysis to assess the overall impact of the carbon price on the ACT's budget position. This analysis was not intended to be definitive of the costs to particular Directorates. The effects of the carbon price will be considered as part of the ACT Government's upcoming Budget.

Waste—nappies
(Question No 2180)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 28 March 2012:

(1) What was the cost for (a) production and (b) distribution of a recent magnet with the message "'No Nappies in your recycling bin".

(2) Where were the magnets distributed.

(3) How many of these magnets were (a) produced and (b) distributed.

(4) What method of delivery was used to distribute the magnets.

Ms Gallagher: The answer to the member's question is as follows:

1. The magnets are funded by Thiess from the Materials Recovery Facility recycling education funds;

   (a) the cost of production was $5,374 inclusive of GST.
   (b) the cost of distribution was $2,048 excluding GST.

2. The magnets were distributed via 'Bounty' bags to new parents in the ACT through maternity wards at The Canberra Hospital and Calvary John James and Bruce hospitals, child and family health centres, paediatric wards and day care centres.

   The magnets are also distributed by ACT NOWaste staff at community and other appropriate events.

   Anecdotal advice from staff is that the problem has been halved since the distribution of the magnets.

3. (a) 5000 magnets were produced.
   (b) Between 5 December 2011 and 31 March 2012 1,734 magnets have been distributed.

4. Magnets were delivered through 'Bounty' Bags and by ACT NOWaste staff at community and other events.

Courts—After Hours Bail Support Service (Question No 2182)

Ms Hunter asked the Minister for Community Services, upon notice, on 29 March 2012:

(1) Given that in a media release dated 19 December 2011, the Minister said that the After Hours Bail Support Service had received 44 phone calls in relation to 59 young people, and that the service had kept eight young people away from detention, does this mean the remaining 51 young people were placed on remand; if not, how many young people were placed on remand.

(2) What has been seen as the major contributing factor when considering refusing bail for young people to date.

(3) What has been the primary support needs identified for young people who have accessed this service to date.

(4) Are there sufficient supervised emergency accommodation options for young people experiencing homelessness in the ACT seeking bail.

(5) Has there been any evidence collected from the operation of the After Hours Bail Support Service to support reviewing the Bail Act for children and young people to ensure that bail conditions are set in the best interests of the child.

Ms Burch: The answer to the member's question is as follows:

(1) No, 51 young people were not placed on remand.

There were 28 police-initiated remand episodes for 22 different young people between the commencement of the After Hours Bail Support Service on 28 October 2011 and 19 December 2011. Of these, 4 young people were remanded by police on first instance warrants. All other remand episodes were for breaches of bail and fresh offences.

As well as assisting young people in police custody to secure bail, the After Hours Bail Support Service also receives requests to assist young people already on bail, to comply with their orders. These young people may be at-risk of breaching their bail. The After Hours Bail Support Service receives requests for assistance from service agencies, young people and their natural supports.

(2) I am unable to answer this question as refusal of bail is a matter for ACT Policing.

(3) The primary support needs of the young people include assistance finding accommodation placements for those in Police custody and in the community, providing transport to placements and assisting young people on bail supervision to comply with conditions of bail orders and directions made by Youth Justice staff.

(4) Yes. Social Housing and Homelessness Services offer an Emergency Accommodation Network which provides emergency accommodation options to young people aged 16-25 who are experiencing homelessness. The After Hours Bail Support Service can access these services after hours. In addition to the Emergency Accommodation Network, young people can be placed by After Hours Bail Support Service with the Out of Home Care placements funded by the Office for Children, Youth and Family Support, namely Marlow Cottage and Narrabundah House.

(5) The *Bail Act 1992* requires an authorised Police Officer and the court to consider the best interests of the child in making a decision about the grant of bail. The After Hours Bail Support Service promotes positive outcomes for alleged young offenders and the community in the context of existing bail laws.

Schools—asbestos (Question No 2186)

Ms Bresnan asked the Minister for Education and Training, upon notice, on 29 March 2012:

(1) Has every ACT school been inspected to see if it contains asbestos; if not, which schools have not been inspected, and why not.

(2) How many ACT schools contain asbestos.

(3) Do all of the schools referred to in part (2) have asbestos management plans.

(4) How does the Government ensure that schools' asbestos management plans are being followed.

(5) How regularly are checks made on schools' asbestos management plans to ensure they are followed.

(6) What initiatives have the Government run in order to proactively remove asbestos from schools.

(7) When did those initiatives referred to in part (6) occur and what did they involve.

(8) What funding has the Government allocated to the ongoing maintenance of schools that contain asbestos.

Dr Bourke: The answer to the member's question is as follows:

The details requested in Ms Bresnan's questions (1 to 8) were provided to the Assembly on 27 March 2012 in response to Questions from Mr Doszpot and Mr Hanson that were Taken on Notice. They can be found in the *Debates, Weekly Hansard, Seventh Assembly* dated 27 March 2012, page 1318.

Environment—nature parks (Question No 2192)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 29 March 2012:

(1) What is the amount budgeted in the current financial year for maintaining Canberra's Nature Parks.

(2) What is the breakdown of expenditure on (a) controlling feral plants and animals, (b) supporting community groups who voluntarily assist in park maintenance, (c) maintaining fire trails and access paths, (d) controlling tree growth underneath power lines, (e) controlling vegetation build-up in areas adjacent to houses, (f) signposting, (g) rubbish removal and (h) other significant areas of expenditure.

Ms Gallagher: The answer to the member's question is as follows:

(1) Canberra Nature Park (CNP) consists of 34 separate reserves managed as a single entity by the ACT Parks and Conservation Service. The amount budgeted for maintaining CNP in the current financial year is approximately $6.2 million.

(2) The breakdown of budgeted expenditure is as follows:

(a) $0.865m
(b) $0.116m
(c) $0.018m
(d) Nil. This is an ActewAGL responsibility.
(e) $0.570m

(f)	$0.030m	
(g)	$0.010m	
(h)	CNP salaries	$2.508m
	Initiative - Woodland Restoration	$0.250m
	Initiative - Jerrabomberra Wetlands Revegetation	$0.060m
	Initiative - Jerrabomberra Wetlands Asbestos	$0.175m
	Initiative – Molonglo River Park	$0.210m
	Repairs and maintenance to infrastructure	$0.210m
	Fleet, tools, equipment, consumables and misc	$0.488m
	Capital Works - Care for Nature Reserves	$0.375m
	Capital Works – Mulligans Flat Dam	$0.200m
	Capital Works – Restoration & Interpretive Signs	$0.150m

Environment—energy efficient street lighting (Question No 2196)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 29 March 2012:

(1) With respect to energy efficient lighting along streets and paths, what energy efficient lighting will be used throughout the new suburbs in Molonglo and what (a) is the cost of this lighting and (b) energy savings are calculated from the use of these lights.

(2) Does the Territory and Municipal Services Directorate intend to replace inefficient lighting in Canberra before the current globes fail or only as they fail.

(3) What is the expected timescale for replacing all street lighting in Canberra with energy-efficient globes and what will be the annual cost of this program.

(4) What annual savings in energy costs and greenhouse gas reductions will the planned replacement program yield.

(5) What has been the financial expenditure on energy efficient street lighting since 2007 and what energy savings have these upgrades already resulted in.

(6) Are there plans to install extra lighting along bike paths and in public open spaces; if so, which installations have been prioritised.

(7) Does the ACT have any corresponding guidelines to those of the Moonee Valley City Council policy regarding where lighting is required in open spaces, and for what part of the night the lighting should be switched on which can be found at http://mvcc.vic.gov.au/about-the-council/environment/~/media/FC7A120B64AD49948F02F50A012B3215.ashx.

Ms Gallagher: The answer to the member's question is as follows:

(1) The suburban street lights used in Molonglo Valley are energy efficient 42 watt compact fluorescent street lights. The estimated cost to install a residential light is approximately $6000.

If Molonglo Valley was designed with older style less energy efficient 80 watt mercury vapour fittings for residential street lights and 42 watt compact fluorescent were installed, there would be a 51% energy saving by using the compact fluorescent street lights.

(2) The current policy is to change like-for-like globes as part of the street light maintenance program. New energy efficient luminaires are installed as part of the on-going capital upgrade program or if the fitting is damaged and cannot be repaired.

(3) $375,000 per annum is currently allocated to replace mercury vapour lighting. This funding is allocated as part of the annual capital upgrade program. To replace all mercury vapour lights based on the current funding may take up to 20 years.

(4) In the 2011-12 Capital Upgrade program, 619 light fittings were changed for new energy efficient street light fittings. The program achieved power savings of 88,400 kilowatts which yielded 87 tonnes of green house gas savings.

(5) Since 2007, $5.175 million has been spent on energy efficient street lighting. 9,605 mercury vapour fittings have been replaced which has saved 4.449 gigawatt hours of electricity which has yielded 4431 tonnes of greenhouse gas saved.

(6) Yes, there are programs to install path lighting throughout ACT. Priority areas are around Lake Burley Griffin including Bowen Park, Acton to Clunies Ross Street, Alexandrina Drive to Novar Street in Yarralumla, path from Dryandra Street to MacArthur Ave in O'Connor and the path adjacent to Belconnen Way in Bruce.

Plans are awaiting National Capital Authority approval for path lighting at the rear of Canberra Stadium between Dryandra Street and Haydon Drive.

Public open spaces are not generally lit unless there are special requirements, Glebe Park and town parks in major areas are exceptions.

(7) No, the ACT Government does not have any corresponding guidelines.

Cycling—bike paths
(Question No 2198)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 29 March 2012:

(1) What share of the funding of the National Bike Paths Program has been allocated to the ACT.

(2) Is the ACT still waiting for receipt of any of the allocated funds.

(3) What part of these funds has been spent on upgrades to the ACT's cycle path network.

(4) What remaining part of these funds has been committed to specific works, and what are these works.

(5) How much of the cycle path network funding since 2009 has been from ACT funding and how much from Federal funding.

Ms Gallagher: The answer to the member's question is as follows:

(1) $ 545,454 excluding GST allocated to the ACT out of a total program funding of $40 million.

(2) No.

(3) 100%.

(4) N/A.

(5) $4.8 million of cycle path network improvements have been funded by the ACT Government since 2009.
$545,454.00 excluding GST of cycle path network improvements have been funded by the Federal government over the same period.

Office of Regulatory Services—staff (Question No 2201)

Ms Le Couteur asked the Attorney-General, upon notice, on 29 March 2012:

(1) How many ACT public servants, full-time equivalent (FTE), are employed by Office of Regulatory Services (ORS).

(2) How many of the personnel referred to in part (1) are Regulatory Officers.

(3) At what level of ACT public service employment are Regulatory Officers employed.

(4) What is the average total cost of employing and administering a Regulatory Officer.

(5) How many pieces of legislation are ORS responsible for monitoring and what are these pieces of legislation.

(6) How many formal warnings has ORS issued in the last financial year and for what infractions were these issued.

(7) How many infringement notices has ORS issued in the last financial year and for what infringements were these issued.

(8) How many prosecutions were pursued by ORS in the last financial year and for what infractions were these prosecuted.

(9) What was the total income generated by ORS infringement notices in the last financial year.

(10) How do Regulatory Officers schedule their time with regard to the monitoring of various legislative responsibilities.

(11) How is particular legislative monitoring prioritised within officers' daily schedules.

(12) Are there sufficient ORS Regulatory Officers to fully enforce the full spectrum of legislation.

Mr Corbell: The answer to the member's question is as follows:

(1) Currently the total number of full-time equivalent employees within the ORS is 286.67.

(2) There is no specific ACT Public Service classification for '*Regulatory Officers*'. All officers contribute to the functions undertaken by ORS, which include WorkSafe ACT, registration and licensing, fair trading and road transport.

(3) The level at which ORS officers are employed is dependent on the role and duties the officer performs. The majority of officers are between the ASO 2 and SOG C level. There are also a small number of senior managers and four senior executives.

(4) The cost of employing and administering ORS personnel varies proportionate to the level of at which the officer is employed.

(5) Different sections of the ORS have varying levels of responsibility for monitoring and regulating approximately 100 different pieces of legislation, including Commonwealth legislation (please refer to **Attachment A**).

(6) During the last financial year 109 formal warning notices were issued in regard to fair trading matters. This includes:

- three (3) for non-compliance with *the Agents Act 2003*
- 13 for non-compliance with the Eggs *(Labelling and Sale) Act 2001*
- three (3) for non-compliance with *Fair Trading (Australian Consumer Law) Act 1992*
- four (4) issued for non-compliance with the *Hawkers Act 2003*
- 37 for non-compliance with the *Liquor Act 2010*
- five (5) for non-compliance with the *Smoke Free Public Places Act 2003 and the Tobacco Act 1927*
- 14 for non-compliance with the *Sale of Motor Vehicles Act 1977*
- four (4) for non-compliance with the *Roads and Public Places Act 1937*
- 12 for non-compliance with the *Security Industry Act 2003*
- one (1) for non-compliance with *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995* and
- 13 underage cautions issued for non-compliance with the *Liquor Act 2010*.

WorkSafe ACT does not generally utilise formal warnings, instead statutory notices are issued. During the last financial year, 261 Improvement notices and 119 Prohibition Notices were issued. A breakdown of the industries issued with Improvement and Prohibition Notices is included in the Justice and Community Safety Directorate Annual Report for 2010/11 at page 45.

During the last financial year 13 formal statutory notices were issued in regard to workers compensation.

During the last financial year Road Transport issued four formal warnings for defective vehicles and 2,767 warning notices for parking issues.

(7) During the last financial year 58 infringement notices were issued in regard to fair trading, including:

- 13 relating to non-compliance with the *Smoke Free Public Places Act 2003*
- 15 issued for non-compliance with the *Security Industry Act 2003*
- One (1) issued for non-compliance with the *Sale of Motor Vehicles Act 1977*
- 29 issued against a number of other regulated industries.

During the last financial year, WorkSafe ACT issued 16 infringement notices for workplace safety and a further 11 infringement notices were issued in regard to workers compensation.

During the last financial year Road Transport issued 6,697 traffic infringement notices and 94,601 parking infringement notices.

(8) During the last financial year 162 summonses were issued in relation to parking infringements. Of these matters, 68 proceeded to Hearings in the ACT Magistrates Court.

During the last financial year WorkSafe ACT issued five summonses in relation to breaches in the construction and manufacturing industries.

(9) The total amount generated by ORS infringement notices was $9,102,958. On 17 May 2011 the ORS assumed responsibility of Road User Services. From that date to the end of the financial year $2,004,877 was generated in traffic infringement fines.

(10) The ORS works on an operational strategy that combines the use of data analysis, intelligence and external reporting to identify emerging concerns. Operational activities are prioritised to enable the ORS to concentrate on engagement, education and enforcement in a proactive manner whilst maintaining the capacity for reactive response when required.

(11) Refer to answer (10).

(12) Operational activities are prioritised to enable the ORS to concentrate on engagement, education and enforcement in a proactive manner whilst maintaining the capacity for reactive response when required.

Attachment A

Legislation the Office of Regulatory Services currently monitors or regulates

1. Adoption Act 1993
2. Adoption Regulation 1993
3. Agents Act 2003
4. Agents Regulation 2003
5. Annual Leave Act 1973
6. Associations Incorporation Act 1991
7. Associations Incorporation Regulation 1991
8. Australian Road Rules
9. Births, Deaths and Marriages Registration Act 1997
10. Births, Deaths and Marriages Registration Regulation 1997
11. Boilers and Pressure Vessels Regulation 1954
12. Business Names Act 1963
13. Business Names Regulation 1966

14. Charitable Collections Act 2003
15. Charitable Collections Regulation 2003
16. Civil Law (Sale of Residential Property) Act 2003
17. Civil Law (Sale of Residential Property) Regulation 2003
18. Civil Partnerships Act 2008
19. Civil Partnerships Regulation 2010
20. Crimes (Assumed Identities) Act 2009
21. Classification (Publications, Films and Computer Games) (Enforcement) Act 1995
22. Classification (Publications, Films and Computer Games) (Enforcement) Regulation 1995
23. Community Title Act 2001
24. Community Title Regulation 2002
25. Dangerous Goods (Road Transport) Act 2009
26. Dangerous Goods (Road Transport) Regulation 2010
27. Dangerous Substances Act 2004
28. Dangerous Substances (Explosives) Regulation 2004
29. Dangerous Substances (General) Regulation 2004
30. Eggs (Labelling and Sale) Act 2001
31. Fair Trading (Australian Consumer Law) Act 1992
32. Fair Trading (Australian Consumer Law) (Transitional Provisions) Regulation 2011
33. Fair Trading Regulation 2009
34. Fair Trading (Fitness Industry) Code of Practice 2009
35. Fair Trading (Fuel Prices) Act 1993
36. Fair Trading (Motor Vehicle Repair Industry) Act 2010
37. Fair Trading (Retirement Villages Industry) Code of Practice 1999
38. Hawkers Act 2003
39. Hawkers Regulation 2003
40. Interstate Road Transport Act 1985 (Cwlth)
41. Interstate Road Transport Regulation 1985 (Cwlth)
42. Interstate Road Transport Charge Act 1985 (Cwlth)
43. Interstate Road Transport Charge Regulation 2001 (Cwlth)
44. Justices of the Peace Act 1989
45. Land Titles Act 1925
46. Land Titles (Unit Titles) Act 1970
47. Liquor Act 2010
48. Liquor Regulation 2010
49. Long Service Leave Act 1976
50. Machinery Act 1949
51. Machinery Regulation 1950
52. Married Persons Property Act 1986
53. Motor Vehicle Standards Act 1989 (Cwlth)
54. Motor Vehicle Standards Regulation 1989 (Cwlth)
55. Parentage Act 2004
56. Pawnbrokers Act 1902
57. Plastic Shopping Bags Ban Act 2010
58. Plastic Shopping Bags Ban Regulation 2011
59. Prostitution Act 1992
60. Prostitution Regulation 1993
61. Registrar-General Act 1993
62. Registration of Deeds Act 1957
63. Residential Tenancies Act 1997

64. Residential Tenancies Regulation 1998
65. Road Transport (General) Act 1999
66. Road Transport (General) Regulation 2000
67. Road Transport (Offences) Regulation 2005
68. Road Transport (Safety and Traffic Management) Act 1999
69. Road Transport (Safety and Traffic Management) Regulation 2000
70. Road Transport (Third-Party Insurance) Act 2008
71. Road Transport (Third-Party Insurance) Regulation 2008
72. Road Transport (Vehicle Registration) Act 1999
73. Road Transport (Vehicle Registration) Regulation 2000
74. Road Transport Reform (Vehicles and Traffic) Act 1993 (Cwlth)
75. Sale of Goods Act 1954
76. Sale of Goods (Vienna Convention) Act 1987
77. Sale of Motor Vehicles Act 1977
78. Sale of Motor Vehicles Regulation 1977
79. Scaffolding and Lifts Act 1912
80. Scaffolding and Lifts Regulation 1950
81. Second-hand Dealers Act 1906
82. Second-hand Dealers Regulation 2002
83. Security Industry Act 2003
84. Security Industry Regulation 2003
85. Smoke Free Public Places Act 2003
86. Smoke Free Public Places Regulation 2005
87. Tobacco Act 1927
88. Unit Titles (Management) Act 2011
89. Unit Titles (Management) Regulation 2011
90. Unit Titles (Management) Transitional Regulation 2012
91. Witness Protection Act 1996
92. Workers Compensation Act 1951
93. Workers Compensation Regulation 2002
94. Work Health and Safety Act 2011 and associated Codes of Practice
95. Work Health and Safety Regulation 2011
96. Working with Vulnerable People (Background Checking) Act 2011
97. Workplace Privacy Act 2011

Planning—Throsby
(Question No 2202)

Ms Le Couteur asked the Minister for the Environment and Sustainable Development, upon notice, on 29 March 2012 *(redirected to the Minister for Economic Development)*:

> Noting the ACT Government referral to the Commonwealth Environmental Protection and Biological Diversity Act 1999 regarding the proposed residential development of Throsby, what offsets were offered as part of the referral.

Mr Barr: The answer to the member's question is as follows:

> Any offsets required for any development in Throsby will be subject to the completion of the Commonwealth's consideration/assessment.

Environment—grasslands (Question No 2204)

Ms Le Couteur asked the Minister for the Environment and Sustainable Development, upon notice, on 29 March 2012:

(1) In relation to the Government response in March 2009 to the Report on ACT Lowland Native Grassland Investigation by the Commissioner for Sustainability and the Environment, has there been a review by the Territory and Municipal Services (TAMS) Directorate of the content, management and scope of Land Management Agreements (LMAs) as per the response to Recommendation 1 of the Report; if not, why not.

(2) What new procedures have been implemented to address the lack of compliance, auditing, monitoring and enforcement that was noted in the response to recommendation 1.

(3) What submission did the ACT Government put to the review of the National Capital Authority (NCA), as indicated in the response to recommendation 3, with respect to preserving lowland native grasses and other environmental assets of the ACT and has any agreement been reached with the NCA.

(4) Given that the response to recommendation 4 notes that a consultant was engaged to document the heritage values of grassland sites, (a) how many sites did the consultant recommend be nominated for inclusion on the ACT Heritage Register, (b) how many of these were nominated and (c) how many were accepted.

(5) Given that in the response to recommendation 4 that the Commonwealth Government retains responsibility for heritage sites on Commonwealth land, has the ACT Government nominated any of the seven Defence sites in the ACT for inclusion in the National Register; if not, why not.

(6) Has a co-ordination group of relevant Commonwealth and ACT agencies been established as proposed in response to recommendations 7 and 8; if so, (a) who is on this group, (b) how often has it met and (b) how often will meetings be convened in the future.

(7) What has been the outcome of the investigation of different ecological burn regimes as referred to in the response to recommendation 19.

(8) Has the TAMS Directorate completed the assessment of the seven grassland sites referred to in recommendation 29 and have these assessments indicated that any of the sites have important ecological assets which need to be preserved.

(9) Has there been a Government response to the recommendations of the Grasslands Forum that was convened on 20 May 2010, in accordance with the response to recommendation 30 and have any actions been undertaken in response to these recommendations.

(10) Has any application been received from the Natural Resource Management Council for the funding of an information facilitator/coordinator, as discussed in the response to recommendation 31; if so, what was the outcome.

Mr Corbell: The answer to the member's question is as follows:

(1) Yes. In June 2011 the Territory and Municipal Services Directorate (TAMSD) completed a review of its Land Management Agreements (LMAs).

(2) The June 2011 TAMDS review led to the implementation of:

- a new pro forma that better caters for the capture of critical data. This data can in turn be cooperatively used by rural lessees and TAMS officers to map out the protection of important environmental values on rural leases;
- improved practices for monitoring lessee compliance with LMA conditions, including the use of photo monitoring points;
- improved administration allowing TAMS to track the currency of LMAs to ensure they are reviewed in a timely manner; and
- formalised arrangements with the ACT Planning and Land Authority (ACTPLA) to ensure a coordinated compliance response, noting ACTPLA takes the lead in compliance action.

(3) The recommendation refers to the review of the *Nature Conservation Act 1980* not the review of the National Capital Authority (NCA).

(4) The Conservation Council ACT Region received heritage grants for three consecutive years in the 2004-05, 2005-06 and 2006-07 ACT Heritage Grants Program to research and nominate a number of natural sites across the ACT to the ACT Heritage Register.

The Conservation Council recommended that 17 sites in total be nominated for inclusion on the ACT Heritage Register. Of the 17 sites, 10 included grassland habitats. However, the majority were also nominated for other natural features and values. Of the 10 sites, three sites were nominated solely for grassland values and included:

- Natural Temperate Grassland at Barton;
- Grassland Earless Dragon Habitat in the ACT (comprising several areas in the Majura and Jerrabomberra valleys); and
- Natural Temperate Grassland of the ACT (comprising several sites at Barton, Lawson and Majura).

Nine of the grassland habitats were subsequently nominated to the ACT Heritage Register, and were accepted by the ACT Heritage Council as nominations.

In 2009, a consultant was engaged to review the nominations, and provide additional detail to assist the Heritage Council in their registration process.

Three places have now been either provisionally or fully registered on the ACT Heritage Register and include:

- Small purple pea habitat (registered);
- Button Wrinklewort (registered); and
- Kama woodland/grassland (registered).

Each registration includes multiple sites.

(5) The National Heritage List (NHL) has been established to list places of outstanding heritage significance to Australia. It includes natural, historic and Indigenous places that are of outstanding national heritage value to the Australian nation.

The Commonwealth Heritage List (CHL), established under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), comprises natural, Indigenous and historic heritage places which are either entirely within a Commonwealth area, or outside the Australian jurisdiction and owned or leased by the Commonwealth or a Commonwealth Authority; and which the Minister is satisfied have one or more Commonwealth Heritage values. The list can include places connected to defence, communications, customs and other Government activities.

The Australian Heritage Council is responsible for making recommendations to the Federal Minister for Heritage for registrations on both the CHL and the NHL.

Given that threshold levels for the CHL are lower than those for the NHL, it would be prudent to nominate any sites to the CHL prior to their nomination to the NHL. A place can be entered on both lists if it meets the relevant criteria and threshold levels.

Neither the ACT Government nor the ACT Heritage Council have nominated any of the seven Defence sites in the ACT for inclusion in either the CHL or the NHL. The ACT Government and ACT Heritage Council are responsible for the recognition, protection and promotion of heritage places located on Territory land and they are focussing their attention on those places within their jurisdiction where they have liberty to influence positive outcomes.

(6) The Government response indicated that statutory control of grasslands managed by Commonwealth agencies would be through the Commonwealth's *Environment Protection and Biodiversity Act 1999*. An ongoing co-ordination group has not been created.

The Environment and Sustainable Development Directorate (ESDD) collaborates with Commonwealth agencies on emerging management issues of interest rather than day to day management as this is considered a more strategic approach and where there is better value for the ACT from this engagement. These two forums have focussed on the impacts of two key threats to native grassland management: climate change and weeds as summarised below:

1. *From Climate Change Challenges to Adaptation Solutions* Workshop on 16 November 2011.

   - The Workshop was attended by a range of Commonwealth Government officials including representatives from CSIRO, the Department of Agriculture, Fisheries and Forestry, invasive species and natural resource management program areas and the Department of Sustainability, Environment, Water, Population and Communities, conservation policy and threatening process sections.

2. *ACT Weeds Forum – Turning back the tide* on Friday, 9 March 2012

- The Workshop was attended by a range of Commonwealth Government officials including representatives from the Department of Defence, the Department of Agriculture, Fisheries and Forestry, Australian Bureau of Agricultural and Resource Economics and Sciences, NCA and CSIRO.

(7) Conservation Planning and Research (CPR) in ESDD continues to examine results from ecological burns across a range of vegetation types in the ACT. For example, last fire season, the McTaggart Street *Swainsona recta* site was burnt to improve the condition of this declared plant species. This site is continuing to be monitored and will inform further on-ground management and ecological burn regimes.

(8) CPR has completed the assessment of Wells Station Road (GU07) and Nicholls (GU08). Both sites were dominated by native grasses and contained a diversity of native forbs. The sites still meet the definition of the endangered ecological community Natural Temperate Grasslands of the Southern Tablelands and the ACT. However both sites are considered to be in the lowest condition class of this community. Using a widely accepted method to quantify the site value of native grasslands the Nicholls sites had a value of nine and the Wells Station Rd site had a value of five. In the ACT a grassland usually has to have a value of seven or greater to be considered part of the endangered ecological community. High condition sites generally have values of 20 or greater with very high condition sites having values of more than 40. Conversely sites that would not be considered part of the community often have values of two to four.

Assessment of the other sites is on-going, assessments can only occur when seasonal conditions are optimal to ensure that the best estimate of a sites values are made.

(9) The Grasslands Forum did not make recommendations as such but four areas for priority attention were identified. These are:

1. Promotion of the grasslands throughout the ACT.
2. Improved public knowledge of the grasslands.
3. Identified strategic vision.
4. Improved Government/resident/organisation relationships.

Many activities have been undertaken that contribute towards these priority actions, examples include but are not limited to:

- Increased research and interdisciplinary projects, as requested under priority action 1, including a Masters project at the Australian National University funded by the ACT Government looking at the impacts of competition on different functional groups of native forbs, seed collection and germination protocols being developed by the Australian National Botanic Gardens for a variety of grassland forbs, a government funded project by Greening Australia aimed at improving the condition of native grasslands through the targeted planting uncommon native grassland plants, ongoing CSIRO research into demographics and genetics of Button Wrinkelwort to assist in threatened plant species management, University of Canberra research into the conservation of the Grassland Earless Dragon, and the rehabilitation of Golden Sun Moth habitat, distributional surveys for Golden Sun Moth and Striped Legless Lizard undertaken as part of the accelerated land release program.

- To contribute to improved public knowledge of grasslands, data has been uploaded to the government's public spatial database ACTMAPi providing the location of all native grasslands and species interest.
- A strategic vision for conservation areas including the Commonwealth is being progressed for Gungahlin via a strategic assessment under the EPBC Act. Reinstating the Natural Temperate Grasslands Recovery Team is suggested as a priority however is somewhat hampered by a change of direction within NSW Office and Environment and Heritage away from recovery plans and focusing more on priority action statements.
- Corridor planning was a priority for improving relationships. CPR has completed research into connectivity and liaise with the planning authority to have these results built into future suburban design as well as augmenting existing areas of connectivity. Another priority identified by the forum for improving relationships was the establishment of voluntary conservation agreements. The possibilities for enhancing private conservation in the ACT are being explored in the current review of the Nature Conservation Act.

(10) No application for funding for an information facilitator/coordinator has been received from the Natural Resource Management Council.

Legislative Assembly—staff timesheets (Question No 2205)

Mr Coe asked the Chief Minister, upon notice, on 29 March 2012:

(1) In relation to page 6 of the Auditor-General's Administration of employment issues for staff of Members of the Legislative Assembly performance audit report which noted that "... for the period from 1 July 2007 to 18 February 2009, Minister's staff recorded 39 days leave in their timesheets that were not deducted from their leave balances held by the Shared Services Centre. Given the high rate of non-compliance, there are higher risks of irregularity. The failure to account for leave taken amounts to obtaining a benefit to which the employee is not entitled", how many staff in the Minister's office received a benefit to which they were not entitled.

(2) Which staff received a benefit to which they were not entitled.

(3) What was the position and level of these staff.

(4) In whose office were staff obtaining benefits to which they weren't entitled from.

(5) Did the President of the Labor Party receive a benefit to which he was not entitled.

(6) Was any action taken to recover money in relation to this issue; if so, (a) when did this occur and (b) what was the result of this.

Ms Gallagher: The answer to the member's question is as follows:

(1) As part of the audit of entitlements for Legislative Assembly Members Staff, in the period from July 2007 to February 2009, the Audit Office identified four staff where leave forms could not be found although the leave taken was recorded on timesheets.

(2) Names cannot be released as a result of the Federal Privacy Act.

(3) The four staff were full time members of my staff.

(4) I can only comment on my own office.

(5) The President of the Labor Party was not employed by my office during the period covered by the Auditor General's report.

(6) Of the four staff members from my office, one had left the Assembly, and three were still under my employ.

Staff still under my employ
In July 2009, staff still under my employ were immediately asked to submit leave forms for the leave taken. The amount of leave ranged from 3 to 4.39 days, with the financial equivalents ranging from $56.02 to $403.13. The outstanding leave forms were submitted to Shared Services in July/August 2009. This resulted in leave credits being corrected and salary adjustments being made by Shared Services. In one case, a salary adjustment of $56.02 was not correctly processed by Shared Services. This error was not identified until April 2012. The matter is currently being finalised.

Staff who had left the Legislative Assembly
A staff member who had left the Assembly incorrectly received a benefit of $45.50 (7% LAMS allowance on 2 days personal leave). Recovery of this amount is currently underway.

Legislative Assembly—members—staff timesheets (Question No 2206)

Mr Coe asked the Deputy Chief Minister, upon notice, on 29 March 2012:

(1) In relation to page 6 of the Auditor-General's Administration of employment issues for staff of Members of the Legislative Assembly performance audit report which noted that "... for the period from 1 July 2007 to 18 February 2009, Minister's staff recorded 39 days leave in their timesheets that were not deducted from their leave balances held by the Shared Services Centre. Given the high rate of non-compliance, there are higher risks of irregularity. The failure to account for leave taken amounts to obtaining a benefit to which the employee is not entitled", how many staff in the Minister's office received a benefit to which they were not entitled.

(2) Which staff received a benefit to which they were not entitled.

(3) What was the position and level of these staff.

(4) In whose office were staff obtaining benefits to which they weren't entitled from.

(5) Did the President of the Labor Party receive a benefit to which he was not entitled.

(6) Was any action taken to recover money in relation to this issue; if so, (a) when did this occur and (b) what was the result of this.

Mr Barr: The answer to the member's question is as follows:

(1) As part of the audit of entitlements for Legislative Assembly Members Staff, I am informed the audit office identified five staff from my Office who had identified personal leave (sick leave) on their timesheets where complementary leave forms were unable to be reconciled. It should be noted that staff involved had identified the leave taken on their individual timesheets which indicated a clear intention to record their leave.

Personal leave is not subject to any financial payout at the completion of a contract, or at resignation, and the staff in question had sufficient leave credits to cover their leave. Therefore the benefit that was received that they were not entitled to was the 7% LAMS allowance for the period of their personal leave (sick leave).

(2) Names cannot be released as a result of the Federal Privacy Act. However, I can state the following: in 2009 one staff member had their leave adjusted and the amount of $175.01 deducted. The other four staff members had left the Assembly at the time of the audit and I am informed a decision was made by the Chief Minister's Support Unit not to pursue the outstanding leave forms and, therefore, the recovery of overpayments. I am informed that decision was made without consultation and without delegated authority. Once this issue came to light, action commenced to recover the overpayments for staff who had left the Assembly – that is the $21.03, $13.06, $75.33 and $19.34. The overpayment for one staff member of $21.03 has since been recovered. That is a total of $107.73 that is still owed.

(3) Three of the staff identified were part-time administrative staff, two were advisers.

(4) I can only comment on my own office.

(5) No, the President of the Labor Party was not employed in my office during the period covered by the Auditor-General's report.

(6) See answer (2)

Legislative Assembly—staff timesheets (Question No 2207)

Mr Coe asked the Attorney-General, upon notice, on 29 March 2012 *(redirected to the Minister for Police and Emergency Services)*:

(1) In relation to page 6 of the Auditor-General's *Administration of employment issues for staff of Members of the Legislative Assembly* performance audit report which noted that "... for the period from 1 July 2007 to 18 February 2009, Minister's staff recorded 39 days leave in their timesheets that were not deducted from their leave balances held by the Shared Services Centre. Given the high rate of non-compliance, there are higher risks of irregularity. The failure to account for leave taken amounts to obtaining a benefit to which the employee is not entitled", how many staff in the Minister's office received a benefit to which they were not entitled.

(2) Which staff received a benefit to which they were not entitled.

(3) What was the position and level of these staff.

(4) In whose office were staff obtaining benefits to which they weren't entitled from.

(5) Did the President of the Labor Party receive a benefit to which he was not entitled.

(6) Was any action taken to recover money in relation to this issue; if so, (a) when did this occur and (b) what was the result of this.

Mr Corbell: The answer to the member's question is as follows:

(1) None

(2) See answer to (1) above.

(3) See answer to (1) above.

(4) See answer to (1) above.

(5) See answer to (1) above

(6) See answer to (1) above.

Legislative Assembly—members—staff timesheets (Question No 2208)

Mr Coe asked the Chief Minister, upon notice, on 29 March 2012:

(1) In relation to page 5 of the Auditor-General's *Administration of employment issues for staff of Members* of the Legislative Assembly performance audit report which noted that "During the period from July 2007 to 18 February 2009, the submission rates for timesheets ranged from 57 percent to 80 percent", what was the submission rate during this period for the Minister's office.

(2) Why did staff fail to submit timesheets.

(3) Which staff failed to submit timesheets.

(4) How many staff failed to submit timesheets at all.

Ms Gallagher: The answer to the member's question is as follows:

(1) The data used by the Auditor-General was taken from an active database that continued to be updated with timesheet information after the Audit. It is therefore not possible to recreate the raw data used by the Auditor-General in order to respond to this question.

(2) In most cases staff had prepared timesheets, but, as found by the Auditor-General: "Internal control over submission of attendance and leave forms, particularly by staff of some Ministers was inadequate."

(3) Under the provisions of the Privacy Act, personal information of this nature cannot be released.

(4) See responses to questions (1) and (2).

Legislative Assembly—members—staff timesheets (Question No 2209)

Mr Coe asked the Deputy Chief Minister, upon notice, on 29 March 2012:

(1) In relation to page 5 of the Auditor-General's *Administration of employment issues for staff of Members of the Legislative Assembly* performance audit report which noted that "During the period from July 2007 to 18 February 2009, the submission rates for timesheets ranged from 57 percent to 80 percent", what was the submission rate during this period for the Minister's office.

(2) Why did staff fail to submit timesheets.

(3) Which staff failed to submit timesheets.

(4) How many staff failed to submit timesheets at all.

Mr Barr: The answer to the member's question is as follows:

(1) The data used by the Auditor-General was taken from an active database that continued to be updated with timesheet information after the Audit. It is therefore not possible to recreate the raw data used by the Auditor-General in order to respond to this question.

(2) In most cases staff had prepared timesheets, but, as found by the Auditor-General "internal control over submission of attendance and leave forms, particularly by staff of some ministers was inadequate."

(3) Under the provisions of the Privacy Act, personal information of this nature cannot be released.

(4) See answers (1) and (2)

Legislative Assembly—staff timesheets (Question No 2210)

Mr Coe asked the Attorney-General, upon notice, on 29 March 2012:

(1) In relation to page 5 of the Auditor-General's *Administration of employment issues for staff of Members of the Legislative Assembly* performance audit report which noted that "During the period from July 2007 to 18 February 2009, the submission rates for timesheets ranged from 57 percent to 80 percent", what was the submission rate during this period for the Minister's office.

(2) Why did staff fail to submit timesheets.

(3) Which staff failed to submit timesheets.

(4) How many staff failed to submit timesheets at all.

Mr Corbell: The answer to the member's question is as follows:

(1) The data used by the Auditor-General was taken from an active database that continued to be updated with timesheet information after the Audit. It is therefore not possible to recreate the raw data used by the Auditor-General in order to respond to this question.

(2) In most cases staff had prepared timesheets, but, as found by the Auditor-General "Internal control over submission of attendance and leave forms, particularly by staff of some Ministers was inadequate."

(3) Under the provisions of the Privacy Act, personal information of this nature cannot be released.

(4) See responses to questions (1) and (2).

Legislative Assembly—staff timesheets (Question No 2211)

Mr Coe asked the Chief Minister, upon notice, on 29 March 2012:

(1) In relation to page 5 of the Auditor-General's *Administration of employment issues for staff of Members of the Legislative Assembly* performance audit report which noted that "Negative balances in TOIL were also noted on some final timesheets, although there was no provision for a negative TOIL balance. The overpayments may not have been recovered", which staff had negative toil.

(2) Was it staff who worked on the 2008 Australian Labor Party (ALP) campaign.

(3) What was the extent of the overpayment.

(4) Was the current president of the ALP one of the staff involved.

(5) Was the overpayment recovered.

Ms Gallagher: The answer to the member's question is as follows:

(1) The Auditor-General's report does not specify whether this finding related to records held by the Assembly Secretariat (for non-Executive staff) or Shared Services (for Executive staff). In this context I am unable to confirm which staff had a negative TOIL balance. In any case, under the provisions of the Privacy Act, personal information about any staff member cannot be disclosed.

(2) See response to question (1).

(3) I am advised that it is standard practice for Shared Services to adjust final payouts in instances where a negative balance is recorded on a final timesheet. Given this practice, there is no basis to consider that overpayments were made.

(4) See response to question (1).

(5) See response to question (3).

Legislative Assembly—members—staff timesheets (Question No 2212)

Mr Coe asked the Deputy Chief Minister, upon notice, on 29 March 2012:

(1) In relation to page 5 of the Auditor-General's *Administration of employment issues for staff of Members of the Legislative Assembly* performance audit report which noted that "Negative balances in TOIL were also noted on some final timesheets, although there was no provision for a negative TOIL balance. The overpayments may not have been recovered", which staff had negative toil.

(2) Was it staff who worked on the 2008 Australian Labor Party (ALP) campaign.

(3) What was the extent of the overpayment.

(4) Was the current president of the ALP one of the staff involved.

(5) Was the overpayment recovered.

Mr Barr: The answer to the member's question is as follows:

(1) The Auditor-General's report does not specify whether this finding related to records held by the Assembly secretariat (for non-Executive staff) or Shared Services (for Executive staff). In this context, I am unable to confirm which staff had a negative TOIL balance as records for non-Executive staff are not accessible to the Executive. In any case, under the provision of the Privacy Act, personal information about any staff member cannot be disclosed.

(2) In accordance with standard employment conditions, ministerial staff working on the 2008 election campaign did so on their own time.

(3) I am advised it is standard practice for Shared Services to adjust final payouts in instances where a negative balance is recorded on a final timesheet. Given this, there is no basis to consider that overpayments were made.

(4) See answer (1)

(5) See answer (3)

Legislative Assembly—staff timesheets (Question No 2213)

Mr Coe asked the Attorney-General, upon notice, on 29 March 2012:

(1) In relation to page 5 of the Auditor-General's *Administration of employment issues for staff of Members of the Legislative Assembly* performance audit report which noted that "Negative balances in TOIL were also noted on some final timesheets, although there was no provision for a negative TOIL balance. The overpayments may not have been recovered", which staff had negative toil.

(2) Was it staff who worked on the 2008 Australian Labor Party (ALP) campaign.

(3) What was the extent of the overpayment.

(4) Was the current president of the ALP one of the staff involved.

(5) Was the overpayment recovered.

Mr Corbell: The answer to the member's question is as follows:

(1) The Auditor-General's report does not specify whether this finding related to records held by the Assembly Secretariat (for non-Executive staff) or Shared Services (for Executive staff). In this context I am unable to confirm which staff had a negative TOIL balance. In any case, under the provisions of the Privacy Act, personal information about any staff member cannot be disclosed.

(2) In accordance with standard employment conditions, ministerial staff working on the 2008 election campaign did so on their own time.

(3) I am advised that it is standard practice for Shared Services to adjust final payouts in instances where a negative balance is recorded on a final timesheet. Given this practice, there is no basis to consider that overpayments were made.

(4) See response to question (1)

(5) See response to question (3)

Broadcasting—media monitoring costs (Question No 2214)

Mr Coe asked the Chief Minister, upon notice, on 29 March 2012:

(1) How many radio files for recordings of news items and/or interviews from either (a) 2CC radio or (b) ABC 666 radio have been ordered by each ACT Government directorate and each Minister's office from media monitors by month for (i) 2010, (ii) 2011 and (iii) to date.

(2) What was the total cost for each of the recordings referred to in part (1).

(3) Who approved the expenditure referred to in part (2).

Ms Gallagher: The answer to the member's question is as follows:

The below table outlines how many radio files for recordings of news items and/or interviews from 2CC and ABC 666 radio have been ordered by ACT Government directorates and Minister's office from Media Monitors by Month for 2010, 2011 and by month from 1 January to 11 April 2012 plus the total cost for each recording (including copyright).

Media Monitor accounts are held in the communications units within directorates and for Minister's offices there is one central account managed through the Support and Protocol unit within Chief Minister and Cabinet Directorate. As there is one account for Minister's offices (ACT Executive) a breakdown on each Minister's office orders could not be provided by Media Monitors.

Relevant approval processes within directorates and Minister's offices are in place to approve the ordering of recordings with Media Monitors.

Chief Minister and Cabinet

	ABC 666 radio **Orders and costs**	**2CC** **Orders and costs**
2010	May – 1 ($135.24) Total orders: 1 Total cost: $135.24	0 Total orders: 0 Total cost:$0
2011	0 Total orders: 0 Total cost:$0	0 Total orders: 0 Total cost:$0
2012	0 Total orders: 0 Total cost: $0	0 Total orders: 0 Total cost: $0

Territory and Municipal Services

	ABC 666 radio **Orders and costs**	**2CC** **Orders and costs**
2010	March – 2 ($63 and $63) Total orders: 2 Total cost: $126	January – 1 ($55) May – 2 ($57.74 and $213.14) June – 1 ($57.74)

		September – 2 ($57.74 and $123.98) Total orders: 6 Total cost: $565.34
2011	January - 1 ($63) October – 1 ($139.96) Total orders: 2 Total cost: $202.96	November – 2 ($59.78 and $68.54) Total orders: 2 Total cost: $128.32
2012	March – 2 ($0) Total orders: 2 Total cost: $0	March – 2 ($0) Total orders: 2 Total cost: $0

Health

	ABC 666 radio **Orders and costs**	**2CC** **Orders and costs**
2010	January – 1 ($128.79) March – 2 ($135.24 and $63) April – 1 ($72.24) May – 1 ($135.24) August – 4 ($63, $63, $63 and $63) September – 1 ($135.24) Total orders: 10 Total cost: $921.75	January – 1 ($118.07) June – 1 ($57.74) July – 1 ($304.48) August – 3 ($57.74, $57.74 and $57.74) Total orders: 6 Total cost: $653.51

2011	January – 1 ($135.24) February – 2 ($135.24 and $63) July – 5 ($139.96, $128.30, $128.30, $84.24 and $84.24) September – 5 ($74.76, $65.20, $139.96, $139.96 and $139.96) Total orders: 13 Total cost: $1,458.36	February – 1 ($57.74) May - 2 ($128.30 and $59.78) July – 1 ($128.30) September – 1 ($59.78) Total orders: 5 Total cost: $433.90
2012	March – 1 ($0) Total orders: 1 Total cost: $0	January – 1 ($128.30) March – 2 ($0) Total orders: 3 Total cost: $128.30

Economic Development

	ABC 666 radio **Orders and costs**	**2CC** **Orders and costs**
2010	August – 1 ($135.24) November -1 ($135.24) December – 1 ($135.24) **Land Development Agency** 0 Total orders: 3 Total cost: $405.72	0 **Land Development Agency** 0 Total orders: 0 Total cost:$0

2011	February – 1 ($135.24) March – 1 ($139.96) April – 1 ($139.96) May – 5 ($139.96, $139.96, $139.96, $139.96, $139.96) August – 1 ($139.96) **Land Development Agency** February – 1 ($135.24) March – 1 ($139.96) October – 1 ($65.20) Total orders: 12 Total cost: $1,595.32	May – 1 ($128.30) **Land Development Agency** 0 Total orders: 1 Total cost:$128.30
2012	April – 1 ($152.40) **Land Development Agency** 0 Total orders: 1 Total cost: $152.14	January – 1 ($139.70) **Land Development Agency** 0 Total orders: 1 Total cost: $139.70

Environment and Sustainable Development

	ABC 666 radio **Orders and costs**	**2CC** **Orders and costs**
2010	0 Total orders: 0 Total cost: $0	0 Total orders: 0 Total cost: $0

2011	Total orders: 0 Total cost: $0	0 Total orders: 0 Total cost: $0
2012	February – 1 ($139.96) March – 1 ($152.40) April – 3 ($152.40, $152.40 and $152.40) Total orders: 5 Total cost: $749.56	0 Total orders: Total cost: $0

Justice and Community Safety

	ABC 666 radio **Orders and costs**	**2CC** **Orders and costs**
2010	0 Total orders: 0 Total cost: $0	0 Total orders: 0 Total cost: $0
2011	August – 1 ($139.96) September – 1 ($139.96) October – 5 ($139.96, $139.96, $139.96, $139.96, $139.96) November – 1 ($139.96) Total orders: 8 Total cost: $1,119.68	October – 1 ($128.30) Total orders: 1 Total cost: $128.30
2012	0 Total orders: 0 Total cost: $0	0 Total orders: 0 Total cost: $0

Community Services

	ABC 666 radio **Orders and costs**	**2CC** **Orders and costs**
2010	January – 2 ($128.79) June – 1 ($134.94) July – 2 ($135.24, $135.24) Total orders: 5 Total cost: $534.21	January – 1 ($118.07) June – 2 ($123.98, $123.98) July – 2 ($123.98, $123.98) September – 1 ($123.98) November – 2 ($123.98, $123.98) Total orders: 8 Total cost: $985.93
2011	January – 1 ($135.24) March – 4 ($139.96, $139.96, $139.96, $139.96) April – 2 ($139.96, $139.96) September - 2 ($139.96, $139.96) October – 5 ($139.96, $139.96, $139.96, $139.96, $139.96) Total orders: 14 Total cost: $1,959.44	February – 1 ($123.98) March – 1 ($128.30) October – 2 ($128.30, $128.30) Total orders: 4 Total cost: $513.20
2012	March – 1 ($96.00) Total orders: 1 Total cost: $96.00	0 Total orders: 0 Total cost: $0

Education and Training

	ABC 666 radio **Orders and costs**	**2CC** **Orders and costs**
2010	January – 1 ($128.79) March – 1 ($135.24) July – 1 ($63.00) September – 1 ($63.00) Total orders: 4 Total cost: $309.03	0 Total orders: 0 Total cost: $0
2011	March – 1 ($139.96) April – 1 ($65.20) August – 1 ($139.96) September - 1 ($139.96) November – 5 ($139.96, $139.96, $139.96, $139.96, $139.96) December – 4 ($139.96, $139.96, $139.96, $139.96) Total orders: 13 Total cost: $1,819.48	November – 3 Total orders: 3 Total cost: $384.90
2012	February – 1 ($139.96) March – 2 ($96.00, $152.40) Total orders: 3 Total cost: $388.36	February – 2 ($128.30, $128.30) Total orders: 2 Total cost: $256.60

ACT Executive (Minister's offices)

	ABC 666 radio **Orders and costs**	**2CC** **Orders and costs**
2010	June – 6 ($135.24, $135.24, $135.24, $135.24, $135.24 and $135.24) Total orders: 6 Total cost: $811.44	June – 2 ($123.98 and $123.98) October – 1 ($123.98) Total orders: 3 Total cost: $371.94
2011	March – 1 ($65.20) August – 1 ($65.20) October – 1 ($139.96) Total orders: 3 Total cost: $270.36	May – 1 ($59.78) Total orders: 1 Total cost: $ $59.78
2012	0 Total orders: 0 Total cost: $0	February – 1 ($59.78) Total orders: 1 Total cost: $59.78

Treasury

No account held with Media Monitors.

Labor Party—meetings (Question No 2215)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 29 March 2012:

(1) Has any Labor Party meeting or Labor faction meeting of any description been held in the Minister's ministerial office suite; if so, (a) how many times, (b) on what dates and (c) was payment made at the time.

(2) If payment was made (a) can the Minister detail the date of each meeting, (b) what were the amounts paid for each meeting and (c) the date that the payment was made for each meeting.

(3) Has any Labor Party meeting or Labor faction meeting of any description been held in the Assembly that was sponsored and or facilitated by the Minister or any of her employees; if so, (a) how many times, (b) on what dates and (c) was payment made at the time.

(4) If payment was made (a) can the Minister detail the date of each meeting, (b) what were the amounts paid for each meeting and (c) what is the date that the payment was made for each meeting.

Ms Gallagher: The answer to the member's question is as follows:

(1) I undertake a wide range of activities to fulfil my duties as the Member for Molonglo, a number of which involve use of my office facilities. This is consistent with long-established practice, as set out for example by the Clerk of the Assembly in a letter to the then Speaker on 27 June 2008.

(2) See answer to (1) above

(3) See answer to (1) above

(4) See answer to (1) above

Canberra Connect—shopfronts (Question No 2217)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 29 March 2012:

(1) When were each of the Canberra Connect shopfronts opened.

(2) How many staff work at each facility.

(3) What is the average cost of each staff member at the facility, including all on-costs.

(4) For the shopfront that was constructed, or-refitted, most recently, what was the cost of the fit-out.

(5) What is the yearly rental costs for each shopfront.

(6) What is the cost of (a) utilities, (b) security, (c) technology, (d) maintenance and (e) insurance.

Ms Gallagher: The answer to the member's question is as follows:

(1) Canberra Connect shopfronts opened as follows;

Belconnen	1992
Tuggeranong	1992
Woden	1997
Dickson	2005 (previously Dickson Motor Registry)
Civic	2007 (Driver Licence Service, City library)

(2) The number of staff working at each facility is;

Dickson	20
Belconnen	17
Woden	16
Tuggeranong	16
Civic	2

(3) The average cost of each employee is as follows;

$54,000 direct salary costs;
$14,000 salary on-costs (eg: superannuation, Comcare premium); and
$17,000 other on-costs (eg: Insurance, desktop ICT, accommodation).

(4) For the cost of the shopfront that was constructed, or-refitted, the most recent is the Tuggeranong shopfront is which being relocated and refitted due to flooding of the existing premises in August 2011. The cost of the construction and fit out has been borne by the landlord. The Territory is liable to pay for some ICT and security costs which are yet to be finalised.

(5) The yearly rental costs for each shopfront is in the order of:

Dickson:	$33,000
Belconnen:	$142,000
Woden:	$14,000
Tuggeranong:	$167,000
Civic:	Nil (the rental cost is included in the Civic Library rent).

It should be noted that these costs are included in the on-costs listed at Question (3) above.

(6) The following yearly costs relate to all shopfronts:

(a) Utility costs - in the order of $49,000.
(b) Security costs - in the order of $9,800.
(c) In 2010-11 direct technology costs were $37,000 not including the desktop ICT on costs included in Question 3.
(d) Maintenance is in the order of $7,400.
(e) Insurance costs for Canberra Connect are included in the Directorate's insurance premium amount paid by TAMS to ACTIA and are not separately identified.

Housing ACT—issues (Question No 2222)

Mr Coe asked the Minister for Community Services, upon notice, on 29 March 2012:

(1) For (a) Allawah Flats, Reid, (b) Bega Flats, Reid, (c) Currong Flats, Reid, (d) Northbourne Flats, Braddon, (e) Condamine Court, Turner, (f) Jerilderie Court, Reid, (g) Watson Flats, (h) Strathgordon Flats, Lyons, (i) Gowrie Court, Narrabundah, (j) Stuart Flats, Griffith, (k) Red Hill Flats, at Discovery Street and Cygnet Crescent Red Hill, (l) Ambara Court, Waramanga, (m) Cedars Complex, Griffith, (n) Roystonvale, Griffith, (o) each housing complex located in the suburb of Belconnen, (p) Melrose

Mews, Chifley and (q) Kanangara Court, Reid, what is the (i) current occupancy, (ii) average occupancy, (iii) maximum and average length a dwelling is vacant.

(2) How many complaints have been received by the Minister's directorate from social housing tenants that relate to (a) maintenance issues, (b) noise issues and (c) pest issues, in the last five years, for those properties referred to in part (1).

Ms Burch: The answer to the member's question is as follows:

(1) (i) Occupancy rates at 3 April 2012 – details are in the attached table.
(ii) & (iii) The occupancy rate is a point in time measure and cannot be averaged over a period of time without diverting significant directorate resources. I am not prepared to authorise the use of the considerable resources which would be involved in providing the detailed information required to answer the Member's question.

(2) General information about the Community Services Directorates' Complaints and Feedback processes is available on its website. I am not prepared to authorise the use of the considerable resources which would be involved in providing the detailed information required to answer the Member's question. The answer to Question No. 2008 of Notice Paper No 132 of 14 February 2012 asked by you provides information regarding complaints from social housing tenants.

Occupancy rates at 3 April 2012

Complex	**% Occupied**
Allawah Court, Braddon	96%
Ambara Court, Waramanga	98%
Bega Court, Reid	99%
Bundanon Gardens Block 1 of 2, Belconnen	100%
Bundanon Gardens Block 2 of 2, Belconnen	90%
Carwoola Gardens, Belconnen	100%
The Cedars, Griffith	100%
Condamine Court, Turner	100%
Craigerne Gardens, Belconnen	100%
Currong Apartments, Braddon	75%
Gowrie Court, Narrabundah	92%
Illawarra Court, Belconnen	96%
Jerilderie Court, Reid	98%
Kanangra Court, Reid	96%
Melrose Mews, Chifley	100%
Northbourne Flats, Braddon	79%
Padthaway Gardens, Belconnen	100%
Red Hill Flats Block 1 of 3, Red Hill	97%
Red Hill Flats Block 2 of 3, Red Hill	95%
Red Hill Flats Block 3 of 3, Red Hill	95%
Rowan Court, Belconnen	94%
Roystonvale, Griffith	100%
Strathgordon Court, Lyons	96%
Stuart Flats Block 1 of 3, Griffith	100%
Stuart Flats Block 2 of 3, Griffith	100%
Stuart Flats Block 3 of 3, Griffith	98%
Walcliffe Flats, Belconnen	100%

Housing ACT—income thresholds (Question No 2225)

Mr Coe asked the Minister for Community Services, upon notice, on 29 March 2012:

(1) What is the current income thresholds for eligibility for social housing and how many (a) single person, (b) households of only two persons and (c) households of more than two persons, have (i) incomes between (A) 0-$25,000, (B) $25,000-$50,000, (C) $50,000-$75,000, (D) $75,000-$100,000, (E) $125,000-$150,000, (F) $150,000-$175,000, (G) $175,000-$200,000, (H) $200,000-$300,000, (I) greater than $300,000 and (ii) reportable assets between (A) 0-$100,000, (B) $100,00-$200,000, (C) $200,00-$300,000, (D) $300,00-$400,000, (E) $400,00-$500,000, (F) $500,00-$600,000, (G) $600,00-$700,000, (H) $700,00-$800,000, (I) $800,00-$900,000, (J) $900,00-$1,000,000, (K) $1,000,00-$2,000,000 and (L) greater than $2,000,000.

(2) How many housing ACT tenants own properties.

Ms Burch: The answer to the member's question is as follows:

(1) (i)
A copy of the Housing Assistance Income Barriers for Housing ACT tenants is attached.

The number of households with incomes in each band as at April 2012 for rebated rent paying tenants and as at 2008-09 for Market Rent paying tenants is as follows:

Single person households Rebate:

Income <= $25,000	4316
Income >$25,000 <= $50,000	655
Income >$50,000 <= $75,000	114
Income >$75,000 <=$100,000	2

There are no single households with income greater than $100,000.

Single person households: Market Renters based on 2008-09 information:

Income >$75,000 <=$100,000	1
Income >$100,000 <=$125,000	2
Income >$125,000 <=$150,000	0
Income >$150,000 <=$175,000	1

There are no single person market rent households with income greater than $175,000.

Two person households Rebate:

Income <= $25,000	926
Income >$25,000 <= $50,000	1142
Income >$50,000 <= $75,000	193
Income >$75,000 <=$100,000	7

There are no two person households with income greater than $100,000.

Two person households: Market Renters based on 2008-09 information:

Income >$75,000 <=$100,000	12
Income >$100,000 <=$125,000	5
Income >$125,000 <=$150,000	3

There are no two person market rent households with income greater than $150,000.

Three or more person households Rebate:

Income <= $25,000	571
Income >$25,000 <= $50,000	1138
Income >$50,000 <= $75,000	371
Income >$75,000 <=$100,000	37

There are no three or more person households with income greater than $100,000.

Three or more person households: Market Renters based on 2008-09 information:

Income >$75,000 <=$100,000	23
Income >$100,000 <=$125,000	20
Income >$125,000 <=$150,000	7
Income >$150,000 <=$175,000	1

There are no three or more person market rent households with income greater than $175,000.

In order to provide more up to date income details, Housing ACT has written to market Renters to seek their income details for the 2009-10 and 2010-2011 financial years.

1(ii) and (2)
The value of assets is not maintained in an electronic database. It is therefore not possible to provide the information at the level of detail requested. Asset information is recorded at the time of allocation of a property to the tenant. Where assets held by tenants generate income, the value of the income is recorded as part of the assessment of tenants' income. The Government is currently considering options to obtain regular updates on assets owned by tenants.

Housing ACT—stock numbers (Question No 2226)

Mr Coe asked the Minister for Community Services, upon notice, on 29 March 2012:

(1) What are the stock numbers for dwelling types of (a) 1 bedroom house, (b) 2 bedroom house, (c) 3 bedroom house, (d) 4 bedroom house, (e) 5 bedroom house, (f) more than 5 bedroom house, (g) transportable, (h) boarding, (i) bedsit, (j) 1 bedroom flat, (k) 1.5 bedroom flat, (l) 2 bedroom flat, (m) 3 bedroom flat, (n) 0 bedroom older persons' accommodation (OPA), (o) 1 bedroom OPA, (p) 1.5 bedroom OPA, (q) 2 bedroom OPA, (r) 0 bedroom older persons' unit (OPU), (s) 1 bedroom OPU, (t) 1.5 bedroom OPU, (u) 2 bedroom OPU, (v) 1 bedroom garden flat, (w) 1.5 bedroom garden flat, (x) 2 bedroom garden flat, (y) 3 bedroom garden flat and (z) other.

(2) What are the stock numbers by region, as listed in the Public Housing Asset Management Strategy 2003-2008, for those dwellings referred to in part (1).

(3) What is the average house value by region, for those dwellings referred to in part (1).

Ms Burch: The answer to the member's question is as follows:

(1) As at 29 February 2012:

(a) 1 bedroom house - 127
(b) 2 bedroom house - 1,401
(c) 3 bedroom house - 4,925
(d) 4 bedroom house - 823
(e) 5 bedroom house - 139
(f) 5+ bedroom house - 44
(g) Transportable - 1
(h) Boarding - 8
(i) Bedsit - 105
(j) 1 bedroom flat - 1,027
(k) 1.5 bedroom flat - 62
(l) 2 bedroom flat - 1,377
(m) 3 bedroom flat - 40
(n) 0 bedroom OPA - 27
(o) 1 bedroom OPA - 632
(p) 1.5 bedroom OPA – 253
(q) 2 bedroom OPA - 854
(r) 0 bedroom OPU - 0
(s) 1 bedroom OPU - 0
(t) 1.5 bedroom OPU - 0
(u) 2 bedroom OPU - 0
(v) 1 bedroom garden flat - 0
(w) 1.5 bedroom garden flat - 0
(x) 2 bedroom garden flat - 0
(y) 3 bedroom garden flat - 0
(z) Other – 3 bedroom OPA - 14

(2) Stock Numbers by Region:

Region	Number as at 29 February 2012
Tuggeranong	2,484
Woden	947
Belconnen	2,929
Gungahlin	520
Weston Creek	782
Inner North	2,903
Inner South	1,249
Rural/Other	45
Total	**11,859**

(3) The information sought is not in an easily retrievable form. To collect and assemble the information sought solely for the purpose of answering the question would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

Schools—cable networks (Question No 2227)

Mr Coe asked the Minister for Education and Training, upon notice, on 29 March 2012:

(1) How many kilometres of fibre cable connects ACT Government schools.

(2) What facilities are connected to the asset.

(3) What is the value of the network.

(4) Does the Education and Training Directorate pay or receive payment for use of the network; if so, to and from whom.

Dr Bourke: The answer to the member's question is as follows:

1) Approximately 200 kilometres of fibre cable connect ACT Government schools.

2) All ACT public schools except Jervis Bay.

3) The cost of the fibre network including central hardware to manage its use from July 2006 to March 2012 is $12.74m.

4) No.

Alexander Maconochie Centre—consultants (Question No 2230)

Mr Hanson asked the Minister for Corrections, upon notice, on 1 May 2012:

(1) In relation to the Alexander Maconochie Centre reviews six month progress report dated October 2011, what is the total cost for the consultant engaged to undertake a review of data collection and management.

(2) Who is the consultant, or organisations, engaged to undertake the review referred to in part (1).

(3) When will this review be completed.

(4) Will this review be made public.

Dr Bourke: The answer to the member's question is as follows:

The six month progress report of March 2012 refers to the review of data collection and management which I tabled on 29 March 2012.

The Justice and Community Safety Directorate has selected a provider to undertake the data project referred to in the March 2012 six month progress report in relation to the Alexander Maconochie Centre Reviews.

The tendering process for this exercise is not yet complete but is in the process of being finalised. As a consequence it is not appropriate to provide further detail at this time.

An announcement on the successful tender is expected to be made in the near future, and the details will be placed on the Shared Services (Procurement) website.

Environment—renewable energy (Question No 2232)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 1 May 2012:

What is the yearly funding allocation for the purchase of renewable energy by the ACT Government for 2011-12 to 2014-15.

Ms Gallagher: The answer to the member's question is as follows:

2011-12	$1,773,000
2012-13	$1,986,000
2013-14	$2,132,000
2014-15	$2,257,000

Planning—deconcessionalisation (Question No 2234)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 1 May 2012:

(1) In relation to the Brumbies' lease in Griffith, were any valuations completed by the ACT Government prior to the deconcessionalisation of the Brumbies' at section 42 block 15 in Griffith; if so, what were the findings.

(2) Can the relevant document/report be made available for external review.

Mr Corbell: The answer to the member's question is as follows:

(1) No. Development Application 201120448 to deconcessionalise the lease was approved on 28 February 2011. A condition of the approval is that:

"The lessee shall pay the payout amount as determined under Section 263 of the Planning and Development Act 2007 within 28 days of being notified of the amount or within such further time as may be approved in writing by the Authority."

The ACT Planning and Land Authority have not yet determined the payout amount.

The concession is not removed until the payout amount has been received, the existing lease has been surrendered and the new Crown lease has been registered.

The decision on the payout amount is reviewable by the ACAT.

(2) No.

ACT Concrete Recyclers—Pialligo site (Question No 2338)

Ms Le Couteur asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

(1) In relation to the ACT Concrete Recyclers, Gate 384, Pialligo Avenue, Pialligo ACT 2609, who currently owns the land where ACT Concrete Recyclers are located.

(2) What is the current zoning of this land.

(3) What specific lease purposes and conditions apply to this site under the Territory Plan.

(4) Who currently leases the land.

(5) When did this lease start and when will it finish.

(6) Was this land the site of a former landfill site; if so, what (a) were the dates of opening and closing of this landfill site and (b) land and water rehabilitation measures, if any, were undertaken after closing of the landfill site.

Mr Corbell: The answer to the member's question is as follows:

(1) The land is owned and managed by the Commonwealth of Australia.

(2) The land is not subject to the provisions of the Territory Plan.

(3) The tenure arrangements are not known to the ACT Government.

(4) Please refer to (1) and (3) above.

(5) Please refer to (1) and (3) above.

(6) The question should be directed to the Commonwealth of Australia.

Transport—taxis—prepaid fares (Question No 2257)

Ms Bresnan asked the Attorney-General, upon notice, on 2 May 2012:

What consideration or consultation has the Government done regarding the introduction of mandatory prepaid fares for ACT taxis.

Mr Corbell: The answer to the member's question is as follows:

The Government has not considered the introduction of mandatory prepaid fares for taxis in the ACT. Section 142 of the *Road Transport (Public Passenger Services) Regulation 2002* (the regulation) already provides for taxi drivers to ask a person for a fare deposit before accepting the offer of the hiring from a person, if the driver believes on reasonable grounds, that the person may not be able to, or will not, pay the estimated fare for the hiring.

Also it is an offence under section 144A of the regulation if the hirer of a taxi does not pay a fare deposit for the hiring of the taxi, if requested to by the driver.

This issue has not been raised with the Government by the community or the Canberra Taxi Industry as an area of concern.

Housing ACT—maintenance services (Question No 2263)

Ms Bresnan asked the Minister for Community Services, upon notice, on 2 May 2012:

In relation to public reporting of the contract for the Provision of Total Facilities Management Services with Spotless P&F Pty Ltd and given that the 2005 contract with Spotless P&F Pty Ltd (Spotless) is a notifiable contract for the purposes of the Government Procurement Act 2001 and that Volumes 1 and 3 of the Spotless contract are listed on the ACT Government Contracts Register, why is Volume 2 of the contract not listed on the ACT Government Contracts Register and can a copy be provided.

Ms Burch: The answer to the member's question is as follows:

Volume 2 of the Total Facilities Management Services Contract with Spotless Facility Services Pty Ltd is not listed on the ACT Government Contracts Register as it solely contains the Schedule of Rates which under the provisions of the contract is commercial-in-confidence. I therefore cannot provide you with a copy of Volume 2.

Cycling—safety program (Question No 2271)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012 *(redirected to the Attorney-General)*:

(1) What programs has the Government run in the past three years to promote cycling etiquette and safety and (a) what specific issues were promoted and (b) what did they cost.

(2) What programs has the Government run in the past three years to promote driver awareness of cyclists and (a) what specific issues were promoted and (b) what did they cost.

Mr Corbell: The answer to the member's question is as follows:

(1) The Justice and Community Safety Directorate has managed a poster program and published web content addressing safe cycling. The poster program promotes the use of helmets and lights. The poster is distributed to bicycle shops, cafes and universities in Canberra prior to the end of daylight saving each year. The web content promotes the road rules and includes tips about safe cycling in the ACT. The combined cost of these programs over the last three years was approximately $14,000.

(2) The Justice and Community Safety Directorate has managed a *Share the Road* awareness program. The Share the Road program reminds all road users, including cyclists, to obey the road rules. It has a particular focus on being aware of vulnerable road users, which includes cyclists. The Share the Road program includes television and cinema commercials. The cost of the cycling component of this program over the last three years was approximately $52,000.

Cycling—Civic Cycle Loop project (Question No 2274)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:

(1) In relation to the Civic Cycle Loop project, what are the specific dates for starting and completing the project, including designing and building each section.

(2) What is the total funding presently allocated to the project and where in the Budget is this funding allocated.

(3) What sections of the project does the present funding cover and what sections does it not cover.

(4) Does the project include connecting the southern ends of the loop; if so, where will this connection go; if not, when will it be planned and funded.

(5) Has the Government yet consulted with businesses on Bunda Street about whether Bunda Street will become a shared zone and when will the Government decide how Bunda Street will feature in the loop.

(6) Will all sections of the project comply with *Design Standards for Urban Infrastructure – Pedestrian and Cycle Facilities* (DS13); if not, where and why are these standards breached and what plans are being made to upgrade those sections to meet design standards in future.

(7) Will the project comply with the AUSTROADS standards as recommended in the Cardno report; if not, why not.

(8) Will the Government update DS13 to comply with the AUSTROADS standard; if not, why not.

(9) How does the Government plan to promote use of the cycle loop.

(10) How can members of the public find out about the project and its progress.

Ms Gallagher: The answer to the member's question is as follows:

(1) The Civic Cycle Loop will be designed and constructed in four separate stages:

Stage 1 - Rudd Street (between Marcus Clarke Street and Bunda Street) scheduled design completion May 2012, scheduled construction completion December 2012;

Stage 2 - Marcus Clarke Street (between Parkes Way & Rudd Street) scheduled design completion September 2012, scheduled construction completion June 2014;

Stage 3 - Bunda Street (between Rudd Street and Akuna Street) scheduled design completion December 2012, scheduled construction completion June 2014; and,

Stage 4 - Allara Street/Binara Street, scheduled design completion July 2013, scheduled construction completion June 2015.

(2) Funding allocated for the delivery of the Civic Cycle Loop is $6 million.

This funding is included in the 2009/10 budget allocation for cycling signage and paths and supplemented by the 2011/12 budget allocation Transport for Canberra (walking and cycling).

(3) Current funding covers the design and the delivery of stages 1-4.

(4) The design does not connect the southern ends of the loop.

(5) An initial stakeholder workshop was completed in December 2011. Further stakeholder and community consultation on the proposed design for Bunda Street is planned to be undertaken in July and August 2012.

(6) Separated cycle paths are not specifically covered in the TAMS Design Standards for Urban Infrastructure – Pedestrian and Cycle Facilities (DS13).

The Civic Cycle Loop is being designed to meet the principles in DS13, however the design criteria is defined in the Austroads Design Guides.

(7) Refer to answer to question 6.

(8) TAMS is currently reviewing and updating the Design Standards and Specifications for Urban Infrastructure. The outcomes of the review will be presented to Government in August 2012.

(9) The Civic Cycle Loop will be promoted as part of the Transport for Canberra program and promoted as an important project in encouraging people to adopt more active and sustainable transport options.

(10) TAMS will present information on the Civic Cycle Loop project and its progress on the TAMS website as the design and implementation develops. Information will also be presented to the cycling advocacy groups through the Bicycle Advisory Committee convened by TAMS which meets six times a year.

Roads—statistics
(Question No 2275)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:

(1) In relation to vehicle, pedestrian and cyclist counts, what is the cost and staffing requirement for determining rates of usage at one section of a road, cyclepath or walkway.

(2) How many such sites were monitored for rates of usage in the past three years.

(3) Are these statistics publicly available; if so, from where.

Ms Gallagher: The answer to the member's question is as follows:

(1) The cost and staffing requirements depend on the locations to be surveyed. Current contract figures are as follows:

	Cost	Staffing for extraction of data
Pedestrian count	$55.38/hr	One person for one day
Cyclepath count	$75.34/site	One person for one day
Road vehicle count (without Temporary Traffic Management)	$111.28/site	One person for one day
Road vehicle count (with Temporary Traffic Management)	$311.28/site	One person for one day

(2) 928 sites

(3) These statistics are available on request from Roads ACT.

Roads—Gungahlin Drive Extension
(Question No 2276)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:

(1) What evidence does the Government have on the effectiveness of fencing and animal underpasses along the Gungahlin Drive Extension, designed to prevent collisions between cars and kangaroos or accidents when drivers swerve or stop suddenly to avoid a collision.

(2) What were the estimated additional road construction costs for each of these measures.

(3) Has the Territory and Municipal Services Directorate identified any locations along ACT roads where additional underpasses, overpasses or fencing should be considered, or where there are definite plans for such measures in order to prevent accidents involving wildlife; if so, what are the priority locations.

Ms Gallagher: The answer to the member's question is as follows:

(1) There is currently no formal evaluation on the effectiveness of fencing and animal underpasses along GDE in relation to prevention of collisions between cars and kangaroos or accidents when drivers swerve or stop suddenly to avoid a collision.

(2) The additional cost of fencing and underpasses is normally included in the overall cost of civil works and is dependent on site specific conditions. The average cost of an underpass is in the range of $1 million while fencing costs around $90 per metre.

(3) While there is no list of locations in the ACT for fencing and animal crossings, it is a policy to consider inclusions of infrastructure measures that my reduce the incidence of vehicle/wildlife collisions in the design of new and or upgraded major urban arterial rods. The current design of the Majura Parkway has considered the need for fencing and animal crossings.

Dogs—desexing vouchers (Question No 2277)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:

(1) How many vouchers were issued for dogs sold by through the Domestic Animals Service for the animal to be desexed and what was the total value of the vouchers, for the (a) financial year 2010-2011 and the (b) first half of the financial year 2011-2012.

(2) Have any arrangements been made for desexing vouchers for dogs sold through any other agencies or means; if so, what was the total value of the vouchers.

(3) Have any arrangements been made for desexing vouchers for cats sold through any other agencies or means; if so, what was the total value of the vouchers.

Ms Gallagher: The answer to the member's question is as follows:

(1) Of the vouchers issued/sold by Domestic Animal Services (DAS), 183 were presented to the RSPCA and subsequently paid for by DAS, in the 2010/2011 year, totally $30,895.

For the first half of the 2011/2012 year DAS has sold/issued 66 animal desexing vouchers to a total value of $12,476.

(2) No alternative arrangements have been made by DAS for desexing vouchers to be sold through other agencies or means.

(3) DAS does not sell cat desexing vouchers. Desexing of cats is undertaken by the RSPCA-ACT or by licensed veterinarians.

Waste—collection contracts (Question No 2292)

Ms Le Couteur asked the Minister for the Environment and Sustainable Development, upon notice, on 2 May 2012:

(1) In relation to the two waste contracts, Contract No. C02386 *Provision of Domestic Waste and Recyclable Materials Collection Services* and C07266 *Management of the site services and landfill operations at the Mugga Land Resource Management Centre (RMC),* under the current contract arrangements would it be possible to reduce the frequency of kerbside collection of the green topped bin for garbage to a fortnightly collection service and what would the costing savings be of this compared to the present weekly service.

(2) Under the current contract arrangements, would the Government face any financial penalties for changing the frequency of kerbside collection service of green topped bin for garbage; if so, what would these be.

(3) Does the current contract include capital costs to provide green topped bins for garbage for new residences or to replace damaged (green-topped) bins and what are the costs per bin (broken down by operating costs and capital costs).

(4) Under the current contract, what is the average cost per dwelling of the present kerbside collection service of the green topped bin for garbage, and what would the cost per dwelling be for a reduced fortnightly service of the green topped bin for garbage.

Ms Gallagher: The answer to the member's question is as follows:

(1) Under the current contract provisions there are no clauses to allow for such a change.

(2) There is no provision within the current contract to change the frequency of the service. This cannot be quantified without negotiations being undertaken with the contractor.

(3) A capital cost of $38.39 is charged to TAMS for new bins plus a delivery cost of $11.00 for each new bin. Damaged bins are repaired and or replaced by the contractor at their cost.

(4) The 2012 average annual cost per dwelling of the kerbside collection is $40.96.This figure does not include ACT NOWaste contract management costs The cost per dwelling to reduce the delivery frequency of this service cannot be calculated for the reasons in (2) above.

ACTION bus service—Nightrider service—statistics (Question No 2298)

Ms Bresnan asked the Minister for Territory and Municipal Services, upon notice, on 3 May 2012:

Can the Minister provide any demographic data available on patrons utilising the Nightrider service.

Ms Gallagher: The answer to the member's question is as follows:

The only data available is patronage numbers collected by route indicating what area passengers were travelling to. Data for the 2011 service is at **Attachment A**.

As the Nightrider service was operated using a flat cash fare of $5 per trip, no alighting data is available.

Attachment A

Route Number	***Destination***	***Suburbs Covered***	***Total Patronage***
970	Gungahlin	City - Acton - Turner - O'Connor - Lyneham - Mitchell - Franklin - Palmerston - Nicholls - Ngunnawal - Casey - Gungahlin Market Place	**351**
971	Gungahlin	City - Braddon - Ainslie - Dickson - Hackett - Downer - Watson - Harrison - Gungahlin - Amaroo - Gungahlin Market Place - Bonner - Forde	**376**
972	Belconnen	City - Aranda - Cook - Macquarie - Jamison - Hawker - Weetangera - Scullin - Page - Holt - Kippax - Higgins - Latham - Macgregor - Emu Ridge - AIS - Bruce - Fernhill - University of Canberra	**332**
973	Belconnen	City - Giralang - Kaleen - McKellar - Evatt - Melba - Spence - Flynn - Fraser - Florey - Dunlop - Charnwood - Emu Ridge - AIS - Bruce - Fernhill - University of Canberra	**320**
974	South Canberra	City - Parkes - Barton - Kingston - Manuka - Griffith - Narrabundah - Red Hill - Forrest - Deakin - Yarralumla - Curtin - Hughes - Garran - Lyons - Phillip - Woden Town Centre	**422**
975	Weston/ Woden	City - All Weston Creek - Chifley - Pearce - Torrens - Mawson - Farrer - Isaacs - O'Malley - Phillip - Woden Town Centre	**298**
976	Tuggeranong	City - Kambah - Wanniassa - Erindale Centre - Monash - Oxley - Isabella Plains - Bonython - Greenway - Tuggeranong Town Centre	**304**
977	Tuggeranong	City - Fadden - Macarthur - Gowrie - Gilmore - Chisholm - Richardson - Calwell - Theodore - Conder - Banks - Gordon	**342**

ACTION bus service—articulated buses (Question No 2301)

Ms Bresnan asked the Minister for Territory and Municipal Services, upon notice, on 3 May 2012:

(1) What is the approximate cost for ACTION to purchase a (a) Scania Euro 5, (b) MAN Euro 5 bus, non-articulated and (c) Scania CNG buses.

(2) What is the total number of articulated buses in the ACTION fleet.

Ms Gallagher: The answer to the member's question is as follows:

(1) The approximate cost, including GST, is:
(a) Scania 14.5 metre Euro 5 bus: $590,000
(b) MAN 12.5 metre Euro 5 bus: $490,000
(c) Scania 12.5 metre CNG bus: $580,000.

(2) 33 (as at 30 April 2012).

Government—procurement exemptions (Question No 2321)

Mr Rattenbury asked the Attorney-General, upon notice, on 3 May 2012:

(1) Given that within the ACT Government Contracts Register the procurement process for the contract 1013 – Provision of CFO Services – Execution Date 14/3/2012 – Contract Value $179,560 (GST Inclusive) is recorded as single select, urgent and exempt from quotation and tender threshold requirements and with respect to value for money in procurement within the Justice and Community Safety Directorate in relation to the contract, how has the Directorate assured itself that value for money in accordance with subsection 22A of Part 2A of the *Government Procurement Act 2001* has been achieved.

(2) What were the reasons for not complying with subsection 6 of Part 2 of the *Government Procurement Regulation 2007* with respect to the procurement process.

(3) If the Director-General of the Directorate, in writing, exempted the organisation from complying with the requirements of subsection 6 of Part 2 of the *Government Procurement Regulation 2007*, what were the reasons for doing so.

(4) How did the Directorate assure itself that it met all relevant requirements of the ACT Government Procurement Policy Circular PC25: Select and Single Procurement for this procurement process.

Mr Corbell: The answer to the member's question is as follows:

The contract referred to in the Member's question relates to the Legal Aid Commission, not the Justice and Community Safety Directorate.

(1) The Directorate is not responsible for financial decisions of the Legal Aid Commission (the Commission). The Commission is an independent statutory agency and under the *Financial Management Act 1996* and the chief executive officer of the Commission is responsible for the financial management of the Commission and is the responsible chief executive officer for the purpose of the *Government Procurement Act 2001* and section 10 of the *Government Procurement Regulation 2007*. The chief executive officer was satisfied that the contract represented the best available procurement outcome having regard to the Commission's financial management and related needs at this time, market rates for similar services, and the cost of employing a CFO of comparable competence and experience.

(2) The chief executive officer of the Commission exercised his discretion in writing in accordance with Section 10 of the *ACT Government Procurement Regulation 2007* to

exempt the Commission from the requirement in section 6 having satisfied himself that the benefit of the exemption outweighed the benefit of compliance with the requirement.

(3) The grounds on which the chief executive officer of the Commission exercised discretion included the following:

a. Prior to the engagement of the current CFO the Commission had difficulty recruiting and retaining suitably qualified and experienced people to its Senior Officer level finance manager position. Over a period of four years the Commission employed five finance managers.

b. The current CFO was originally engaged following a competitive process to address urgent issues relating to deficiencies in the Commission's financial reporting referred to in the Auditor-General's 2009-10 Audit Management Report.

c. The Commission also wanted to assess whether contracting a part-time high calibre CFO would be a more cost-effective option than employing a full-time person at Senior Officer level.

d. The part-time contractual arrangement has been very satisfactory and enabled the Commission, as a small agency that ordinarily would be unable to attract or afford to employ a high calibre CFO, to derive financial management and other benefits from the arrangement at less than the cost of employing a full-time person.

e. Over the period of his engagement the CFO had acquired a detailed and specialist knowledge of the Commission and been closely involved in a number of business process improvement projects, including the Commission's online grants management system (eGrants). A change in CFO at this juncture would have delayed the progress of these projects and resulted in additional cost to the Commission. The cost of the new contract will be spread over 18 months.

When exempting the Commission from the requirements of section 6 of the *ACT Government Procurement Regulation 2007*, the chief executive officer stipulated that in the normal course of events competitive quotations should be sought in anticipation of the expiration of the current CFO's contract in September 2013.

(4) See answers to questions (1) to (3).

Water—drinking fountains (Question No 2333)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 3 May 2012:

(1) How many and what kind of drinking water fountains were installed in 2011-12.

(2) What was the cost per installed fountain.

(3) How many functional drinking water fountains are there in (a) all ACT town centres, (b) Civic, (c) sports and recreation sites and (d) other parks.

(4) How has the Government selected sites for drinking fountains.

(5) What other programs has the Government implemented to reduce waste from plastic bottles.

Ms Gallagher: The answer to the member's question is as follows:

(1) The Territory and Municipal Services (TAMS) Directorate has installed four drinking fountains in 2011-12. The types of fountains installed included Street and Garden Furniture 'Flipper FL001' and Commercial Systems Australia 'DF5041' models or similar.

(2) The cost per drinking fountain for installation and connections ranges from $4,500 up to approximately $8,000 depending upon the distance to achieve connection to mains water supply.

(3) The number of functional drinking fountains at the locations specified is:
(a) One (excludes town parks)
(b) Seven
(c) Nil
(d) 64 (includes town parks).

(4) The Government selects suitable sites along highly utilised recreational paths. Other locations with potential for high use are identified during consultations held as part of capital works upgrade projects. The location is also informed by the proximity to an existing town water supply.

(5) Other programs has the Government implemented to reduce waste from plastic bottles:

- Kerbside recycling facilitates the recovery of plastic bottles from ACT households. This system recovers approximately 75% of the beverage containers sold in the ACT.
- ACTSmart Office and ACTSmart Business programs facilitate the recovery of recyclables, including plastic bottles, from participating organisations. A list of participating organisations can be found at **http://www.actsmart.act.gov.au/your_business/actsmart_business_and_office_map**
- 37 public place recycling bins, installed in Civic in November 2011, enable the recovery of plastic bottles for this precinct.
- Every primary and secondary school in the ACT is now participating in the Australian Sustainable Schools Initiative (AuSSI). AuSSI schools encourage schools to use reusable bottles.
- The Education and Training Directorate is conducting a pilot drinking fountain program in five schools to be completed by the end of 2012.

Territory and Municipal Services Directorate—Ranger Guided Explore program (Question No 2317)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 3 May 2012:

(1) What is the budget allocation for the years 2011-12 to 2014-15 for the Ranger Guided Explore Program.

(2) What has been the received revenue from the program referred to in part (1) for each year since its inception.

Ms Gallagher: The answer to the member's question is as follows:

1) The Ranger Guided Explore Program does not have an allocated budget. The program is coordinated by the Community and Visitor Programs Unit within the Parks and Conservation Service division, and rangers conduct ranger guided activities as part of their duties.

2) Ranger guided activities are free of charge. However, Tidbinbilla Reserve has collected a total of $665 in the 2011-12 financial year to date. The revenue collected was through voluntary participation in activities to assist in the covering of costs of consumables.

Questions without notice taken on notice

Territory and Municipal Services Directorate—fire management unit

Ms Gallagher *(in reply to a supplementary question by Mr Seselja on Tuesday, 27 March 2012)*: There has been no independent review specifically undertaken in relation to the Fire Management Unit. Consulting firm LSI was engaged to review business processes and identify efficiencies within the Parks and Conservation Service and City Services branches of the Parks and City Services Division. The Fire Management Unit is a unit within the Parks and Conservation Service.

Red Hill reserve

Ms Gallagher *(in reply to a supplementary question by Mr Hanson on Wednesday, 9 May 2012)*: Territory and Municipal Services (TAMS) carries out regular maintenance in Red Hill Nature Reserve. Staff patrol parts of the nature reserve at least weekly and will be in the reserve more frequently depending on the works program for this area. Patrol routes change each time staff undertake these duties, to provide a comprehensive cover of the whole reserve over a period of weeks.
During the warmer months, mowing for fire fuel hazard reduction is undertaken along management trails and the majority of spraying for environmental weeds is completed.

In the course of delivering these activities, staff may identify illegal dumping or note the need to address damage to park furniture, such as signage or fencing.
The summit area is serviced by TAMS which involves cleaning of the public toilet and litter picking to clear the area of rubbish daily between Monday and Friday.

Alexander Maconochie Centre—identity bracelets

Dr Bourke *(in reply to a supplementary question by Mr Coe on Tuesday, 8 May 2012)*: I can advise the Assembly that in October 2011, all detainee RFID devices were removed. Staff duress alarm devices remain in place.

The decision to remove the detainee devices was made due to ongoing problems with the operation of the RFID system, including problems with battery life, which the private contractor has been unable to resolve to ACT Corrective Services' satisfaction since detainees were first received into the AMC in 2009.

The Territory is now in discussion with the provider to finalise the contract whilst ensuring that a staff duress system remains operational. Those discussions are at a mature stage.

Security of the AMC and detainee management has not been compromised. The RFID system has the capacity to enhance prisoner management, but is not the primary mechanism for this function. Normal prison operations (as occur in prisons throughout Australia), have been maintaining appropriate custodial standards to date and will continue to do so.