



# Debates

WEEKLY HANSARD  
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

7 JUNE 2012

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**Thursday, 7 June 2012**

**The Assembly met at 10 am.**

*(Quorum formed.)*

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

## **Leave of absence**

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

That leave of absence be granted to Mr Corbell for this sitting due to ministerial business interstate.

## **Petitions**

*The following petitions were lodged for presentation:*

### **Fitters Workshop—petitions Nos 135 and 136**

*By Mrs Dunne, from 225 residents, and by Ms Le Couteur, from 197 residents:*

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

This petition of certain residents of the Australian Capital Territory draws to the Assembly's attention to the recommendations of the Standing Committee on Education, Training and Youth Affairs *Inquiry into the Future Use of the Fitters' Workshop* that:

- the Fitters' Workshop be used as a multi-use arts and performance venue;
- the government suspend its decision to make the Fitters' Workshop, Kingston a print studio to allow the current master planning process underway for the Kingston Arts Precinct to be reopened incorporating the Fitters' Workshop as a multi-use arts and performance venue;
- the current decision to convert the Fitters' Workshop for Megalo Print Studio be reconsidered and that immediate steps be taken to identify an alternative site for a purpose-built building at the Kingston Arts Precinct;
- the funding made available for the conversion of the Fitters' Workshop be retained for funding the construction of the purpose-built building for Megalo at the Kingston Arts Precinct and applied for that purpose.

**Your petitioners therefore request the Assembly to request the ACT government to accept and act on these recommendations forthwith.**

*The Clerk having announced that the terms of the petitions would be recorded in Hansard and referred to the appropriate ministers for response pursuant to standing order 100, the petitions were received.*

## **ACT Supermarket Competition Policy—Select Committee Reporting date**

Motion (by **Ms Le Couteur**), by leave, agreed to:

That the resolution of the Assembly of 22 September 2011, as amended 29 March 2012, relating to the referral of the ACT Supermarket Competition Policy to a select committee for inquiry and report be amended by omitting the words “by the last sitting week in June 2012” and substituting “by the last sitting day in August 2012” and by inserting a new paragraph (4A):

“(4A) if the Assembly is not sitting when the report is completed the Speaker, or, in the absence of the Speaker, the Deputy Speaker, is authorised to give directions for its printing, publication and circulation;”.

## **Election Commitments Costing Bill 2011 Exposure Draft— Select Committee Report**

**MR SMYTH** (Brindabella) (10.04): Pursuant to the order of the Assembly of 17 November 2011, as amended on 29 March and 9 May 2012, I present the following report:

Election Commitments Costing Bill 2011 Exposure Draft—Select Committee—  
Report—*Inquiry into Election Commitments Costing Bill 2011 Exposure Draft*,  
dated 6 June 2012, together with the relevant minutes of proceedings.

I move:

That the report be noted.

Mr Speaker, I am very pleased to present the report of the Select Committee on the Elections Commitments Costing Bill 2011 Exposure Draft. We have been deliberating on this relatively important matter in what I think has been quite a short time frame. It did tend to be a little bit longer than we had first anticipated. Some of that was just the normal routine of making sure we could get it into members' diaries as well as being able to arrange for suitable individuals to come and present evidence to the committee. I would like to start by thanking my colleagues Mr Barr and Mr Rattenbury for their contributions and acknowledging the work of our secretary, Mr Snedden, and his colleagues who supported us in this endeavour.

This was the trial of a collaborative committee system for the Assembly. For me personally at moments it was quite weird to be sitting there with one person who had not just an intimate knowledge of the bill but the backup of Treasury officials and



then at stages having officials and federal public servants appearing and speaking with us. It was like some of that negotiation that you have before a bill actually appears rather than a standard committee hearing. People will, I guess, judge us on the output. I hope that people read the report. It is important that we get costings in the lead-up to any election right.

The inquiry required us to consider some quite complex matters, matters that are changing around the country. The federal government, for the interest of members, is in the process of introducing a federal parliamentary budget officer who will look at these matters. New South Wales have just finished a review of their parliamentary budget officer and have suggested that they go back to the function of costings for the purpose of elections. It is an interesting and quite complex area and we were very lucky to have officials, particularly from the federal parliament, address us.

Much of the inquiry was relatively straightforward. Indeed, the committee suggested that an election costings process broadly along the lines suggested in the exposure draft be implemented. The original chair's draft had a couple of extra chapters that some members did not agree to. Those extra chapters, of course, were from me and looked at having a parliamentary budget officer that combined the functions.

As members would be aware, at each estimates now the estimates committee gets some assistance with the technical and economic matters of the budget. I saw that there was scope to morph that slightly, particularly in election years, into a longer period. That individual could be briefed on the budget and stay on board as a de facto parliamentary budget officer and continue to brief members in the lead-up to the election. Unfortunately, my colleagues did not see the wisdom of that. When we see the bill that the minister will no doubt table at some stage that might be something we can consider after this Assembly.

There were some significant issues and they are set out in the relevant recommendations, of which there are 12. These include our recommendation that the pre-election period apply from the day after the last sitting day of the Assembly until the new government is formed. I think the recommendation that there be no fees charged for any costings activities undertaken is significant.

Some of the more contentious issues that we worked through were the nature of the draft guidelines. Rather than keep talking about the draft bill, I will talk about the guidelines and the bill. We decided that a portion of the draft guidelines dealt with matters of principle and not of administration. To this extent, therefore, we have suggested a number of deletions from the draft guidelines and, as necessary, the inclusion of matters of principle in the bill.

I emphasise that the guidelines must only deal with administrative matters and not with matters of principle. Therefore, we were concerned about the way in which information on the costings would be dealt with by the Treasury. Section 9 of the bill would require that Treasury make costings publicly available as a statement of principle. That is satisfactory as far as it goes, but the issue we came up against then was the proposals in the draft guidelines relating to the actual mechanics of providing this information. The committee did not agree with the example that the Treasury

should release publicly details of requests before that policy was publicly released by the proposer of the policy. The committee was of the view that a request to cost a possible policy should remain confidential to the proposer of that policy until such time as the proposer decided to release that policy.

The recommendations then go through the various clauses. For instance, we have recommended that clause 11 not be proceeded with. That is the clause that looked at charging a fee. We recommended that clause 9 be amended to make election commitments exempt from freedom of information legislation and, for clarity and certainty, that this material is not to be released at the direction of government or under any other process until after the government is formed. If you put something out, somebody could immediately FOI it and then get the material before the election was held.

There are some safeguards that we have put in. For instance, in recommendation 8 the committee recommends that the provisions on page 5 of the guidelines which read “this does not preclude the government of the day requesting factual material” be deleted because they should not be requesting material about what others have asked for. In recommendations 9 and 10 we have made it quite clear that, unless the minister is the actual requester of the costing, the minister must not request information from the Under Treasurer or any official public servant or officer about that costing. Recommendation 10 says that no public service officer should inform the Treasurer or any minister about what is in the detail, just to make sure that it is covered off both ways.

The committee also recommended that part 4 of the draft guidelines relating to the process following the release of costings be amended. Once it has been released, the costing starts. Part 4 allowed only three hours in which it would come from Treasury, go back and then be released. We recommend that that be at least 24 hours. There were examples in the election four years ago where the debate between members and Treasury officials lasted, in some cases, for some days. So three hours is certainly inadequate.

This is an interesting area. It is a report, of course, that is based on the draft bill. We would hope that the government would take on board these recommendations, particularly as the minister has sat in on all the hearings and the discussions, and as it is going forward as a unanimous report.

What will happen now is that the government will have to come back and table a bill. Because we have taken a little longer than we suspected we would, the next opportunity for tabling a bill will be in August. That will mean at some stage, I suspect, the suspension of standing orders if the government chooses to proceed. With that said, it is probably better if people read the report and look at the recommendations in detail and the context in which they are written.

**MR RATTENBURY** (Molonglo) (10.12): I will just add briefly to Mr Smyth’s comments. I think he has made a good summary of the committee process, and I thank him for that. The committee process itself was an interesting one. As Mr Smyth noted, this was the first time we have used this collaborative committee model. I think that it

is worth reflecting that the model did work, oddly, in the sense that we were able to focus on the very specific piece of legislation. On reflection, this style probably only works around a specific piece of legislation because we were able to work on the specifics. With the three parties represented in the room, we were able to nut through the details, I think.

Having the ability to bring in some of the officials—in this case from the commonwealth, some external experts and the departmental officials from the ACT—gave us the ability to work on the bill in quite a deliberate way. As a result of the committee's report—where we have, I guess, understood each other clearly and been able to find the common ground—the bill should now go through the Assembly in quite a quick and orderly manner. That is the advantage of the approach we have taken here.

I am not sure if it would work on more open-ended inquiries. Having the minister on the committee with the ability to make decisions around some of the issues that were raised was quite positive as well. Just as a reflection on that model, I think it does have that specific use for the future. Whether it has a broader application I am somewhat more doubtful. In terms of the specifics of the inquiry, as Mr Smyth noted, ultimately the committee has supported the broad intent of the legislation with some adjustments.

There are a couple of important points which I will just highlight. The first is under recommendation 1. I think this was, again, accepted comfortably by all members of the committee. It is the idea that, as we bring this system into place, we need to do our best to set it up to work in the sense of Treasury, in particular, being made available to the non-government parties to perhaps brief them at the start of the process on assumptions, expectations and the like so that a positive relationship is built up and we do not end up with the situation, once the costings are underway, of perhaps public arguments about methodology and the like. I think it is in everybody's interests to have that clear sense of how it works and what the assumptions are. For my mind, a particularly important part of it is actually having that discussion at the beginning and briefing the relevant individuals in the party groupings as to how the system is going to work. I appreciate the Treasurer's support in indicating his willingness for Treasury staff to be made available for that.

There was quite some discussion about what role the minister has in this process and the like. Again, I think we have found a positive way forward there in observing that. We want Treasury officials to be able to operate almost in a little bubble on this one. They are obviously still ultimately responsible to the minister, but I think the recommendations around the minister having a different relationship in relation to this matter from what he would normally with the department is a good distinction that has been drawn out. Again, I think it clarifies the intent of how the system should operate. Outside of that, I am obviously very supportive of the recommendations. I appreciate the support of the committee while I was away in terms of continuing to work through this process and the flexibility there.

I did want to comment briefly on the parliamentary budget officer, which Mr Smyth particularly talked about. Of course, I was on the administration and procedures

committee which looked into this issue earlier in the term. The struggle we face in the ACT is the practical one of scale, of funding a PBO of a sufficient scale with sufficient expertise. Certainly, the comparison with the commonwealth model, which is a multimillion dollar a year operation, does create a point of reflection for us. Of course, I think it would be very nice. Certainly, the administration and procedures committee earlier in the term found that, as desirable as that would be, the cost and the scale made it very difficult. I think that is something we will have to continue to consider in the future. We have, of course, gone down the path of having a specific adviser for the estimates process. Whether we can think through and design something that would work more broadly on costings is an issue for further consideration. I think it is an attractive idea, but the practicalities of it remain the challenge.

I would simply like to conclude by thanking my fellow committee members, Mr Smyth and Mr Barr. It was an interesting discussion. I also acknowledge the support of the Secretariat, the committee staff and particularly those experts that came in externally and joined us in some discussions. It was most interesting to have a roundtable with a couple of Treasury officials and John Warhurst, the political scientist. We started off in a traditional committee way of us asking a lot of questions but then we started having the officials asking each other questions and the discussion going on. I found that a very useful process as well. I too commend the report to the Assembly.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.18): I concur with the comments of both the chair and Mr Rattenbury in relation to this exercise. I think ultimately it has proved to be a very useful one. In the context of the Assembly considering whether to adopt this process in the future, I hope this exercise would indicate that in certain circumstances around specific pieces of legislation or specific tasks there is some merit in this process.

Certainly at times it had its challenges around what information I felt as minister I could share with officials. I think that if we are to continue this process in future Assemblies then we may need to seek some further clarification around the extent to which there are levels of committee confidentiality and otherwise. Ultimately, I think it has served a useful purpose.

I would like to thank the chair and you, Mr Speaker, for the way you approached the task. Obviously there were some areas of disagreement through the process but we did work those out effectively. I think in the end we have got a good result. As Mr Smyth indicated in his contribution, the approach from here will be for me to make some changes to the exposure draft legislation. Our aim is to circulate that as early as possible in advance of the August sitting.

I hope that everyone will agree with the changes that we make, that they are obviously consistent with the recommendations contained in the report and that that will allow the smooth passage of the legislation in the August sittings. Having said that, I too would like to thank the Secretariat for their work on the report and commend it to the Assembly.

Question resolved in the affirmative.

## **Health—dental health waiting times**

### **Statement by minister**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation), by leave: Pursuant to a resolution of the Assembly of 2 May 2012, and on behalf of the Chief Minister, I am providing an update to the Assembly explaining reasons why the mean waiting time for adults for ACT Health's dental services is 12 months.

The Health Directorate accountability indicator target for the mean waiting time for adult clients on the dental services waiting list is 12 months. This target has been met over several years and continues to be met with the April 2012 year to date mean waiting time of 11.91 months. This target is set at 12 months but it is important to note that the 12-month waiting period refers to clients who are suffering no obvious dental symptoms. Patients suffering from dental symptoms are assessed by the dental health program's triage system, with all clients triaged as an emergency seen within 24 hours.

This target is set at 12 months for clients requiring routine dental treatment. For people with urgent needs or requiring targeted care, dental treatment time frames are individually assessed and access is based on clinical need. In addition, clients clinically assessed with dental conditions which affect their general health and wellbeing are exempt from waiting on the public list. In child and youth public dentistry, clients are placed on a recall system determined specifically for each client based on a risk assessment. This recall can range from six to 18 months.

The adult dental program has historically used standard waiting lists in the same way as other jurisdictions. The dental health program has been investigating a recall system for adults. Evidence suggests that recalls can range from six to 24 months based on their oral health status. Moving public dentistry in the ACT towards a preventative and clinically effective approach to oral health requires funding, workforce and infrastructure, but would help improve the overall health status of low income clients.

The dental health program also has a range of memorandums of understanding with external stakeholders which facilitate clients with a high dental clinical need being seen with little or no waiting time. These access pathways relate to homeless people, new refugees, clients participating in drug and alcohol rehabilitation, clients of the Winnunga Nimmityjah health service, and clients with disabilities and some chronic conditions. Recall interventions are initiated for particular client groups resulting in a preventative focused oral health service rather than a reactive service.

There are many reasons for the mean waiting time for dental treatment to be 12 months. Dentistry is a very labour intensive part of the healthcare system and to fulfil the needs of the population there is a requirement for a steady flow of new graduates. Workforce shortages have been experienced in dentistry for many years, with the number of new graduates falling short of the demand. This has placed significant pressure on the public sector in competing with the private sector for available staff.

This pressure has been recognised by the Australian government and a number of new dental schools have been created to address this shortfall. The new graduate program introduced by the Australian government will fund the placement of first-year dental graduates in public sector dental services from 2013. The Australian government outlined a proposal in the 2012-13 budget that will extend this scheme to include oral health therapists. I am pleased to inform the Assembly that the dental health program in the ACT has been active in this new graduate program since its inception and expects to host the first participants in this scheme. These graduates will be a welcome additional workforce for the public sector.

Historically, clinical space availability has also created limitations. In the 2008-09 budget the ACT government marked the beginning of a 10-year redevelopment of health infrastructure. In the near future ACT dental infrastructure will increase in capacity in order to meet future demand. This will see a six-dental-chair clinic in the new Gungahlin community health centre and an 11-dental-chair clinic in the new Belconnen community health centre in 2013.

I am pleased to remind the Assembly that the dental health program introduced dentistry student placements in 2010. The students provided many opportunities for improved recruitment strategies and promoting a learning culture within the program. The dental health program was successful in obtaining additional funding through Health Workforce Australia to increase student clinical placement capacity, to refurbish an existing dental clinic in the Civic health centre and to build an additional clinic. The growth of student placements within the public dental program is a positive step towards recruiting new graduates to public dentistry in the territory.

In the recent Australian government budget announcements, significant funding has been allocated to public dentistry, including \$345.9 million over three years to alleviate pressures on public dental waiting lists. This budget announcement is welcomed and we look forward to discussions at the intergovernmental level on a model of care to improve timely access to public dental services in the ACT.

I thank the Speaker for allowing me the opportunity on behalf of the Chief Minister to address this important aspect of public dentistry in the territory.

## **Roads—traffic calming**

### **Statement by minister**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation), by leave: On behalf of the Chief Minister I wish to make a statement regarding traffic calming measures in Fadden, Macarthur and Richardson, pursuant to the resolution of the Assembly on 2 May. In its resolution of 2 May 2012 in relation to Fadden traffic calming measures, the Assembly called on the government to “report on measures taken by the last day of the June 2012 sitting week”. So I am responding on behalf of the Chief Minister to that part of the resolution.

In response to the Assembly's motion, the Chief Minister has asked TAMS to include both Coyne Street and Clift Crescent in the residential street improvement program for 2012-13. These two streets will be added to the three streets that had already been identified as priorities for attention using the traffic warrant system. The result of this is that TAMS is progressing the technical assessments and public consultations for five residential streets as part of the 2012-13 residential street improvements program.

The five streets in this program are Hambridge Crescent in Gilmore and Chisholm, Heagney Crescent in Richardson, Streeton Drive in Rivett and Holder, Coyne Street in Fadden and Clift Crescent in Richardson. This is a large program of work and will take some time to be completed given the necessary technical assessments and public consultation requirements before a case can be put to government to secure funding for the implementation of traffic calming treatments.

On behalf of the Chief Minister, I outline the indicative time frame for TAMS to progress the 2012-13 residential street improvements program. In July 2012 Roads ACT will commission an additional technical report for each street. In August-September 2012 Roads ACT will undertake initial public consultation, providing residents of each street with the opportunity to have their say about traffic issues on their streets. In September 2012 a business case will be developed for any works that can be progressed as part of the 2013-14 program without extensive design and where there is public support.

Between October 2012 and May 2013, detailed technical assessments will be undertaken where required on traffic calming options developments, and project costing. Further opportunity for public consultation and feedback will be provided on options. In June 2013 a final technical report will be provided to obtain public sign off on options and staging. In July 2013 the implementation of the 2013-14 residential street improvement works program commences. September 2013 will see the development of a business case for implementation in 2014-15 of the first stage of works in each street where required.

December 2013 will see the completion of the 2013-14 residential street improvement program. July 2014 will see implementation, as part of the 2014-15 residential street program, of the initial stage of traffic calming measures at each street where required. December 2014 will see completion of the initial stage of traffic calming measures at each street where required as part of the 2014-15 residential street program.

As members can see, this is an extensive program of work but it is important that it is developed properly and that residents are provided the opportunity to have their say and have a reasonable input into the process. The time line also shows that there is no easy fix to complex issues such as residential street improvements, including safety aspects. This was acknowledged in the 1999 committee report on warrants for traffic calming measures which included:

The committee considers it is important to have a robust, well-founded and transparent system of evaluation and assessment used in conjunction with the application of experience and traffic engineering judgment.

The committee's report of November 1999 is still relevant today and it is interesting to note that under the heading of "Importance of the issue" the committee wrote:

The issue of traffic management in Canberra suburbs is becoming increasingly important. Groups involved often have divergent views as to the problem and, indeed, to the solution. Questions of traffic management, especially in residential areas, are complex and require an agreed set of guidelines for investigation and assessment.

In addition it is important that different projects are able to be compared with each other in order to establish priorities.

It is worth repeating that sentence:

... it is important that different projects are able to be compared with each other in order to establish priorities.

Unfortunately, this appears not to have been the case with the resolution last month. Up to that point, TAMS and its predecessor departments had been working on a "robust, well-founded and transparent system" and have ranked priority works within their available budget.

The timetable I have outlined for both the Fadden traffic calming measures and those items that are already on the program reaffirms the need for a system that evaluates the issues using engineering and technical expertise, proposes options based on this expertise, provides for community input, gets assessed against the many other priorities across Canberra and is programmed within the traffic calming measure program.

This process shows that we need to adopt a principle of evidence-based decision making based on expert assessment and agreed criteria in decisions to prioritise not only traffic calming measures but municipal services generally.

## **Budget—corrigendum**

### **Statement by minister**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation), by leave: I present the following paper that presents a summary of misprints identified post publication of the 2012-13 budget papers:

Budget 2012-2013—Financial Management Act, pursuant to section 10—Budget Paper No 4—Amended copies of balance sheets and statements of changes in equity for the Cultural Facilities Corporation, Exhibition Park Corporation and Public Trustee for the ACT.

During the publication process the balance sheet and statement of changes in equity for the following agencies returned zero values: Cultural Facilities Corporation, Exhibition Park Corporation and the Public Trustee for the ACT. This file provides the corrected copy of these statements, and the full corrected version of the agency



2012-13 budget chapter can be found on the budget website, which is a page of the Treasury website. These corrections do not have any impact on the consolidated financial statements for the territory or the Appropriation Bill 2012-2013.

## **Public Interest Disclosure Bill 2012**

**Mr Barr**, on behalf of **Ms Gallagher**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.34): On behalf of the Chief Minister, I move:

That this bill be agreed to in principle.

I am pleased to present the Public Interest Disclosure Bill 2012. This bill plays a major role in the ACT public sector integrity framework that has been discussed in the Assembly recently.

The bill establishes public interest disclosures, or PIDs, as a form of complaint, and provides protections to the people—sometimes called whistleblowers—who make PIDs. The bill facilitates the disclosure of suspected wrongdoing in the ACT public sector. It outlines an administrative framework for the management of PIDs and provides legal protection to people who blow the whistle on public sector wrongdoing. The bill respects the strength of character required by people to make PIDs, acknowledges the resources that should be devoted to investigating and responding to PIDs and grants all those associated with the investigation the procedural fairness that they deserve.

In 2005-06 a review of the Public Interest Disclosure Act 1994 was undertaken and replacement legislation was introduced. However, that bill lapsed with the dissolution of the Sixth Assembly because, before it was debated, a national collaborative research project looking at whistleblowing behaviour was announced. The government saw the value of the project and gladly contributed to the early stages of the study. The team of researchers from across Australia, led by Professor AJ Brown and his team at Griffith University, undertook what has been called the most comprehensive study of whistleblowing ever conducted. The bill I am presenting on behalf of the Chief Minister today draws heavily on the findings of the whistling while they work team.

Late last year an exposure draft of this bill was released for public comment. We received four submissions. Each was supportive of improving the territory's public interest disclosure laws, and each enhanced the bill that I present today. On behalf of the Chief Minister, I would like to thank the Ombudsman, the CPSU and the ACT Greens for their input. I would like to give particular thanks to Professor Brown and his colleagues who have contributed a great deal to the final shape of this bill.

The bill is broken into sections that focus in turn on the scope, procedures and protections. The scoping section sets the jurisdiction of the bill, or, in other words, the “who”, the “what”, and the “how”. In terms of the “who”, anyone may make a disclosure. Unlike other jurisdictions, the bill allows anyone who observes wrongdoing in the public sector to make a disclosure. This reflects the proximity of the Canberra community to the services provided by government.

In terms of the “what”, a disclosure must be about public sector conduct. Anything that could constitute misconduct, maladministration or criminal activity qualifies. Things that threaten the health or safety of the community or environment also qualify. Public sector entities captured under the bill include directorates, authorities, corporations, commissions, MLAs and the Office of the Legislative Assembly. Essentially, any organisation performing a public function or expending government resources, including those acting on behalf of government like contractors, community partners and volunteers, will be covered by the legislation.

In terms of “how” a public interest disclosure can be made, the bill recognises government’s responsibility to facilitate the reporting of wrongdoing. The bill not only provides formal channels for making a PID through specific disclosure officers, but also provides a no wrong door approach. This means that a disclosure made to certain people who are not disclosure officers, like a person’s supervisor, will still be captured by the legislation. The bill also allows for an inadvertent PID to be made. This would occur when the discloser does not intentionally make a PID but nevertheless presents information that may constitute a PID.

There is a consequent responsibility on those making disclosures to do so in good faith. The bill clarifies that where a person makes a disclosure that they know is false or misleading, they will not be afforded legislative protection.

The second part of the bill deals with administrative responsibilities and specifies key roles for certain people in the PID framework. The Commissioner for Public Administration is given the oversight responsibility that is central to effective public interest disclosure regimes. The Ombudsman and the Auditor-General have powers to receive and investigate disclosures. The Head of Service is responsible for investigating most disclosures that relate to ACT public service entities. And heads of public service entities are given a range of responsibilities and powers to ensure fair and robust processes are carried out.

The third section of the bill provides an avenue for disclosure to members of this Assembly and journalists. This is a supplementary avenue for when a genuine PID is made and the responsible entity fails to take reasonable or timely action. Even though this is relatively new for Australian disclosure laws, the idea dates from 1994, when the commonwealth parliament Senate Select Committee on Public Interest Whistleblowing recommended the creation of a two-stage process for internal and external disclosures which would protect disclosures to the media. The bill extends this concept to cover disclosures to parliamentary members. In doing so, the bill sets strict conventions about when a report to an MLA or journalist will be covered by the legislation. This section of the bill is an avenue of last resort when there is a

widespread failure of internal systems, preventing a disclosure from being properly dealt with, or where the corruption is so entrenched that there is no chance that an external disclosure will be taken up and investigated. Protections are only afforded to external disclosures if the disclosure is believed to be substantially true.

The fourth section of the bill deals with the protections available to disclosers once they bring wrongdoing to light. The bill aims to prevent a situation where a discloser suffers adverse outcomes following making a disclosure. Protection from legal liability is provided so that a person will not be criminally or civilly liable for anything said or done in bringing forth a public interest disclosure. Where a discloser suffers the kinds of detriment described, they may seek compensation for their loss from a court of competent jurisdiction.

The government recognises that a court process can be daunting for an individual, and we will be continuing to look into less stressful compensatory measures. In the meantime, the bill retains the ability for a person making a PID to go to the Supreme Court with some improvements. In particular, experience has shown that the effective application of civil law remedies and compensatory arrangements depends, to a large extent, on the willingness of an organisation to prosecute a case on an individual's behalf. Accordingly, the bill contains a power for the Commissioner for Public Administration, as an oversight entity, to take action on behalf of, and for the benefit of, a discloser who suffers detriment as a result of making their disclosure.

As I have said, the bill is a central aspect of the renewed integrity framework for the ACT public sector. A robust whistleblowing regime is a good indicator of the ethical tone of public sector organisations and I suspect that with the introduction of this bill we are raising the tone of the ACT public service. It demonstrates the government's willingness to engage with these issues, to seek remedies to identified problems and support appropriate scrutiny of the work of government. I am confident that the bill that I present today represents best practice in relation to public interest disclosure laws for the public sector.

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

## **Health (National Health Funding Pool and Administration) Bill 2012**

**Mr Barr**, on behalf of **Ms Gallagher**, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.44): I move:

That this bill be agreed to in principle.

On behalf of the Chief Minister, I present to the Assembly today the Health (National Health Funding Pool and Administration) Bill 2012 which will give effect to the

funding arrangements set out in the national health reform agreement, the NHRA, as agreed by the Council of Australian Governments in August 2011.

The bill will establish for the ACT the national health funding pool, the administrator of that pool and a territory-managed fund for the purposes of receiving funding for ACT public hospital services.

The bill also provides for the establishment of a new entity under the Financial Management Act 1996 to be under the direction of the Director-General of the ACT Health Directorate which will ensure appropriate accountability and transparency of funds received by the ACT local hospital network from the territory-managed fund and from the national health funding pool.

To provide the Assembly with some background, at the 13 February 2011 COAG meeting, all jurisdictions signed a heads of agreement providing for further reform of the national healthcare system. The heads of agreement modified various sections of the national health and hospitals network agreement, which was agreed to by COAG—with the exception of Western Australia—in April 2010. The heads of agreement committed the parties to finalising a national health reform agreement.

In August 2011 COAG agreed to the national health reform agreement, or the NHRA. The NHRA gives effect to the commitment made by COAG in the heads of agreement and, in doing so, the NHRA supersedes the national health and hospitals network agreement.

Under the NHRA all states and territories will receive additional commonwealth funding for public hospitals and no state or territory will be worse off in the short or long term. This is because the states and territories will continue to receive at least the amount of funding they would have under the former national healthcare arrangements.

The NHRA represents a major step forward in addressing changing and growing healthcare needs, nationally and here in the ACT, as well as providing substantial future increases in commonwealth funding for the ACT.

My Treasury Directorate estimates that the NHRA will provide the ACT with an additional \$260 million in commonwealth health funding over the period 2014-15 to 2019-20.

Over the longer term, the commonwealth will contribute to efficient growth funding for public hospitals, contributing 45 per cent in 2014-15, increasing to 50 per cent in 2017-18. This means that beyond 2017-18, the commonwealth will contribute 50 per cent of the cost of increases in the efficient cost of providing public hospital services and growth in demand. This provides a sustainable funding base for the ACT public hospital system in the long term.

Significantly, the NHRA reforms the federal financial arrangements between the commonwealth and territory governments in relation to public hospital funding. Central to these arrangements, enabling legislation needs to be developed nationally

that will establish a national health funding pool through which all public hospital funding derived from the commonwealth government must flow. This legislation also needs to establish an administrator of the national health funding pool.

The bill presented today provides for these arrangements, and is focused on establishing for the ACT the structures necessary to allow commonwealth growth funding for public hospital services to flow to the territory in the future.

As I said, this bill will establish for the ACT the national health funding pool and the administrator of that pool. In addition, the bill provides for a territory-managed fund for the purposes of receiving funding for block grants and a new directorate which will be established under the Financial Management Act 1996, to be under the direction of the Director-General of the ACT Health Directorate.

Establishing a new directorate under the Financial Management Act will ensure appropriate accountability and transparency of funds received by the ACT from the national health funding pool.

This bill not only establishes the mechanisms to allow commonwealth growth funding to flow in the future but it also delivers unprecedented transparency and accountability for public hospital funding. National health funding pool accounts, for example, will be audited and have complete transparency in reporting and accounting.

This bill provides for the ACT's participation in a national scheme that will reform how public hospitals are funded in the future. In developing this legislation, COAG established the Health Reform Implementation Group, made up of senior officials of each jurisdiction and chaired by the commonwealth Department of the Prime Minister and Cabinet, to provide national oversight to the implementation of the NHRA.

This group has led a collaborative process of drafting common national provisions to be enacted in each state and territory that give effect to the provisions in the NHRA for the establishment of the national health funding pool and body and the administrator of that pool.

The Parliamentary Counsel's Committee, the PCC, drafted the common national provisions of the legislation, and the Health (National Health Funding Pool and Administration) Bill 2012 presented today reflects these common national provisions being enacted around the country.

The Health (National Health Funding Pool and Administration) Bill 2012 presented today provides for the following:

- a. adoption of the common national provisions as drafted by PCC;
- b. necessary consequential amendments arising out of the adoption of the common national provisions, including the disapplication of certain ACT legislation;
- c. establishment of a Reserve Bank of Australia account for the ACT—which will form part of the national health funding pool;

- d. establishment of a territory-managed fund/account for the purposes of receiving block funding;
- e. establishment of a new directorate under the FMA to be under the direction of the Director-General of the ACT Health Directorate, to ensure appropriate accountability and transparency of funds received by the ACT.

In regard to the national health funding pool, the following reporting arrangements have been agreed:

- a. the administrator for the commonwealth will prepare an amalgamated set of financial statements for all states and territories;
- b. the format, structure and content of these amalgamated financial statements will be determined by the administrative rules;
- c. the financial statement for the ACT will be audited by the ACT Auditor-General;
- d. the administrator for the ACT will have access to all required information for reporting purposes and will prepare the ACT's financial statements based on this information. In addition the administrator for the commonwealth will also rely on the audited financial statements prepared by the state and territory administrators in order to prepare the amalgamated financial statements.

In regard to the state and territory pool accounts each jurisdiction will prepare financial statements for their state and territory pool accounts as per their normal requirements which will be audited by the relevant state or territory Auditor-General.

This bill forms a critical component of the suite of national reforms being delivered under the NHRA that represent a major step forward in addressing the changing and growing healthcare needs, both nationally and for the ACT, as well as providing substantial future increases in commonwealth funding for the territory.

This bill provides an important reform and delivers significant financial benefit to the territory for the provision of public hospitals services. I commend the bill to the Assembly.

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

## **Orders of the day—postponement**

*Ordered that orders of the day Nos 1 and 2, Assembly business, be postponed until the next day of sitting.*

## **Fitters Workshop**

**MRS DUNNE** (Ginninderra): I seek leave to move the motion circulated in my name in relation to report No 8 of the Standing Committee on Education, Training and Youth Affairs, *Future use of the Fitters' Workshop, Kingston*.

Leave not granted.

## **Standing and temporary orders—suspension**

**MRS DUNNE** (Ginninderra) (10.55):

I move:

That so much of the standing orders be suspended as would prevent Mrs Dunne from moving a motion regarding Report 8 of the Standing Committee on Education, Training and Youth Affairs on the future use of the Fitters' Workshop, Kingston and the Government response.

The Canberra Liberals believe that the government's treatment of the issues outlined in report No 8 of the standing committee into the future of the Fitters Workshop has been badly dealt with and needs to be brought to the attention of this Assembly as a matter of urgency. This is the last day that the Assembly has to deal with this, and it is a matter that needs to be dealt with for the benefit of the community. To respect the views of the community, it needs to be dealt with today. The appropriate time to deal with it, because it refers to the report of the standing committee which is still on the notice paper, is in Assembly business.

After I discussed this with my colleagues, I circulated this information to members. I discussed it with Ms Le Couteur, and Ms Le Couteur said that although the Greens were keen to debate this issue they wished to debate it later in the day. I had a discussion with Ms Le Couteur and I said I agreed that perhaps we should finalise this later in the day and give people some time to contemplate it but because this was essentially Assembly business I would like to move the motion now so that I could speak on the motion and then I would be happy for it to be adjourned until a later hour this day.

This is an important issue for the people of Canberra. This is probably one of the most controversial issues that I have dealt with in my time in this Assembly, certainly the one that has caused the most public contribution to the debate in this term of the Legislative Assembly. And I believe that the underhanded approach of the minister in trying to bring in her complete condemnation of the work of the standing committee, under cover of the budget, was unseemly and wrong. I think this needs to be addressed in the clear light of day.

This is the time to do it. We are debating Assembly business. This is the time to do it. We are debating a matter which is on the notice paper, a report of the standing committee, which has been adjourned by Minister Burch. It is there on the notice paper. This is the time to do it. The people of the ACT are appalled by this minister, appalled by her performance.

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

**MR SPEAKER:** One moment. Stop the clock, thank you.

**Mr Hargreaves:** I am happy to have Mrs Dunne explain to us why we should suspend standing orders but not to prosecute the debate which she would otherwise be prosecuting later.

**MRS DUNNE:** I think, with one sentence, it is very hard for Mr Hargreaves to work out whether I am prosecuting the issue. I said that the community was appalled by this minister and I was going to go on to make the point why we should be debating this now, to reinforce the point that I had been making about why we should be debating this now.

**MR SPEAKER:** On the point of order, Mrs Dunne, let us keep to the procedural side of why this needs to be brought on today, thank you.

**MRS DUNNE:** As I have said before, this is the time to debate it. We are in Assembly business. We discussed this in the party room today. I thank my colleagues for the support that they have shown me and the ACT community by agreeing that this motion should be brought forward. I thank my colleagues for their confidence in me and the community on this matter.

There is no doubt that this is a matter which is close to the heart of many members of this Assembly. I believe that we had a way forward and an agreement with Ms Le Couteur about how we would deal with this. The understanding I took from my discussions with Ms Le Couteur was that it was the wish of the Greens to debate and finalise this debate later in the day, and as a counter offer I put that we should start the debate today, that I should make my introductory comments and then I would agree to an adjournment to a later hour this day.

I made that agreement with Ms Le Couteur just as the bells were ringing at about 10 o'clock. I understand that, by the time my senior staffer had returned to his office, his phone was ringing to say that the Greens had thought better of that. I think that is the land speed record in terms of the Greens going back on a commitment. You cannot negotiate with the Greens.

The Greens make agreements all the time: "Yes we will go down this path." I have had experience with the Greens changing their mind on issues before, on a regular basis, but never so fast. In the less than one-minute walk from Ms Le Couteur's office to mine they had changed their mind. I hope that the Greens do not go back on their commitment today because they will be sending a very strong message to the community that they will go back on the commitment they made to start the debate now.

**Mr Hargreaves:** On a point of order, Mrs Dunne is prosecuting the argument and she should stick to the reasons why we should suspend standing orders.

**MRS DUNNE:** I am speaking on why we should suspend standing orders because it goes to the agreement that I made with the Greens this morning about how we should deal with this matter. And if the Greens go back on their commitment now, they are sending a very strong message that what they say in Assembly committee reports will not be borne out in this place. They will not stick by the people who make recommendations in Assembly committee reports and bring them to fruition in this place, for the good of the community. That is why we need to debate this now.



**MR HARGREAVES** (Brindabella) (11.01): The government will not be supporting the suspension of standing orders, and there are a number of reasons for that. I want to address one of the remarks that Mrs Dunne made. We need to know when it is we received notice of this particular motion. I got wind of the motion being submitted about 10 minutes before the ringing of the bells. That is quite insufficient notice of any motion which would come before this place and which would require leave, in my view.

Mrs Dunne accused the minister of an underhanded approach; yet she provides a motion with no time to have a tripartite discussion on its content, none whatever. There was time only just to badger Ms Le Couteur before the bells, as if Ms Le Couteur has not got something better to do on a budget reply day than to try to digest a case for why this needs to be done today. That is linked with something which is a little serious. This motion that she has supplied today directs the government to do something. Beyond that, Mrs Dunne said there is an item on the—

**Mrs Dunne:** On a point of order, Madam Deputy Speaker.

**MR HARGREAVES:** Madam Deputy Speaker, could you stop the clocks, please?

**Mrs Dunne:** Mr Hargreaves is now debating whether it is appropriate that the government be directed. That is a substantive matter and not a matter for whether the standing orders should be suspended.

**MR HARGREAVES:** On the point of order, I take Mrs Dunne's point and that is why I stopped and went to another point. She is quite correct.

**MADAM DEPUTY SPEAKER:** Will you just stick to the point please, Mr Hargreaves?

**MR HARGREAVES:** And I am on a completely different point, which is about whether we should suspend standing orders.

**MADAM DEPUTY SPEAKER:** Thank you.

**MR HARGREAVES:** It worries me when we see motions coming forward which have the possibility of anticipating debate. I am not talking about the content of the motion here but in fact what Mrs Dunne said in her speech. She said that the item is on the notice paper. But my search of the notice paper, unless I am dreadfully mistaken, is that the only item on the notice paper that could be related to this is the appropriation bills; in which case we are anticipating debate on something which could happen in the appropriation bill debate.

**Mrs Dunne:** Assembly business, order of the day No 8.

**MR HARGREAVES:** I heard Mrs Dunne in silence and she has demonstrated how rude she is, again. The way in which she attacked the Greens in her plea to suspend standing orders was, in my view, unacceptable. She has said you cannot negotiate with the Greens. Mrs Dunne would know, in the context of suspending—

**Mr Hanson:** On a point of order, Madam Deputy Speaker.

**MADAM DEPUTY SPEAKER:** Would you stop the clock, please.

**Mr Hanson:** This is on Mrs Dunne's speech and whether you can or cannot talk about attacking the Greens. It is hardly in accordance with the standing orders. Mr Hargreaves should be directly talking to the point as to whether we should be suspending standing orders or not. He needs to come to the point and be directly relevant and not debate the issue or, indeed, Mrs Dunne's speech.

**MR HARGREAVES:** On the point of order, Madam Deputy Speaker, I believe that it is quite within a member's right to refute a position taken by a member opposite when they are pleading a particular case. And if in fact part of Mrs Dunne's case for suspending standing orders was the ability to negotiate with the Greens, I am entitled to make comment on it.

**MADAM DEPUTY SPEAKER:** I think you are right, Mr Hargreaves, because Mrs Dunne pointed out that she thought that was a valid debating point at the time.

**MR HARGREAVES:** Thank you very much, Madam Deputy Speaker. The reason I refer to that is that the Greens have been absolutely rigid in their position, over a number of years, in relation to the amount of notice people need to provide the Assembly before a motion is debated. Giving five minutes notice of a motion, which is out of the ordinary, is insufficient. Ms Hunter, Ms Bresnan and Ms Le Couteur have been absolutely consistent with this all the way through this Assembly. If you do not give enough notice for us to consider a motion, we will not suspend standing orders to allow it to be debated. That is the position that they are taking, and I do not think accusing them of not being able to negotiate with the opposition is acceptable at all.

Apparently there has been a discussion between the Liberals and the Greens around bringing this on again later this afternoon. In that case, I fail to see the urgency of bringing it on now. Perhaps it is because Mrs Dunne wants to get her speech done so that she can get some media on it. I do not believe that this Assembly should just accommodate that.

If this item is to be brought forward for debate later today, it can be dealt with later today. It should not be in two parts. There is no need for it to be in two parts. A member can stand in this chamber and seek leave to do anything they like, at any time they like. If leave is granted, it can then ensue. There is no reason to support standing orders to be suspended to allow Mrs Dunne to have a special position and put a case forward just so that she can make some mileage out of it. If the debate must ensue this afternoon, let it be in the context of everybody's contribution. As I have indicated, the government will not be supporting the suspension.

**MS LE COUTEUR (Molonglo) (11.07):** As Mrs Dunne said, the Greens were very surprised to find this motion this morning and it would have been very helpful had there been more notice given of it. Finding a motion 20 minutes before the Assembly is sitting is really, I think, unacceptable practice. It is not like something changed

overnight. This is simply not the way to run a parliament. This is not the way to run an Assembly. We are not responding to an event that happened overnight and that we did not know about. So the Greens have been very clear that we would like to see this adjourned rather than have this happen right now. We simply have not had time to consider a response.

However, as I said to Mrs Dunne, I personally was totally unsure how all of this could happen from a standing orders point of view, and we have been contemplating this. People who know the standing orders and Assembly procedure better than I do have been contemplating what is the best thing to do. I gather that what seems to be the best thing to do procedurally is to have the first part of this debate—that is, Mrs Dunne speaks, but then adjourn it to a later time, because it is simply, as I said, unreasonable to expect anyone to regard this as an urgent motion because it is about a matter that has been in play before. But Mrs Dunne's solution to it is a new solution and I think it deserves a bit more thought than can possibly be given now, given that we first knew about this less than an hour and a half ago. It is simply unreasonable to have the substantive debate now.

Question put:

That **Mrs Dunne's** motion be agreed to.

The Assembly voted—

Ayes 7

Noes 5

Mr Coe  
Mrs Dunne  
Mr Hanson  
Ms Hunter

Ms Le Couteur  
Mr Rattenbury  
Mr Seselja

Mr Barr  
Dr Bourke  
Ms Burch  
Mr Hargreaves

Ms Porter

*The Deputy Speaker declared that the motion had not been carried as an absolute majority of members had not voted in its favour as required by standing order 272.*

## **Public Accounts—Standing Committee Report 23**

**MS LE COUTEUR** (Molonglo) (11.14): I present the following report:

Report 23—*Report on Annual and Financial Reports 2010-11*, dated 31 May 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 23 of the Standing Committee on Public Accounts, *Report on annual and financial reports 2010-11*. In this report we were ably assisted, as the Committee Office was supplemented by Dr Michael Sloane as well as, of course, our normal Dr Andrea Cullen.

Annual reports are the principal and most authoritative way in which chief executives and chairpersons account to the Legislative Assembly and other stakeholders, including the public, for the ways in which they have discharged their statutory and other authorities and utilised public funds over the preceding 12 months. The provision of meaningful operational and financial information by government to parliament and the public is a fundamental component of the accountability process.

On 22 September 2011 the Assembly resolved to refer the annual and financial reports of all government agencies for the calendar year 2011 and the financial year 2010-11 to the relevant standing committees. The Assembly referred the annual and financial reports of the following 16 agencies to the public accounts committee: the ACT Auditor-General's Office, ACT Gambling and Racing Commission, ACT Government Procurement Board, ACT Insurance Authority, ACT Legislative Assembly Secretariat, ACT Long Service Leave Authority, Actew Corporation Ltd, ACTTAB Ltd, Chief Minister and Cabinet Directorate, Commissioner for Public Administration, Economic Development Directorate, Exhibition Park Corporation, Independent Competition and Regulatory Commission, Rhodium Asset Solutions, Totalcare Industries, and Treasury Directorate.

The committee held public hearings on 3, 21, 24 and 29 November and 16 December 2011. At these public hearings the committee heard from ministers, accompanying directorate and agency officers and members of governing boards.

The committee examined the annual and financial reports in relation to their compliance, where relevant, with the following legislation: Annual Reports (Government Agencies) Act 2004, Chief Minister's Annual Report Directions 2010-11, Financial Management Act 1996 and Territory-owned Corporations Act 1990.

In reporting, the committee considered the issues raised in the annual reports with regard to accountability, governance and effective reporting by public sector agencies. The committee report includes discussion of significant issues raised during the inquiry process and makes 10 recommendations.

As 2012 is an election year, I recognise that opportunities for the government to respond to the committee's recommendations are limited. If the government is not able to respond by the end of the Assembly's August sittings, I encourage it to consider presenting its response out of session.

I also recognise that in previous years the government has waited until all standing committees have presented their reports on annual and financial reports and then provided a single response to the Assembly. In an election year it is possible that this approach will mean that no government response is provided before the caretaker period commences. As a means of avoiding this circumstance, I urge the government to consider departing from its normal practice by preparing responses to specific standing committee reports as they are presented to the Assembly.

I would like to conclude by thanking my committee colleagues Brendan Smyth and John Hargreaves, relevant ministers and accompanying directorate and agency staff,

and members of governing boards, for providing their time, cooperation and expertise in the course of the Assembly process and, as I mentioned earlier, the Committee Office.

I commend the report to the Assembly. My committee colleagues may also wish to make some comment.

**MR SMYTH** (Brindabella) (11.19): I think the chair of the committee has covered the broad thrust of the report. I just want to bring to the attention of members a number of the recommendations.

Recommendation 4 is a very important recommendation. The committee recommends that the ACT government give consideration to establishing a central team within the ACT public service to develop and provide expertise in dealing with bullying matters.

What a sad state of affairs the ACT public service and the administration by this government must be in when a committee of the Assembly recommends that it actually get expertise to counter what can only be seen as a plague of bullying in the ACT public service; we now have reports of so many incidents of bullying across so many departments. We have seen it in the 10-year war in obstetrics. We have seen it now in the CIT, where there are a number of reports largely ignored by the government and by various ministers. We have seen it in the Ambulance Service. We have seen it in TAMS. We have seen it in so many areas now. We see particularly the bullying of students by other students in our school system.

I believe this recommendation is very important, and this is an issue that I think the government have not paid enough attention to. They are more concerned about protecting their reputation than about ensuring that people who come to work are able to work in a bully-free environment and that where they are bullied and they bring it to the attention of the authorities, those above them, there is no retribution. Largely the government have simply ignored the issue en masse, and that is a shame.

Our report noted, for instance, that the reports of bullying had risen from 39 in 2009 to 62 in 2010. That is a 50 per cent increase in the reporting of bullying. We all know that a large amount of bullying goes unreported; people either choose to move on or simply to put up with it, because of the retribution that they fear. So recommendation 4 is very important and the government should take it seriously and act on it immediately.

Oddly enough, the report was drafted before the headline in the *Canberra Times* this morning talking about asbestos. Recommendation 5 of the committee recommends that the government should examine the feasibility of establishing a centralised government-run asbestos register and recommendation 6 is that the ACT government examine the feasibility of establishing a public register of all buildings, structures and sites in the ACT which contain asbestos.

I do not believe we have yet got to the bottom of the issue of where the asbestos is and how much there is out there. I noted in some of the discussion this morning that the old "buyer beware" attitude was taken: "Well, you've got it; now it's your problem."

But I do not think it was a case of buyer beware, because there was nothing purchased; it was simply a transfer. And if you do not believe that the federal government of the day had the whip hand and just did not give us what they wanted and kept what they wanted, you are fooling yourself. The federal government really need to look at what they have done in the transfer of assets to the ACT, particularly in regard to asbestos. But the ACT government needs to do its part as well.

It is time that we certainly looked at asbestos. I would bring back to members' attention the sheep dip site, the work that was done largely through my department at the time, the old urban services department, where we responded to community concerns. Where we had that information, we went back and did the work. We found the sheep dip sites and we alerted people to what it was that they were purchasing, either a block that was near to contamination or had been contaminated or where they were living. So there is a good model for this. It is an issue that needs to be taken seriously. You only have to look at the disaster that the Molonglo ponds have been for this government, where the deeper the dig the more they dig themselves into the mess that they have created. It is certainly not benefiting the people of the ACT to have this going on.

Recommendation 7 looks at the issue of low cost accommodation, particularly for tourists, and suggests the government might want to reassess some of the locations. This is what comes about when you do not have a plan for accommodation but have a list of sites and say, "There is our plan." You are fooling yourself if you think it is a plan. A plan is an analysis of what is required, where it is required and the time frame in which it is required. So the government might want to look at recommendation 7.

The last one that I will mention is recommendation 10. The committee recommends that as further developments arise with regard to the viability of ACTTAB Ltd the minister should make a statement informing the ACT Legislative Assembly. I think we are all quite aware that the gaming industry, particularly the totalisator industry, is under a great deal of change. We have an ACT asset called ACTTAB. The value of that is diminishing as the market changes. Should the government be doing anything about that, it is important for the minister to come forward and tell the Assembly of how it is happening. That said, I commend the report to the Assembly.

## **Report 24**

**MS LE COUTEUR** (Molonglo) (11.25): I present the following report:

Public Accounts—Standing Committee—Report 24—*Inquiry into the Gaming Machine Amendment Bill 2011*, dated 4 June 2012, including dissenting comments (Ms Le Couteur), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I am very pleased to present this report of the Public Accounts Committee into the Gaming Machine Amendment Bill 2011. The committee has carefully considered the

bill and its proposed amendments. The amendments as detailed in the bill can be organised basically into three categories: the potential reduction of the maximum number of gaming machines allowed on all licensed premises in the ACT from 5,024 to 4,000. I use the word “potential” because, as I will discuss later, that was one of the things the committee felt was not actually going to happen under this bill. Secondly, the introduction of a \$250 per day ATM limit withdrawal at licensed premises and, thirdly, the introduction of a gaming machine relocation scheme.

Each of the amendments are, we hoped, responsive to the two overarching objectives of the bill as put forward by the government—that is, to maintain the important roles clubs play in the community and, secondly, to seek to address problem gambling. The committee has considered the proposed amendments within the wider context of problem gambling and the economic and social contribution the club sector makes to the ACT community. In addition, the committee also considered the position submitted by Casino Canberra that it be granted gaming machine licences and the bounded nature of the territory’s community gaming model.

The committee has set out detailed comments in relation to each of the key proposed amendments in the context of the two overarching objectives together with relevant matters in its report. The committee has made 17 recommendations which, in the main, are related to the proposed amendments and the bill’s overarching objectives.

The overarching context for the committee’s inquiry was focused on electronic gaming machines, otherwise known as poker machines. The committee as a whole held the view that electronic gaming machines, if misused, have the potential to cause considerable harm to the community, public health and general wellbeing. A recent study prepared for UnitingCare found:

Poker machines clearly extract significant financial resources from already disadvantaged communities ... that the impacts of poker machine losses are felt at every level, by individuals, their families, in lower spending in other local businesses and by other fundraising organisations ... The amounts (from poker machines) expended on community benefit purposes appear to be large only if they are reported without reference to the total losses on poker machines in that location. Poker machines thus provide an extremely inefficient and high cost method for funding community sporting and charitable activities.

The committee received a number of submissions to its inquiry and it was grateful it was able to draw upon a wide range of expertise and experience in its deliberations. The committee also recognises the significant commitment of time and resources required to participate in an inquiry of this nature. The committee wishes to thank all of the stakeholders that contributed to its inquiry by making submissions, providing additional information and/or appearing before it to give evidence.

Before making my usual concluding remarks about thanking my fellow committee members and the secretariat, I would like to talk about my views. Despite being committee chair, at the end of the report you will find dissenting comments. I agonised for a while as to whether they were best described as a dissenting report or dissenting comments or additional comments. The recommendations of the majority of the report also changed a bit during this time.

One of the most interesting things about the inquiry was realising very clearly that this whole exercise appears to be largely pointless. I will quote from some evidence we received that is to be found on page 10 of our report:

**THE CHAIR:** So the total number of machines will stay the same; it is just a question of which club they are in? There is no expectation regarding which premises they are in? There is no expectation of any reduction out of transfers? Is that what you are saying?

**Mr Jones:** Under the current bill, yes.

**MR SMYTH:** So under the current bill, the only way you will get machines back and reduce the cap is either a voluntary surrender or when a club closes?

**Mr Jones:** Or a cancellation; that is right.

**MR SMYTH:** That is the only way?

**Mr Jones:** Yes.

And no-one contradicted this. This is the situation. This bill would appear to be window-dressing. It certainly does not appear to be something that is going to make any significant impact on the level of gambling machines in the ACT.

In that context, the Auditor-General in her recent report on problem gambling said that she believed under the current rate of surrender of machines it would take about 26 years before the number of machines was reduced down to the 4,000 envisaged in this bill. Regardless of whether it is precisely 26 years or not, I think it is fairly clear that this bill is not going to make any significant difference, or possibly no difference, to the number of poker machines in the ACT. I think that is a great pity.

I have some different views about the role of poker machines from the rest of the committee which have led to my dissenting comments. But I am very pleased that the whole committee agreed that there is a problem with problem gambling and poker machines in the ACT. I think we are all united in feeling that more needs to be done to address it.

As members are aware, the regulation of poker machines is a matter of considerable current public debate, principally in the federal sphere where Senator Nick Xenophon and MP Andrew Wilkie are concerned, as are, of course, the Australian Greens. They all support some degree of federal regulation to limit the harmful effects. There are obviously different views as to what that should be. When Mr Barr, who was the minister at the time, introduced the bill to the Assembly, he said:

The government has long held the view that there are too many gaming machines in the territory. As a jurisdiction, we have the highest number of gaming machines per capita in Australia. A number of studies indicate there is a clear link between access to gaming machines and problem gambling.

Given the government's clear recognition that there is an issue, I was surprised that the bill, when I got to examining it, does not in fact do more. I think we should be



regulating electronic gaming machines so they reduce or, if possible, eliminate the potential for problem addictive gambling. If it is not possible to get rid of or seriously reduce the amount of problem gambling, we should seriously consider phasing them out. I do not think the bill as proposed by the government does that and, unfortunately, I do not think majority of the amendments proposed by my fellow committee members are going in that direction.

Recommendations 1, 2, 3, 4 and 5 all deal with the relocation and trade-in scheme. I agree with the majority of the committee in saying that, given that poker machines are something which can legally be put in clubs in the ACT, it is quite reasonable to have a comprehensible, viable scheme for moving them between venues. The bill as presented certainly does not do that. So I agree with the majority of the committee that some scheme along those lines is needed. My disagreement is that I think that the scheme needs to have as one of its goals a reduction in problem gambling.

I note that, at present, if you want to move machines you have to do a social impact statement. Recommendation 5 is basically around saying you do not have to do the social impact statement for a small number of machines—an unknown small number. That seems to me to be a watering down, so I definitely do not support that amendment.

I agree with amendment 6, but I would like to see the review's terms of reference include the reduction of problem gambling as a higher priority. I do not support recommendation 7, because it is trying to remove the aspirational goal of reduction of poker machines from the bill. I agree it is only an aspirational goal and that the bill as presented is not going to get there, but I really do not want to see us remove even this token number. We have got to go forward, not backward.

I agree with recommendations 8 and 9 about the ATMs if that was going to have a significant and major impact upon the rest of the clubs' business. However I am not sure there are any instances where it would be relevant. I would like to see that, in general, it is carried out because it is something the Productivity Commission thought would be relevant.

I do not support recommendation 10, which seeks to make the territory's timetable for ATM regulation rely on the federal timetable. My reason for that is purely pragmatic—there is always the possibility that the federal government will manage to not pass the legislation, and I do not want to see our legislation held up because of potential problems in another place.

I support recommendations 11, 12, 13, 14 and 15, because these are all focused on problem gambling. I am hopeful that, if implemented by the government, they will make a difference—hopefully not just a small difference—to problem gambling in the ACT.

I am concerned about recommendation 16 and the MOU with the clubs. While I am not against an MOU, I would have written it differently. I am concerned that the terms of reference for it could easily be skewed too much towards maintaining the role and contribution of clubs in the ACT community and supporting the economic viability of the sector and not enough towards minimising harm caused by problem gambling.

With respect to recommendation 17, which is not to support the bill until all the recommendations have been passed, I do not support that. But that is on the basis that I do not support all the recommendations.

I commend the committee's report to the Assembly. Despite the fact it is clearly not unanimous, we have made some positive contributions, and I am very pleased that all members have recognised the issues of problem gambling. The timing of this was particularly good from PAC's point of view because we also have started looking at the Auditor-General's report on problem gambling, which is obviously very relevant.

I thank my fellow committee members for their contribution, and I would also, of course, like to thank Dr Andrea Cullen, the committee secretary, for her usual hard work and Lydia Chung for her hard work in making this a report that looks beautiful as well as having some useful things in it.

## Visitor

**MADAM DEPUTY SPEAKER:** I would like to recognise Mr Michael Moore, a former member of this place, who has joined us in the gallery. Welcome, Mr Moore.

## Public Accounts—Standing Committee Report 24

Debate resumed

**MR SMYTH** (Brindabella) (11.38): I would also recognise Mr Moore, who always had a long-term interest in good legislation. The bill that the government has presented is not good legislation. It is not good legislation. The reason—I think it is pointed out; Ms Le Couteur has covered some of it—is that this bill will not achieve what it purports to achieve or wants to achieve, which is to reduce the number of machines. If you read the Auditor-General's report, you will see that she says it will take 26 years under the current arrangements to meet that aspirational target.

If we start legislating for aspirations, we are really scraping the bottom of the barrel in terms of what this place can achieve. If you had a real target and a real plan to achieve that, you would legislate for it.

*Mr Barr interjecting—*

**MR SMYTH:** The former minister, who sits there glibly interjecting, did not have a plan. I do not believe he ever believed that the 4,000 target would be met, because he certainly has not put in place a plan to do so.

Again, it goes back to that conflict that the Labor Party has with legislating for poker machines here in the ACT. You have got a plan to bring down the number of machines, but what the plan does is protect the current monopoly. And who is the biggest winner from that? ACT Labor. Indeed, the plan, as outlined by the former

minister, excludes new players in new areas like the Molonglo valley. And that would be the shame. If we are going to say that old areas can have poker machines but the new areas lose, that is not how it should be.

For me the most important recommendation in the report is recommendation 11:

The Committee recommends that the ACT Government should implement programs to address the root cause of problem gambling.

The majority of people in the ACT use poker machines for their enjoyment, and they use them well; they are not affected by it.

There is a small percentage of our population who use poker machines, I think, as an expression of some discontent in their life. I will relate the story of a friend of mine who rang from a small club and said, "Can you come and pick me up?" I said, "I could come and pick you up, but why don't you just drive or get a cab?" He said: "I've just put the fortnight's pay through the machines. I am over the limit, and I have not got the taxi fare to get home to explain to my wife that we are broke." He was not a problem gambler. He had depression, and his expression of that—his cry for help—was to go to the machine and blow a fortnight's pay.

Unless we address the pain that some people are in, that they choose to express through problem gaming, we are just beating around the bush and we are not going to get to the root cause that drives that half a per cent of people who have a problem with things like poker machines.

So for me recommendation 11 is the important thing. Let us address the root cause.

Linked to that is recommendation 15. The former government, of which Mr Moore was a part, established a chair at the ANU to address problem gaming. I do not think that chair has ever been used effectively to deliver it; in fact, I am not even sure the chair exists. There used to be a professor in the position to do the research. My understanding is that it has been downgraded to a research assistant. Indeed, when the committee secretary went and looked on the website to find out what that chair had been up to, she could not find a great deal of information.

This is the abandonment of evidence-based policy by the government and by the former minister in trying to deal with the issue of problem gaming. We actually set up a chair to look at the causes, how we could ameliorate the impact and how we could save people from this scourge. What has the government done? It would appear it has downgraded the chair.

So recommendation 15 calls on the Minister for Gaming and Racing to make a statement to the Assembly about the status of the chair and what work it is doing. We are not addressing the problem. We know from some of the work that has been done by the Productivity Commission that the only time people seem to go and get help is when they are almost suicidal. I can attest to that through the case of my friend. He was so depressed about his life and where he was—it was a plea for help.

If we are not going to address the root causes, we are just faffing around, protecting the existing monopoly, particularly the Labor club monopoly, which of course supports the Labor Party.

We need to stop vilifying the clubs, particularly here in the ACT, because we do not have the sort of coverage that they have, particularly, in New South Wales and Victoria, where everywhere you go there are poker machines in the pubs and hotels. We have an industry that has been responsive. Indeed, the industry probably now puts more into addressing problem gaming than the government does. The government, depending on what numbers you use, gets well over \$30 million of revenue from this but spends at best half a million dollars—probably less: probably \$300,000 or \$400,000—on addressing the problem.

One of the reasons for taxation is to cover the impacts of the industry that you are legislating for. Money from motor vehicle registration and taxes on vehicles et cetera we would put back into road safety, road maintenance et cetera. But the government takes this enormous lump of money from the clubs and puts very little back into addressing the root cause of the problem. And that is what needs to happen. The government needs to have a good look at itself. Instead of trying to legislate for aspiration, which is pretty much useless, it should be making sure that it addresses the cause and gets on with fixing the problem.

What the committee has recommended through recommendations 1 through 5 is that some of the bill perhaps should go forward. What we need to do is set up a system that allows the trading and set up a system that allows relocation. We need to have a trading system that initially runs for a two-year period. But within that first two years, in the first 12 months, we need to come back and detail a system that would work long term, looking at the following principles: transfers between clubs; relocations within club groups; and transfer and trading between existing clubs and/or new clubs, which are not necessarily part of a club group. Let us make sure we get something right and something solid and then take it from there.

Recommendation 7 is to delete the aspirational clause and the cap of 4,000. There was no science behind setting the cap at 4,000. No-one could give us a logical reason why it should be 4,000; it was just a number plucked out of the air that I expect probably looked pretty good to the minister in a press release, but it bears no relation to reality because the work was not done. So the committee says to get rid of clause 12 until the work is done.

We go on further to say, in recommendation 6, that the government should set up an inquiry and report quite quickly, that it should review the cap. Indeed, Mr Quinlan, in his review, said, “Let’s review the cap.” That should commence immediately and the government should report on its progress by the second sitting in August.

Recommendations 8, 9 and 10 look at the withdrawal limit of \$250. Some of the clubs have very small numbers of poker machines and do not rely on the poker machine trade as much as other clubs. For instance, the Rugby Union Club in Barton said that they make a substantial amount of business out of the ATM being in their building—

that it brings people in and they eat food or have a drink while they are there, or they make the fees from withdrawals. They believe it will substantially affect their business and the business of other small clubs. So in 8, 9 and 10, we have said that there should be exemptions and that we may have to legislate for that to occur.

The report then goes on to look at a number of issues. In relation to the cap, as the chair of the review said, the cap itself is a simplistic policy instrument—and it is simplistic—in what is a very complicated issue. We have more machines than anybody else per capita, but they are not used as much as those in some of the other jurisdictions. We were given some evidence about the perverse outcomes of reducing accessibility. The commission said:

On the one hand, greater accessibility stimulates demand, with the result that some gamblers are exposed to risks that were originally muted or not present.

On the other hand, a population that already includes problem gamblers will be typified by higher expenditure levels ... encouraging greater supply of gaming machines in those areas. To the extent that this is the case, reducing accessibility in that area may result in greater utilisation of existing machines or shifts in the location of demand, without reducing harm.

This is the problems when you have a simplistic approach. All you do is shift the problem or not affect the problem at all. They go on to say:

It is probable that both effects are present in such local area studies, with the relative size of the two competing effects likely to depend on the pre-existing level of accessibility and the nature of the host communities. It is likely that the second effect is dominant once accessibility rises above a certain threshold.

ClubsACT, as you would expect, had something to say about that. They came and said:

... one definite consequence of reducing the number of machines in the ACT is that the intensity of use of the remaining machines will go up. So we might move down the league table on the per-capita list but it will simply mean that we will move up the ladder on the intensity of use measure. Should that really be our objective here?

That says that all we are doing is shuffling the deckchairs. We know that a discussion paper said:

... the ACT had the highest number of machines on a per capita basis but an average profit per gaming machine of \$34,850, well below the national average of \$55,054 ... Per capita expenditure on poker machines in the ACT is \$554, which is slightly higher than the national average. However, the expenditure by ACT residents on gaming machines as a proportion of ACT household disposable income stands at 1.5 per cent, slightly below the national average of 1.6 per cent and well below the NSW average of 2.3 per cent.

I quote those figures because you cannot just use the averages and say we are bad. You have got to take into account all of the data that has been presented before you and come to a reasonable conclusion.

The reasonable conclusion of the Auditor-General, when she did her report on the machines, was that it will take 26 years to deliver the 20 per cent reduction required. That is what the government is saying—26 years to address this problem. That is not a solution. That is just throwing up your hands, abrogating your responsibility and saying, “We clearly don’t have any solutions for this problem.” It is quite a shift in the government’s position, of course. I notice that many of the members of cabinet are quite brave now that the former Chief Minister is gone; of course, nobody would stand up to Jon Stanhope when he was in cabinet. The then Chief Minister, Jon Stanhope, said to the *Canberra Times*:

We’ve done the hard work, we’ve done the research and we know that simply reducing the number of machines won’t address a problem like problem gambling.

There you have the view of the government a couple of years ago. Clearly the view of the government has changed since the demise of Mr Stanhope. It probably says more about the existing members of the government than it did about him.

It is quite clear, both from what the commissioner said and from what ClubsACT said, that, given the circumstance that the ACT finds itself in, it is quite accurate to say that by simply reducing the number of machines we will not address the problem. We have more machines per capita than the rest of the country, but we are not the highest ranked in terms of problem gamblers in the country. You have got to take into account those unique circumstances.

The committee report says, yes, proceed with parts of the bill that will allow the clubs some certainty. Over the last five years, the clubs have had no certainty. They have been waiting for this reform for a long time—reform the government has not been able to deliver and reform that the government has not been able to properly legislate for.

The report says that, while we allow something to go forward, we need to come up with a long term system. I have said for a long time that some sort of per capita system is the way to go. Taking the poker machines out of the Assembly would be a good thing, because we have always got the conflict of interest that the Labor Party has in getting its money from the Labor clubs and the pockets of problem gamblers.

We should have a system going forward that allows the new areas to have access to clubs. Let us face it: access to clubs will be dependent on clubs having poker machines into the future, and a per capita formula is probably the best way to go about that. We need to have some sanity over reforms, particularly over the ATMs, because we are talking about a system where all the clubs are linked, where all the banks are linked and where all your finances are linked so that the club can know whether or not you have hit the \$250 cap. I am not sure how it will work. I am not sure how a voluntary scheme will work. I suspect it will not work, because if I know that I have to have more money I will either just leave the club and go and get more money or make sure I get the money before I go there. Around most clubs there are other areas where there are ATMs where you can go and get money if you so choose.

One of the other recommendations that I did not mention, and I will do that as I close, is that we should have an online system for the identification of those who have self-identified, and that should be implemented very quickly as well.

Question resolved in the affirmative

### **Statement by chair**

**MS LE COUTEUR** (Molonglo): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to reportable contracts under section 39 of the Government Procurement Act 2001.

The Government Procurement Act was recently amended to require agencies to provide the Public Accounts Committee with a list of “reportable contracts” every 12 months, rather than six months. The new reporting period takes effect from 1 April 2012 and ends on 31 March 2013.

The committee welcomes the change in the reporting time frame and, whilst acknowledging that the information directors-general provide in relation to “reportable contracts” is readily available in the public domain on the ACT government contracts register, its role with regard to scrutiny is assisted by receiving a consolidated report every 12 months.

Prior to the new reporting period arrangements taking effect from 1 April 2012, the committee has been provided with a consolidated list of reportable contracts for the six-monthly reporting period from 1 October 2011 to 31 March 2012.

As per its previous practice, the committee believes that there is value in having these reports tabled. I therefore seek leave to table the list of reportable contracts for the period 1 October 2011 to 31 March 2012 as received by the public accounts committee.

Leave granted.

**MS LE COUTEUR:** I present the following paper:

Reportable contracts—Agencies reporting reportable contracts for period  
1 October 2011 to 31 March 2012.

### **Statement by chair**

**MS LE COUTEUR** (Molonglo): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts in relation to the committee’s recent hosting of the Australasian Council of Public Accounts Committees—ACPAC—mid-term meeting on 25 May 2012.

ACPAC, formed in 1989, facilitates the exchange of information and opinion relating to public accounts committees and discusses matters of mutual concern. ACPAC

meets every two years in conference and meets between conferences in the form of a mid-term meeting to, firstly, exchange information and opinion relating to public accounts committees; secondly, discuss matters of mutual concern and issues specifically pertaining to Australasian public accounts committees; and, thirdly, discuss and agree an agenda for the biennial ACPAC conference.

All Australian jurisdictions together with New Zealand were represented at the meeting by the following committees: Commonwealth Joint Committee of Public Accounts and Audit; New Zealand Finance and Expenditure Committee; New South Wales Public Accounts Committee; Northern Territory Public Accounts Committee; Queensland Finance and Administration Committee; South Australian Statutory Authorities Review Committee; South Australian Economic and Finance Committee; Tasmanian Joint Standing Committee of Public Accounts; Victorian Public Accounts and Estimates Committee; and Western Australian Public Accounts Committee delegates attending included chairpersons, members and staff of Australasian public accounts committees or, of course, their equivalents.

As part of the official formalities, the Assembly's Acting Speaker, Ms Mary Porter AM MLA, welcomed delegates to the ACT Legislative Assembly. In addition to ACPAC business, the following guest speakers also presented at the meeting: firstly, the commonwealth Auditor-General, Mr Ian McPhee PSM. His presentation entitled "Audits of commonwealth partners" provided an overview on work that has been taking place with regard to audits of specific commonwealth payments. This work follows recent amendments to the commonwealth Auditor-General Act 1997, which give the commonwealth Auditor-General the authority to audit commonwealth partners under provisions set out in the act.

Secondly, the creative director of the 2013 centenary of Canberra celebrations, Ms Robyn Archer AO, provided delegates with a preview of the centenary of Canberra celebrations. This included a focus on the Canberra diaspora project.

To conclude, the meeting was productive and informative and would not have been possible without the efforts of many. On behalf of the committee, I take this opportunity to acknowledge and thank staff from the Committee Office, particularly Dr Andrea Cullen; Hansard, Communications and Library; Chamber Support; Strategy and Parliamentary Education; the Speaker's and Clerk's offices; the Australian National Audit Office; and the Chief Minister and Cabinet Directorate.

## **Corrections and Sentencing Legislation Amendment Bill 2012**

Debate resumed from 10 May 2012, on motion by **Dr Bourke**:

That this bill be agreed to in principle.

**MR HANSON** (Molonglo) (11.58): The Canberra Liberals will be supporting this bill. It contains three elements. The first is minor amendments to facilitate the smooth running of the Sentence Administration Board. There are some clean-ups and some issues with clarity that are provided in this bill for the management of periodic detention. There is a streamlining of the detainee discipline process. I had a briefing



on this from the minister's office in the department, and I thank the minister's office and the directorate for that. These amendments seem sensible, and the Canberra Liberals will be supporting them.

**MR RATTENBURY** (Molonglo) (11.59): The Greens will be supporting the Corrections and Sentencing Legislation Amendment Bill 2012. The bill seeks to improve detainee disciplinary processes at the AMC to ensure matters are heard in a swift and fair manner. This is an issue looked into by the Hamburger review. Detainees should have allegations of misconduct heard against them in a timely manner and have access to natural justice. The Greens agree that the detainee disciplinary processes provided in the initial Corrections Management Act, while having good intentions, were overly burdensome.

The removal of the administrator's role seems appropriate, as does the use of the investigator on an as-needs basis only. Detainees will continue to be able to have a disciplinary decision independently reviewed by adjudication by a magistrate which is, of course, important, and we are pleased to see that that is maintained.

One matter that has been raised by the Human Rights Commission in response to this bill is whether ACT Corrective Services should be provided with timelines within which it must conduct disciplinary processes. At the moment, detainees are provided with seven days to make an appeal about a disciplinary decision, but there are no time periods governing the time within which Corrective Services must make a decision in response. I understand this matter is to be discussed via the regulations, which are yet to come, by a notifiable instrument later this year, and we hope this concern can be addressed at that point in time.

The remainder of the bill makes changes to the laws that govern periodic detention. These changes are relatively straightforward. The changes either review ambiguities in the existing provisions or make minor changes to allow existing policy to be implemented more smoothly. On that basis, and in conclusion, the Greens will be supporting this bill today.

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (12.01), in reply: Today marks an important day in the government's implementation of a key recommendation outlined in the 2011 independent review of operations at the Alexander Maconochie Centre, ACT Corrective Services prepared by Knowledge Consulting, known as the Hamburger review. On 29 March 2012 the government tabled a report on progress with implementing the recommendations of the 2011 Knowledge Consulting report. The Corrections and Sentencing Legislative Amendment Bill 2012 fulfils a government priority to provide ongoing review and improvement of corrective services in the territory.

The bill contains a number of legislative amendments that will ensure ACT Corrective Services can provide services more efficiently and effectively. The bill amends the Crimes (Sentence Administration) Act and the Corrections Management Act in five areas and provides for the streamlining of the detainee discipline scheme to allow for greater transparency and administrative procedural fairness and timeliness, the

clarification of the Sentence Administration Board's power to give retrospective approval not to perform periodic detention, ensuring the chair of the Sentence Administration Board has the power to organise business, clarifying the board's powers when it cancels periodic detention orders where an offender is convicted or found guilty of another offence, and the prohibition of holiday exclusions for offenders who do not consistently perform periodic detention.

The first amendment reforms the detainee discipline scheme and meets the government's objective to implement the recommendations of the Hamburger review. Section 5.2.4.5, recommendation 4 of the Hamburger review, was that the government should ensure that ACT Corrective Services work with appropriate authorities to review the detainee disciplinary process to address concerns relating to its complexity and facilitate a simpler process. At present, detainee discipline provisions impose overly burdensome administrative requirements on corrections officers.

The amendments make the legal processes for managing detainee discipline more effective and responsive whilst continuing to ensure detainee rights are properly protected. The process will be simpler and easier to use for officers and easier to understand for detainees. 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. These changes mean that the allegations of a breach of discipline, particularly in minor and straightforward cases, will be processed quickly.

The amendments were developed in close consultation with ACT Corrective Services and the Human Rights Commission. The streamlined provisions comply with the Human Rights Act and provide transparency in the context of administrative decisions made by corrections staff and procedural fairness for detainees. The amended provisions retain a detainee right to seek a review of disciplinary action and will now allow the director-general to review a disciplinary decision at her own motion if appropriate.

Parallel to the legislative changes I have introduced today, ACT Corrective Services will make complementary improvements to their detainee discipline policy and related procedural tools. These improvements will give decision makers guidance on consistent penalties for detainees who breach discipline. The improvements will include information for correctional officers on suitable penalties based on the nature of the breach.

I now turn to the remaining amendments in the bill. These amendments provide for several important technical changes relating to detainees sentenced to periodic detention and the governance of the Sentence Administration Board under the Crimes (Sentence Administration) Act.

The second amendment will prohibit holiday exclusions applying to offenders who do not consistently attend periodic detention for a number of periods. At present, the act provides that offenders serving periodic detention are deemed to have attended a periodic detention period where those periods include a holiday, such as Christmas Day and Easter Sunday. In effect, this provision excludes all periodic detention detainees from their reporting obligations on these holidays.

The amendment will also 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 third amendment clarifies the board's powers to manage an offender's absence from periodic detention where an offender's health or unexpected circumstances justify the absence. The board currently has the power to give the offender approval not to perform periodic detention for up to eight detention periods because of the offender's health or any exceptional circumstances. The amendments clarify the Sentence Administration Board's existing power to give retrospective approval not to perform periodic detention.

The amendment also ensures 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 allows the board to manage each individual case in line with the goals of sentencing.

The fourth amendment clarifies the board's power to cancel a periodic detention order where an offender is convicted of a further offence. The amendment is made following a decision of the ACT Supreme Court that said that periodic detention orders should only be cancelled by the board under section 70 where the relevant offence was committed during the periodic detention period.

The amendment will ensure that the 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.

The fifth and final amendment will provide for the chair of the board to organise the business of the board with greater efficiency.

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 review mechanisms for disciplinary decisions.

The amendments in the bill will give clarity for the management of periodic detention and provide for more efficient outcomes by allowing the Sentence Administration Board to reorganise divisions according to the needs of the board. I believe these amendments will strengthen our corrections system and provide improved outcomes for the territory. I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Duties (Landholders) Amendment Bill 2012**

Debate resumed from 10 May 2012, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR SMYTH** (Brindabella) (12.08): The opposition will be supporting the passage of this bill, and I thank the Treasurer's office for providing a useful briefing on the bill. This bill deals with a relatively straightforward matter, although to understand what is proposed becomes quite complex, particularly because of the language used and because of the way in which ACT legislation relates to equivalent legislation in New South Wales.

The purpose of this bill is to remove some unnecessary regulation applying to people and organisations having an interest in landholdings in the ACT and to align the relevant legislation in the ACT with the equivalent provisions in New South Wales.

At present in the ACT, a person will pay duty on a transaction involving entities with landholdings only if the transaction is a "relevant acquisition". A transaction involves a "relevant acquisition" only if the acquisition leads to the holding of a "significant interest". Again, at present, a "significant interest" in the ACT is defined as having an interest of at least 20 per cent. There are other associated provisions but these are not material to the proposals in this bill.

In New South Wales private companies and unit trusts have a "relevant acquisition" when the significant interest is at least 50 per cent. In addition to the "significant interest" requirement, there are also considerable complexities involved in the administration of private companies and unit trusts.

These complexities arise as persons and entities change the extent of their involvement in private companies and unit trusts. Relevant interests have to be determined continually. Superimposed over these issues is the need to manage not only the local investors but also national and international investors. In New South Wales private companies and unit trusts are treated identically with respect to landholder provisions. The consequence of the differing thresholds and the administration involved means that the ACT is not a favoured destination for investment in these types of activities.

The bill we are debating will align the position relating to "significant interests" in the ACT with that applying in New South Wales. The bill also will remove the distinction between private companies and unit trusts and, as a result, will remove a number of reporting requirements.

The outcome of these amendments will be to make the ACT a far more attractive destination for investment capital from local, national and international investors.

There is a related issue that has been raised with me, and this relates to the precise wording of these types of provisions. I can illustrate this concern with three examples of provisions dealing with landholder interests.

In New South Wales the Duties Act refers to a person being “entitled to” distributed property. In Victoria, however, the Duties Act refers to a person who “holds or is entitled to” distributed property. And in the ACT, the Duties Act, before and after this bill is considered, refers to a person being “entitled to” distributed property. That is, the ACT and New South Wales acts will have equivalent provisions.

The addition of “holds” in the Victorian act changes the intention of their legislation, as the courts, in interpreting legislation, must have regard to all the relevant words in that legislation, and the phrase “holds or is entitled to” is interpreted differently from “is entitled to”.

I raised this concern in our briefing to make sure that the ACT was not disadvantaged particularly with respect to the position applying in New South Wales. The good news is that the ACT and New South Wales have virtually identical provisions.

The good news for investors in the ACT and elsewhere is that, by approving the amendments in this bill, we will be removing some provisions which fall into the category of “nuisance provisions”. With those comments, the opposition will be supporting the bill.

**MS LE COUTEUR** (Molonglo) (12.12): The Greens support the bill. It is a sensible change to remove liability for duty on goods associated with the sale of a business sublease.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (12.12), in reply: I thank both the opposition and the Greens for their support. I flag that in the detail stage I will move a minor technical amendment to the bill, but I will get to that then. Otherwise, I thank members for their support of this important piece of legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (12.13): Pursuant to standing order 182A(b), I seek leave to move an amendment to a clause that is minor and technical in nature.

Leave granted.

**MR BARR:** I move amendment No 1 circulated in my name [*see schedule 1 at page 2919*]. I table a supplementary explanatory statement.

This amendment matches linking the threshold by which entities are linked with the threshold required to trigger landholder duty, which is 50 per cent in the bill. The amendment also improves consistency with the ACT's tracing provisions with New South Wales. It is a minor and technical amendment.

Amendment agreed to.

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

Bill, as amended, agreed to.

### **Duties Amendment Bill 2012 (No 2)**

[Cognate bill:

Rates and Land Tax Legislation Amendment Bill 2012]

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

That this bill be agreed to in principle.

**MR SPEAKER:** I understand it is the wish of the Assembly to debate this bill cognately with executive business order of the day No 4, Rates and Land Tax Legislation Amendment Bill 2012. That being the case I remind members that in debating order of the day No 3, executive business, they may also address their remarks to executive business order of the day No 4.

**MR SMYTH** (Brindabella) (12.14): The opposition will be supporting the passage of the Duties Amendment Bill (No 2), and I thank the Treasurer's office for providing a briefing on this and the Rates and Land Tax Legislation Amendment Bill 2012.

The principle in this bill is to remove an anomaly in the application of duty on transactions involving subleases. The Treasurer, in his presentation speech, set out the history of the abolition of duty on the transfer of non-core business assets and on the creation of short-term subleases. However, ad valorem duty has been retained on the transfer of subleases to prevent transactions from being structured so as to avoid the payment of conveyance duty.

The anomaly which has arisen relates to any business goods which might be transferred when a sublease is transferred. The transfer of a sublease will mean that the business that has been operating from the premises will be able to continue operating and do so under the terms and conditions of the existing sublease. Of course, in transferring a sublease the business owner would also wish to transfer any business goods which are used in the business.

As the Treasurer noted, some typical goods which would be classified as "business goods" would include kitchen equipment, fridges, ovens or indeed coffee machines. At present, when a short-term sublease of a business that is an ongoing concern is transferred and that business involves the use of any business goods, the duty on the sublease would be only \$20. But duty would be charged on the full value of any associated business goods, as these goods are associated with a dutiable transaction.

To provide more emphasis to this anomaly, if these business goods were transferred separately, no duty would apply. The bill will remove this anomaly. It will abolish duty on the transfer of short-term subleases—that is, subleases which are less than 30 years. I understand that the financial implications of removing this anomaly are minor, while the savings to the business people involved will be considerable, and that is to be applauded.

I now turn to the Rates and Land Tax Legislation Amendment Bill. As a first point, it is essential to understand the land that is the subject of this bill. A new form of title, the community title scheme, was introduced in 2001. Under these titles a group of separate crown leases is established with a shared interest in a common area. This common area is typically only a small area of land and this area is maintained by the lease owners through a body corporate. It is this common area which is the subject of this bill.

As a second point, the bill essentially deals with an “unintended consequence”. An “unintended consequence” can indeed be something that was unintended. Equally, however, it can be a euphemism for a mistake or, in more colourful language, a “stuff-up”. Nevertheless, it emphasises that much of our current legislation involves considerable complexity, particularly when we are dealing with such amendments. It is increasingly difficult to ensure that “stuff-ups” do not occur. This is an issue of the age and will only get worse.

The issue to which this bill is responding is that, where land does not have a residential or rural purpose, it is—by default—rated as having a commercial purpose. Hence as these common areas typically have purpose clauses which specify community use or use as an outdoor recreation area, they are rated, unfortunately, as commercial land, which means they have to pay the highest fixed charge and the highest rate in the dollar.

This is clearly an unintended consequence following the creation of the community title scheme. This unintended consequence is compounded where a purpose clause for the common area precludes any commercial activity. It is a neat approach to funding the ACT exchequer!

This bill will ensure that the principle in applying rates to these common areas will be that the rates will reflect the purpose for which the common area can be used. Hence if the purpose clause is not commercial, the land will be rated as residential. If, however, there is a commercial purpose permitted in the area, a commercial rate will be applied.

I commend the proposals in this bill, as they affirm the role of the community title scheme as a viable option for residential living in the ACT. With those comments, the opposition will be supporting the bill.

**MS LE COUTEUR** (Molonglo) (12.18): The Greens will also be supporting this legislation. At the beginning of my very short speech might I acknowledge that before when I spoke to the Duties (Landholders) Amendment Bill I got confused and gave

the speech that I should have given on this bill. However, as we support both of them, it is not the worst mistake that has ever been made. For those who thought that my talking about business and subleases did not make a lot of sense, that was because it was the wrong one.

As I mentioned when I spoke to the landholder amendment bill, it makes sense to align us with New South Wales. It was an unnecessary burden. Given that land is our major asset and that the community benefit from investment in new infrastructure, particularly in our new town centres, we agree that we should not be putting ourselves at a disadvantage and discouraging investment in the ACT.

Getting back to the Duties Amendment Bill 2012 (No 2), it is a sensible change to remove liability for duty goods associated with the sale of a business and a sublease. As this is a cognate debate—so I cannot make another mistake, hopefully—I will deal with our comments on the Rates and Land Tax Legislation Amendment Bill. We also agree that this is a sensible correction to what was clearly the reverse situation when rates were being levied on activities which were not permitted on the land. The Greens support both bills.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (12.20), in reply: Once again I thank the opposition and the Greens for their support. These bills possibly fall within the category of dull but very worthy, Mr Speaker, in that they seek to remove small nuisance taxes from the ACT business community as imposed under the Duties Act 1999.

In accordance with the intergovernmental agreement on the reform of commonwealth-state financial relations, over a number of years duty was abolished on a range of business-related transactions. Those relevant to this amendment were the transfer of non-real core business assets, abolished on 1 July 2006, and the creation of short-term subleases of less than 30 years, which was abolished on 1 July 2009. The duty on transfers of subleases, however, was retained.

Usually when a business is sold the sublease is also transferred to the new owner, along with the sale of the goods of the business. The value of a short-term sublease is nominal and only attracts the minimum duty of \$20. Currently under the act business goods such as coffee machines, fridges or ovens, which are transferred with a sublease, attract ad valorem duty. For example, if a business owner transferred goods in conjunction with a sublease, the sublease transfer component would only attract the nominal \$20 duty.

However, duty would also be charged on the total value of the goods transferred, which may amount to hundreds of dollars. Given that duty on transfer of business assets was abolished in 2006, abolishing duty on short-term subleases removes this nuisance tax. It also removes the anomalous duty on goods transferred with these short-term subleases. However, transfers of long-term subleases, those with a term greater than 30 years, and their associated goods will remain liable for the duty.



The second bill, the Rates and Land Tax Legislation Amendment Bill, improves community title schemes in the ACT by removing a further anomaly. These community title schemes were introduced in 2001. They were created as a new form of title where separate crown leases are grouped with a shared interest in a common area. The common areas under these schemes have separate leases which are valued and rated independently of their associated crown leases.

Under the current rates and land tax acts, because these common areas have purpose clauses that are neither specifically residential nor rural, they are charged the default of commercial rates. This occurs even when their purpose clause does not specifically allow for commercial activities. Uses of common area leases include community use, outdoor recreation facilities or road infrastructure.

Clearly, this situation needs to be corrected. This bill rectifies the anomaly by better aligning the charging of rates with the purpose of the common area. So, for example, where a community title scheme comprises separate crown leases that all have residential purposes then residential rates will be charged on the common area, providing the purpose clause of the common area is not commercial.

If, however, there are any commercial crown leases within the community title scheme then commercial rates will be applied to the common area. This is because it would be difficult and onerous practically to adjust the rates calculations to a pro rata assessment of residential as against commercial. As the common area has its own crown lease, there is no way of determining how much of the common area would be utilised by the owner of any associated commercial lease. In that circumstance, as an apportionment cannot be determined between commercial and residential use, hence commercial rates will apply to the whole common area.

It is important to note that this bill does not increase taxation on any person who holds a lease under a community title scheme. Individuals under a community title scheme will be better off if their common area does not specifically allow commercial activities. It should be noted that currently all community title schemes are residential. Further, it should be noted that the proposed amendments would only change the treatment of the common area within a community title scheme. It does not change the treatment of the individual blocks associated with it.

The government, of course, places a premium on the equitable treatment of the ACT community under its various tax laws, as we have seen in recent reforms in this area. This bill fixes an anomaly and in doing so improves the community title scheme. I thank members for their unanimous support for some red tape reduction. I am always pleased, Mr Speaker, to be able to deliver on the commitments that I have outlined. With that I commend both the Rates and Land Tax Legislation Amendment Bill and the Duties Amendment Bill 2012 (No 2) to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Rates and Land Tax Legislation Amendment Bill 2012**

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

That this bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.26 to 2 pm.**

## **Ministerial arrangements**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services): Minister Corbell is away from the Assembly today on ministerial business, and I will take any questions covering Minister Corbell's portfolios.

## **Questions without notice**

### **Budget—investment**

**MR SESELJA**: My question is to the Treasurer. Treasurer, after spending two years collating a tax advice paper, months reading it and months preparing Tuesday's budget, what deals, promises or commitments has the government had to make since the budget was announced to ensure commercial investment in the ACT?

**MR BARR**: The government has indicated a preparedness, in the context of transitional arrangements to our simpler, fairer and more efficient tax system, for a handful of transactions that have been in the system and were anticipating the existing arrangements being in place to be able to be considered on a case-by-case basis. But the new arrangements, particularly all of the reductions in tax that I announced in the budget on Tuesday, have various starting points, according to a phased introduction of the new tax system.

**MR SPEAKER**: Supplementary, Mr Seselja.

**MR SESELJA**: Treasurer, why was it necessary for the government to offer special deals less than 48 hours after the budget was announced, to secure commercial investments in the ACT?

**MR BARR:** It has not been necessary.

**MR SPEAKER:** Mr Smyth.

**MR SMYTH:** Treasurer, as a result of these deals, how much revenue has the territory forgone?

**MR BARR:** No revenue has been forgone.

**MR SMYTH:** A supplementary, Mr Speaker.

**MR SPEAKER:** Mr Smyth.

**MR SMYTH:** Treasurer, why did you not ensure that proper transitional arrangements were in place so that the government does not have to make exceptions or deals to ensure commercial investment continues in the ACT?

**MR BARR:** I have made proper arrangements.

### **Transport—light rail and bus rapid transit**

**MS HUNTER:** My question is to the Minister for the Environment and Sustainable Development and concerns light rail and bus rapid transit. This year's budget allocates \$60 million to purchase new buses over the next four years and \$200,000 to investigate building a new north side bus depot. However, in the government's cost estimates for building bus rapid transit for Civic to Gungahlin, the estimated cost for vehicles and depots is zero dollars. Minister, how can you state that there is a like-for-like comparison between the costs of introducing light rail compared to bus rapid transit when you have excluded the capital costs for buses and depots?

**MS GALLAGHER:** I thank Ms Hunter for the question. As members would know, the update on the work that is being done on the Gungahlin to city transport corridor was released with some early cost estimates for bus rapid transit between \$300 million and \$360 million and light rail between \$700 million and \$860 million. My understanding in terms of infrastructure for light rail is that that includes the cost of purchasing the infrastructure and the stations and the new infrastructure that would have to be built. In relation to bus rapid transit, as I understand it—I will take some additional advice if this is not correct—some of the costs in relation to the buses were not included because we own a bus fleet already.

**MR SPEAKER:** Ms Hunter, a supplementary question.

**MS HUNTER:** Minister, given the questioning about the reliability of your light rail costings, including from groups such as the Australian railway association, will you ask the new Gungahlin-Civic transport project office to re-examine the costs of light rail?

**MS GALLAGHER:** These costs are not the final costs, as members would know. The final report has not been received yet. That will give a very clear breakdown of all the costs that have arisen for those estimates. From my discussions with the minister, those costings will be released entirely for the community to consider.

In terms of the costings, I start by saying that there is no conspiracy on this side of the chamber to make against light rail. It was this government, and me as Chief Minister, that reintroduced the concept of light rail to be examined along that corridor. But what we are saying is that we need to understand the full costs of choosing light rail. We need to understand that completely before we make that decision and examine that against the benefits of bus rapid transit as well.

So those costings will be arrived at in the final document. Then the Gungahlin-to-city project office, which has been established within the LDA will, of course, depending on the decisions reached about what mode of transport to choose as being the preferred option, take the work from there, and I imagine that more detailed costs would be done as part of that work.

**MS BRESNAN:** Supplementary.

**MR SPEAKER:** Yes, Ms Bresnan.

**MS BRESNAN:** Minister, will you table in the Assembly by the end of today the complete economic modelling and data used to project the costs of light rail and bus rapid transit so that the community can scrutinise these costs before the government decides which transport mode to pursue?

**MS GALLAGHER:** In my previous answer I said “when that work is finalised”. What we have done is provide the community with an update of where that work is at this point in time. When the report is finalised—the government has not received that final report—my understanding from discussions with the minister is that those costings will be released in detail as part of that final report. I do not believe I can provide what you are asking for by close of business today, because that work has not been completed. I am sorry, Ms Bresnan. I will take further advice from ESDD, but that is my understanding of the matter.

**MS LE COUTEUR:** Supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Ms Le Couteur.

**MS LE COUTEUR:** Given that this week New South Wales announced that it would build a light rail project for \$30 million per kilometre, which is less than half the cost per kilometre proposed for the Gungahlin-Civic light rail route, will you re-examine the savings opportunities for the Canberra light rail route and release them to the community?

**MS GALLAGHER:** The costings will be released. Again, I have had quite detailed discussions with the minister about this, because there does seem to be a view by

some that there is a conspiracy to make light rail look unaffordable and therefore make the decision to not support it easier. Can I just say that that is not the case.

From my understanding, the cost per kilometre of light rail can vary significantly, from around \$10 million a kilometre to as expensive as \$90 million a kilometre, depending on the infrastructure requirements. I think there has been the example used of Adelaide, and perhaps now Ms Le Couteur with New South Wales. These are an extension of existing infrastructure, and so some of that cost per kilometre is less than building in an entire new system that you have never had before. If the scale is between \$10 million and \$90 million, and they vary across the projects and across the world, the early costings for the ACT light rail system sit right square in the middle of that, at around \$60 million per kilometre.

But as I said, those were early costings. More work is being done. When that work is finished, it will be released to the public.

## **Visitors**

**MR SPEAKER:** I would like to inform members that we are joined in the public gallery today by public servants from the Economic Development and Environment and Sustainable Development directorates. I welcome you to the Assembly.

## **Questions without notice**

### **Budget—taxation**

**MR SMYTH:** My question is to the Treasurer. Treasurer, the cost of living statement in the 2012 ACT budget paper 3 does not include any consideration of the effects on families and households of such taxes as the utility tax or of parking fees. It is estimated that the cost of living impact of the budget excluding the utility tax and parking fees was \$640 per year for the average household. Treasurer, why have you not included an analysis of the effect of the utility tax in the cost of living statement?

**MR BARR:** That tax is not directly applied to households.

**MR SPEAKER:** Mr Smyth.

**MR SMYTH:** Treasurer, why have you not included an analysis of the effects of increases in parking fees in the cost of living statement?

**MR BARR:** As the member would be aware, not every Canberran pays for parking. In fact, those who are employed within the parliamentary triangle and in a number of our employment centres do not pay for parking. The government has been clear in relation to the budget papers and it has been clear for some time that there are annual increases in parking fees. If those opposite believe that there should be no further increase in parking fees ever then let the Leader of the Opposition get up and make that statement in his address in reply and indicate his belief that there should never be another increase in fees in this city ever again. Then he can explain to everyone how he would pay for that.

**MR SPEAKER:** Mr Seselja, a supplementary question.

**MR SESELJA:** Treasurer, what would be the cost of living impact on household budgets if the utilities tax and parking fees were included?

**MR BARR:** It would depend on the utilisation of a motor vehicle and/or telecommunication utilities and it would depend, of course, on where that individual householder worked and to what extent they were paying parking fees to the ACT government or to a private parking provider or, in fact, whether their car parking was provided free as part of their job. It would depend, and circumstances would vary. There are a number of different employment locations within the city where there are no parking fees charged at all.

**MR SPEAKER:** Mr Seselja, a supplementary.

**MR SESELJA:** Treasurer, what other taxes, fees and charges which fall directly on ACT families and households have you left out of the cost of living statement?

**MR BARR:** I do not believe we included the big cuts in insurance tax that are a big part of the tax reform package that I announced earlier in the week. Every Canberra household that has home contents insurance, motor vehicle insurance—indeed any form of building insurance or in fact life insurance—will start to see big cuts in the amount that they pay. And that is a real impact on people's cost of living. It puts in the shade anything that has been proposed by the Leader of the Opposition to seek to ease cost of living pressures. It is many hundreds of dollars a year for every Canberra household that has insurance, and it is one of the most economically efficient ways to make a transition away from a tax that is inefficient, distorts activity and is a discouragement for investment. By abolishing it we are making a real difference to people's cost of living because almost every Canberra household has some form of insurance—many in fact have multiple insurance policies—and the amount that they pay in insurance each year can be into the thousands of dollars.

Removing this tax is a significant win. It reduces cost of living pressures and reduces distortions in the economy. It is the most inefficient tax that is levied by state and territory governments, and its abolition in the ACT has been universally welcomed by economists, by the Insurance Council, by the Financial Services Council. In fact, even the former New South Wales Liberal leader, John Brogden, in his new position working in the financial services area, has come out and endorsed this reform as being one of the most significant tax reforms this country has seen.

The ACT is taking a leadership role in this area.

### **Economy—policy**

**MS PORTER:** My question is to the Treasurer. Treasurer, can you please outline to the Assembly why it is important to support the local economy and local jobs?

**MR BARR:** It is indeed very important to continue our support for the local economy and local jobs, and on a day like today, when we now have a new, all-time record for the number of territorians in employment, with 208,300 of our fellow Canberrans in employment. This is the largest number of people to hold jobs in the ACT in the history of the territory. It is a fantastic day for those who believe in employment and the value of work in this city, and it is a fantastic achievement for this economy to have created an additional 500 jobs in the last month, to see 500 more people in employment and 100 fewer unemployed. We maintain the lowest unemployment rate in the country. We have the second highest participation rate. So it shows a very strong and robust labour market, and that is indeed a great credit to this economy.

**Mr Smyth:** If the economy is so good, why is the budget so bad?

**MR BARR:** We are delighted with this figure. It is fantastic news. And the only people in Canberra who think this is bad news, and we have just heard it from the shadow treasurer, are the Canberra Liberals. They are the only people who mope around looking for every bit of bad economic news to further reinforce their miserableness about the health of this economy.

*Members interjecting—*

**MR SPEAKER:** Order, members! Mr Barr, you are free to continue, but let us focus on the question at hand, please.

**MR BARR:** One of the government's key priorities is ensuring that our territory economy remains strong and resilient. So through our budget we have introduced a range of measures to grow the private sector, to reform our taxation system, to ensure that we continue to have a strong and diverse economy. We have been the envy of many around Australia, and today's unemployment figures go to confirm that. We have Australia's highest average incomes. The data on this is indeed very encouraging, with average weekly earnings in the territory of \$1,554.50 compared to the national average weekly earnings of \$1,345.20. So it is a significantly higher average wage in this city than elsewhere in the country.

Our unemployment rate has now been below four per cent for nearly a decade. We are experiencing robust population growth. However, as I have indicated through the budget commentary this week, we cannot take our situation for granted. So the government has, through this budget, sought to announce a substantial support package for local businesses aimed at supporting the economy and jobs. At the core of this is a desire to create an environment in which the private sector can thrive, and we are seeking to do this through market-based policies. This is quite a distinction between the government and the opposition in relation to our preference for market-based policies and the preference of the shadow treasurer for 1950s and 1960s style industry plans—a North Korean approach to economic development that we see from the shadow treasurer.

We are committed to creating an environment in which the private sector can thrive—market-based policies, actions to broaden employment, business activity, growth and

investment. These are of course all at the core of the government's recently delivered business development strategy—growth, jobs and diversification. This week's budget has backed that strategy, with more than \$20 million over the next four years. There is funding to support NICTA, Australia's centre of excellence in ICT, to expand our grants program, to establish new streams of grants in clean tech and sustainability oriented companies. Importantly, this business development strategy supports a better dialogue between government and business, including the red tape reduction task force. The government is also investing in local business through our cuts to payroll tax, a major incentive for businesses in Canberra to grow and for businesses to establish themselves in the city.

**MR SPEAKER:** Ms Porter, a supplementary question.

**MS PORTER:** Treasurer, can you tell the Assembly a little more about how this week's budget is creating a good environment for the economy?

**MR BARR:** A range of tax reforms ease the burden on business, particularly, as I was saying, the cut in payroll tax which means 115 businesses in the territory will no longer pay payroll tax. That is something I would have thought the opposition would have supported, but, no, no, they are going to sit there and criticise and carp on every initiative from this government. Well, we are in the business of actually delivering on these outcomes, and it has been very good to see the response—

*Members interjecting—*

**MR SPEAKER:** Order! Ms Gallagher, Mr Smyth!

*Members interjecting—*

**MR SPEAKER:** Order! The Treasurer has the floor.

**MR BARR:** It has been very pleasing to see the response of the chamber of commerce and the Canberra Business Council to the suite of initiatives contained within this budget and the business development strategy. I know it hurts those opposite that, in fact, business is looking to this side of politics to deliver outcomes. They have given up on the Liberal Party because there is nothing new from the Canberra Liberals. There has been nothing by way of a constructive policy agenda that would aid business growth or development in this city.

The government has been undertaking the hard policy work. I would like to acknowledge some of the team from the Economic Development Directorate who are here in the chamber today and who have been working hard on this policy strategy. I thank them for that contribution, because the work they have done and the partnerships that we have with the chamber of commerce and the Canberra Business Council and other industry bodies will lead to more growth in this economy, more people in employment and a bright economic future for this city. There would appear to be only one side of politics that has a vision beyond such a narrow area as that we hear from the opposition leader, and that is coming from the Labor Party.



**MR SPEAKER:** Mr Hargreaves.

*Opposition members interjecting—*

**MR HARGREAVES:** I will wait until you children have stopped.

**MR SPEAKER:** Mr Hargreaves, your question.

*Mr Smyth interjecting—*

**MR SPEAKER:** Order! Mr Hargreaves has the floor. Let us have the question, thank you.

*Opposition members interjecting—*

**MR SPEAKER:** Mr Hargreaves, the question.

**MR HARGREAVES:** I ask the Treasurer: will the government continue to place a large importance on economic growth in the territory?

**MR BARR:** Yes, we will. The economic policy objectives of the budget we released this week are all about sustaining growth in our economy. We recognise that there are challenges, given the large role that the commonwealth plays in our economy, with approaching 47 per cent of state final demand in terms of their consumption activities. Add another six or seven per cent in terms of their capital works programs, Mr Speaker, and you see that they account for more than half of state final demand in the ACT economy.

We recognise that in an economic environment where the commonwealth are contracting that it turns now to the territory government and to the private sector to grow this economy. Hence the policy settings within this budget allow for facilitation of growth through ACT government capital works programs and through our investment in important front-line services to the community, but also through the business development strategy to ensure a robust future for private sector growth in this economy.

It is very pleasing to see that, in spite of the cynicism and the catcalling from those opposite, the people who actually matter in Canberra, the people who care about the city's future—those people who work hard every day to grow employment opportunities and economic opportunities in this city—strongly endorse the approach taken by the government in our business development strategy and in our budget strategy. It stands in marked contrast to the negativity of those opposite whose only policy agenda is to parrot Tony Abbott and whose only new ideas are to send this economy into recession. The Liberal Party is the party of recession in this city and it knows it. The Leader of the Opposition is tied to Tony Abbott. *(Time expired.)*

**MR SESELJA:** Supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Mr Seselja.

**MR SESELJA:** Given that the Chief Minister could not answer this question yesterday, minister, what will be the impact of the lease variation charge on jobs, particularly as it scales up and up and up over the next few years?

**MR BARR:** The impact of the lease variation charge on jobs will be extremely positive, because all of the revenue collected by the lease variation charge goes into the urban improvement fund, and that creates employment all over the city in the hundreds of projects, urban improvement projects, that will be undertaken as part of that funding over this coming fiscal year and into the future—projects that the Liberal Party appear to oppose. What is it about urban improvement and investment in this community and improving community infrastructure that the Liberal Party opposes?

**Mr Seselja:** Point of order, Mr Speaker.

**MR SPEAKER:** Stop the clocks, thank you. While we are having a break, before Mr Seselja takes his point of order, I am having a lot of trouble hearing the minister today. I would like the level of interjection to go down a lot.

**Mr Seselja:** The point of order is on relevance. The question was very specific. I ask you to ask the minister to be directly relevant and tell us how many construction jobs will be lost as a result of his tax.

**MR SPEAKER:** I recall the question. You might correct me, Mr Seselja, but the question was: what will the jobs impact be of the lease variation charge?

**Mr Seselja:** He is not talking about that.

**MR SPEAKER:** I believe you have now narrowed it to the construction industry.

**Mr Seselja:** Whether it is construction or whether it is jobs, what Mr Barr was talking about was whether or not the Liberal Party supported their urban improvement fund.

**MR SPEAKER:** Yes; fair point.

**Mr Seselja:** That was not the question, and he is not being directly relevant.

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

**MR SPEAKER:** Yes.

**Mr Hargreaves:** The interpretation you had in relation to the answer by the minister was absolutely correct. The question was all about how many jobs would be created out of the lease variation charge. The minister was halfway through telling the opposition how many jobs and where they would come from. That was happening before these characters leapt to their feet. Please uphold your ruling.

*Members interjecting—*

**MR SPEAKER:** Order, members! I will make the ruling on this one, thank you. Mr Barr, the question is about the jobs related to the lease variation charge, not the Liberal Party position. Can we focus on that, thank you.

**Mr Hanson:** Mr Speaker, Mr Hargreaves, in taking his point of order, just pointed at his watch, pointed at the clock, clearly indicating that his attempts are to stall and delay so that there are fewer questions asked by the opposition. I ask you to bear that in mind if you get further vexatious points of order from that side of the house.

**Mr Hargreaves:** On the point of order, Mr Speaker—

**MR SPEAKER:** No. We are not having a discussion, Mr Hargreaves.

**Mr Hargreaves:** That is wrong, Mr Speaker.

**MR SPEAKER:** Mr Hargreaves, resume your seat.

**Mr Hargreaves:** That is the wrong interpretation. I have been misrepresented.

**MR SPEAKER:** Mr Barr will continue with the question as I directed.

**MR BARR:** I have always got to laugh at Mr Hanson and his own goals. Another one again. Well done, Jeremy!

Anyway, as I was saying, in relation to the lease variation charge, I would point the Leader of the Opposition to the jobs growth data and look at how employment has increased in this city every month since the lease variation charge has been in place. I would also point the Leader of the Opposition to the number of construction jobs that are created through the lease variation charge payment. If he is opposed to the creation of construction jobs, let him say so in his address to the Assembly in a moment. The floor will be his.

*Members interjecting—*

**MR SPEAKER:** Order, members! Stop the clock, thank you. Members, I have asked for a reduced level of interjection. You are all continuing to do it. The next person will be warned.

**MR BARR:** The lease variation charge raises revenue that the government is directing into the urban improvement fund to fund a wide range of projects across the city. Those projects create jobs. Those projects create jobs—unless the opposition thinks they are done magically, that someone goes and sprinkles some fairy dust and all of a sudden all of these urban improvement projects just happen.

### **Budget—green schools**

**MR HARGREAVES:** My question is to the minister for education and is on school budget initiatives. Minister, we know that the budget contains items which actually

progress the government's position on green schools. Could you please outline for the benefit of the chamber how the ACT government is providing leadership in the area of green schools?

**DR BOURKE:** I thank the member for his question. The ACT government is a national leader in providing environmentally friendly schools, providing environmentally public schools. As Minister for Education and Training, I am proud of the ACT government's commitment to the environment. We are building and renewing Canberra's public schools in ways that reduce greenhouse gas emissions and enhance environmental sustainability. As you know, Mr Speaker—

*Mr Coe interjecting—*

**MR SPEAKER:** Stop the clock, thank you. Mr Coe, I have asked. You are now on a warning for interjecting. Dr Bourke, you have the floor.

**DR BOURKE:** Thank you, Mr Speaker. As you know, climate change is one of the largest economic and social challenges of our time. I believe every child deserves to attend a school with an environment which encourages learning. Environmentally friendly schools can enhance student learning, create a better place for—

*Mr Doszpot interjecting—*

**MR SPEAKER:** One moment, Dr Bourke. I do not seem to get my message through. Mr Doszpot, you are now on the list. The next member will leave the chamber. And I mean that. Dr Bourke, you have the floor.

**DR BOURKE:** Environmentally friendly schools can enhance student learning, create a better workplace for teachers and boost a school's competitiveness.

Today I will outline some of the innovative building practices implemented in ACT public schools. These initiatives demonstrate the continuing commitment of the government to deliver healthier and more sustainable schools while making substantial savings in the long term.

The ACT government's leadership in the area of green schools has been commended by the Green Building Council of Australia. It has also been recognised by the United Nations Association of Australia. During the building the education revolution initiative, the ACT was the only jurisdiction to engage environmental experts to consult with building companies for the duration of the works. In November last year—

**MR SPEAKER:** Dr Bourke, I am afraid that question time has now expired. You will have to come back to this another day.

*It being 2.30 pm, questions were interrupted pursuant to the order of the Assembly.*

## **Appropriation Bill 2012-2013**

Debate resumed from 5 June 2012, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

**MR SESELJA** (Molonglo—Leader of the Opposition) (2.30): This budget, after 11 years of ACT Labor in power, represents a triple whammy for the people of Canberra.

The first is a massive tax hit. This budget delivers the highest taxes in the history of the territory and the highest in the country.

The second is a massive fall in core services. This budget is the culmination of 11 years of mismanagement that has delivered a massive fall in outcomes and deliveries. The most crucial core service that local government provides, that of health care, has tumbled from the best performing in the country to the worst in the country, and Labor is failing even our most vulnerable children.

The third is a massive deficit—over \$600 million cumulative on the budget estimates—that one day every family in this territory will have to pay back.

Higher taxes, lower services, massive deficits.

The first whammy is the massive impost of fees, taxes and charges imposed by ACT Labor that delivers devastating increases to the cost of living. Let us be clear: this is the highest taxing government in territory history and the highest taxing per capita in the country.

Since ACT Labor has been in government, ACT taxes have increased by 90 per cent per person. That is \$1,628 per person. Last year alone they rose eight per cent to \$3,437—the highest growth in the country, to the highest level in the country. Water charges have tripled since ACT Labor came to power. After the 17 per cent increase is included in July, electricity prices will have doubled since Labor came to power. General rates have increased over 90 per cent, and in many cases over 100 per cent, since Labor have come to power. Rents have become the most expensive in the country, growing approximately 77 per cent. Parking fees have gone up 57 per cent, and another 22 per cent increase is scheduled in this budget.

How many Canberrans' wages have gone up the 100 per cent that electricity has gone up or the 200 per cent that water has gone up? This shows that the cost of living is real, and we are feeling it here in Canberra. Just as we have seen in so many areas and so many times before, ACT Labor ignores these issues as trivial. I remember when Katy Gallagher was Treasurer and she said that if families were feeling cost of living pressures they should "turn off the Foxtel for a while".

According to the budget papers, next year will see those core cost of living prices rise even higher. General rates will increase 9.6 per cent; utilities will go up 11.5 per cent;

electricity, another 17.2 per cent; gas, another 11.5 per cent; sewerage charges, 8.2 per cent; and car parking revenue another 22 per cent next year alone.

Chief Minister, it is a bit hard to turn off the water, or the sewerage, or the power, after your government has doubled or tripled the costs—and this budget delivers more massive increases, right across the board, for every person, for every family, for every home and for every business.

Katy Gallagher's "turn off the Foxtel" will take its place among other Labor classics such as Paul Keating's "get a job" or "the recession we had to have". It completely confirms how utterly out of touch this government has become, despite massive evidence to the contrary.

One aspect of the budget papers ought to tell the Chief Minister the true state of affairs. It is an aspect the Canberra Liberals fought very hard to get included and are very glad is there—the cost of living statement in budget paper 3. This paper shows, in black and white, just how much it costs to be governed by ACT Labor. This chart shows that in 2012-13 the cost of ACT government fees and services for an average household in Canberra will be over \$9,000.

Bad as that number is, what are even more concerning are the parameters for the average family upon which that number is based. As we know, the term "average" in the hands of a Labor government is a very dangerous term indeed. This "average" family have two adults, one working full time and one part time. They have two kids, one at school. They have two cars—not an unreasonable starting point. However, this family has two cars but never pays for car parking; the full-time worker catches the bus every day and leaves the car at home, apparently.

Perhaps this was left out due to the 22 per cent increase in revenue scheduled in this budget. Without knowing the full details, this could amount to as much as \$3,000 per year or more for someone parking in the city every day for 46 weeks a year. No wonder they left it out. The child of this average family also appears to enjoy free childcare, as this is not included either. And, as we know, and as many people have pointed out, childcare is incredibly expensive, even on a part-time basis. That could add \$80 per day to that \$9,000 figure, or up to \$400 a week.

I am not suggesting that the ACT government control all childcare costs, but they do have a significant influence upon them. This influence can be seen in the difference between the ACT and the national average, which amounts to \$13 a day, \$65 a week or \$1,642 extra every year for childcare. No wonder they left that out.

The family do not use telephones or the internet either, this "average" family. The utilities tax, a tax set and collected exclusively by this ACT Labor government, is not included in the cost of living statement; nor are any of the costs associated with school-aged children, nor of using their car. Therefore, this very un-average "average" Canberra family will pay at least \$9,000 a year, or \$750 a month, to be governed by ACT Labor.

A genuine average family could easily be looking at a much larger figure. Just factoring in car parking and utilities taxes—glaring omissions from this statement—easily puts that number over \$12,000 a year, or \$1,000 a month.

If we took a family with three kids, one in childcare and one in a non-government school, the cost of living climbs drastically. That is not an unreasonable scenario. Around half of all families in the ACT send a child to a non-government school, yet this government supports those families with the lowest funding for those children in the entire country. If the same family were to send their child to a non-government school in New South Wales they could receive around \$1,000 per child more support than they do here in the ACT.

If we take our more average “average” family, using only 25 weeks of childcare and paying for car parking and one modest non-government school, our calculations put the true cost of living figure at \$24,700, just to cover the costs.

And Katy Gallagher says, “Turn off the Foxtel.” It is a disgraceful comment to make and one I will not let the people of Canberra forget as they struggle with the cost of living pressures placed upon them by this government.

Having established the massive increases in cost of living, I want to turn to the other aspects of the so-called “reform” that is in this budget.

The Treasurer has made much of the fact that the government will reduce and eventually abolish stamp duty as a tax and replace it with general rates. As we know, stamp duty, especially stamp duty on first homes, has been a tax set at such a high level that it is a significant barrier for entry into the housing market. As we also know, ACT Labor never tells the whole story or reveals the whole truth.

Our approach was to decrease the burden for first homebuyers, and that is a philosophy we still embrace. First homebuyers are the ones who need the most assistance and the ones that will create the basis for the next generation of growth in the ACT. Making it more affordable to get into a home means people who grew up here are more likely to stay and to settle here, and those who have come here to work are more likely to adopt our city as their new home.

The process outlined by this budget only helps some first homebuyers. Mr Barr said in his speech on Tuesday, and repeatedly since, that the first homebuyers concession scheme will cease unless they buy a new home in a greenfields site or a “substantially renovated” home or empty block. Quite what “substantially renovated” means is not clearly spelled out, but it is safe to assume that any substantially renovated home is very likely to be priced well beyond the capacity of a new homeowner to buy, and above the thresholds for the new scheme.

On preliminary study it appears that most first homebuyers will be worse off. We know from questions on notice that most first homebuyers prefer to buy a modest home in an established suburb, usually close to their own families and friends. In some years this has been 60 per cent and in others over 80 per cent. In every year, most first homebuyers buy existing homes.

If we take that as a base and compare the existing concession schemes against the proposal contained in the budget, we find the truth. For a first homebuyer of an established home, with total income just under \$120,000—the same income described as “average” in the cost of living statement—the changes are as follows. If they bought a \$350,000 home, currently they would be charged \$20, the full concession. Under the new scheme that same couple would be charged \$10,925. That is a \$10,905 increase in their stamp duty. Buying a \$400,000 home, around the average for a first home, they would pay \$4,963 under the current concession arrangements; under the proposed changes they would pay \$13,300, or an \$8,338 increase over current arrangements.

So much for abolishing stamp duty. In fact, according to the budget papers, the very same budget papers that promote the reform of reducing stamp duty, the stamp duty collected over the outyears increases. As my colleague Brendan Smyth remarked, it is the only abolished tax in the world that actually collects more money.

We have seen the unravelling of this budget on the first day. We heard, less than 24 hours after the budget was handed down, that two major projects had decided to pull out from Canberra. Then we heard from the Treasurer that that was not the case. What had changed? What had changed was that this budget reform was collapsing and Andrew Barr, on the first day of his first budget ever, caved in on his reforms.

What sort of operation is this? Not only is it incompetent; it is inequitable. Will there be variations for those who paid the full stamp duty on their home the day before the announcement? Or is that only for the big players? This is amateur hour at its worst—incompetent, inconsistent, in trouble.

However, it is not the only aspect of this new tax reform which is causing us concern. Rates, as has been shown, have increased by around 85 per cent since this government took power—just one of the cost of living creeps that have put strain on the family budget. Next year another 9.6 per cent will be added to that number. The Treasurer has once again reached for his “average” number and has been telling the people of Canberra that the “average” cost of living increase is \$2 a week.

He has not been telling the real story. The real story is of far greater increases, especially for those in established suburbs with suburban backyards—the family homes in Canberra. The real costs are these: in Ainslie, an average increase of \$390 or 22 per cent; in Aranda, \$264 or 16.5 per cent; Chapman residents will be hit for an extra \$248; Curtin, \$286; Garran, \$322; Hackett, \$250; Hughes, \$313; Narrabundah, \$283; Torrens, \$209; and Weetangera, \$255.

And a crucial point: those are averages. If that average includes apartments and units, the increases for those with the family backyard could be much higher than has been promoted. Another crucial point: that is just next year. These rates will continue to go up during the entire next term should Labor be re-elected. Over the outyears this government intend to raise hundreds of millions of dollars from rates. By their own budget numbers, the \$200 million they intend to raise next year will double by the end



of the fourth year, when nearly \$400 million will be raised through general rates. \$400 million will be taken from the cost of living budgets of Canberra families and added to the coffers of the ACT Labor budget—\$400 million.

Imagine what Canberrans' rates will look like then. Yesterday, the Treasurer could not even tell us how much those rates will be, so we can only imagine the worst. The Quinlan review, the basis of the great reform, talks about \$4,000 rate bills. Will they be that much? Who knows? The Treasurer certainly does not. Mr Barr will argue there are savings or offsets, but all the data available points in one direction: a massive increase in the cost of living.

We are still considering the full implications of the detail of this government's response to the Quinlan recommendations, but the budget numbers provided on Tuesday paint a very concerning picture. The burden hits, as is so often the case with Labor budgets, and always the case with Labor-Greens budgets, on the middle income families. The greatest majority of families in Canberra will be hit with the greatest increase in rates, from the highest taxing government in the country. We will continue to look very carefully at this proposal, but current indications, and all past form of this government, point to yet another massive tax on the home, the car and the family.

Another area of concern is the continuing march of the lease variation charge, a tax increase we have opposed since its inception. It is a tax on housing affordability. It is impossible to levy a charge of up to \$50,000 on every unit in an apartment development and not have it affect the final price. It is nonsense to suggest otherwise. It is a tax against infill development. It is impossible to levy massive taxes on dual occupancies and not have it affect those contemplating such a move.

And it is more than a tax on jobs in the sector; it is a jobs killer. We have heard of many projects stalling or cancelling because of the tax and planning regime in this city. This is most keenly felt when skilled personnel simply leave to follow the work; a boom and bust pattern that has been the bane of this city for decades. This tax perpetuates and exacerbates that cycle.

This year that tax increases in line with the reduction of the concessions. For a multi-unit development of five to 10 units, it means the following new taxes: in Braddon or Turner, \$24,500 per unit; in Phillip, \$19,250. For the dual occupancy market, in Kambah it increases to \$15,750, in Mawson to \$24,500 and in Aranda to \$21,000.

What has happened to the industry since it was announced? According to ABS data, approvals fell by 18½ per cent in trend terms in May and have fallen by 60 per cent in trend terms in the last year. It is having an impact and it is not a positive one.

For all these taxes, all this revenue, you would think we would have the best services in the country. The fact is we do not. And that is the second whammy from this government. After 11 years of Labor and four of a Labor-Greens government, we have some of the most appalling outcomes in the country.

The hallmark of a good government, and a good local government in particular, is not how much they spend but what they get for their money. There is no doubt that this

government can spend. The Treasurer and the Chief Minister have been gleeful in telling how much money they have spent on health, for example. “A billion dollars,” they cry. “A 158 per cent increase,” they claim.

They cannot escape the fact that under their stewardship, on their watch, they have taken one of the best performing health systems in the country and turned it into the worst—worse than Victoria, which cost the Labor Party government, worse than Queensland, which saw the Labor Party routed, and far worse than New South Wales, long considered the low watermark for competency and complacency.

We have been talking about the continued, debilitating failures in our health system all week, and we have been decrying the continual, desperate defence from the minister responsible for those failures. Katy Gallagher and ACT Labor could not fix the problem. No matter how much they promised to spend or how many reforms they promised to make, they could not deliver.

We remember as waiting lists started getting longer, both in emergency departments and for important elective surgery such as knee and hip operations. We were appalled as emergency departments were pushed to breaking point with patients classified as urgent waiting up to 24 hours to be seen or travelling to Sydney for life-saving treatments. There were banner headlines telling Katy Gallagher three years ago we were critically short of health professionals. It got so bad that nurses and health professionals started to seriously fear for patient safety. Still no solutions.

Then the undeniable truth was published—our waiting lists had gone from the best in the country to the worst in the country. But that was not the end of it. I was in the chamber the day Katy Gallagher let slip that there had been a “10-year war” in the health department. A situation had festered to the point that our doctors were leaving en masse rather than continue to work in Katy Gallagher’s health system. This was not an external factor or a national shortage or a lack of funds; this was bad management, pure and simple—your management, Chief Minister. It got so bad that doctors groups demanded Katy Gallagher’s resignation.

How do we hope for a better future in health when our history has doctors groups calling for the minister’s removal? All of that is before it was discovered that patients were being reclassified to take patients off the most serious waiting lists and the ED waiting times were being altered.

After 11 years in power, six years as minister and your second year as Chief Minister, this government has had to put out a budget that states that the results of emergency department performance in the territory are under formal investigation. Again, a lack of competence and a complete lack of candour. Just like the promises made in the last election year.

In 2008 Katy Gallagher promised three nurse-led walk-in clinics to take the pressure off the emergency departments. Only one was delivered. Only months ago, the Chief Minister had the temerity to re-announce the policy for this election, announcing new centres. One of them was a replacement for the sole centre delivered, and none of them were funded properly. It shows the utter contempt this Chief Minister has for the public. Chief Minister, I think they are now waking up to you.

In this budget, the Chief Minister has promised hundreds of millions for new beds and hospital infrastructure that this time, finally, the results might be better. Chief Minister, we are still waiting for the hospital you promised last time. It is still not ready. We can already tell from the shifting and shifty language in your press releases that you are gearing up for a partial opening—not the full hospital you led this city to believe you would deliver. It is the prison all over again. I think there is a prediction I can make with some certainty—there will be a raft of ribbon cuttings this year culminating in the hospital, which is certain to be six to eight weeks out from the election, purely by coincidence.

I also predict that, no matter what has been promised in this budget, this government will not deliver. That is the history of health under ACT Labor and Katy Gallagher. From one of the best, to one of the worst. Continual promises that this time it will be better. Continual disappointment when delivery simply does not happen. And growing cynicism about this government's record.

It is not the only story of abject failure there is to tell about this government's 11 years in power. There was a report that was scathing in its review of the care and protection of young people in the territory. The review stated:

There is a critical lack of quality placement options for children and young people needing the care and protection of the Territory Parent.

The report also includes concerns expressed directly by the Office of the Community Advocate about the failure of the ACT director of family services to meet statutory obligations. These are damning criticisms—abject failure of one of the government's most basic obligations: to keep our kids safe.

But that is not the most damning thing about this report. The most damning aspect is that this report is eight years old and nothing has changed. Eight years ago the Vardon report slammed the government for their failures to protect our kids. The minister at the time was Katy Gallagher.

Last October the Public Advocate issued a report that slammed the same government for the same problems. It reported 24 breaches of the law and said the system left children traumatised as if they had suffered abuse. Last week, the Public Advocate issued another report, explicitly stating that many of the issues raised in the Vardon report still have relevance today. Eight years, three reports—nothing has changed. It is nothing short of a disgrace and you, as the minister responsible for the first report and Chief Minister responsible for government during the last two, should be ashamed at failing the most basic task of protecting our most vulnerable citizens.

In almost every other area, the government has flagged and failed. From the GDE—the icon of Labor's inability to build—to the office block that was to be the saviour of the public service and offer savings in the budget. All have been delivered late or not at all. This leads not just to a lack of competence, which is plain for all to see, but a lack of candour, a lack of honesty. It is the lack of honesty that really is the hallmark of this government.

This is a government that is wracked by dishonesty, and never more so than in election years. Before the 2004 election—we all remember, don't we?—Katy Gallagher said, "There will be no school closures under a government I lead," so to speak. Six weeks after the election she started closing schools. It took her six weeks to break that promise. We know that 23 were closed despite the promise of no school closures. We still do not know exactly why because they have kept the report secret.

Then came the 2008 election. What was the promise that time? Katy Gallagher again made the announcement: "All our plans in health are on the table." Turns out all the plans were not on the table; Katy had a joker up her sleeve.

After the election we discovered there were advanced negotiations to purchase Calvary hospital, at taxpayer expense, without telling taxpayers that that is what she intended to do. This was to be the single biggest shake-up of health care in the territory's history—but not a word from Katy Gallagher before the election. It was only after the election that the truth came out, and only then when it was leaked to the media. That is two elections in a row that Ms Gallagher has emphatically told the community one thing but was secretly planning to do the exact opposite.

That is the hallmark of this government, and that is why this budget, with its promised reforms, will require very detailed scrutiny. Even on blindingly obvious occasions this government seems utterly incapable of telling the truth. Take the GDE. This is a road that was the most visible building project in the entire city for a decade. It took longer to build than the Sydney Harbour Bridge and was years late and millions over budget. This government had the audacity to go out in public and say it was delivered early.

We are all waiting for another announcement in relation to light rail, as they have done at the last few elections. A promise that they would seriously look at it has been made for the last four elections. Every single time Labor have failed to deliver. Every single time.

This budget is no different from those in the past, and if ACT Labor stays in power, they will be no different in the future. After 11 years, too many times you have failed to deliver. Too many times you have not told the truth. Too many times you have taxed more and spent more. And too many times you have led the territory into the black hole of permanent deficits.

Despite the first whammy of ever-increasing taxes and the second whammy of ever-decreasing services, there is still a third whammy—that is, the huge deficit. Before the 2008 election Jon Stanhope made another promise—a cast-iron guarantee to the people of Canberra. He said in September 2008 that Jon Stanhope was committed to Labor to delivering surpluses every year if re-elected. He then was quoted as saying, "We will not take the budget into deficit in any year." How can you believe anything this mob say? Katy Gallagher and Andrew Barr have predicted or delivered deficits in almost every year. Not just small deficits—there is \$600 million over the years. Over \$600 million in this budget that has to be paid back.

Deficits are not necessarily evil, but they are to be used sparingly. Not only is that pure common sense, it is sound financial practice, which Treasurer Andrew Barr knows only too well. We know that in his maiden speech in 2006 he stood in this place and proclaimed with some superiority:

Running a surplus operating budget provides intergenerational equity. It means that each generation of the ACT community pays for the government services they are receiving. A surplus budget is vital to maintaining the territory's AAA credit rating.

In 2006 Andrew Barr said it was essential to run a surplus budget. Today it is essential he brings down a massive deficit. And that is not the most outlandish claim he has made. He is quite the verbal contortionist, but even we were impressed when we heard him describe a budget that delivers a \$318 million deficit as “balanced and measured”. A balanced and measured \$318 million deficit. There is nothing measured about the way this government spends and manages the budget. Since the GFC gave them the smokescreen they needed to spend and keep on spending, ACT Labor are like kids let loose in a lolly shop.

The problem is that it is the family budgets in the ACT that will have to bail them out. It is the cost of living of families that feel the strain when ACT Labor cannot control their spending and cannot control the waste. And waste is another hallmark of 11 years of this government.

This government has turned wasting money into an Olympic event. The GDE is the glaring example—the road that took longer to build than the Sydney Harbour Bridge. But it was the decision, misguided and mystifying as it was, to build the road as one lane. Again, it was not external factors, or shortage of workers—it was pure mismanagement. Like the ESA headquarters—originally budgeted for \$13 million; it blew out to \$76 million. The Canberra Hospital car park—from \$29 million to \$43 million. The mental health facility—from \$11 million to \$14 million. The Googong pipeline—from \$96 million to \$156 million. The busway—\$5 million to deliver nothing at all. Dead running buses for ACTION have cost Canberrans \$27,000 every day—\$190,000 per week. Of course, the biggest of them all is Cotter Dam—from \$120 million to over \$400 million. Some of that was due to natural events, but to blow the budget by nearly four times is just poor planning.

Wasted money, wasted opportunities. That is why the government has such big deficits and that is why Canberra families face such appalling cost of living pressures.

Mr Speaker, I have very serious concerns about this budget. More concerns than any budget that has been delivered in the past 11 years. Forgive my scepticism, my concern, my doubts about the “great reforms” from this “great reformer” but the last reforms Andrew Barr undertook were to shut 23 schools immediately after Katy Gallagher promised there would be no school closures. I think we should all be very doubtful, and we will be examining it very closely over coming weeks. I have serious concerns about the implications of cost of living, and that is the filter through which I and my colleagues will be viewing the outcomes.

If, at the end of that process, we discover that this “reform” is simply a subterfuge to slam the family budget even harder than ever before, to raise the cost of living higher than ever before, we will oppose it, and we will let the people of Canberra know the real story. Because one thing we do know: they will not hear the truth from ACT Labor.

Every year, I have included in my budget reply alternative ideas and innovations. Each one plays its own part in building a bigger picture and outlining my alternative view for Canberra. All of these ideas follow a simple creed to offer better local services and do so at lower costs.

It started with Infrastructure Canberra. Infrastructure Canberra is our comprehensive plan to engage with experts and offer genuine guidance to government. After so many years and so many failures it would be plausible that Labor might support that notion. But like so many other opportunities, it has been an opportunity lost. We will implement Infrastructure Canberra if we are elected, and we will start delivering projects on time and on budget. That is what the people of Canberra deserve, that is what they should expect and that is what they should get.

We have put forward ideas to help lower costs, in small ways and in big ways. We have put out policies to reduce car rego fees, saving Canberrans up to \$100 a year and running the operational aspects more efficiently.

We have put forward policies to halve the government charges for sports fees and inject \$3½ million into local grounds and facilities, making it cheaper to participate and providing better facilities when you do. As a parent of children who play junior sport, I am constantly hearing from other parents about the constraints of paying for it, but also of the need—and we are hearing it from clubs—to upgrade facilities so that young Canberrans in particular can have access to junior sport and have the facilities that they expect.

That is what a good local government does. That is what a good local government focuses on. It focuses on listening to the community, on delivering for the community and on ensuring that those basic services are delivered and the costs kept as low as possible.

We have proposed policies to support our veterans, in recognition of the work our defence personnel do for our nation and the fact that many defence families are based here in Canberra.

Our policies to support local businesses with reduced red tape and doing the core business of being a better customer—no more year-long waits for local businesses to be paid by their own local government.

We have proposed solutions to transport problems, like opening up transit lanes this government wants to keep exclusively but empty during most peak hour times.

All of these are based on the premise that little costs can make a big difference and that support should be local.

We have put forward ideas that mean smarter management and better services—like credit card parking machines, more online engagement and more front-line services. We have put forward ideas, and had some of these implemented, on better government, such as FOI reform, government advertising reform and campaign finance reform. We have proposed a policy for an independent public administration commissioner to enhance and protect the valuable work of our public servants. We have put forward ideas to protect police and protect our citizens. Our legislation to take action against drug drivers is a standout achievement and I pay particular credit to Jeremy Hanson for his work on that issue. We will continue to fight for better protection for our police.

We have fought for and achieved actions in local shops and streets, such as Kambah, Erindale, Weston Creek and Hawker shops, all with genuine street-level support and success. We have had wins for the Shepherd Centre, road safety in Tuggeranong and transit lanes on Adelaide Avenue.

Local services; lower costs—a simple creed ACT Labor and the Greens simply fail to grasp.

The people of this town are not crying out for this government to provide solutions to the world's problems. They are looking for competent governance of basic services, and keeping the cost of providing that to a minimum. Two things I guarantee a Liberal government will do better than a Labor-Greens government every day of the week and every week of the year. Services like health, which the government has so spectacularly failed in. Services like road building and infrastructure delivery, where this government has so abjectly faltered. And costs—housing affordability, rates and the costs of basic utilities. All marked failures of this government and all hit yet again in this budget.

No, the Canberra Liberals have been about, and will always be about, local services and lower costs.

I am very proud of my team and what we have achieved this term. We have done an outstanding job of keeping this government to account. My team have done an outstanding job of standing up for their communities and focusing on local issues. They have done an outstanding job of building a team ready and able to offer a better alternative to the Labor-Greens alliance.

And I think we have done all this and been true to our core values as Liberals. One of the most fundamental values is that we believe government is an institution that exists to support the freedoms of individuals, not impose an ideology on the masses.

We value the pride and prosperity that comes from homeownership and the belief that those who have worked hard to achieve that goal should not be taxed mercilessly to keep it. We value education and educational choice, not forcing people into situations

by legislation or taxation. We value the rule of law, applied fairly and equally. We value the right of individuals to make choices for themselves, not making illegal everything from shopping bags to puppy sales in an attempt to promote a minority view of justice.

We value the importance of making wise spending choices, knowing it is not our money, it is the people's money, and when they entrust it to us we must treat it with the greatest care. We value the importance of hard work, the dignity of a job and the pride of achievement that comes from accomplishing your own goals. We value endeavour and enterprise, and will not punish those who seek to achieve something better. And we value family. Family is the cornerstone of a better society. We will never sit by while the majority of families are attacked, no matter from which quarter.

And we value the responsibility of a government, in particular local governments, to keep the cost of living down. Under this government, the cost of living has always gone up and will always go up. Under a Canberra Liberals government costs will be lower, and they will always be lower. That is what the people of Canberra can expect from a Canberra Liberals government. That is the choice people will face this year.

The same old government which for 11 years has put prices up, driven services down and delivered giant deficits—or change to a government focused on basic local services and lower cost of living? This year, we will be asking Canberrans to vote for change.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (3.08): There are broadly two tales to tell in this budget, one of real progress in the way we will generate our revenue and the other of continued reticence to take the necessary steps forward in the way we use our expenditure to generate better long-term outcomes.

On the revenue side the government has made some very proactive decisions to challenge the status quo, undertake significant reform, and ultimately put Canberra in a better position. They have taken a long-term view and commenced a very significant reform that the Greens support.

Unfortunately, on the other side of the ledger, many expenditure decisions lack real initiative and favour the status quo and business as usual when there was a real opportunity to do so much more. There is still no strong vision for how we can make this city a better place to live, just enough to tick the essential boxes.

There is a stereotype that many see when they look at Canberra. Canberrans themselves know that the “dull, wealthy, public service town” image is not the reality. Business, tourism and arts all continue to flourish in the capital, but the fact is that this town was built for government and the commonwealth remains the biggest employer and the maker or breaker of our local economy.

If the US sneezing gives the world a cold, the commonwealth government even just twitching gives Canberra pneumonia. Whether or not that impact is felt directly by the Canberra families who lose their jobs in the Australian public service, or indirectly for



the many other Canberra families who depend on commonwealth government and commonwealth public servant expenditure for their income, it has a profound impact on our city.

The commonwealth budget is taking money out of the ACT and we think it is appropriate that there is a fiscal policy response by the ACT government to increase our expenditure, and offset some of the commonwealth contraction. I would say that, given the continuing risks to the ACT economy, particularly from the commonwealth, and the better than expected growth figures published yesterday, there is a bit of a question about whether the response should have been slightly less, but generally let me say that the Greens agree in principle with the amount proposed to be spent.

That said, I would like to emphasise the point that, whilst the bottom line is very important, as former Prime Minister John Howard said in his response to the 1989 budget, the net operating balance is “not the real test of the success or failure of government policy”. He said:

The ... government must be judged on the impact that its policies have ... on the economy.

I have to say that this is one of the very few occasions where I agree with Mr Howard. The overall fiscal policy of any government is very important but it is certainly not the be-all and end-all that it is often portrayed to be. As Mr Howard said, the real test is how the money is being spent and what it is really delivering for the community.

The need to spend additional money creates an enormous opportunity, and any fiscal stimulus should deliver real and lasting benefits, not just be a feel-good flash in the pan that ultimately leaves us in the same position a few years down the track.

The Quinlan tax report said it well when it stated that we have good infrastructure and excellent services but that considerable future investments are required. There is much investment required and the challenge for us is to prioritise what we would do first. The Greens have long argued that we need a much better approach to infrastructure investment, a smarter approach that avoids the need for future costs and ultimately makes our city more sustainable and a better place for all Canberrans to live in.

Rather than simply spending for stimulus, this budget should be investing in sustainable outcomes that will last well beyond this budget cycle. If we put \$80 million into acute health care, we meet a growing demand, but when we invest in preventative health measures, that demand will be reduced. When you spend \$20 million for a big hole in the ground, you get a place to tip your waste until it fills up and you have to dig another one. If you invest in recycling, education and resource recovery, you get a lasting benefit and prevent the need to again spend millions more for a new landfill. When you duplicate a road, we know that new lane will fill up. Investing in a rapid transit network, on the other hand, will improve our transport efficiency and deliver returns well into the future. All of these investments do the job of stimulating the economy now, but the difference between spending and investing is the financial, social and environmental benefits that we will reap in the years to come.

So while we see the merit in the fiscal position adopted in this year's budget, the Greens are disappointed that some of the expenditure decisions have not been more strategic and have not taken the opportunity to better set ourselves up for the inevitable future challenges.

The other story in the budget is the changes in taxation. These are a significant part of this budget and, in contrast to the more business-as-usual approach to spending decisions, they are very significant reforms. The Quinlan tax review stated:

... major taxation revenue streams are unfair, unstable and, as such, unsustainable.

The review also described the major own-source taxes as "volatile and inefficient".

There is no shortage of evidence that the reforms proposed are the right way to go for Canberra. There is no question that, against all the accepted criteria used to assess taxation, we are far better off removing these transaction taxes and the distortion, inefficiency and inequality they create, and replacing them with a single, broad-based, progressive tax on land. To the government's credit they have not stalled on this issue and have responded to the evidence from both the Henry and Quinlan tax reviews.

There is quite a network of changes proposed that really need to be considered together before you can make a fair judgement about the overall impact of the changes. Looking at any single change and the impact it will have in isolation does not give an accurate picture of the reforms, and such a superficial consideration is both lazy and disingenuous.

There are a number of economic reasons why the changes are a good idea, and these are well articulated and understood. As well as these issues we have to be aware that we simply cannot continue to rely on the sale of land, and we have to do a better job of allocating our land and housing resources if we want to become a sustainable city.

Our tax system should be more progressive and the Greens support the move to a means-based contribution system that better reflects people's differing abilities to pay. The Greens are pleased that there are a range of concessions in place to assist those who are struggling and we think that it is reasonable to ask those who are able to contribute a little more.

We have always said in any debate about tax reform that we need to protect those who are doing it the toughest and who are the most vulnerable to changes. I am very pleased that there does appear to have been a focus on pensioners in the initiatives and particularly pleased that there are significant concessions as well as deferral options for the asset rich but cash poor to ensure they are not unreasonably hit by the changes.

I would like to make just a few comments on the lease variation charge. Firstly, the point should be made that yet again this was found to be a very efficient and fair tax by the tax review panel. Secondly, the Greens are very pleased that there is now a general remission for building more energy efficient buildings, and whilst we are

disappointed that it took so long we are very pleased that there is now an additional lever to promote sustainable building in Canberra. I think it is enough to say that the Greens maintain our support for the charge; we believe that it is a fair and effective charge that delivers revenue to the community in exchange for the extra rights that developers receive.

Again the parliamentary agreement has delivered real outcomes for the people of Canberra. Through the agreement, the Greens have been able to deliver practical initiatives that make our city better, our environment healthier and Canberra more prosperous. The agreement has delivered improved public transport, reduced government greenhouse gas emissions, additional mental health funding and air quality monitoring.

We are very proud of what has been achieved through the agreement over the term of this Assembly. Not everything has been done as well as we would have liked, and certainly we have recognised where things could be improved. The very poor capital spend on public housing and the inaction on waste are particularly disappointing examples. In spite of some disappointments overall, the agreement has made a real difference, not only for government and governance and the big policy questions for the territory, but also for the daily lives of Canberrans.

Let me look at some specific initiatives.

In health and mental health, without doubt one of the biggest challenges facing Canberra is health and our ageing population. Every year, across every jurisdiction, governments lament the increasing strain that ever-growing health costs place on their budgets. What we should also be doing at a time when it is appropriate to spend some additional money is making the long-term investments in health to keep people out of our hospitals in the first place. The reality is that the only way to address this is to invest in preventing people from getting sick—an investment that will, of course, in time, pay for itself.

The Greens very much welcome the additional funding for health care generally and particularly the increased funding for mental health. We welcome the ACT government's commitment to increase mental health funding by \$4.2 million and we hope to see most of those funds directed towards community sector based and run programs.

In last year's budget the ACT government directed a very large increase in funding to government-provided acute services. But if we are to truly assist people to get out of that cycle of crisis it must direct its new mental health funds towards community-based and run prevention and recovery services.

We would also like to see the government recognise the lack of long-term supported housing in the ACT for people with a serious mental illness. It is vital that people living with a serious mental illness have stable and long-term housing in the community, with 24/7 assistance.

Turning to climate change and the environment, whilst there have been some positive initiatives like the carbon neutral schools program, energy efficiency measures in government buildings and some transport initiatives, the budget appears to make only very limited progress on our responsibility to tackle climate change.

There are some very welcome new initiatives. The penny has finally dropped for the government, and particularly, I think, for the Treasurer, that investing in energy efficiency is a good economic, as well as environmental, decision. Once again, this is where spending is an investment: every cent, and ultimately much more, that we spend on these types of measures will come back to the budget over time.

The Treasurer did say that we are the most sustainable city in Australia. Certainly we have great ambition for sustainability. But resting on greenhouse gas reduction target legislation will not actually get us there. There is some investment in public transport and energy efficiency for government buildings, but for the rest of the community there is nowhere near sufficient money to deliver the outcome we have committed to in just eight short years.

The government understands that tax reform will be a long road—20 years, in fact. Let me say that the challenges of climate change are far greater, and just as the Treasurer decries delay and recognises that if you never start the process you never finish in relation to tax reform, so too will our greenhouse gas targets continue to be a distant aspiration if we do not really make a concerted effort to change the way we do things.

Sustainable transport has been a key priority for the ACT Greens throughout this Assembly. As the tax review said, investing in transport along development corridors will not only assist in achieving a more compact and sustainable city but also remove the need for further expenditure and the imposition of congestion charges later.

The Greens have consistently said that the territory needs to take bold transport decisions to ensure that we have a sustainable, convenient and connected city in the future—projects like light rail, new transit lanes, expanded bus services, and walking and cycling facilities that will make us a leading city in this area.

If we do not address Canberra's inadequate public transport and our growing congestion, it will cost us much more in the long run. We have argued that smart and strategic investment in sustainable transport is the best way to create a Canberra that is not only convenient, but resilient to the environmental and economic challenges we are facing.

This year's budget moves us in that direction, but it only moves us slowly. One of the notable things about this year's transport budget is that there is a capital spend on public transport, but it is relatively modest.

I suspect that the restrained investment in sustainable transport is due to a hangover from this government's recent decisions on Canberra's transport priorities. The government has committed to building a large freeway through the Majura valley, a

project that costs almost \$300 million. Half of this money comes from the ACT government's purse—spending hundreds of millions of dollars on a freeway, instead of investing it in sustainable transport. Last year's budget papers make this clear. Over the period of the 2011-12 financial year to the 2014-15 financial year more than half of the new capital works expenditures announced under the TAMS Directorate were allocated to the Majura parkway project. This year's budget papers show that proceeding with this freeway project leaves very limited funds for other new TAMS capital works initiatives in the coming years.

Let me move on to waste. A really striking example of what I have been talking about is waste. The government has increased its target for the quantity of waste going to landfill per person from 0.7 to 0.9 tonnes for this financial year. Given that the ACT is already one of the most wasteful jurisdictions in Australia, we are very disappointed to see no serious budget commitment to waste reduction and recycling in the ACT. Instead, we are going to be digging a big new hole at a cost of \$20 million. We could be investing that money on new initiatives to prevent us from generating the waste in the first place, creating new, sustainable jobs and using scarce resources more wisely.

We are pleased to see that the budget includes funds for increased recycling facilities, although we believe that it is a mistake not to include adequate and easily accessible facilities for recycling batteries and light globes. Similarly, we welcome the funding to continue successful street-level recycling in Civic. However, we are still waiting for a very overdue expansion into other town centres.

The Greens welcome the carbon neutral schools strategy and increased funding to make our schools greener through practical measures such as improved lighting efficiency and thermal resistant glass. We have long called for better data collection regarding the government's commitment to the carbon neutral school system by 2017, and it is pleasing to see that these calls have partially been heeded, with the announcement of new monitoring systems in public schools.

Finding an explicit commitment to women in this budget is difficult. It has been some time since the ACT budget has had a dedicated women's statement, and while I recognise the government's plan to address women's issues across the whole of government, I am concerned that we are losing sight of the very real inequities still evident for many women here in the ACT.

There has been a commitment to equal pay for the community sector, which is predominantly a women's issue because it predominantly employs women. I also note that the money for low income earners will be welcomed by many women in Canberra. However, I will be very interested to see in estimates how the government is really ensuring that equity and support for Canberra women are being addressed.

In arts, the Greens certainly welcome the funding for the capital upgrades of the various Canberra arts facilities: \$2 million for the Tuggeranong Arts Centre; \$3.1 million for the Canberra Theatre Centre; and a \$300,000 feasibility study for stage 2 of the Belconnen Arts Centre. While the arts will certainly benefit, we note that these projects are in the construction industry rather than in the arts themselves.

These projects are part of an economic stimulus package designed to support construction jobs rather than artists in Canberra. As a general observation, I think that the focus on buildings rather than people has missed some opportunities there—although, as I said, we welcome the upgrades.

In business, the budget contains a range of initiatives to attract and promote business in Canberra. The Greens agree with this strategy and the intention to create alternative private sector employment at a time when the commonwealth public sector is contracting.

We are pleased that there is \$500,000 of continuing support for the Canberra business development venture capital fund. This provides some support for future diversification of the ACT economy and it will assist a range of business proposals which we hope will include the future sustainable industries and businesses that the ACT needs. In addition to this, the clean tech development fund and the red tape reduction initiatives are very welcome.

The biggest changes for business are in the changes to the payroll tax threshold, the staged abolition of insurance duty and the consolidation of land tax into commercial rates. The Greens support all these initiatives and agree they should have a positive impact for business.

Canberra can be a 21st century economy that sustainable business and jobs are drawn to, not only because we have a good business environment with lower taxes and administrative burdens but also because we have created a flourishing market for the products and services that will be developed.

Turning to the community sector, it is interesting to note that the government has found \$360,000 over two years to support the work of the red tape reduction taskforce and support an expert panel to investigate regulatory impediments to business and establish a navigator program to build small and medium enterprises' compliance capability—which, as I said, the Greens are supportive of—but that similar funding could not be found to support the community sector, with similar issues. In fact, Minister Burch has outlined a virtual tax on the community sector to pay \$1.3 million over three years for similar work on reducing government red tape.

In the area of housing affordability, and this is a difficult issue, we are very pleased that a significant and coordinated effort has been developed to send a strong signal to the market that what we need in Canberra is more affordable housing and not more million-dollar McMansions. Of course, we will have to see how the initiative rolls out and how the market responds. I would say yet again that the up-front cost of housing is not the only measure of affordability and that reducing running costs is a very efficient and effective way of making housing more affordable.

In the area of cost of living and targeted assistance, I think that before we consider this issue and the impact the budget will have on it we need to be aware of a few facts. Canberrans earn on average the highest wages in the country. We pay the lowest electricity prices in the country. For a capital city we have just about the cheapest parking in the country. In 2009-10, which was the last year I could find a national average for, we paid 13 cents a kilolitre less than the national average for water.

Again this week, and in fact in Mr Seselja's speech this afternoon, the Canberra Liberals have pulled out the "highest taxing jurisdiction" line. In talking about the amount of local and state taxes levied per person in the ACT, Mr Seselja conveniently forgets that last year there was a very large one-off tax payment that significantly distorts the figures. Last financial year—and we all know this—News Corporation paid \$77 million to the territory, and if you exclude this figure you get an average tax per person that is fourth in the country, smack bang in the middle. So, unless Mr Seselja thinks Rupert Murdoch is a struggling Canberran, the figure he quotes really does not tell the story.

The reality is that most people in the community are doing okay but there are a number of people who earn a good deal less than the average wage and who are doing it tough. These are the people that the government should be providing assistance to.

The Greens have always been the party that have focused the most on helping those doing it toughest and we are more than happy to have the cost of living debate and are very confident that we have the best range of policies to tackle the issue.

Forever listing the cost of things, some of which the government has very little to no control over, does little to demonstrate the real impact that the changes are having on different parts of the Canberra community.

The real value of keeping a family of limited means warm in the winter is something that the Greens do recognise and something that we have worked very hard to actually make a difference on during this term. Thanks to the Greens' efforts we now have a much improved concessions scheme for those who struggle the most to pay their utilities bills. We have long campaigned to make Canberra's housing more energy efficient, which is of course the best way to reduce the ongoing costs for families. Through the parliamentary agreement we have been successful in getting extra money for this program. As I said this week, we are disappointed that the government has not put more into this, but we have put significant millions of dollars extra into energy efficiency measures in public housing.

We also tried to set minimum standards for those in the rental market who typically have the least means available to them, and neither of the other parties supported that initiative.

On car registration surcharges, the Greens agree that the fee should not be charged to concession cardholders. That is an easy and targeted way of assisting those doing it toughest. The real challenge is to do something to assist the next group of people who are experiencing real difficulty but do not quite qualify for a concession card. The real burden that actually falls on this group, partly because they are difficult to target initiatives for, is substantial and should be better recognised. We do need to be looking at how we can support this group.

The Greens are very pleased that the ones who appear to be receiving particular assistance from the budget are pensioners, who we know do not receive adequate payments from the commonwealth.

There are a range of targeted measures designed to assist households facing financial pressures with the cost of living. These are being implemented through this budget, and I would like to mention the expansion of funding for the no interest loan scheme for community organisations to establish loan programs for people experiencing financial hardship and who are unable to access mainstream credit or cannot afford the interest on commercial loans.

I will say that I think more detail about the targeted assistance package and the operation of some of the concessions is required, and this is certainly something that we will be pursuing in estimates.

Taking a quick look at my own electorate, I am pleased to see in Ginninderra that the government has provided \$300,000 in funding to stage 2 of the Belconnen Arts Centre development. Throughout this term I have supported the Belconnen Arts Centre's call for funding and have raised concerns about the amenity and accessibility to Lake Ginninderra for residents and visitors to the centre. I have done that on a number of occasions.

Talk of lakes in Canberra usually quickly focuses on Lake Burley Griffin, and Lake Ginninderra can sometimes be forgotten. I will be interested to hear in estimates about the government's plans for improving the lake water quality, and particularly for the Emu Inlet project. I also look forward to talking to the government about transport improvements for the Belconnen area, noting that we have had the extended Blue Rapid service established and put into Belconnen, which has been a great improvement for many Belconnen commuters.

What would the Greens do differently? The budget gives all parties the chance to articulate what their vision for Canberra is, what their priorities and values are and, for the Liberals and ourselves, the opportunity to tell the community what we would do differently were we in control of the purse strings.

The Greens have a very clear alternative vision for Canberra. We are a party with strong values, clear ideas and a distinct view of how things should be done differently, both today and across the decades to come. We never step back from a policy debate and, despite having the fewest members in this place, we have brought the most new ideas to the table.

The Greens have been the ones getting things done. Ms Le Couteur said it very well yesterday. Her record on getting legislation into this place has been good but not all of her legislation has got through. But many of the ideas have ultimately been implemented. They have been excellent and they have made real differences to Canberra's planning system. It is much better for it. I know that we have won a lot of support out there in the community—particularly Caroline, for her hard work on planning.

The Greens have delivered a better walking and cycling network, better bus services, a library, wetlands, recycling facilities, more efficient houses, legal services for those who cannot afford them, a library in Kingston, and much more.



The Greens believe that we are very fortunate in this jurisdiction that our parliament is so closely connected and accessible to our community and at the same time is responsible for the big issues that will fundamentally affect our lives for decades to come. More than any other parliament we can think global and act local. We can make sure that we reduce our greenhouse gas emissions and play our fair share in reducing the threat of climate change, at the same time organising a waste recovery service to implement the necessary changes.

We are happy to challenge the status quo and respond to the evidence and the merits of ideas, not the dog whistling or scare mongering, not to populism and opinion polls or the interests of big business above ordinary Canberrans.

The budget and the way the government spend the community's money are the biggest single test of what sort of job they are doing. The Greens will support the budget in principle. We believe that it is a responsible budget and we understand the importance of stable government and reliable services. Our job is not to wreck and nay-say; it is to work constructively to improve our city and the lives of all who live here.

Mr Smyth challenged me yesterday, at the Press Club, about whether I would push the Australian Greens to block the federal budget to oppose the proposed job cuts by the commonwealth. I did not get the opportunity to respond at the time because there was a quip made by Ms Gallagher which the whole room found very funny, but I will respond to Mr Smyth now. Mr Smyth, the absolute worst thing the Australian Greens could do for Canberra right now is to block supply, bring down the government and deliver Canberra's future into Tony Abbott's hands. The impacts of his very large, 12,000, 15,000, 20,000 job cuts from the public service would be devastating. It would throw this place into recession. It is one of the largest clouds on the horizon and one of the biggest threats that I see to the ACT budget returning to surplus in 2015-16.

Mr Smyth, that is the thing about being in the balance of power. It would be irresponsible to threaten to bring down a government every time we did not get exactly what we want.

The Greens have not been afraid to tackle the big issues. We do not want the government or this place to be reduced to a town council. We have a much bigger responsibility to the people of Canberra than to hide from all the big issues that we face. The Greens want to be part of all the decisions that this place should rightly make. We want to deliver better daily services and better big picture outcomes that reflect the views and values of the progressive Canberra that we live in. We were the first jurisdiction to have a female leader, to properly recognise same-sex relationships, to enact a Human Rights Act, and we are the only jurisdiction that places the responsibilities of state and local government in one place. This should deliver benefits at both levels, not one at the expense of the other.

The real question for us now is whether we just want to make the systems of the past work a bit better or whether we are prepared to actually face up to the real issues and challenges and deliver real changes—changes that will deliver long-term benefits.

Reliance on an outdated transport network dependent on individual travel powered by fossil fuels is a system that will become a system of the past. It certainly will become more and more unaffordable to more and more people.

Building a new lane may make it a little better for a short while but it does not even touch the sides of the real issues and is often just throwing good money after bad. The new system that would make the biggest and most lasting changes is light rail.

We can build a light rail network that would dramatically change the way people get around Canberra. We cannot do it all in one budget but we can make a start and do a bit at a time instead of throwing money at solutions that we know for a fact will not work in the future. We can begin building a new transport network that will put us in good stead in the future. Just as it will take 20 years to change the tax system, so too will it take 20 years to change the transport system. But of course we will never get there if we never start.

The Greens, as I said, support the budget in principle. We agree with the fiscal position and with the majority of the specific initiatives contained in the budget. In fact the vast majority are entirely non-contentious and I am sure that, asked in isolation whether or not each party agreed, there would be unanimous support. However there certainly are items that we do not agree with that we think could be done better or where an opportunity is being missed.

I have said many times that the Greens are committed to stable government and we do not believe in jeopardising the delivery of basic government services—health services, education and public transport, for instance. We cannot jeopardise the delivery of basic government services that we all agree with and all depend upon. It is just not good governance and it would not be a good outcome. We will have the policy debate about our disagreements and the community will judge us on those views in the near future. In this parliament no-one gets everything they want and we all have to compromise; it is called minority government.

Budgets are not a magic pudding. They cannot deliver increased services and more infrastructure for less tax. What they can do though is distribute the resources of the community to ensure that not only is there continued economic prosperity but that we also have improved social equity and environmental sustainability.

## Visitor

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): Before calling Mr Smyth, I acknowledge the presence in the gallery of a former member of the Legislative Assembly, Mr David Lamont. Welcome to the Assembly.

## Appropriation Bill 2012-2013

Debate resumed.

**MR SMYTH** (Brindabella) (3.46): This budget is a fraud. It is a fraud visited upon the community, posing as tax reform.

The Treasurer claims to abolish duty, yet, as we look in the document, with respect to the take this government will get, if this budget goes through, over the next four years, of course we will see stamp duty increase. It is a fraud, because instead of abolishing stamp duty, as claimed, the tax take goes up. Indeed, the government's own-source revenue goes up another five per cent. So much for tax reform! But it is a fraud and a reform that is already unravelling. And it is unravelling not even 24 hours after the budget was delivered by the Treasurer.

We saw a report on the ABC news last night with the headline "Budget cracks appear as the government spruiks its economic plan". It unravels because the Treasurer did not do his job properly. He did not actually work out how this magical transition would occur. Already we see a Treasurer offering concessions because he knows that the criticisms from the Property Council and the Master Builders are correct. And he knows that what he has done is to drive away investment in the ACT.

So what does Mr Barr say? Mr Barr says that he will respond to these concerns. He says, "If there are particular transactions that are caught up in this particular change then we will adopt a flexible approach to ensure that they are able to continue."

What is going on here? On the one hand we have Mr Barr, the Treasurer, in his Labor mode, saying that this is his first budget and it is all about long-held and longstanding Labor values. On the other hand the same Treasurer is saying that if there is a problem he will be flexible with the big end of town. This might be a sort of Chris Bowen-Gina Rinehart moment for the Treasurer where he will just flip and flop all over the place, as so often happens, to make sure that he is not caught out.

There is a contradiction in this government, and it is a contradiction in a government that has no idea about the details of the budget, and a government that is so quickly prepared to do deals with big business to ensure that the revenue it was counting on remains. And this is the whole point when you rush these things.

It is interesting, in this new era of openness and accountability, to see what was to happen after the tabling of the Quinlan review, in the government's "next steps", I think about 29 days ago. The next steps were:

The Government will hold roundtable discussions with the community over the next few months seeking feedback on the ACT Taxation Review, its recommendations and possible reforms moving forward.

So there we are in the first week of May: we are going to have consultation with the community for months. Yet not even a month later we have decided what we will do and we will move forward with our possible reforms. This is how the Treasurer got it wrong. Within 12 hours of tabling his budget, the flaws in it were apparent. Within 24 hours the backflips had begun and the unravelling of a budget that will continue to unravel had started to be exposed.

Let us just look at one of the other little sleights of hand that the Treasurer used. We saw Chris Bourke, as minister, exposed yesterday on the funding for kids with

disabilities. There is \$2 million for disability funding in this year's budget; there is nothing in the outyears. So magically these people who will assist some of the most vulnerable kids in our community will be employed for a year and will live in limbo then of not knowing whether there will be money in the further budget.

But that is not the only place that appears. I see that the ESA, to maintain operational capacity, has \$3.7 million in this year's budget and this year's budget alone. \$3.7 million on operational capacity is jobs, but they are not jobs funded beyond the end of the next financial year. There is nothing in 2013-14, nothing in 2014-15 and nothing in 2015-16. This is how you bring down an ever growing deficit. It is the same trick we saw with Wayne Swan. It is the smoke and mirrors of Labor Party budgeting: we budget for something for a year and we will get to the rest of it after the election.

But the reality is that people know what the government stand for and they know about their inability to deliver. We have seen this now over a couple of taxes. We have seen it through the enormous lease variation tax. Perhaps the Treasurer should point out to the Chief Minister in his own budget where he says, "Every tax has an effect." And they do. Mr Barr has appeared before estimates and has said, "Every tax has a drag." Yes, it does. We have got the magic lease variation charge that apparently has no effect and now we have got changes to stamp duty that apparently are good for the community but are driving away investment.

The ACT Property Council says that this is the worst budget handed down by this government in terms of the impact on the property sector. I quote:

Executive Director Catherine Carter says investors wanting to purchase large commercial properties will be hurt by the latest changes ...

"I think it will signal a message out there to the rest of Australia that the ACT really isn't a great place to invest in."

The master builders said effectively the same: these are ill considered and ill thought out because the world's greatest Treasurer over here wanted to race ahead with reform, bucking what his Chief Minister had said—that this was a new era of openness and accountability—and indeed bucking what they promised when they released the government response to the taxation review that over the next few months they would seek feedback on the taxation review, its recommendations and possible reforms moving forward. You cannot trust a single word they say when a government document does not even last a month. The document on the Quinlan tax review has not lasted a single month.

We then go to the deficit. The deficit for 2012-13 is \$318 million—or, in fact, it is a deficit of \$396 million if the gain on superannuation investments is excluded. It is one of the highest deficits since self-government. How did the *Australian Financial Review* describe it, Madam Assistant Speaker? They called it "a black hole". That is exactly what it is: the ACT's black hole expands to \$318.3 million.

The ACT government have flagged a bigger than expected budget deficit of \$318 million. As we know, the Labor Party all over this country specialise in deficits.

What is the plan to bring it back to surplus in three years time? We have got this enormous deficit. We are going to have record borrowing because there are more borrowings coming on top, but those borrowings will be magically paid back by the 2015-16 financial year and the deficit will be brought into surplus. What is the plan? We are going to roll out the infrastructure, we are going to roll out the land release and we are going to freeze the top of the public service.

Let us go to that strategy. I will get members to cast their minds back to 1992, when another Labor government facing difficulties tried to roll out the infrastructure and tried to roll out the land release program and failed. They failed because they flooded the market. They actually devalued the market. They hurt people's home prices. People ended up with negative equity in their homes because the Labor government just flooded the market with land. If he actually got to flood the market with land, it would be a miracle because he has not been able to even reach parity on the market at this stage.

Indeed, we asked him at annual reports whether there were any projects on the shelves: "There are no projects on the shelves." The government are unable to deliver infrastructure. They do not get it on time and they deny the people of the ACT the utility of those infrastructure projects. They do not deliver it on budget, adding to their deficit and the burden, and they never deliver it on scale. That is the problem.

We had the embarrassment yesterday of the Chief Minister at the budget breakfast. I said, "Even in your own portfolio, there is \$75 million worth of rollovers in the health capital works." What did she say? I know it is not fair to quote it, but I will anyway: "The rollover does not necessarily account for a delay for the project or the project being over budget. It is simply about when the cash goes out the door to pay the bills. The projects in Health are taking time to roll out properly." Taking time to roll out properly would indicate that they are not on time, Chief Minister. You are damned by your own words.

The Leader of the Opposition read out the long litany of health failures, whether it be the children and women's hospital, which was due for completion and is now, what, a year late and \$31 million over budget, and we are only going to open phase 1 in August, or the car park that went from \$25 million to \$45 million with a changing scope, changing budget and changing time frame. It is always changing with this lot. You cannot pin them down to anything because they never deliver major projects on time. The GDE, the prison, Tharwa bridge, the busway to nowhere, the women's and children's hospital, the car park—all late, all changed scope, all over budget.

We go back to what the *Financial Review* called the black hole. It is a black hole, despite a record tax take. The tax take—government own-source revenue—is going up to about \$1.3 billion. It is the highest ever: \$1.3 billion and they cannot balance the budget. We hear about how strong the ACT's economy is. Yes, it is; it is a good economy, despite the government. If the economy is so good, how can the budget be so bad? That is a question that the people were asking at the breakfast. That is what people ask me the whole time: if, as they say, the economy is so good, why is the budget so bad?

We have seen the tax take and we have seen the rollover of capital works projects. The problem is that you just cannot trust anything the government say. So let us go to the third leg of their budget plan: “we are going to roll out infrastructure”. Remember that in the \$900 million for infrastructure this year only \$200 million of it is new works; the rest of it is rollovers or carry-forwards from previous years because they have not delivered it. We have had damning reports from the Auditor-General on their inability to deliver. It is that inability to deliver, that lack of value for money for taxpayers, that is causing the huge increases in tax this year.

We should go to the record debt. There are additional borrowings of up to \$790 million over 2012-13 and 2013-14. This debt is projected to be paid down relatively quickly, but there is still some risk in having that debt in the first place. It is a huge increase on the debt that we would normally carry. The standard Labor operating procedure is big deficits, more debt and higher taxes. There is a triple for you.

One of the great initiatives of this Assembly—and I have never thought a simple one-line amendment to an act could be so powerful—was the Liberals’ initiative to put the cost of living statement into the budget. The Greens and the Labor Party resisted this for years. It was in a couple of estimates reports and we had a couple of motions on it. We eventually tried to put it in through a change to the law. At that stage they woke up: the cost of living does matter. “It is the cost of living, stupid”—to paraphrase an older statement.

Budgets are not just numbers; budgets are about people—in this case the people of the city where we live. You only need to go through the cost of living statement, where the government in some ways have fessed up. They have got their special family: two adults and two kids who have two cars but never seem to drive them and never seem to park them. They never use the telephone because they do not pay the utilities tax and they do not pay any parking, even though we know that the revenue from parking is going up 22 per cent this year.

It is a special family. If we had a slightly more real family, it would be interesting. The average income of the family that Mr Barr picked was \$123,000. As it goes, that is okay, but what about the median income level? Median is the point where there are as many people on the income level below as there are above. That income level in the ACT is in the order of \$100,000, according to the ABS, for a family of four.

If that family had an income of \$100,000—and these are broad approximations—you would expect they would pay federal tax of about \$25,000. That would leave them with \$75,000. Deduct what the minister claims—call it about \$10,000—and that leaves them with \$65,000. Deduct mortgage payments of, say, \$25,000. That leaves them with \$40,000. Deduct transport costs of, say, \$100 a week for petrol—there is \$5,000—and it goes down to \$35,000. Knock off, say, \$10,000 a year for food, \$200 a week—that is probably about right—and it leaves \$25,000.

That is \$500 for a family of four for a week to spend on education, holidays, recreation, clothing—I forgot Foxtel; you have got to have Foxtel—and coffee,

because Ms Burch said it is only three cups of coffee a week. So you have got \$500 to cover all of those costs. That has got to take into account childcare. Curse you if you want to go out and work: the cost of childcare is the highest in the country. You have only got to do a quick sum like that to know that living in Canberra is not as easy as it used to be. Why is it not easy? Because we have got a federal government that cannot run a budget and we have got an ACT government that cannot run a budget.

I go back to where I started. This budget is a fraud. It is a fraud visited upon the community posing as tax reform. We are told that the tax will be abolished. Yet if you look at the chart, the tax keeps going up. (*Time expired.*)

## Visitor

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): Members, before we continue, I would like to acknowledge the presence in the gallery of former member, Helen Cross.

## Appropriation Bill 2012-2013

Debate resumed.

**MR RATTENBURY** (Molonglo) (4.03): I am grateful for the opportunity to respond to this year's budget and, in particular, its implications for the climate, environment and justice and community safety.

Whilst a number of important environmental measures have been maintained or introduced in this year's budget, as Ms Hunter touched on, the budget's numerous cuts to climate and environment initiatives represent a missed opportunity to build a more sustainable and prosperous Canberra. Too often the environment is overlooked when a budget goes into deficit, yet, ironically, strong investment in conservation is one of the best ways to create jobs and savings.

Consider the jobs created by managing pest species, properly maintaining and protecting our nature reserves and water catchments, investing in renewable energy and increasing energy efficiency. It is easy to buy the mainstream rhetoric that investing in the environment is somehow a sacrifice and an expensive thing to do when in fact the benefits—ecological, social and economic—far outweigh the cost.

Contrary to popular belief, these benefits are not only felt into the future but can be enjoyed today. Consider the average \$305 savings in energy bills per household that the government's new energy efficiency scheme will deliver. Or consider the aesthetic and biodiversity benefits that the urban wetlands are already contributing to our suburbs and the further reduction in bills that supporting households to invest in onsite renewable energy will generate. All of these examples illustrate that, increasingly, the world is waking up to the fact that by doing good by the environment also does good by the economy and society.

With this in mind, I would like to turn to the substance of the budget and reflect on some of the key climate and environment issues it raises. Let me first turn to climate change. We are pleased to see the government has expanded its resource management

fund and relabelled it the carbon neutral fund from \$3 million to \$5 million. We note that this is a rolling fund so that all investments translate to savings. We question whether the new fund is sufficient to meet the task at hand of achieving government carbon neutrality, as has been stated, and this is particularly so because there is still no accurate data on whole-of-government resource use and a number of agencies are yet to develop their required resource management plans.

Similarly, it is pleasing to see that the funding for carbon neutrality in ACT schools will be continued to the tune of \$3.5 million over the next four years. Once again, though, it is unclear whether this is sufficient to meet the 2017 target due to a lack of data on schools' energy use and emissions. This is a theme we see consistently—the absence of data, the clarity of plans. It was a consistent problem in our analysis of weathering the change action plan 1, and it continues to be a shortcoming in that the government is spending money without any clear measurables in terms of baselines, achievable targets and measured reductions. This area needs to be addressed and addressed quickly.

With regard to the administration of the energy efficiency retailers scheme, when we debated this legislation I drew to the Assembly's attention the fact that it was important that the scheme was administered properly. So I am pleased to see that \$800,000 has been allocated over the next four years for these purposes. Between 2013-14 and 2015-16 the scheme will generate over \$4.8 million, delivering marked energy bill savings to ACT households, a six per cent reduction in emissions and much needed transformations in the ACT energy efficiency market. Adequate resourcing for the administration of the scheme therefore represents a crucial investment in the scheme's success.

On a more sour note, we are disappointed by the lack of funding for public housing energy efficiency, with only \$10 million over five years being committed, despite the Greens pointing to the need for this to be doubled. Indeed, this is an important component of our agreement with the government. This level of funding by all accounts is inadequate. The most conservative estimates indicate that at least \$28 million is needed to bring ACT Housing up to a minimum average energy rating of three stars. The government itself has estimated figures far higher than this could be needed. This funding is crucial to ensuring that Canberra's most vulnerable households are insulated against rising electricity prices. It is little use to provide them with public housing if they cannot afford to live in it due to exorbitant utility bills.

When it comes to green power purchases, the government undertook to increase its purchase of green power by 10 per cent a year. That has been slipping behind for some time and we are currently at 37.5 per cent when we should be somewhat higher than that. It is concerning to see that the budget makes no mention of the need to increase the purchase target, nor does it allocate any additional funding to meet the shortfall. I think Canberrans might well be wondering why the government is not practising what it is preaching.

The new energy efficiency retailers scheme will overlap with the energy services provided by a range of existing energy efficiency programs. However, it is concerning to see that a range of programs will be cut entirely rather than just adjusted to account for that overlap with the energy efficiency scheme.



There are a number of particular schemes I would like to speak about; firstly, the energy and water efficiency outreach program. This is delivered by five ACT community organisations, and the program provides technical and financial assistance to low income households to help reduce their energy and water bills. It has enjoyed high levels of participation and success, including the achievement of impressive energy bill and emission reductions. For example, the 2009-10 trial of the program assisted 895 low income households, saved 920 megawatt hours of energy and cut 800 tonnes of carbon dioxide equivalents. The level of in-depth assistance provided by this program simply will not be met by the energy efficiency retailers scheme, and I am concerned to see that the funding for this program has been dropped.

When it comes to ACTSmart programs, it appears that these programs will be phased out over the next few years. However, we will be exploring this further during estimates, as there is a lack of clarity about how this will occur. That the programs could be cut is worrying given they provide for a range of services that will not be delivered by the energy efficiency scheme, such as business recycling programs, assistance for schools, wood heater replacement, water efficient plants for homes and a range of other measures. For 2013-14 and 2014-15 at least, funding has been cut by almost \$2.5 million.

It is perplexing to see that the rainwater tank rebate offered as part of the programs has been cut altogether, despite the fact that the government is still in the process of reviewing think water, act water. There is a debate we had about whether a government subsidy of rainwater tanks is the best use of resources in the ACT, but, given that the policy is still being evaluated, I am surprised to see the policy decision already being taken.

Regarding tune up Canberra, the budget will see this \$2 million grants program cut. The program offers financial incentives to encourage owners of commercial office buildings to make their buildings more energy and water efficient. It is unclear why it has been cut and, again, we will be exploring this further during the estimates process.

Wrapping up on issues around climate change, given the scale of action needed to achieve our 40 per cent reduction targets, the level of climate funding provided by this budget is clearly insufficient. Spending needs to be informed by a carefully considered analysis of the individual and collective measures needed to get us to 40 per cent. Instead, we are seeing dribs and drabs of funding being allocated which are not informed by any overarching strategy. We look forward to working with government to deliver this much needed framework for action through the finalisation of weathering the change action plan 2.

Turning now to broader environmental issues and biodiversity in particular, there are a number of areas of concern, particularly the uncertainties around pest management funding. When it comes to weeds, it is unclear whether last year's commitment of \$1.8 million over four years for pest plant management has been retained. This is despite weed programs being a great way to simultaneously stimulate employment and protect our biodiversity. It is also despite TAMS indicating last year that at least \$1 million is needed for improved weed management and an additional \$1.4 million is

needed to develop pest plant management plans for each of the ACT's 70-plus declared plants.

In regard to rabbits, it is unclear whether last year's commitment of \$500,000 over three years for rabbit control has been retained. It seems that funding has been merged into a new \$327,000 commitment over the next two years for vertebrate pest management, thereby reducing the overall funding available for rabbits. As with weed management, rabbit control is crucial to protecting our local biodiversity, so the prospect of reduced funding is concerning indeed.

When it comes to threatened species, the funding, again, is inadequate. It is hard to see where last year's commitment of \$300,000 over three years for conserving threatened species and communities has gone. Only \$60,000 appears to have been allocated this year with no further funding post 2012-13. However, \$101,000 in additional funding has been allocated to protect the corroboree frog. This, of course, is a good thing, but just as for our approach to climate change, we need to be developing a more integrated approach to conserving our threatened biota—simply hoping that \$60,000 for everything else will be enough is an unwise conservation approach.

The scant funding allocated for these measures is particularly worrying given the large amount of additional funding of \$270,000 that has been allocated to maintaining land for biodiversity offsets. It is a shame to see that our appetite for growth is prompting such investment rather than an appreciation of conservation for conservation's sake.

There are some interesting points in the budget around the Cotter catchment. Additional funding for Parks, Conservation and Lands had been expected and is urgently needed to address fire management, erosion, pest management and illegal activities on the lower Cotter Dam. However, this has not been allocated. This resourcing is critical to protecting the water quality of the enlarged Cotter Dam. I note that, to date, this area has been highly neglected and no new funding has been allocated for it since PCL assumed the forests portfolio.

When it comes to water conservation and management, whilst \$750,000 has been allocated to clean up waterways following storms, the budget has not made any significant investment in the forward-looking integrated approach to water management that our watercourses and catchments need. In addition to the water efficiency services that will be lost by ending the outreach and ACTSmart programs, a number of other water measures have been rolled back. This includes a \$4 million cut from the north Weston-Molonglo stormwater harvesting scheme, and the \$1.8 million assigned to weed management in Lake Burley Griffin has been cut back to \$300,000.

Whilst funding has been allocated until 2013-14 for the completion of the inner north component of the Canberra integrated urban waterways project, no funding has been allocated beyond 2012-13 for the accelerated replacement of stormwater drains with wetlands. This is worrying given the many benefits that these projects have already delivered, such as water quality improvements, water savings, flood management and increased local biodiversity. These benefits are why the Greens went to a particular effort to ensure the initiative was a key component of our parliamentary agreement with the government.

Let me turn now to justice and community safety. For this portfolio, one of the best aspects in this budget is the continued investment in Street Law, which is a Greens initiative included in the parliamentary agreement. Street Law is a free legal service for homeless people or those at risk of becoming homeless. It is a crucial investment because it helps people resolve legal issues before they snowball into a court appearance. Funding for Street Law is continued for the next three years, and the Greens welcome that a great deal.

Continued funding and investment is about access to justice through early investment in legal issues. Spending a small amount of time and money at the start of a legal problem is so much more efficient than waiting until it requires court adjudication. This is true for all parts of the community, but it is especially true for the homeless and those who are at risk of homelessness. People who live in these situations are often on a knife edge, living from fortnight to fortnight and dreading an unexpected bill or fine that will push them over the edge into homelessness, and early investment can help bring immediate benefits and alleviation.

Interestingly enough, though, another aspect of the justice budget lacks this kind of long-term vision where early intervention avoids difficulties in the future. This is in regard to the community legal centres co-located at Havelock House. As members will be aware, there is money to relocate the Women's Legal Service away from Havelock House. We believe this is a short-term patch-up solution, not a long-term solution.

The short-term solution continues a theme for the attorney on this matter. Over the last couple of years we have seen a range of patch-up jobs for the accommodation woes faced by CLCs. First there was some internal reorganisation of the Havelock House, then there was the solution to split the Women's Legal Centre into two units and locate one at Havelock House and move the other out to North Lyneham. Now we have another solution to bring back the Women's Legal Centre again but dislocate them from their colleagues, the remaining two CLCs at Havelock House—the Tenants Union and the Welfare Rights and Legal Centre.

The reason this cannot be considered a long-term solution is that it splits up the three CLCs. One of the key benefits of the current co-location in the one building is that it allows them to refer a client just 20 metres down the corridor to their neighbouring centre to get the best advice. The funding that has been allocated will relieve a bottleneck at Havelock House for now, but it certainly is not a longer term solution.

The long-term solution is to create a CLC hub where the centres can be located together in the one building. This was a solution the Greens identified in our action plan on unmet legal need in 2010. The government undertook the feasibility study and identified viable options, but, unfortunately, we see the government going for a short-term and cheap-fix solution.

There are a range of matters that I would like to pursue further. I will obviously be asking a lot more questions in the estimates process and then, when we come back to the detail stage, canvassing some of those issues further.

**MS LE COUTEUR** (Molonglo) (4.18): I very much hope the establishment of the new city to Gungahlin project office is going to be a positive step towards fixing the problems of Northbourne Avenue. As we all know, Northbourne Avenue is the most congested road in Canberra, and this leads of course to problems in the inner north with rat-running through the suburbs and also leads to considerable inconvenience for inner north residents, Gungahlin residents and even some Belconnen residents. It is such a big road that it makes an impact on all of northern Canberra. It is also of course the entrance to Canberra for most people who are coming by road.

The government has recently released costings for work on the corridor, including, as we talked about in question time earlier today, a light rail cost which is substantially more than previous estimates. We would very much like to see the new project office make public the details of those costings.

We think that this project, and hopefully the project office, is an opportunity to create a truly cosmopolitan and sustainable community along Northbourne Avenue. We want to ensure that all the new buildings are of high quality, sustainably designed and have generous communal spaces to prevent social isolation.

Housing ACT is a substantial landowner along Northbourne Avenue, and the Greens want to ensure that that level of public housing is retained in the area, noting of course that most of it is in very poor condition and the idea of redeveloping it more sustainably is certainly very attractive.

I would have to say, though, talking about public housing, that the Greens were very disappointed with the overall level of support, or lack of support, in the budget for public housing. I am confident that my colleague Ms Bresnan will be talking more about this, as Ms Hunter did briefly.

The government needs to look at public housing as a long-term investment. This includes the housing along Northbourne Avenue. A revitalised Northbourne Avenue is a key component towards creating a vibrant and sustainable Canberra that can accommodate growth while contributing to meeting the wider ACT goal of 40 per cent greenhouse gas emission reduction by 2020.

The Greens also welcome some of the business and planning initiatives in the budget. We are pleased with the half a million dollars of continuing support to the Canberra business development venture capital fund, which provides some support for future diversification of the ACT economy and will assist a range of business proposals, which we hope will include future sustainable industries that the ACT needs. We welcome the raising of the threshold for payroll tax, as this will make it easier for Canberra businesses to grow.

The Greens are also very pleased to see the use of remissions of the lease variation charge as an incentive for adaptive reuse of C and D grade office stock in Civic and town centres. The Greens have long recognised the value of adapting existing buildings for a range of purposes, including for affordable residences, and we welcome government incentives for this.

We welcome also the government's use of lease variation charge remissions to support developments that achieve carbon savings of least 30 per cent above the current minimum practice. We supported the lease variation charge legislation only on the basis that there would be remissions for more sustainable things. I would note that we are still looking for remissions with respect to the location of transport corridors.

We are also looking at the developments in Molonglo valley with interest. We are very concerned to ensure that adequate biodiversity protections are included in the planning and development processes. We have continued to push for improved environmental standards for new housing in Molonglo and are pleased to see that the home advice sustainability program continues, to help home owners and builders incorporate sustainability measures, as well as multi-unit developments needing to meet the mandatory seven-star energy efficiency rating. The Greens are particularly pleased to note that there will be 70 innovative sustainable houses built as part of a compact sustainable living community in the Molonglo demonstration precinct.

There are many other improvements that need to be done from a business point of view to ensure that the government does support a clean, green economy, but at least these steps are steps in the right direction.

I will move on to waste, and this is an area where my colleague Ms Hunter spent some time, so I will not repeat what she said, except to point out the bleedingly obvious point: we have got a problem. We used to be doing very well from a waste to landfill point of view, but the government is now expecting that we are going to move up to 0.9 of a tonne per capita to landfill. We are going in the wrong direction. We are wasting more, literally. And as a result of this we are going to have to spend \$20 million on a new landfill cell. This is not good.

We do, however, welcome some of the things the government has done. We welcome the new recycling drop-off facility in Gungahlin. I very much hope there will be some community consultation on its location, as I am aware there has not been to date. But we are also disappointed to see that this facility, like the existing four, does not include facilities to recycle batteries, apart from car batteries, and light globes. We have been calling on the government to do this for years, and once more it has failed to deliver.

We have been pushing for the establishment of collection points for light bulbs and batteries at convenient locations such as government shopfronts or libraries. At the least the government could provide these facilities at the drop-off facilities. Currently only the Mugga Lane and Mitchell transfer stations take fluorescent light globes. None of them take household batteries; by that, I mean the button batteries—little A4s, AAAs et cetera. They only take car batteries. The mercury in one fluoro tube, for example, has the potential to contaminate 30,000 litres of water and can lead to serious toxic effects on people, wildlife and habitats.

Similar recycling schemes offering conveniently located drop-off points already operate elsewhere such as in Melbourne, Adelaide, Sydney and even in fact at the ANU. In fact the Greens' office has a battery and a compact fluorescent recycling facility. We can operate it. We can do it. Surely the government can do it.

The Greens are also very concerned about the lack of funds for waste education programs. The government's consultancy, the Hyder review, effectively recommended an education program. I also note that the Assembly a few months ago passed a motion recommending an education program. The economic result of this is quite clear: it is digging a new \$20 million hole to expand Mugga Lane. This is a waste of money, literally.

The Hyder report certainly recommended that to 2021 education was without a doubt the most cost-effective and most environmentally sound option. Unfortunately, the government seems set on a dirty MRF, and once funds have been committed, which I note fortunately has not been done in this budget, we will be set to waste our organics into the future. Our organics could be turned into highly valuable compost. Australia has real soil quality issues, and what we are essentially doing through this process is mining our soils without replacing essential nutrients. We will continue to look at this issue. We also have concerns about the ACTSmart program and what is going to happen with the reduction in funding and the scrapping of parts of the program.

The budget includes \$600,000 for new street furniture and bins. I would have to say I think it would be more cost effective to roll out new bins as part of the street level recycling program, which is yet to expand beyond east Civic despite the positive results from that trial. We are pleased that that trial will be continued, but we would like to see it expand to all of Civic and to the other town centres. Street level recycling bins in town centres were part of the ALP-Greens parliamentary agreement. We are pleased some progress has been made but disappointed that not more has been made.

Of course we welcome the additional one-off amount of \$165,000 for the RSPCA. The RSPCA certainly needs it, and this is less than the RSPCA estimates is its current shortfall. Also we are very pleased with the construction of an off-leash dog park in north Canberra and an upgrade of the existing dog park in Belconnen. This is a pet topic of mine and it will be good to see the dogs unleashed, especially the small ones, in Belconnen.

Earlier this year the government released its response to the investigation by the Commissioner for Sustainability and the Environment into urban tree management practices in the ACT. I was pleased that the government agreed fully or in principle with most of the recommendations but disappointed that it deferred many decisions until later. Now of course the government repeats it is a "key priority" for TAMS to implement the recommendations from the commissioner's inquiry into tree management practices, but unfortunately it still does not make clear which of these decisions will actually be implemented. It is also not clear if there is any more funding to manage our urban forest, and I am concerned that the previously announced funding is still below what both the commissioner recommended and what TAMS needs. This is particularly concerning because the budget shows funding for "land management" is set to drop, and that covers not only maintaining the urban forest but a lot of other things—weeds, for instance, as my colleague Mr Rattenbury noted.

We are pleased that there is some new funding for active transport—\$7.3 million for cycling and walking infrastructure, footpaths, cycle paths and lanes, and lighting. This

funding will let TAMS get on to some priority works, including hopefully some of the broken paths and areas with very poor lighting that need improvement.

The Greens have been on about sustainable transport for a long time. Transport contributes to about a quarter of our greenhouse gas emissions, and sustainable transport has a lot of other advantages, for our health in particular. The upward trend in spending on sustainable transport, active transport, is of course a result of the parliamentary agreement and the positive role of the Greens in the Assembly.

We are particularly pleased to see that the Heart Foundation will continue to be funded by the ACT to promote active living and active transport, and I would have to say that there is a lot more that can be done as long as we put our heart into it.

We welcome the three-quarters of a million dollars to help revitalise Civic and Braddon. But we are concerned at how this large project is going to work. How is it going to work with the Gungahlin to city project office? Clearly the two must significantly intersect. We are concerned that it includes landscaping from Northbourne Avenue to City Hill, which is good, but does not include pedestrian access to and across City Hill, which is appalling. Poor pedestrian access cuts Civic in two and we must address that to make Civic a walkable and attractive destination. The Civic action plan pointed that out a couple of years ago, but we have not seen any improvement to date.

Green ICT, members will know, is something I have been banging on about for years, and I am pleased that this budget announced some improvements, noticeably in extending the life of existing equipment; we will not automatically replace screens, mice and keyboards every four years. This is something I have been calling for—not quite for four years yet, because I have only been in the Assembly for 3¾, but I am working on making it four years. The government is looking for better energy efficiency in ICT infrastructure as part of its strategic plan for ICT 2011-15 and for better ICT energy efficiency in ACT schools.

There is more that should be done. We need to look at the life cycle impacts of government ICT. In particular, we need to look at teleconferencing. The budget did note that expenditure on travel dropped 10 per cent in the last financial year and it predicts further reductions, attributed in part to increased teleconferencing. But, if you read more into the budget, you will find that the budget predicts that expenditure on travel will increase from \$0.8 million next financial year to more than \$1.2 million each year over estimates. So it does not really seem that we are planning to do a lot of teleconferencing. I think that is an area where we seriously need to do a lot more work.

My colleague Ms Hunter has already spoken largely about the arts, so, given that I have not got a lot more time, I will not repeat that. Obviously we welcome more expenditure on the arts but we are concerned that it could be described more as construction; there is no actual additional money for any artists in the ACT.

In conclusion, I would like to talk a bit about some of the areas where we have to do more. One of these is urban tree management, following through the recommendations of the Commissioner for Sustainability and the Environment. And

the other big issue is accountability indicators. It has taken me a while to get my head around what the accountability indicators are, and you find that as soon as you get your head around what they are they change. Accountability indicators seem to be in place for only a few years before they are discontinued or transferred or integrated into another accountability indicator.

We should be able to look at the accountability indicators over a significant period of time and see a picture before us of what the directorates have been achieving year on year. Last year was a particularly poor year from this point of view, because of the transition of departments into directorates in a way that meant that a lot of the accountability indicators could not be properly reported against. I suggest that an accountability indicator for all directorates should be to maintain a majority of their accountability indicators for more than three years; maybe even only two years would still be a triumph. I look forward to asking more about that. (*Time expired.*)

**MS BRESNAN** (Brindabella) (4.33): As Ms Hunter has already said in her speech today, this is an important budget in terms of the reforms outlined to the revenue base. While the Greens agree with the general fiscal strategy, there are aspects we would address differently, and in looking to investments, in particular, that would achieve long-term returns.

In relation to the health budget, I have already spoken about the investment we see there. Health accounts for a significant part of the budget, as we all know. As I have already said, more doctors and nurses are always welcome. These sorts of resources are things that we welcome into the system. And we recognise the need to meet demand. The health budget is infinite, as is its growth, and we are going to have to focus more on preventative health if we are to address the viability of the health system. This has been recognised by a number of groups with respect to how we approach this issue. As I said, it continues to grow every year, and there is the matter of what we are going to do to address that and help to prevent people from ending up in the hospital system and needing acute services.

Every year there is a debate locally and nationally that governments must change their direction. However, the amount of money directed towards preventative measures is minuscule when you look at the overall health budget. The budget provides \$109,505,000 in new recurrent funding for the Health Directorate, but a small fraction is directed to preventative and primary health initiatives. For example, \$300,000 is provided over three years for the healthy weight action plan, yet the ACT Health Council said before it was defunded that obesity is the biggest risk to life expectancies in Canberra.

The Greens are pleased to see the refunding of the Heart Foundation's active living program, with \$485,000 over three years by the Environment and Sustainable Development Directorate. While it is coming from another directorate, this is obviously a really important way that we can address health, and the Heart Foundation have been extremely active in this. As we know, heart disease is one of the areas where preventative measures can have a big impact, particularly because it is one of our biggest killers in the community. It is an area where we can have a big impact if we start to focus strongly on preventative measures.



The Greens also want to see greater recognition of the social determinants of health, which is recommended by major organisations such as the World Health Organisation and the United Nations, and we must broaden our understanding of what determines health outcomes.

Other areas like housing and transport also have a significant impact on health. The point we have made is that we need to look more broadly at some of the things that we need to address people's overall health. That relates to mental health as well. In a basic sense, without having stable and secure accommodation, people's health will deteriorate both physically and mentally.

With regard to mental health, I would like to see stronger recognition from the government about the high levels of unmet need in the community for long-term secure accommodation for people living with a serious mental illness who need 24-hour, seven-day-a-week assistance, where necessary.

The point I have made is that we want to prevent people with mental illness from going from crisis to crisis in their lives and needing constant acute care. Doing things like improving accommodation and giving people stable accommodation, recognising the complexities that come with that, is one very important way, along with areas such as employment, that will give people stability and help them to recover.

There is \$4.2 million in new funding to mental health, which is very welcome, and it is one of the parliamentary agreement items. I have said that we would like to see more of this funding directed towards community-based and run prevention and recovery programs. It is recognised that if we do put more funding, once again, into these community services, that will have a very big impact.

On housing, as Ms Le Couteur has already outlined in her speech, there was \$5 million in the budget—again, through the Greens agreement item—to go towards public housing. We would have liked to have seen more go into this. We do believe very much—this is the point I made earlier—that public housing is a wise investment for the future because it provides housing for people and also because it provides a strong asset for government. As I have already said, having stable accommodation is vital for people to be able to get back on their feet. We need to recognise that everyone in Canberra has the right to secure accommodation, and public housing is one of the most stable and secure forms of accommodation for people.

I was pleased to see that there is funding for design of the common ground project. This is something the Greens have supported. It provides another model or way of providing accommodation to people who are homeless and people who might come from other disadvantaged backgrounds. It has been very successful in other states where it has operated. We are pleased to see this being progressed here in the ACT. There is also some funding in there for people with disability, which is good to see, and I will go into that a bit later.

With regard to corrections—this relates to health as well—funding has been reinstated in the budget for the secure mental health facility. As I said yesterday in the debate,

there has been some disagreement between the mental health community sector and government about the exact model and scope of the project to go ahead. It is good that we do have this funding. We think it is necessary in the ACT to have this sort of facility, so that we do not have people being put into prison who should not be there. We know there is a high level of mental illness amongst people in the corrections system, and this may be one way of preventing people from ending up in that system and of seeing that they receive more appropriate care. It is important that we provide therapeutic environments for people so that they can rehabilitate, recover from their illness and return to the community.

I note that funds are being provided to improve the crisis support unit. We need to make sure that the concerns from the Hamburger review are followed up. I do welcome the funding for through-care. This is something that the Greens have talked about quite a bit during my term in the Assembly. Again, it is really important that when people are leaving the prison system the connections they have made with community groups are maintained after they leave. That will be absolutely vital to prevent reoffending.

Ms Hunter has already touched on the Greens' thoughts on transport aspects of this budget. As she emphasised, sustainable transport is a key priority for the Greens and has been throughout this Assembly. Public transport, active transport and sustainable transport such as rail freight are matters that need a greater priority in government budgets, and this one is no exception.

For the past few years we have drawn attention to the disproportionate nature of transport budgets whereby we see a significant amount of money going towards infrastructure that is not related to public transport. When we compare it to other jurisdictions, we see that a greater amount goes towards walking, cycling and public transport infrastructure. This year's ACT budget makes a fairly modest investment in transport capital works. We do recognise that this is partly due to the economic climate and the need to manage the deficit. It is important to realise that the limited spend on sustainable transport is due to a hangover from previous budgets, which leaves very limited funds for other new Territory and Municipal Services capital works initiatives in the coming year.

On this note I would like to draw the Assembly's attention to some of the good transport initiatives that were funded in the last budget but that have been lost. The city bus layover, for example, lost its funding. I believe that the need for this layover was first identified in the government's greater Civic improvement plan. The Dickson bus station has also lost funding, although I assume that funding will now be accounted for in the Gungahlin-Civic transit project with the work that is going on there.

The Greens lobbied to have the Nightrider bus service made permanent. Now, for the first time, the Nightrider bus service will have three years of secure funding, something that will greatly improve the ability of people who are going out to travel home at night on weekends. We are very pleased to see that funding; it is something that we have pursued quite strongly.

I am glad to see that the Erindale bus station is progressing and that there is money for its design in this budget. This was something for which the Greens submitted a budget proposal, so we are very pleased to see that being progressed.

The upgrade to the ACTION fleet is welcome. Obviously this is very much focused on meeting the disability service standards. That is good to see, as it is something that we need. We need to make sure that bus stops and buses are absolutely accessible for people with disability. One area we would like to see a bit more of a focus on is overcrowding issues. We do know there are a number of services, particularly in peak times, that are overcrowded.

In relation to industrial relations, safety in the workplace has been a focus for the Greens. This budget reveals something that was already becoming clear—that we do need to have greater action when it comes to work safety in the ACT. The budget papers reveal that only 40 per cent of ACT workplaces inspected by WorkSafe complied with occupational health and safety legislation. This is a concerning statistic as safety in the workplace should be guaranteed.

This year we have seen both the government and the Liberal Party vote against Greens' legislation on workplace bullying, and I am still waiting for the government to table data on whether it has been favouring the cheapest construction companies instead of the safest.

Despite these problems, there appear to be no new resources or initiatives to address work safety. In fact the JACS directorate is flagged to make significant cuts. We need to make sure that WorkSafe does not suffer in this process because work safety is absolutely vital, as is WorkSafe's role.

On multicultural affairs, I was not able to see any specific initiatives on that. I note that I attended a Human Rights Commission roundtable on racism. One of the points they made was that we need to take this issue much more seriously here in the ACT. People made the point there that they have experienced vilification when it comes to their religion and their race and that this is something we have to address more seriously. I hope that perhaps in the near future we will start to see some more specific initiatives there.

With regard to disability, I have already noted that there is money in the budget for people with disability and for housing. One of the things we are very disappointed not to see, however, is the Carers ACT proposal to undertake a study which would look at different housing models and the need in the community. We need to recognise when it comes to people with disability that everyone will have different needs, particularly when it comes to housing, and that one model is not going to suit everyone. While it is pleasing to see some money there specifically, this will not be a model that suits everyone. I think the advantage of having what Carers ACT are proposing would mean we could look at that in a thorough way, look at where gaps are and look at what is actually going to be best for people. It is very disappointing that it is not there.

I know we have had a discussion about the NDIS, but one thing we have to recognise is that this is not going to make funding available to everybody and that there is still going to be a need. While it is a significant reform and it should happen and it is great that it is happening, we are still going to need to fund services in the ACT because not everyone will be captured by that system. That is something that has to start getting greater recognition in the debates we are having about funding. Everyone keeps talking about the NDIS, and it is going to be very good for a lot of people, but not all people are going to get funded under it. So we have to factor that in to how we are funding services for people with disability.

On ageing, with respect to improving services for older Canberrans, the ACT Greens welcome provisions around upgrades to pathways and bus stops, because they will have a big impact on older people. However, as I have already pointed out, things such as cultural awareness and interpreter assistance for older people need to be looked at. We need to also look for opportunities for older people to continue to be involved in the community. We know we have an ageing population. That is something that needs to be recognised.

With regard to my electorate of Brindabella, it was good to see some funding there, such as the restoration of the Bonython sportsgrounds, improvements to the Tuggeranong Arts Centre and, as I have already stated, the Erindale bus station, for which we had a budget bid in. Also it is good to see that Taylor primary school will be redeveloped. I hope that will bring back some normalcy for the students and parents who use that school, and that it is done in a timely way.

One thing that is disappointing is that we need to see improved bus services to this area. It is something that we keep talking about, and I hope we will see it in the future.

Question resolved in the affirmative.

Bill agreed to in principle.

## **Estimates 2012-2013—Select Committee Reference**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (4.48): Pursuant to standing order 174, I move:

That the Appropriation Bill 2012-2013 be referred to the Select Committee on Estimates 2012-2013.

**MR SPEAKER:** The question is that the motion be agreed to. Those of that opinion say aye, to the contrary no. I suspect the ayes have it.

**Ms Gallagher:** Well, no-one voted for it. So is it off to estimates or what?

**Mr Hanson:** Yes.

**Ms Gallagher:** Oh, it is? Oh, the ayes have it? Hopeless.

**MR SPEAKER:** I took it that the ayes have it, and we will proceed on that basis.

**Mr Hanson:** Ms Gallagher's little interjection there—

**MR SPEAKER:** Mr Hanson, is there a point of order?

**Mr Hanson:** Yes, there is. I suggest that a snide remark across the chamber "you're hopeless" is unparliamentary and I ask you to rule on it. If so, I would ask you to ask her to withdraw.

**MR SPEAKER:** I actually did not hear that, Mr Hanson. Ms Gallagher, did you—

**Ms Gallagher:** Mr Speaker, I said it's hopeless. The glass jaw of Mr Hanson is alive and well. He has just spoken through the entirety of Ms Bresnan's budget response. I would say: "Just calm down a bit, Jeremy. It was not aimed at you. It is not all about you."

## **2011-2012 annual report directions**

### **Paper and statement by minister**

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

Annual Reports (Government Agencies) Act, pursuant to subsection 9(5)—  
Annual Reports (Government Agencies) Notice 2012 (No 1)—Notifiable  
instrument NI2012-293, including a copy of the Chief Minister's 2011-2012  
Annual Report Directions.

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

Leave granted.

**MS GALLAGHER:** The 2011-12 annual report directions largely replicate the 2010-11 directions. However, some minor and technical amendments have been made.

Of particular note are the amendments to the declarations made under sections 12 and 16 of the Annual Reports (Government Agencies) Act 2004. These have been relocated from attachments to the annual report directions to a discrete clause of the notifiable instrument. This better reflects the legal authority of the declaration.

Under section 12 of the annual reports act, as Chief Minister I may declare that a minister is the responsible minister for a public authority. As a default position, the responsible minister for public authorities is the minister administering the act that the public authority is established or appointed under. All reporting agencies are established under legislation other than the ACT executive and Totalcare Industries. Consequently, the declaration has been limited to these two entities.

Under section 16, as Chief Minister I may declare that an entity established under an act is a public authority, and is therefore required to prepare an annual report. As a general change to this declaration, where a statutory office holder is the head of an entity, and either the statutory office holder or the entity is suitable for declaration under section 16, the statutory office holder will be nominated, to align better with the concept of a director-general's annual report under the annual report act, section 5.

I have declared the following entities to be public authorities under the annual reports act for the first time:

- ACT Construction Occupations Registrar;
- ACT Teacher Quality Institute;
- ACT Compulsory Third-Party Insurance Regulator;
- Care Coordinator;
- Magistrates Court Registrar;
- Clerk of the Legislative Assembly;
- Domestic Violence Project Coordinator;
- Emergency Services Commissioner; and
- Solicitor-General for the territory.

Some of these entity's annual reports will be annexed to, subsumed in or combined with the annual report of an administrative unit.

The following entities have been omitted from the declaration:

- administrative units, the Commissioner for Public Administration and territory instrumentalities, as they are already required to prepare an annual report under the act;
- ACTION, as the establishing legislation was repealed in 2006—information about ACTION will be contained in the Territory and Municipal Services Directorate annual report;
- COLA advisory boards, as information about each board will be provided by the ACT Construction Occupations Registrar;
- Dental Technicians and Dental Prosthetists Registration Board, as the establishing legislation was repealed in 2007;

- official visitors established under the Children and Young People Act, the Mental Health (Treatment and Care) Act and the Corrections Management Act, as these offices have detailed reporting requirements under their establishing legislation and neither government accountability nor public interest is enhanced by requiring these offices to prepare an annual report;
- Nominal Defendant, as this is not a tangible entity and only manifests if an action is brought against the Registrar-General under section 155 of the Land Titles Act or against the Australian Capital Territory Insurance Authority under the Road Transport (Third-Party Insurance) Act, and any relevant reporting can be done through annual reports of the agencies which administer these pieces of legislation;
- Rhodium Asset Solutions, as it no longer exists;
- Shared Services, as it is a part of the Treasury Directorate;
- superannuation provision account and territory banking account, as they are banking accounts rather than entities and the Treasury Directorate can report on them under its annual report; and
- home loan portfolio, human research ethics committee and land and property joint ventures, as they are not established under legislation.

Within the body of the annual report directions, minor and technical amendments have been made. Structurally, amendments have been made to section 1 to consolidate clauses with each other, and to incorporate matters previously covered in attachments that were better situated in the introductory sections. Clauses in section C have been reordered so that like reporting topics are together—for example, environmental reporting requirements have been grouped and social demographic reporting requirements have been grouped.

Agreed reporting requirements have been introduced. Specifically:

- C.15 has been amended to reflect the Legislative Assembly motion of 29 June 2011 to create stronger requirements for government agencies to follow social procurement guidelines, including having to report on social procurement outcomes in their annual reports.
- C.20, “Climate change and greenhouse gas reduction policies and programs”, has been introduced because of reporting requirement under the Climate Change and Greenhouse Gas Reduction Act 2010.
- C.26, “Notices of non-compliance”, has been introduced because of reporting requirements under the Dangerous Substances Act 2004, section 200.
- In attachment 2, specific reporting requirements have been introduced to assist reporting agencies with identifying reporting requirements that apply exclusively to them.

The annual report directions were provided to the Standing Committee on Public Accounts for consultation in accordance with section 8 of the Annual Reports (Government Agencies) Act 2004. The committee responded on 29 May 2012 with some minor suggestions for improvement. These suggestions have been incorporated into the annual report directions that I table today.

Ordinarily annual reports must be tabled within three months of the end of the financial year. However, this year the last sitting day before the caretaker period is 23 August, which does not give agencies sufficient time to prepare their annual reports. Therefore, in accordance with the annual reports act, annual reports will be provided through ministers to the Speaker in the usual three-month time frame, but will be not tabled until the second sitting day of the new Assembly. When annual reports are provided to the Speaker, they will be made publicly available through the website of the reporting entity.

### **Administration and Procedure—Standing Committee Report 4—government response**

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

Administration and Procedure—Standing Committee—Report 4—*Officers of the Parliament*—Government response.

I move:

That the Assembly takes note of the paper.

**MS GALLAGHER:** The Standing Committee on Administration and Procedure tabled its report 4, *Officers of the parliament*, on 29 March 2012. The government welcomes the committee's report. The report highlights the important role of statutory office holders in the territory and discusses the importance of safeguarding the independence of statutory office holders.

The government is pleased to support a number of recommendations from the committee's report, including recommendation 3, that the ACT Auditor-General become an officer of the Assembly. The government strongly supports the designation of the ACT Auditor-General as an officer of the Assembly, and to give effect to this, in May this year, I introduced the Auditor-General Amendment Bill 2012. The report states that an officer of the parliament should be created only rarely. I strongly support this view. The government has not agreed with all the recommendations from the inquiry. More broadly, the government considers that well-framed legislation is the best way to define and safeguard the independence of statutory officers.

In relation to further work on this issue, any framework or criteria used to identify officers of the Assembly must be fit for purpose. Criteria must take into account practical considerations of the ACT's scale and context. They also need to take into



account the separation of powers doctrine, as well as the constitutional context of the Assembly and the territory's governance arrangements. I thank the committee for its report.

Question resolved in the affirmative.

**ACTPS workers compensation and work safety improvement plan—progress report**  
**Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (4.58): For the information of members, I present the following paper:

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

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

Leave granted.

**MS GALLAGHER:** In December 2011 I addressed this Assembly on my commitment to ensuring that the public service is equipped to deliver high quality services to the community of the ACT. At that time I recognised that a key element of this commitment required government to ensure that the ACT public sector workforce is protected and where workers are injured everything is done to assist them to return to health and return to work.

Since addressing the Assembly in December, my directorate has continued to implement the ACT public sector workers' compensation and work safety improvement plan and considered a whole-of-government program of work to ensure that the ACT public service workforce has the right skills, capability and capacity to deliver what the government and the community expect of us.

Across the ACT public service this work has seen ongoing investment in the development of the service's people management capability through continued delivery of an enhanced case management model and development of a line manager and supervisor capability development and strengthening program. We have acted on our commitment to collocate a number of case managers from across the service to build a robust hub of injury management expertise aligned with the one service approach to the care, recovery and support of the ACT public service injured workers.

The progress report provided to the Assembly today provides members with information on these and other activities undertaken under the improvement plan, which in combination are designed to contribute to a healthy and productive ACT public service and ultimately improve the return to work and health outcomes for injured ACT public sector workers. We remain committed to reducing the risk of

illness and injury in the workplace and improving the health and return to work outcomes for those who are injured. I would like to thank all directorates for their ongoing collaborative efforts on this plan. I commend the progress report to the Assembly.

### **Out-of-order petition**

#### **Paper and statement by minister**

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

Petition which does not conform with the standing orders—Yamba Drive—  
Request to construct an overpass or underpass near The Canberra Hospital.

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

Leave granted.

**MS GALLAGHER:** I have just tabled an out-of-order petition which I have received on pedestrian safety on Yamba Drive near the Canberra Hospital. The petition, which was organised by staff from the Canberra Hospital, requests construction of either an overpass or underpass at the pedestrian crossing at the lights on Yamba Drive near the hospital. Whilst the petition is, in the formal sense, an out-of-order petition, I would like to provide the Assembly with an update on the work that is underway in relation to Yamba Drive, and I will provide the petitioners with a copy of this statement.

As this Assembly is aware, on 3 May 2012 a motor vehicle accident occurred on Yamba Drive resulting in the tragic death of a staff member of the hospital and severe injuries to another staff member. While the details of the accident were widely reported in the media, a coroner's investigation and report are still pending and we await the outcomes and recommendations of that investigation.

The ACT government, through Roads ACT, is however undertaking a review of the safety of Yamba Drive in the vicinity of the Canberra Hospital, and an independent road safety audit is currently underway. The audit covers Yamba Drive between Kitchener Street and Hindmarsh Drive. It will include an assessment of the operation and performance of the existing vehicular traffic and pedestrian management infrastructure in place. The Health Directorate will arrange for staff from the Canberra Hospital to meet with the audit team and all comments obtained from hospital staff will be provided to the audit team and considered in the final recommendation.

The audit will cover a range of time periods. There are the main staff arrivals in the morning from 6.30 till 9.30 and departures, including from 3.30 in the afternoon till 6 pm, mid-morning, when patients and visitors arrive, and in the early evening during darkness. The audit will be undertaken consistent with national guidelines and a draft report will be presented to Roads ACT and Health towards the end of this month.

Roads ACT will supplement the audit report with the investigation undertaken on the fatal crash by its senior traffic engineer, who assessed the contribution made by the road conditions to the crash. Detailed information and suggested treatments from a number of other forums, such as the Canberra Pedestrian Forum, which submitted a comprehensive report and proposed a range of safety improvements, as well as this petition from hospital staff, will be considered before any recommendations are finalised. I expect to be briefed on the final road audit report during July 2012.

I would like to thank the hospital staff who arranged the petition. The organisers advise that the petition was circulated and received an overwhelming response, with 1,800 people signing the petition at the time that I received it.

### **Supplementary answer to question without notice Canberra Hospital—birthing centre**

**MS GALLAGHER:** I just have one other matter. It has just been brought to my attention that yesterday in question time I gave an incorrect figure to the Assembly. I have not checked the *Hansard* myself, but I understand I used the figure that the women's and children's hospital would cost \$121 million. I have mixed up my figures. It is \$21 million above the \$90 million that was originally appropriated, so the figure for the budget is \$111 million, as had been previously reported. I do apologise to the Assembly for that. I mixed up the \$21 million figure, but it remains the \$111 million as had been previously reported.

### **Social procurement Paper and statement by minister**

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

Social procurement—Government response.

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

Leave granted.

**MR BARR:** On 29 June 2011 the government supported Ms Hunter's motion in relation to social procurement, which was resolved with the government agreeing to a series of actions for the subsequent 12 months. The government had in June 2010 announced its intention to add social value to government procurements and had in the intervening period begun raising awareness within the public service about the possibilities for social procurement. The government has also begun raising awareness in the sectors from which it procures.

Social procurement is not an act of welfare. Social procurement, in order to be sustainable, supports commercially viable business enterprises that can provide long-term improved outcomes for people with an employment disadvantage. The

overarching principle of ACT government procurement is the pursuit of value for money, and directorates need to be assured that any social procurements they conduct will deliver the best procurement outcome. The enterprise delivering a social contract for government must also be able to sustain itself based on the cost of that contract.

Mechanisms to measure the social return on investment, the SROI, are still being researched and developed in order to demonstrate the costs and benefits of this form of procurement. The government has been fortunate to have had the opportunity to learn from the Chief Executive Officer of the SROI Network, Mr Jeremy Nicholls, on a couple of occasions in the last year.

The 29 June 2011 Assembly resolution asked the government to identify goods and services for which social procurement should be prioritised during the procurement process. In considering social procurement opportunities the government does not limit its consideration to any particular goods and services. All procurements are potential social procurements, depending on the capacity in the marketplace to deliver the particular goods or services and incorporate the sought-after added social value at an acceptable cost.

Notwithstanding this, advice from Social Traders Ltd has been that a suitable starting point for organisations seeking to conduct social procurement is services contracts with a high labour component, low skilled work—with opportunities for training at certificate level, and possibly further, with the potential to eventually lead to unsupported employment—and in a field where there is an existing shortage of workers in order to avoid displacing people who are already employed. For this reason directorates that are seeking to procure for these types of services are strongly encouraged to use a social procurement approach.

The government undertook to establish at least three demonstration social procurement projects in the 2011-12 fiscal year. Since that resolution was agreed, the government has executed two substantial social contracts, for graffiti removal across Canberra, managed by the Territory and Municipal Services Directorate, and for public housing facilities management for Housing ACT in the Community Services Directorate.

The graffiti removal procurement resulted in a single contractor being awarded contracts for five of six regions tendered. The contract requires the contractor to employ, per region, one person experiencing barriers to employment—that is, five people in total experiencing disadvantage—for a minimum of 38 hours per week for at least 26 weeks at one time, to enable the disadvantaged person to receive on-the-job training and supervision from a qualified tradesperson. After this time, if the person is deemed to be qualified, the contractor must employ another disadvantaged person. To ensure the social benefits are properly delivered, the contractor must recruit the disadvantaged persons through a recognised employment service.

The Housing ACT total facilities management contract requires the contractor to employ people from various groups, such as public housing tenants, persons with a disability and Aboriginal and Torres Strait Islander persons. The contract management will include reporting against a range of performance measures, including outcomes

related to the technical aspects of the work, so, for example, the timeliness of the response and the quality of the work completed, and social outcomes, for example, numbers of individuals employed from each of the target groups. Incentive and disincentive payments will apply for all performance measures.

In addition to these significant contracts, the government has conducted several smaller procurements in the year since the Assembly resolution. The Office of Multicultural Affairs, the OMA, in the Community Services Directorate is contracting White Nile, a catering social enterprise owned by a Sudanese woman, to provide catering services for OMA events such as citizenship ceremonies. The value of this procurement is likely to be less than \$25,000, so it will not be notified on the ACT government contracts register, but it is an ongoing arrangement that provides White Nile with secure work. In addition to this social contract, the OMA is also supporting White Nile by offering the use of the Theo Notaras Multicultural Centre's commercial grade kitchen to assist White Nile to establish and grow its business.

Another social procurement follows the previously mentioned procurement for graffiti removal. A further procurement process for graffiti removal for the Woden-Weston region was tendered in December 2011, with quotations sought from all organisations who had tendered for the earlier, larger procurement. The social benefit requirements are the same as for the other graffiti removal contracts, and the contract was awarded to a different contractor in April of this year.

The contracts for construction of Bonner and Franklin schools were both awarded, with an Aboriginal participation plan to provide employment and training opportunities for Aboriginal Australians incorporated into each contract. The government has received assistance from the Construction Industry Training Council in the development of this aspect of the projects.

For these projects six trainees will be employed across the two sites, with the contractors at both schools engaging two trainees each and Shared Services Procurement and the Education and Training Directorate each engaging one trainee to work on the Bonner and Franklin projects respectively. Three trainees have been engaged so far, two within Shared Services Procurement and the education directorate, working specifically on these projects, and one on the Franklin project. It is a little regrettable that these positions are all in administrative roles. However, the registered training organisations have advised that to date they have been unable to find trainees for construction roles.

While the progress being made in implementing social procurement is pleasing, the above arrangements have been in place for only a short period of time, so it is too early for the government to have obtained any information on the social outcomes. However, the government will review the performance of the arrangements and take the lessons learned into future social procurements it undertakes.

As well as social contracts, the government has added social value through lower value social procurements, or social purchasing, including the purchase of Christmas cards, from Magpie Blah! Blah! a social enterprise established to support a man with learning disability and autism; catering services from Cafe Ink located at the Woden

library; purchase of Indigenous artworks from the Burrunjū Aboriginal Corporation for interior spaces as part of the Education and Training Directorate's furniture, fittings and equipment budget; and the enlisting of the services of an Indigenous caterer to supply food and beverages for the ACT Human Rights Commission events, including training and large-scale events.

In addition, whilst not strictly a social procurement, the Territory and Municipal Services Directorate is procuring for Exhibition Park poultry cages to be constructed by prisoners at the Alexander Maconochie Centre.

The Assembly resolved in June 2011 that Shared Services Procurement would work with other directorates to identify social procurement opportunities and subsequent demonstration projects. The government has over the past year continued to focus on developing awareness and expertise, in addition to fostering the social procurements mentioned above, in order to demystify social procurement and to demonstrate what is involved and what can be achieved. In August 2011 the Under Treasurer wrote to directors-general asking them to review their forthcoming procurement program to identify social procurement opportunities and offering Shared Services Procurement's assistance in working with the directorates to progress projects.

Shared Services Procurement has promoted social procurement to directorates for individual procurements, met with directorates to explain how social procurement works and how the particular directorate could conduct social procurement, circulated guidance material, and arranged workshops with subject matter experts to explore possibilities and raise awareness. In concert with these activities, Shared Services Procurement has been developing a better understanding of directorate service requirements and where opportunities and risks may exist in relation to social procurement, as well as procurement in general.

Shared Services Procurement has established a dedicated senior officer position. That person will become a source of expertise for the government in this area and will assist to promote more demonstration procurements.

The Assembly resolved that Shared Services Procurement should have comprehensive processes in place so that all contracts and tenders are considered for social procurement potential. Shared Services Procurement had put in place a prompt within the procurement plan minute template for directorate staff and procurement officers to consider the suitability of a social procurement approach for procurement activities when the government originally announced it would be undertaking social procurement. This is complemented by the social procurement circular, and Shared Services Procurement has added to this resource to provide links to useful guidance material developed by other jurisdictions and organisations, such as Social Ventures Australia, Social Traders and the Social Return on Investment Network, and included this material on its website and portal.

The government has also extended the information on the contracts register to record social procurements. The contracts register will be further enhanced to distinguish social procurements that do not result in a social contract from those resulting in a contract that includes added social benefit as part of the contractor's performance. The

government has attempted to socially procure in several recent tenders. However, the tenders have not led to a contract with social clauses. The government will therefore amend the contracts register to reflect the efforts that are being made to add social value—that is, in effect, social procurements—as well as the results, or social contracts.

The Assembly resolution asked the government to create stronger requirements for government agencies to follow social procurement guidelines, including having to report on social procurement outcomes in their annual reports. The annual report directions include the requirement for agencies to report on their social procurements in the 2011-12 annual reports.

The government has considered strengthening the requirements for agencies to pursue social benefit within their procurements and has decided not to take this approach at this time. Social Ventures Australia and Social Traders Ltd have recommended to Shared Services Procurement that a case by case approach to social procurement is preferable to pursuing any mandated approach. Social procurement tends to be more complex and time consuming in the planning stage than other types of procurement. It can also be challenging in the contract management phase, as it entails providing employment to people who face barriers entering the workforce and who have yet to acquire or develop robust skills, knowledge or a track record of performance.

It must be said that effective social procurements should aim to have a long-term positive outcome for people with employment disadvantage, rather than raising unrealistic hopes which may result in disappointment and disillusionment down the track. Shared Services Procurement has drawn on the extensive experiences of Kevin Robbie from Social Ventures Australia, Jeremy Nicholls, head of the Social Return on Investment Network, and Mark Daniels of Social Traders Ltd, who have told of overseas examples of social procurement project failures.

For these reasons the government is avoiding rushing into poorly selected social procurement projects which might not be sustainable. Instead, over the next year we will again expect to foster a few viable new social procurement projects, noting that these require considerable investment of time to achieve win-win-win outcomes for all concerned. A further three successful social procurements would be a good outcome for the financial year ahead, given the government's limited resources and the need to foster sustainable value for money results and to develop these as positive case studies.

It is worth noting that the social enterprise sector for supporting people with employment disadvantage in Canberra is still developing. The ACT Social Enterprise Hub, which the ACT government partly funds, offers an incubator service with a limited range of businesses that it is presently assisting and promoting that offer goods or services suitable to government's requirements. Shared Services Procurement has been meeting regularly with representatives of this organisation and is assisting to promote the ventures being fostered through the hub to directorates.

I think we can say that over the last 12 months the government's awareness of, and comfort with, social procurement has continued to grow and there is steady progress

being made. So I commend to members what I think is the most comprehensive statement on social procurement ever made to the Assembly and the speech that most mentions the word “procurement” in the history of the Assembly.

## Paper

**Ms Burch** presented the following paper:

Childcare sector—Early Childhood Development Workforce—Productivity  
Commission Research Report—Government response.

## Health, Community and Social Services—Standing Committee Report 7

**MR DOSZPOT** (Brindabella) (5.22): I present the following report:

Health, Community and Social Services—Standing Committee—Report 7—  
*Report on Annual and Financial Reports 2010-11*, dated 6 June 2012, together  
with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

The annual and financial reports for 2010-11 referred to the Standing Committee on Health, Community and Social Services were ACT Health and sections of the Department of Disability, Housing and Community Services. The committee held four public hearings, on 9, 23 and 30 November and 14 December, and heard from the Minister for Health, the Minister for Community Services, the Minister for Aboriginal and Torres Strait Islander Affairs, the Minister for Ageing, the Minister for Multicultural Affairs, the Minister for Women, and relevant departmental officials. Following the hearings the committee asked a further 23 supplementary questions to assist in its inquiry and received responses to 23 questions taken on notice.

The committee made 16 recommendations in response to its scrutiny of the annual reports and associated evidence. Many recommendations aim to ensure that consultation with key stakeholders such as parents, program participants and staff is undertaken in a way that meets best practice. Recommendations regarding consultation were based on the examples of poor consultation processes or situations where information fell through gaps between directorates, including the provision of after-school care and a nurse at the Woden school. Recommendation 9 highlights this. It states:

The Committee recommends that the Minister for Community Services reassess the Directorate’s current community consultation practices, particularly those in relation to parents of children at special schools, to ensure that they comply with the Community Engagement Guide and international best practice models in relation to communicating with Carers.



The committee also made a number of recommendations in relation to the evaluation of existing programs such as the Office for Women's return to work grants. It is essential that the government tries to learn what programs provide ongoing benefits to participants and why. The committee noted that significant developments such as the equal pay Fair Work Australia decision and the implementation of the national disability insurance scheme will have an effect on the ACT and should be monitored in future annual reports.

On behalf of the committee I thank ministers, departmental officials and agency representatives for their time and cooperation during the course of the inquiry. I would also like to thank my colleagues on the committee, deputy chair Ms Amanda Bresnan from the Greens and Mr John Hargreaves from the Labor Party, as well as recent past members of the committee Dr Chris Bourke and Ms Mary Porter, both Labor representatives, for their respective contributions to committee deliberations.

I would particularly like to express my personal thanks and those of my committee colleagues for the contributions made by the secretariat—the support provided by Ms Grace Concannon, Mr Andrew Snedden, Mr Trevor Rowe and our latest committee secretary, Ms Kate Harkins. Grace Concannon, who has been with the committee since 2008, was seconded to the CIT late last year and her shoes have been particularly hard to fill at short notice. Our thanks go to Kate Harkins for the way she has taken on the difficult task of coming in at the eleventh hour and providing such excellent support over the past two months.

**MS BRESNAN** (Brindabella) (5.26): Madam Deputy Speaker, I will be brief. I want to thank Mr Doszpot for his chairing of this committee and these hearings and I also thank Mr Hargreaves for his contribution. Like Mr Doszpot, I would like to thank the committee secretaries. As Mr Doszpot said, we have gone through a number of secretaries to this committee, and it is difficult to come in and take over when there has been that change. They have all done a great job. Kate in particular, who is now doing the work, has done an excellent job in putting this report together. All the committee members would thank her for doing that, as Mr Doszpot already has.

I will speak very briefly to a couple of the recommendations. Mr Doszpot has already spoken about some of the issues we raised about consultation processes and the like. A couple of recommendations have been made about FirstPoint, recommendations 12 and 13. It is the system that has been set up by the Community Services Directorate, Housing ACT, as a central access point for people who are accessing different types of housing, particularly people in emergency need.

Recommendation 12 is about including data from FirstPoint in annual reports. That includes the number of people not provided with accommodation upon contacting FirstPoint. There have been some concerns expressed. There were questions raised during the annual reports process, and some questions were raised through the social housing inquiry that was undertaken by this committee. There were concerns that people who might be contacting FirstPoint are not always being referred on to the type of services that might be appropriate for them. That includes youth and mental health services.

The concern that was expressed was that if people are turned away they may then be reluctant to use the service again. I think everyone recognises that it is a difficult job in running this sort of service because there are gaps in the accommodation that is required. However, this is something that the committee expressed a desire to have a report on, so that we can make sure over time that this service is providing what it is meant to do—providing housing for people who are in the greatest need, particularly if it is in an emergency situation.

The committee also recommended that community organisations be provided with data from FirstPoint on a regular basis. Ms Hunter and I asked a number of questions about this in the hearing. Again we want to make sure that the services out there which are providing the services are provided with the data that is coming through FirstPoint so that they know about the need that is occurring in the community as well.

In recommendation 14 the committee recommended that the older persons assembly become a regular event, with the timing to be determined in consultation with the Ministerial Advisory Council on Ageing. I know the minister, Ms Burch, has already indicated that there is a willingness to have this as a regular event, which is good to see. It is something that the committee wanted to note. I know that the Ministerial Advisory Council on Ageing had a very strong engagement with the original older persons assembly and led that process. The recommendation is that they be consulted in terms of the timing of that.

Again I do thank all the committee members and the secretaries involved, and the directorate for coming and appearing before the committee.

Question resolved in the affirmative.

### **Estimates 2012-2013—Select Committee Amendment to resolution**

**MR BARR:** (Molonglo—Deputy Chief Minister, Minister for Economic Development, and Minister for Tourism, Sport and Recreation) (5.30), by leave: I move:

That the resolution of the Assembly of 29 March 2012, relating to the establishment of the Select Committee on Estimates 2012-2013, be amended by adding after “Appropriation Bill 2012-2013” in paragraph (1), “, the Appropriation (Office of the Legislative Assembly) Bill 2012-2013”.

In doing this, I understand that there was an oversight in the original resolution in that it perhaps was not anticipated at that time that there would be an Office of the Legislative Assembly appropriation bill—

**Mrs Dunne:** I think even Mr Smyth wasn’t that prescient.

**MR BARR:** Indeed. So, in that context, we believe it is appropriate that the appropriation for the Legislative Assembly go through the estimates process. This

amendment will ensure that not only the main appropriation bill but also the appropriation for the Assembly receives scrutiny through the estimates process. I urge Assembly members to support this appropriate level of scrutiny for the Assembly budget.

Question resolved in the affirmative.

## Reference

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

That the Appropriation (Office of the Legislative Assembly Bill) 2012-2013 be referred to the Select Committee on Estimates 2012-2013.

## Fitters Workshop

**MRS DUNNE** (Ginninderra) (5.33), by leave: I move:

That the Assembly:

(1) notes:

- (a) Report No 8 of the Standing Committee on Education, Training and Youth Affairs on the future use of the Fitters' Workshop, Kingston;
- (b) the recommendations made in that Report;
- (c) the Government's response, tabled 5 June 2012; and
- (d) the Government's rejection of the Committee's recommendations; and

(2) directs the Government to adopt and implement the Committee's recommendations 1, 2, 4 and 5 forthwith.

This is an important motion which needs to be brought on today to address the wrong done by the Minister for the Arts and this government in response to report No 8 of the Standing Committee on Education, Training and Youth Affairs entitled *The future use of the Fitters' Workshop, Kingston*.

The motion is quite simple: it draws members' attention to a number of things and then directs the government to implement the outstanding recommendations in this report. There are five recommendations, one of which has already been complied with, sort of, by the government in that the government was asked to respond to the recommendations within 30 days, which sort of happened.

The remaining recommendations this motion requires the government to implement are: recommendation 1, that the Fitters Workshop be used as a multi-use arts and performance venue; recommendation 2, that the government suspend its decision to make the Fitters Workshop, Kingston, a print studio and to allow the current master planning process underway for the Kingston arts precinct to be reopened and

incorporating Fitters Workshop as a multi-use arts and performance venue; recommendation 4, that the current decision to convert the Fitters Workshop to Megalo print studio be reconsidered and that immediate steps be taken to identify an alternative site for a purpose-built building at the Kingston arts precinct; and recommendation 5, that funding be made available for the converse of Fitters Workshop to be retained for funding the construction of a purpose-built facility for Megalo at the Kingston arts precinct to be retained and applied for that purpose.

What we saw on Tuesday was the minister, who knows that she is on a loser with this, use the cover of the budget to hide a most odious decision. The minister has had at least two opportunities to reconsider this and start again. When Jon Stanhope left the ACT Legislative Assembly, it was quite clear that there was a body of opinion about whether or not putting Megalo in the Fitters Workshop was the best use of the Fitters Workshop. At that time I was saying: "For goodness sake, just do the acoustic report. If the acoustic report comes back and says that it can't be maintained, if we adjust the building we'll kill the acoustic et cetera, et cetera, I'll be satisfied, the community will be satisfied, and we know that we're making the best possible decision for the future use of Fitters Workshop."

Jon Stanhope constantly refused to do that, but I had some hope that when Minister Burch became the Minister for the Arts she would say: "Okay, let's have a clean slate. Let's draw a line in the sand and let's look at the evidence." She liked to talk about an evidence-based approach the other day, but the essential piece of evidence that successive arts ministers have refused to consider is to look at the acoustics.

We eventually got a committee inquiry with the support of Ms Le Couteur and the Greens, and the committee inquiry came at this with a fresh pair of eyes. They came not with any preconceived ideas and they looked at the issues. The first thing they did was commission two independent sets of acoustic engineers to look at the Fitters Workshop. And what did they say? They say things like:

The Fitters Workshop has nearly perfect dimensions for what we in the acoustics business call trouble-free brew modes.

Basically, what that means is that it results in a very even base response and the smoothest long reverberation we have heard in Canberra.

"The smoothest, longest reverberation we have heard in Canberra." They went on to say:

In the Fitters Workshop, our community discovered a centrally situated space with unique acoustic values which arose by accident over many decades. In this case, we believe we could consider acoustics as a heritage value as much as building materials and architectural style.

They went on to ask the question whether Canberra is able to seize this opportunity and accept it as a boundary space and creatively curate a multi-arts program that builds on. They said that is not for them to decide. No, it is for Minister Burch to decide, and she failed. She failed. What she did the other day was to say: "I'm not convinced by anything that the experts say. I don't think the committee looked at this matter appropriately. I don't think they had an evidence-based approach."

The real evidence that came forward in this was the work by the acoustic engineers, and the acoustic engineers told Minister Burch what she did not want to hear and told the rest of the community what they already knew—that is, this is a space with unique acoustic values. As I said the other day, one of the acoustic engineers said it is such a great place to create music that that is where real music creators want to be—at the edge. It is not soft and easy and all of those sorts of things; it is edgy, and it creates, because of that, really great music.

Minister Burch has spent a whole lot of time trying to decry the music community. Again, she wants to stop her ears. Like with Bimberi when she stopped her ears and said, “La, la, la, la, la, I don’t want to hear,” she has done the same thing with this. She sort of said, “Oh, you know, it’s really unsuitable except for a very narrow range of musical styles.”

Let us just look at the sorts of people and the sorts of performances that we have had. ABC FM broadcast nationally in May seven concerts that were performed at the Fitters Workshop by two different orchestras, another orchestra with a violin soloist, a vocal ensemble, an array of percussion instruments, two pianos with two singers, jazz trumpet, saxophone, and a jazz singer, bowed piano, string quartets, solo cello and solo guitar. For Minister Burch to say that this is a place where only narrow sorts of music can be played is to disrespect the music fraternity and the acoustic fraternity who have told her otherwise.

Minister Burch has spent a lot of time trying to play down the great acoustic of this place. As an admirer of music but someone who does not play and who cannot carry a tune in a bucket I can only appreciate that from a distance, but the practitioners know what it means and what it is like, and Minister Burch shows no interest.

What we are doing here today is requiring the government to act in the best interests of the community. Minister Burch has refused to take the clear advice of the committee, which is supported by the clear advice of two independent sets of acoustic engineers who told the committee just what a special space this is. They added that no-one yet can explain how it got there, but over years of work and slight modifications, we have created this gem.

The work that will be done to modify the Fitters Workshop to accommodate Megalo will irrevocably change that space because they are going to knock out a wall and they are going to put a pod inside with a mezzanine floor. That will irrevocably change the Fitters Workshop. That is part of the minister’s lie. She keeps saying it is not forever because the pod is removable, but the hole they are going to make in the wall will be there forever. If you put those two things together, Minister Burch and the Labor Party will change the Fitters Workshop forever and alienate it from most of the community for a wide range of community uses.

We saw the advice from artsACT in the FOI request where it put to the government that there were a range of things that could be done there, such as dance, exhibitions—we know the glassworks would like to use the space for exhibitions—and music through the International Music Festival. Other people would come and use

it once it is open and available. Minister Burch says no-one wants to use it. Well, that is because, to use it, you have to go into the basement behind the door marked “beware the very dangerous dog”, and there you have to fill out a form in triplicate in blood before you can get in. That is why no-one uses it now, except of course if you are a favoured friend, like the unions, who get it for free and Megalo who get it for free. Pro Musica do not get it for free and they have to work very hard to get it.

Mr Latham, the Director of the Canberra International Music Festival, explained to the committee how hard it was and how much time he had to spend to get permission for the first concert in the Fitters Workshop. And what a great discovery we made because Chris Latham put in the effort. All that effort over all those years is going to come to nothing if Minister Burch and Labor get their way and alienate this heritage gem from the wider community.

The wider community need to have its place in this. It is interesting that Minister Burch acknowledges the work done in the Conroy report but then goes against the general thrust of the report. The Conroy report said at one stage—this is certainly the feedback I have got from Ms Conroy when she spoke to me about her report:

There is concern that a cultural precinct of visual arts organisations with a focus on making and learning with some exhibition would not sufficiently activate (animate) the precinct. It was seen as vital that complementary arts and cultural activity be included. There were mixed views about locating Megalo in the Fitters’ Workshop. The building’s central location in the precinct, also its open and flexible space mean it is seen as being well-suited to being a multi-dimensional facility for all future tenants and other arts and performative practice.

That is what the Conroy report said about the Fitters Workshop. We know what the committee of inquiry said about the Fitters Workshop. We know what the acoustic engineers said about the Fitters Workshop. What is left is the blind, blinkered “I don’t want to hear, la, la, la” Joy Burch approach, whose only own response is, “What would Jon Stanhope do?” We know what Jon Stanhope would do. He would disrespect the music community in the way he did with his outrageous comments calling them “a pack of rabid dogs metaphorically cocking their legs on buildings around town to mark them out for their use”. How disrespectful.

That disrespect is perpetuated by the lack of regard Minister Burch has had for this committee inquiry, for the work that was done by the committee of inquiry and for the work that was done by those people who came before the committee, the vast majority of whom put forward an argument as to why this should remain a multipurpose space.

It is vitally important that the Fitters Workshop remain a multipurpose space. That is why my colleagues and I have decided today to bring forward this important motion to direct the government to implement the recommendations of the standing committee report. The standing committee report says to the government: “Look after this asset. This is a community asset. You don’t own it. It belongs to the community. It is held in trust. You are the stewards of this place. Do not wreck it.”

On behalf of the ACT community, the Canberra Liberals say to the government today: as the stewards of this place, the place that you hold in trust, this heritage place, do not wreck it. Do not give it over to one exclusive use. Leave it with the community as a multipurpose space. Take the money you have already allocated and build a new purpose-built facility for Megalo. Let us find a real heart-throbbing centre for Kingston's arts precinct in a multipurpose facility that could be the Fitters Workshop. I commend the motion to the Assembly. I hope I will receive support for the motion.

**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) (5.47): Let us be clear, Mr Speaker, that we are here today because Mrs Dunne does not like the government's response. She has not, as she has indicated, come to this without bias, and I think she has indicated that. I have not decried the music industry. I defy Mrs Dunne to point to any public statement where I have decried or disrespected the music community. Let us compare that to the public commentary by Mrs Dunne.

*Opposition members interjecting—*

**MR SPEAKER:** Order, members! Mrs Dunne was heard in silence. She was equally contentious. I expect Ms Burch to be afforded the same courtesy. I remind you that there are at least two members on a warning. Ms Burch, you have the floor.

**MS BURCH:** As I was saying, I request that if they have got any public comment where I have been disrespectful to the music fraternity they bring that forward. On the other hand, I have heard from a number of sources that Mrs Dunne directly attacked Megalo Print Studio at a public forum that was organised by the Childers Group. Mrs Dunne said of Megalo that it was the elephant in the room. She went on to say that we should be grasping that elephant in the room, roughing it up and sending it on its way. You can deny that, Mrs Dunne, but a number of independent sources have come to me and said that you described Megalo as the elephant in the room and that it needed roughing up and sending on its way, to the point that Megalo have now got a new logo—an elephant.

**Mrs Dunne:** I'm glad I've been the inspiration for Megalo, although they did mishear.

**MS BURCH:** No, they did not take it as inspiration; they took it as an absolute insult, Mrs Dunne, and it shows your bias to this from the get-go. Mrs Dunne has referred to consultant reports, acoustic reports and comments by performers. Let me provide some others:

I have experienced the acoustic in this venue a number of times. I can see why singers in particular like the space, as it enhances their voices. However, the claims made are exaggerated and are now getting silly.

There is another one from Mr Jim Cotter:

While it may be seen as a fine acoustic by choral groups the weight of opinion expressed to me by instrumentalists who had performed there was that it was an extremely difficult acoustic space in which to work.

From the KVDL report:

... there needs to be an acceptance of its acoustics with a realism and clarity around what the space could be potentially used for. It is very likely that even after the proposed minimal alterations it can never be made to suit all forms of music, media or performance.

Finally:

Finally, we have come to the view that the Fitters' Workshop has merit as a venue for certain styles of music.

And then we have a comment:

Yes, that means you have to take on the acoustic. It is not neutral. You have to work with it. That is going to affect your work as a musician or an artist ... You would not put 'The Police' in there, because it would be a total mess ...

There is more from what I think is the SLR report:

The technical data suggests that the hall would be best suited to works which rely on a rich sustained sound, where the different notes blend together. Based on Beranek's review of concert halls, this space is not suited to classical music due to the very long reverberation times.

Then:

In view of the results obtained, the utility of the Fitter's workshop for musical performances appears to be limited to a very specific style of music or taste for the way the building will reinforce the sound.

Mrs Dunne, you drew me to the consultant's report. On Tuesday Mr Hanson said I was making disparaging comments when I referred to Fitters being useful for Gregorian chants or Enya music. He said I was being disparaging. I read from the KVDL report:

An initial judgement on what we were hearing suggested that the room would be good for slower forms of music—Gregorian Chant or Enya for example. A public speech would be unintelligible beyond about 5 meters. Music of any complexity, speed or detail would simply be lost in the long reverb tail, thereby defeating the point of the music.

I think Mrs Dunne has made comment of the exceptionally long reverberation time. This is caused by the varying internal surface being hard, resulting in very little sound bouncing off the space. It is a classic bathroom effect. As an empty room, the general evidence is that the Fitters Workshop is only suited to a very limited range of music and not to speech at all. I would suggest that people refer to tables 2 and 3 in the same report. It shows that the Albert Hall provides a very good experience for music, and we all know that the Albert Hall is absolutely underutilised. It also goes on to say that



the Fitters Workshop is definitely unique among its group of spaces, most notably its reverberation time, and this is the reason it ranks poorly overall. I have other conclusions to go through, but this is one:

In its empty state it is initially a curiosity, and it is acoustically problematic, especially for speech. With at least chairs and audience present it is highly suited to slower, ambient, and sparsely instrumented forms of music.

So it is hardly the gem that suits all music forms without hesitation. Mrs Dunne also talked about multi-use space, but let us be clear: Megalo's answer, when asked if they would be accepting or welcoming of a purpose-built building, was very clearly no. Aside from a number of submissions which made reference to using it as a multi-use space, there has certainly been no evidence of the need for a multi-use space, given that, as we know, the Albert Hall is extremely underutilised. I find quite offensive the way Mrs Dunne has described access to the hall and the processes that seem fair and reasonable. I doubt if anyone has signed anything in blood, which is what she is asking or implying that we do.

She made mention of the annex and putting a hole in the wall, saying that this would destroy this gem absolutely. To meet some of the OH&S and other refurbishment requirements for this as a space, in the acoustics report one of the consultants said, "Let's pop a hole in the wall for more doors for access." There is a hole going in the door, Mrs Dunne, even by those that you are trying to use. There is no doubt that Fitters is a wonderful building. There is no doubt that we are, as we have said on many occasions, looking to create Kingston as an absolute destination point and an arts precinct. One of the ways to do that is by creating a hub of anchor tenants, those of national and international renown, and Megalo is that. An empty building waiting for someone to hire on occasion is not a good anchor tenant.

Indeed, just recently I received a letter from the Glassworks writing to voice Canberra Glassworks' strong view that it is in the best interests of everybody in the Kingston arts precinct to proceed with great haste and that the Canberra Glassworks would welcome Megalo print studio as a neighbour. The letter states, "We look forward to the rapid finalisation and implementation of the plan and an exciting opportunity for the precinct with Megalo there as an anchor tenant."

We also had a number of items of correspondence and I will read some of them. This is the first: "I was very pleased when it was announced that Megalo would move their workshops and exhibition space into the Fitters Workshop. The site of the building would be ideal for the physical needs and public exposure. The nature of printing is a technical craft as well as fine art and Megalo's architectural plans are totally in keeping with the industrial heritage of the building. It would add to the building's history in a natural companion to the glassworks. I was shocked when I heard that another group felt that their need for the limited use was greater. On reading about the necessary building requirements and the impracticalities of a shared exhibition space, I am surprised that this is even being considered."

This is another: "Once again, congratulations on your decision to support this truly excellent art organisation, and, with it, the people of the ACT." There is more: "Thank

you for seeing fit to move Megalo into the old Fitters Workshop. Printmakers present and to come will use these premises day in, day out, year in, year out.” Then there is another: “Hello, I am working from London, so this news has, indeed, gone far and wide. Very exciting and many of the print groups work out of heritage buildings and they fully support the great decision to stand by Megalo in a move to printers workshop.”

I could read more. It is very clear that there are two camps in this debate; there is no doubt about it. There are some that are supportive of Megalo moving into the Fitters Workshop. There are others that are supportive of a mixed use space. This government has not been hiding its decision in any way, shape or form. We have been up-front from the get-go about our plans to relocate Megalo into the Fitters Workshop. Indeed, in the budget reply in May last year Ms Le Couteur went on to say:

The retrofitting of the Fitters Workshop is a welcome step for the visual arts and Megalo ...

It seems that within a short time Ms Le Couteur has changed her mind. Just this morning Helen Musa said on 2CC: “I was talking to some of the Megalo people at their gallery launch last night and, of course, they are over the moon. Now there has been a lot of talk. There has been months and months and months of consultation. There has been a lot of talk of keeping it as a multi-purpose space, but, Mark, the reality is that, these days, multi-purpose spaces don’t work very well. They end up not being very useful to anyone. So a decision did have to be made. My view is that a sensible decision has been made. I just hope that, as minister, Joy Burch said that they can just get on with it and they can actually do it.”

*At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.*

**MS BURCH:** That was just one comment this morning from Helen Musa, a well-regarded arts critic who certainly has her finger on the pulse about what is needed. Let me go back to that: “These days multi-use spaces don’t work very well. They end up not being very useful to anybody. So a decision did have to be made. In my view, a sensible decision has been made.”

I would just like to finish by saying that Mrs Dunne comes in here with an absolutely biased opinion. She made that very clear when she described Megalo in public—and it has been brought to me: I was not there; I was actually travelling interstate—

**Mrs Dunne:** You certainly weren’t; otherwise you’d know it was untrue.

**MS BURCH:** All those other people have got it wrong? Is that what you are saying—that those that have come to me are lying?

**MR SPEAKER:** Members, through the chair, thank you.

**MS BURCH:** Mrs Dunne describes an elephant in the room. Megalo were there. That is why they have created this new logo, because they heard firsthand Mrs Dunne describe them as an elephant in the room to be roughed up and sent on their way. It really is quite clear that we can do something very well. We believe that having a nationally and internationally regarded anchor tenant in the Fitters Workshop is consistent with our views. Goodness me, what if every time we make a decision the arts communities have their funding and their security taken away on a whim and a fancy because Mrs Dunne considers Megalo an elephant in the room?

**MRS DUNNE** (Ginninderra): Mr Speaker, I seek leave to use standing order 47, because the words used by Minister Burch are wrong and represent a misunderstanding of what was said. Standing order 47 allows me to clarify that before the debate proceeds.

**MR SPEAKER:** Yes, Mrs Dunne. I am just checking my standing orders. I think I can give you the leave. That is fine.

**MRS DUNNE:** Thank you, Mr Speaker. Mr Speaker, Minister Burch, on radio the other day, and today here twice, has said that I called Megalo the elephant in the room. I understand that somewhere along the line Megalo has been called the elephant in the room, but it was not by me. What I said at the Childers Group meeting was: “The arts are very good at recognising elephants in the room, picking them up, giving them a good shake, making them trumpet loudly and then herding them out of the room with solutions that sometimes can be confronting.” And then I said: “So let me in a short time pick two elephants and give them a good shake and offer some talking points.”

At no point have I said that anyone should be herded out of the room or that Megalo is the elephant in the room. “First,” I said—the second one was actually public art, but the first one I talked about was the Fitters Workshop—“is the Fitters Workshop, the Kingston arts precinct and specifically the future and the destiny of the Megalo arts studio and gallery. What a big, noisy, smelly elephant all that has been for the past several months.”

It shows that some people would like to be a little selective in their quotations, and we need to get to the whole lot. The truth is that I said that there were a number of elephants in the room, and that the arts community was good at giving them a good shake, allowing them to trumpet loudly and herding them out with a solution. One of the elephants in the room was the future of the Fitters Workshop, the Kingston arts precinct and Megalo. So get it right.

*Ms Burch interjecting—*

**MR SPEAKER:** Thank you. Order! We will now proceed. Ms Burch, thank you. Ms Le Couteur has the floor.

**MS LE COUTEUR** (Molonglo) (6.04): Thank you, Mr Speaker. This is a—

*Ms Burch interjecting—*

**MR SPEAKER:** Members!

**MS LE COUTEUR:** Members! Sorry. I am not the Speaker.

**MR SPEAKER:** Ms Le Couteur, I am in the chair at the moment; you just have the speaking rights.

**MS LE COUTEUR:** I apologise; I could not help myself. I think it is just showing that this is an incredibly vexed issue. It is really disappointing that we are debating it yet again.

We have agonised over this at huge length. Probably one of the things that agonising at huge length has demonstrated, at least to the Greens if not to everyone else, is that the reason we are agonising at great length is that there are two solutions which are viable solutions. No doubt one is better than the other, but you cannot say that either solution is without merit. Both solutions clearly have merit. Both solutions clearly have a lot of people who feel passionately about them. Some of the people who feel passionately are sitting here in this room. Some of them are MLAs; some of them are not.

That makes it a really hard thing for the Assembly to make a decision about. This is really not a very good way of decision making. That is why I think that the situation we have with planning, where DAs do not go anywhere near the Assembly, is a very good one. We are not the best people for making this sort of decision.

That is why the Greens supported the inquiry into the Fitters Workshop. It was, and still is, a very vexed issue. We thought, “Okay, an inquiry, a three-member inquiry.” Fortunately, none of the people on the education committee had been involved in the Fitters Workshop debate before that. I was very pleased that it did not go to the planning committee because I have made comments on this subject before. So I thought, “Okay, good; we have got a way through.” Then the inquiry did its report. Basically I felt that it was a very good report.

One of the things that were most concerning was this. According to Mr Hanson, who was a member of the inquiry—Mr Hanson in his speech said this—the report had been unanimous but afterwards Ms Porter changed her mind and put in a dissenting report. I found that incredibly concerning because that basically said that the arguments were persuasive but there were some other unknown issues that changed Ms Porter’s mind. That was really fairly negative.

Looking back at the whole sorry saga here, it does not seem that the government has really consulted about the actual fate of the Fitters Workshop. There have been some other consultations about the arts precinct, but it does not seem that the Fitters Workshop has actually been a matter of public consultation. It is certainly a question which I have asked the minister about a number of times in briefings, and we have not quite got to that.

I can understand why it happened initially—that no-one particularly wanted this heritage-listed building which obviously had constraints. But clearly it has become an issue. And so it seems, from what I can tell, that the only time we have actually had public consultation about the fate of the Fitters Workshop was in the committee inquiry. So it is somewhat disappointing, to put it mildly, that the government has seen fit to not agree with this.

There are other things I found really disturbing about this. I have had a lot of emails and conversations about it. I have to say that there are probably equal numbers from both sides—if “sides” is the word to use; I do not really want to put it that way. One of the things that quite a number of people have said to me is that they have opinions on it, and they were opinions which were different from the government’s opinion, but they did not want to say them publicly because they were dependent upon ACT government funding in one guise or another.

That is one of the most disappointing things in this whole debate. Maybe it is not disappointing; maybe it is educational for me. But it is certainly very disappointing to feel that some of our community believe that they cannot say publicly what they feel about issues. And this is in quite a number of areas of the community where they have said this. I find that very sad.

One of the things that I would like to do out of this motion—I am not sure how, but I will talk about this a bit later—is ensure that whatever solution we use is a long-term solution, not something where we have just got one side scoring points. It is really important that we have Assembly support, but also that we have the support of the government for whatever solution there is. There is no doubt that the government’s cooperation is needed to make whatever it is work.

I will now move on. My amendment is the best that I have been able to come forward with in terms of trying to think of some solution that will be a positive solution and bring things forward.

**MR SPEAKER:** Ms Le Couteur, as you have two amendments, you need leave to move them together.

**MS LE COUTEUR:** Thank you, Mr Speaker. I seek leave to move my amendments together.

Leave granted.

**MS LE COUTEUR:** I move:

(1) Insert new subparagraphs (1)(e) and (f):

“(e) no planning advice was presented to the Committee inquiry; and

(f) the DA for the Fitters’ Workshop is currently before ACAT and unlikely to be resolved during the 7<sup>th</sup> Assembly; and”.

(2) Omit paragraph (2), substitute:

“(2) calls on the Government to:

- (a) release all documents connected with existing Arts Precinct planning and consultation processes; and
- (b) commence a master planning process for the Kingston Arts Precinct that considers all options for the Fitters’ Workshop.”.

Basically what I am doing with my amendments is noting a couple more things. There was no planning advice presented to the committee inquiry. But, possibly more importantly, from the timing, the DA for the Fitters Workshop is still before ACAT, and it would seem, from the advice I have, that it is unlikely to be resolved during the time of the Seventh Assembly. What that means in practice, unfortunately, is that because no physical work will be started on the Fitters Workshop because of the ACAT hearing, this is going to be an issue that is not resolved until then. Nothing physical will happen, so it will always be open for everybody to seriously suggest that the decision should be changed because no action can be taken by the government at this stage.

So to quite an extent I think this debate is just all noise. It is theatre. Whatever we decide today, there will still be the opportunity for further action in the future because the DA is still in play. It is a big pity that it has taken so long. Unfortunately, taking so long to make a decision about third-party appeals in the area has only added to the length of time for this. I have already had my say on that. I will not bother repeating that, because I am going to run out of time.

I am calling on the government, firstly, to release all the documents connected with the existing arts precinct planning and consultation processes. I am aware that there have been a number of planning processes, and all the documents relating to those have not been released. Secondly, probably more importantly, I am calling on the government to commence a master planning process for the Kingston arts precinct that considers all options for the Fitters Workshop. The recommendations of the Assembly inquiry did not do it in quite that way. For clear reasons, they had decided what they thought would happen with the Fitters Workshop. But given where we are now, this is what I think is possibly the best way forward from this point.

One of the reasons I want to do this is to think of a way that we can have a fresh look forward in a less confronting way. Clearly, we have the situation where we have—as Ms Burch, the arts minister, called it—two camps from an arts point of view. This is not a situation which is possible to be well resolved. Maybe if we do a master planning process, which I assume would be done by the LDA, as they are the authority for the area, we could do it from a different point of view. And, hopefully, we might get a more measured, more considered and less emotive answer if we did this.

It is very clear from what we have seen of the planning that has been done to date—what we have seen largely has been the Conroy report—that to make this arts precinct

work it needs a mix of things in it. It needs to have a buzz. I am concerned that in going down the route that the government is going we will end up without that mix, without that buzz.

I am also concerned that the consultation that was done—the last lot of consultation that was done by Purdon—was somewhat farcical. I went along to a couple of the consultations. They had to start off saying, “No, the Fitters Workshop is not part of this.” The people who came to those consultations—I do not know that it was a majority, but it was certainly a significant minority of them—really felt that was totally the wrong idea. If that consultation was to be consultation that was going to be respected by the community, it had to be consultation about the issues which were important to the community. Leaving out what would seem to be the most important issue to the community at the time was just the wrong way to do consultation. It was making it a farce.

The bus depot made it quite clear in the inquiry that the government’s proposals, will, they believe, be significantly negative as far as they are concerned. This is something which should be teased out from a proper planning perspective, a proper master planning process, so there is some way of accommodating it. I think the situation is that the bus depot have the anticipation that it will stay where it is.

I would like to see some solution. I know I am sounding a bit Pollyanna-like in saying that there is a win-win solution, but I still believe there is. The solution that has been looked at with Megalo moving into the Fitters Workshop is one that would require a significant additional building to be built—plus, in effect, another building to be built inside the Fitters Workshop for Megalo. I still think there is a possibility for Megalo to use the money that has been allocated in effect to build an entire purpose-built building, which could be, from the point of view of what they are doing, even easier to use. They would still be in the situation where they could have exhibitions in the Fitters Workshop, which I assume would be near them. Other people could have exhibitions in them.

It was interesting to hear Ms Burch read out the letter from the Glassworks. I also, of course, received that letter. Because the Glassworks did not actually say “Megalo in the Fitters Workshop”, I assumed that that was not what they were saying—that they were saying that they would like to see Megalo in the precinct but not in the Fitters Workshop, given how they wrote the letter. It is really interesting that you can interpret things in many different ways.

It is clear, though, that everyone thinks Megalo would be a good fit within the arts precinct. Everyone wishes Megalo well and would like to see it appropriately housed as soon as possible. So I think—

**Ms Burch:** As soon as possible?

**MS LE COUTEUR:** Ms Burch, there happens to be an ACAT appeal. What we are doing here is not going to stop that. What we are doing here is effectively a side part, given the timing. I do commend my amendments to the Assembly. I am not confident that they will be supported. In fact, I am probably fairly confident that they will not be supported.

Nonetheless, I think it is a very vexed situation. One solution which does appeal, slightly, is saying, “It is heritage listed and let us just leave it closed for no-one.” But that would seem to be a foolish solution. Given that we are not going to go that way, I commend my amendments to the Assembly.

**MR HANSON** (Molonglo) (6.17): What a tortured exercise in self-justification and what a meandering backflip and a half that was. I mean, really, Mr Speaker, Mrs Dunne has laid it out pretty clearly here. We have a solution. We have a way forward. In fact it was your colleague Ms Bresnan who wrote the recommendations. The fact is that both Ms Bresnan and I came to it with pretty open minds, as did Ms Porter for nine-tenths of the committee hearings. The fact is that Ms Bresnan and I, who are not known for our agreement on many issues, did agree on this. I think it is a well-written report, that the conclusions are sound and that there is a way forward. This sort of eleventh hour “let’s try and come up with something new” is just going to throw more confusion, more doubt and more divisiveness into the arts community.

We need a decision. The decision that we need is that which has been recommended by the committee—the majority of the committee and, I might add, until the eleventh hour, by all members of the committee. So I certainly commend Mrs Dunne for bringing this motion before the Assembly.

As I said, I came to this committee hearing with an open mind. It is not a subject I knew much about, nor did, I think, Ms Bresnan or Ms Porter. We looked at the submissions. We had extensive hearings. We heard the arguments from both sides, impassioned arguments often, and we heard from the experts. There were two acoustic experts that appeared before the committee and provided us with reports.

What is quite clear is that the original decision to basically gift the Fitters Workshop to Megalo was flawed. I will not litigate that but it was flawed. That was compounded by the fact that new evidence came to light, and the evidence is quite clear: the Fitters Workshop is a unique acoustic space, and Mrs Dunne has articulated that. We have all heard the arguments, we have all read the report, and many of us participated in the hearings. It is a unique acoustic space, and putting Megalo in the Fitters Workshop is going to essentially destroy that. It is a unique space and it has heritage value.

This is not to say that Megalo are not deserving. They do pretty well out of this deal. There is \$3.9 million for Megalo. The solution that the committee came up with provides that money and provides Megalo with a purpose-built facility in the Kingston arts precinct. It is a pretty good solution. It is very difficult for the government to argue, or indeed for anyone else to argue, that Megalo is a loser out of this whole process, should we go forward with the committee’s recommendations.

So Megalo do well out of what the committee recommended and the arts community more broadly do well out of it. Megalo, as well as the choral societies, the choirs, the chamber orchestras and the rest of the performing arts community, could do well. They should not be excluded from what has been found to be a unique acoustic space.



The recommendations from the committee report are pretty clear. Mrs Dunne has been through them. There is a very clear case that the Fitters Workshop be used as a multipurpose facility, and the arguments have been well presented. I think it is time that Ms Burch listened to the committee and listened to the community. If she did so she would hear that the community could be united. There might be some kickback in the short term from Megalo, but I think by the time they are provided with their purpose-built facility in the Kingston arts precinct they will be pretty happy with this solution. So she has an opportunity to unite the community that is currently divided as a result of her actions and as a result of the decision she made based on a previous decision made by Mr Stanhope.

I am very disappointed by Ms Porter's role in all this because it is quite clear to me that throughout the committee process she was on board; she heard the evidence as we did and was supportive of the recommendations and then did an almighty backflip at the eleventh hour, coincidentally shortly after Mr Stanhope visited the building. I am sure it is all a big coincidence! But she went weak at the knees and it appears that the Greens have gone weak at the knees. I do not know what the final vote is going to be on this but it is very clear what the consequence of this sort of amendment would be. It is a sort of meandering third way: "Let's cook up something because we're not quite sure. We want to keep the government happy, but we're confused. We're conflicted." It is typical Caroline Le Couteur—incoherent, create more confusion, throw more mud at the whole thing. It does not provide any clarity to the committee.

What does this mean? Why are we getting all of these extra documents? What are we meant to do with them? We have had a process that has been agreed to by Amanda Bresnan, as the chair, by me, and by Ms Porter until the eleventh hour. It is a good way forward. This amendment is a nonsense because it does not satisfy anybody. It just creates more confusion. Who knows what the outcome of this would be? But I can guess.

It is quite clear that, given half a chance—in fact given a crack of daylight—this minister will be putting Megalo into the Fitters Workshop. And the only way we can stop that is to have a clear and unambiguous motion, as Mrs Dunne has put forward, that says no. The numbers in this chamber say no, because the community broadly does not want that to happen and the evidence as presented to the committee makes a clear case that it should be a multipurpose facility. So we can send a clear and unambiguous message to the government: "No, you're not to do that. You are to follow what the committee recommended."

This amendment would probably give Ms Burch the ability to squeak through and do what she wants, prevaricate, and we will end up with Megalo in there. But what will happen is that it will probably cause more problems in many ways than what has been agreed by Ms Burch, because at least Ms Burch has made a decision. It is the wrong one, but what we are seeing from the Greens today is an attempt to try and walk the tightrope, walk the fence, not make a decision. It is too late for that, Mr Speaker. You are either with it or you are against it in terms of this committee report. You cannot try and have a half-pregnant solution on this one.

The Canberra Liberals will not be supporting this amendment because somebody from the Greens has to stand up and make a decision today. You have to make the decision for the Greens, Mr Speaker: do you support the committee report? Do you support a multipurpose facility at the Fitters Workshop? Or do you support the government in destroying—because, let us face it, this is not going to change for decades to come—the unique characteristics of the Fitters Workshop?

That is the threshold decision today. The decision that you are going to make in the next half an hour is going to reverberate for decades because once this decision has been made, once that facility has been refurbished to fit Megalo, that is it. It is a done deal. No-one is going to rip that out in the short term. Perhaps in decades to come, maybe at the bicentenary of the ACT, this will be coming up again and a decision will be made, but for the next several decades, for generations to come, the consequence of your decision tonight will reverberate. So consider that.

Putting some naff amendment through that is trying to walk a fence—I do not know what it does, to be honest—is not going to help the process. But what it will do is to give Ms Burch the opportunity to essentially do what she wants to do, and that is to destroy the Fitters Workshop as a cultural and heritage facility and as a unique musical space.

We will not be supporting the amendment. I commend Mrs Dunne for not only this motion tonight but her passion and her support for the arts community broadly—the performing arts community, the visual arts community. What she is trying to do, and what she wants to do, out of a very difficult circumstance, is unite the community and give them a way forward. We have a way forward. I commend Mrs Dunne and her motion.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (6.27): I will speak briefly in relation to the amendment and Mrs Dunne's motion. I think Mr Hanson in his usual manner has verbed Ms Le Couteur. I understand what Ms Le Couteur is trying to do. I do not think, though, that it does achieve that end. Ultimately it will not achieve an outcome where everyone will get what they want. It would appear, as an observer of this process for some time, that it will not be possible to achieve an outcome so that everyone will get what they want. So the one area that I do agree with Mr Hanson on is that a decision one way or the other needs to be made.

The concern I have with Mrs Dunne's motion is that it quite possibly falls foul of the self-government act, particularly section 65(1), that an enactment vote or resolution for the appropriation of public money of the territory must not be proposed by the Assembly except by a minister.

In seeking to force the government to adopt the committee's recommendation 5, there clearly is the expectation from Mrs Dunne that the Assembly is somehow directing a minister to act on this particular matter. It is clear from the self-government act—and this is a very important protection within the self-government act—that only a minister can propose an enactment vote or resolution for the appropriation of public money.

In the end, and I understand from discussions that we have had, ultimately this is just a political exercise and that any motion that is carried today seeking to direct the government on this matter has no practical or legal implication because only a minister can move a resolution or seek to enact to appropriate money. In the context of what the government is being called on to do here, if the Assembly were to seek to override the decision of the minister in this instance it would have the effect of being in breach of the self-government act.

The minister has responded to the committee but it is not for the committee to determine the policy of the executive or seek to appropriate funds for a particular purpose. The self-government act is very clear on this. As I understand it, Mr Speaker—certainly it might be useful for you to share with the Assembly what you shared with me earlier in relation to the actual practical implications—this is just a political statement; it has no legal bearing on the decision of the minister and the appropriate response and policy of the executive in relation to this matter.

Undoubtedly this issue will continue beyond tonight, and there will continue to be polarised views on the matter. But the one thing I do agree with Mr Hanson on is that a decision needs to be made. We should get on with and endorse the position that Minister Burch has outlined, or else this issue will continue to drag on and on and on, and I do not think anyone will get the outcome that they want.

**MR SPEAKER:** Would the Assembly wish me to address that point that Mr Barr has just raised, or shall we move on with the debate? I feel like I am being dragged into this by having offered a view earlier. I am unclear whether the Assembly just wants to continue or whether I should offer—

**Mrs Dunne:** I think we should continue, otherwise it puts you in an invidious position, pontificating from the chair.

**MR SPEAKER:** Thank you; fine.

**MR SMYTH** (Brindabella) (6.32): I would like to clarify what Mr Barr has just said. I think his interpretation of the act is entirely wrong. My memory of the act is that it says that no other member than a minister can present an appropriation bill, a money bill. We pass things in this place every day that have an effect, that cause the government to spend money. What we do not do is force the government to appropriate money. I think it is quite disingenuous to stand up and say, “We’re not bound by this, whatever the outcome, because you can’t have a money bill.” I think you need to check your law, and I am just waiting for some advice from the Clerk.

*Members interjecting—*

**MR SPEAKER:** Order, members! I think we just need to proceed. The question is that Ms Le Couteur’s amendments be agreed to.

Amendments negatived.

**MR SPEAKER:** The question now is that the motion be agreed to.

**MRS DUNNE** (Ginninderra) (6.33): Mr Speaker, I will briefly close the debate. The situation is that we have to make a decision. Minister Burch has made the wrong decision, and it is time for the Assembly to remake it for her. And this motion today remakes that decision. Minister Burch has behaved very badly, as we have seen on a number of occasions. As an example of how she has been selective in her quotation, for instance, she relies on two musicians to put to bed all the views of a whole range of people—Peter Sculthorpe; Ross Edwards, Graham Koehne, Andrew Ford, performers like Tobias Cole and Louise Page, not to mention Chris Latham and most of the music fraternity in the ACT. There are only two musicians ever counter to this, and one of them she quoted today. At the committee hearing he somewhat undermined his own evidence by saying that he had never heard a performance in the Fitters Workshop. That is in the *Hansard*. So Minister Burch is very good at trying to put people down by selective quotations, in the same way that she attempted to put me down by selective quotations.

Minister Barr has made an extraordinary comment here today, and it shows that they are grasping at straws. Yesterday in this place we passed a bill to establish three new official visitors. None of that was considered unconstitutional. The issue here today is that we have to remake this decision for Minister Burch. I encourage the Assembly to do just that: remake that decision.

Question put:

That **Mrs Dunne's** motion be agreed to.

The Assembly voted—

Ayes 9

Noes 6

Ms Bresnan  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Ms Hunter

Ms Le Couteur  
Mr Rattenbury  
Mr Seselja  
Mr Smyth

Mr Barr  
Dr Bourke  
Ms Burch  
Ms Gallagher  
Mr Hargreaves

Ms Porter

Question so resolved in the affirmative.

## Adjournment

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

That the Assembly do now adjourn.

## Curtin Community Bank Australian Hellenic memorial

**MR DOSZPOT** (Brindabella) (6.38): Today I had the pleasure of attending the opening of Curtin Community Bank branch, attended by nearly 200 people. This bank already has over 175 shareholders who have bought over \$780,000 worth of shares in

the new investment. The bank is the result of much hard work at a local community level, and I applaud the steering group of this great local initiative. I understand that over \$7 million worth of business had already been written before the doors even opened.

Mr Nick Tsoulas, a driving force in the Calwell area, has been a key player in establishing this new community resource in Curtin. He was the first chair of the Curtin Community Bank steering group, and his work over the last five to six years, together with Viola Kalokerinos, has been important in developing much needed community resources in the south of Canberra, not just in Curtin but in the wider Tuggeranong Valley area.

The ACT Liberals have a great track record in support of community banking. It was Brendan Smyth who, in government in June 2001, allocated \$10,000 towards a feasibility study for the Calwell Community Bank to assess its liability. That bank was also at Calwell shopping centre, and the Tsoulas family supported the initiative. I congratulate Nick Tsoulas and Viola Kalokerinos and the hardworking committee, composed of Vincent Tran, Simon Maddox, Steven Tupper, Jacqui Richardson, Jayson Hinder, Ann Doltan, Nicholas Brookes, Mili Dukic and Tim McGrane.

I also congratulate the Curtin Community Bank's first branch manager, Andrea McCann, whom I met this afternoon. Mr Tsoulas said in a recent media release:

We are returning banking services to our community, and more importantly, local jobs. It is not often that a community such as ours has the chance to become shareholders in a public company that will directly benefit Woden organisations and projects.

Congratulations to all shareholders on this great initiative for the Curtin community, and also for the wider Woden area.

Last Sunday I was honoured to represent the Leader of the Opposition, Zed Seselja, at a wreath laying ceremony at the Australian Hellenic Memorial on Anzac Parade to commemorate the 71st anniversary of the Battle of Crete in Greece during the World War II. This is the fourth year I have had such an honour, and I was in very good company with His Excellency Alexios Christopoulos, the Greek Ambassador to Australia; Mr John King, President of the RSL ACT Branch; Mr Peter Tsiklas, President of the ACT Hellenic Branch of the RSL; Mr Paul Levantis, President of the Greek Orthodox Community and Church of Canberra and District, to name just a few. The master of ceremonies was the ACT RSL Hellenic Branch Vice-President, Mr Michael Kazan, and the memorial service was conducted by the Reverend Fathers Petros and Konstantinos.

I applaud the Greek community here in Canberra for their ongoing recognition of those who made sacrifices during the battles of Crete and mainland Greece. Ceremonies such as this help to cement the bonds between Australia and Greece and are an important reminder of what our forefathers suffered for us to enjoy the freedoms we do in Australia today.

## **Curtin Community Bank**

**MS BRESNAN** (Brindabella) (6.41): I will just speak briefly. Mr Doszpot has already spoken about the opening of the Bendigo community bank at Curtin today. I was also at the opening of that, as was Gai Brodtmann, member for Canberra. I am actually a shareholder in the bank, so it is very exciting to see it opening.

The wonderful thing about community banks, and what Bendigo Bank does, is that they give back to the community. That social return on investment is something that the Greens are very supportive of. I am personally. That is something very much that the community bank concept does. They give back to the community in which they are located, as is the case with Wanniassa and Calwell. That is a wonderful initiative. It is great that that will now be available to residents at Curtin—but not just for the people of Curtin: people in the wider Woden area will now be able to access this community bank.

Mr Doszpot has already named the steering committee who set that up. I would particularly like to acknowledge Viola Kalokerinos, who is now the deputy chair of the Ministerial Advisory Council on Ageing. Congratulations to her for that also. As was noted today in various ways, she has been the empress, the queen and also the president of Curtin. She has been really instrumental in getting this bank up, and it is very much a credit to her that this has happened. We should also acknowledge Jayson Hinder, who is with Bendigo financial services and has been very supportive of this as well.

## **Performing arts**

**MRS DUNNE** (Ginninderra) (6.43): Over the last four or five weeks, I have had the opportunity to attend a number of high school musical and theatrical performances. I want to pay tribute to the performing arts and drama teachers in some of our schools.

In early May, I had the opportunity to attend St Edmund's college and St Clare's college *Back to the 80's: the Totally Awesome Musical!*, which was a jukebox musical reliving the 80s, and bad hair and leg warmers. I know that the kids enjoyed the bad hair and the leg warmers, but they did not have to live through it; they only had to play through it. I want to congratulate Nigel Palfreyman, the teacher in charge of dance and drama at St Edmund's college, on a fantastic job done there.

I have to put on the record that the commonality of all of these things is that one of my children have been in all of these things.

The next thing that I attended last week was a lengthy season of *The Real Inspector Hound* by Tom Stoppard put on by Marist college. The female roles were not played by the boys. Ms Carla Weijers and the performing arts department of Marist college put on a great performance, supported by some great young actors, in a very difficult play. Farce is difficult, and Tom Stoppard's farcical play about the genre of the murder mystery was really well executed. I was there on one occasion when the CAT

award judges were there. They were impressed, but they were taken in by the complexity of the play and it took them a while to work out what was going on. I had had a pre-briefing, so it was easier for me.

But the thing that really took my attention was last night when I had an opportunity to attend St Clare's college year 12 drama class's presentation of *Under Milk Wood*. It is running tonight and tomorrow night. If members want to take an opportunity to see it, it is well worth it. I want to pay particular tribute to the musical director, because he is a young student. He is a first-year composition student at the Canberra School of Music. I hope that the vice-chancellor of the ANU has the opportunity to see St Clare's production of *Under Milk Wood* and hear the great work being done by the musical director there. The musical director's name is Thomas Schmocker. He was a graduate of St Edmund's college last year. He wrote a complete suite for Dylan Thomas's voice play *Under Milk Wood* with themes for each of the townsfolk that appeared and reappeared.

It was a fabulous performance by the year 12 students, who were ably led by their teacher, Sally Hendrie. All of the staging was done by the students. All of the staging was workshopped. There was a dance ensemble that performed ballet for two or three of the vignettes in *Under Milk Wood*. There was a children's choir provided by the year 8 choir, and fantastic music. The emphasis on the music cannot be overestimated. Thomas Schmocker's composition, an original composition, for this performance was a standout. The senior music teachers at St Clare's were in awe and their praise of Thomas's work was extraordinary.

I want to pay tribute to those involved. The actors were Gemma Armarego, Georgia Cooper, Nicole Creswell, Bella Dunne, Samantha Essex, Casey Green, Michaela Iannelli, Danielle Martin, Grace Odell, Emily Tankey, Michaela Tazreiter, Rachael Vella and Alexandra Wood. The year 12 dancers were Sneha Bhaskar, Alice Brown, Dana Cashion, Georgia Cooper, Caitlin Gordon, Sophie Hattch, Georgia Holgate, Rebecca Leader, Rachael Murphy, Grace Odell, Ella Quinlan and Rachel Stephen. The choir of year 8 were Ashton Black, Shalini Collins, Laura Colosimo, Sophie Edwards, Jasmine Jones, Anna Lee, Averil Maycock, Zoe McAlister, Shinae Coll and Emily Mallamphy. They were in addition to Sally Hendrie and Thomas Schmocker. The choreography was by Trish Brown, who teaches dance. (*Time expired.*)

### **Australian Veterinary Association conference**

**MR COE** (Ginninderra) (6.48): Late last month hundreds of veterinarians and associated industry professionals descended on Canberra for the 2012 annual Australian Veterinary Association conference. The ACT division of the AVA, led by President Dr John Aspley Davis, welcomed visitors to the ACT for four days between 20 and 25 May.

The well-established association seeks to be the premier reference point for all topics relating to the veterinary profession, including veterinary careers, veterinary science, animal production and public policy relating to animals. The focus of this year's conference was on the long-term sustainability of the veterinary profession.

The annual conference provides a central meeting point for veterinarians from across Australia, all fields of practice as well as the industries and government departments that support the profession.

The four-day program saw a range of topics of discussion and a number of intentional guest speakers. The conference was supported by one of the biggest veterinary trade displays in the country and each year it attracts the largest crowd of veterinary professionals in Australia.

I would like to acknowledge the conference program committee who were responsible for the success of this year's event: the convenor, Dr David Begg; Dr David Neck; Dr Sue Beetson; Dr Andrew Nathan; Dr Tanya Stephens; Dr Michael Reichel; Dr Maureen Revington; Dr Gaille Perry; Dr Steve Atkinson; the special interest group program coordinators; Kandy Musgrave, the national events manager; and Lauren Gadd, the events coordinator.

I would also like to acknowledge the board of the Australian Veterinary Association: President Dr Ben Gardiner, Treasurer Dr Sue Beetson, Director Dr Steve Atkinson, Director Dr Peter Chenoweth, Vice President Dr Peter Gibbs, Director Dr Alistair Henderson, Director Dr David Neck, Director Dr Julia Nicholls and Director Dr Barry Smyth.

I commend and thank the association for holding their event in Canberra. I am proud of our city and all that it has to offer visitors. I hope all delegates, exhibitors and guests made the most of their time in the nation's capital. I wish all the members all the best for next year's conference.

Question resolved in the affirmative.

**The Assembly adjourned at 6.51 pm until Tuesday, 14 August 2012, at 10 am.**



## Schedule of amendments

### Schedule 1

#### Duties (Landholders) Amendment Bill 2012

##### Amendment moved by the Treasurer

**1**

**Proposed new clause 6A**

**Page 2, line 18—**

*insert*

<b>6A</b>	<b>Constructive ownership of landholdings and other property—linked entities</b>
	<b>Section 81 (2) (a) (iii)</b>

*omit*

20%

*insert*

50%

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## Answers to questions

### **ACTION bus service—dead running (Question No 2078)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 23 February 2012:

- (1) What is the cost of dead running, the time taken for dead running and the number of kilometres of dead running per day on the ACTION bus network, broken down by (a) week day, (b) Saturday and (c) Sunday services.
- (2) What is the cost of dead running, the time taken for dead running and number of kilometres of dead running per day on the ACTION bus network for buses allocated to Redex services.
- (3) What are the answers to parts (1) and (2) limited to CNG buses.

**Ms Gallagher:** The answer to the member's question is as follows:

To ensure that the basis of the response to the Member's question is consistent with the response provided in December 2009 to Question on Notice No. 434 (19 November 2009), the Territory and Municipal Services Directorate and ACTION have reviewed the basis for the figures provided in 2009.

A review of the 2009 data has been unable to determine precisely how the information contained in the response to QON 434 was derived. It is however clear that the response did not include all of the information that could have been included in any calculation of dead running.

Dead running consists of buses travelling to the start of scheduled services, returning to depots after completion of scheduled services as well as drivers returning to depots for meal breaks. Using the same methodology as used to calculate the 2010-11 (current network) response, the 2009 data has been recalculated as follows:

2009 – recalculated network dead running	Time (hours)	Distance (kms)
School term weekday	472	19,607
School holiday weekday	409	16,689
Saturday	71	2,589
Sunday	50	1,828

This compares to the original information provided to the Member in 2009:

2009 – previously advised network dead running kms	Time (hours)	Distance (kms)
School term weekday	296	11,875
Saturday	87	3,482
Sunday	59	2,383

Dead running has been independently benchmarked by TAMS as part of a national benchmarking comparison since 2005-06. The national industry figures for 2010-11 show

that the industry average was 17.4% with the dead running benchmarking figures for ACTION assessed as 19.9%.

The key factors that impact on the ACT's dead running figures are Canberra's lower density and the fact that there are only two depots in the ACT.

With the introduction of ACTION's Network 12 on 28 May 2012 it is anticipated that there will be a further improvement in the dead running statistics due to improved efficiency in bus scheduling. The growth of Canberra will necessitate the strategic need for further bus depots in the north and south of Canberra that will allow these areas to be serviced more efficiently than the current model allows.

The answers below are sourced from the ACTION scheduling system and are based on the current ACTION network. It should be noted that this information is included in national benchmarking statistics.

(1) Estimates below

Network dead running	Time (hours)	Distance (kms)	Cost per day
School term weekday	482	19,982	\$46,857
School holiday weekday	374	15,255	36,063
Saturday	73	2,543	6,556
Sunday	46	1,554	4,062

(2) Estimates below - note: Redex Services now renamed Red Rapid

Red Rapid dead running	Time (hours)	Distance (kms)	Cost per day
School term weekday	25	1,243	\$2,680
School holiday weekday	26	1,260	2,720

(3) Estimates below - part 1

CNG network dead running	Time (hours)	Distance (kms)	Cost per day
School term weekday	95	4,031	\$8,640
School holiday weekday	95	3,970	8,597
Saturday	42	910	3,005
Sunday	24	989	2,153

(3) Estimates below - part 2

CNG red rapid dead running	Time (hours)	Distance (kms)	Cost per day
School term weekday	20	989	\$1,960
School holiday weekday	16	776	1,532

Putting the dead running figures into context, ACTION's total daily kilometres and total costs per day are as follows:

Total ACTION network	Time (hours)	Distance (kms)	Cost per day
School term weekday	3,699	89,292	\$290,647
School holiday weekday	3,282	78,754	257,336
Saturday	1,070	25,689	83,959
Sunday	725	17,134	56,588

**Finance—budget allocations  
(Question No 2141)**

**Mr Seselja** asked the Minister for Economic Development, upon notice, on 22 March 2012:

- (1) What is the budget allocation for the years 2011-12 to 2014-15 for the (a) TradeConnect, (b) InnovationConnect and (c) ACT Screen Investment Fund grant programs.
- (2) What has been the actual expenditure in (a) 2008-09, (b) 2009-10 and (c) 2010-11 for the programs referred to in part (1).

**Mr Barr:** The answer to the member's question is as follows:

- (1)
  - (a) The budget allocation for TradeConnect is \$400,000 in 2011-12 and \$400,000 in 2012-13.
  - (b) The budget allocation for InnovationConnect is \$400,000 in 2011-12, \$420,000 in 2012-13, \$359,000 in 2013-14 and \$378,000 in 2014-15.
  - (c) The budget allocation for the ACT Screen Investment Fund is \$600,000 in 2011-12 and \$800,000 in 2012-13.
- (2)
  - (a) Actual expenditure for TradeConnect<sup>1</sup> was \$18,247 in 2008-09, \$120,253 in 2009-10 and \$114,999 in 2010-11.
  - (b) Actual expenditure for InnovationConnect<sup>1</sup> was \$187,266 in 2008-09, \$403,708 in 2009-10 and \$395,757 in 2010-11.
  - (c) Actual expenditure for the ACT Screen Investment Fund<sup>2</sup> was \$69,000 in 2010-11.

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<sup>1</sup> InnovationConnect (Icon) and TradeConnect (TCon) expenditure occurs across Budget cycles based on completion of scheduled milestones. A funding commitment entered into during 2008-09 will have some payments occur during the 2009-10 period, and so on for each financial year. Committed funds from each year are rolled over to the following year in order to meet funding agreement commitments.

<sup>2</sup> The ACT Screen Investment Fund underspent in 2010-11, its first year of operation, due to the following factors:

- establishment processes during 2010-11 facilitated only one funding round that year;
- the Fund experienced a slower than expected uptake in its initial period as the sector came to understand the Fund's benefits; and
- the Fund normally invests in projects together with other funding partners. Its capacity to commit funds is subject to confirmed commitments from external sources.

To ensure that the underspent resources remain available to the program, Government is reprofiling the expenditure into latter years.

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**ACT public service—workplace investigations  
(Question No 2171)**

**Mr Hanson** asked the Minister for Gaming and Racing, upon notice, on 22 March 2012:

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:

- (1) The Gambling and Racing Commission is a very small agency (approximately 25 staff). A response to the member's question is likely to impact on the privacy of individual officers of the Commission.

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### **Environment—air pollution (Question No 2177)**

**Ms Bresnan** asked the Minister for the Environment and Sustainable Development, upon notice, on 22 March 2012:

- (1) What is the most recent data on the percentage of air pollutants, for example PM2.5 and PM10, in the ACT that are emitted by (a) wood heaters, (b) motor vehicles and (c) other and what does this category include.
- (2) Can the Minister provide data on the quantities of the above pollutants detected in the ACT for the last five years.
- (3) How often is air pollution data collected by the Government and how often is it reported on and released publicly.
- (4) What suburbs have been detected as having high levels of air pollutants and what is the cause of this pollution in these areas.
- (5) What are the most recent figures on the number of wood heaters installed in the ACT and how has this figure changed over the last five years.
- (6) Are any Government approvals required to install a wood heater in an ACT dwelling.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) ACT Health conducts air quality monitoring in accordance with the NEPM via two performance monitoring stations (PMS) located at Civic and Monash respectively, with a third location at Belconnen which contains a surrogate instrument for measuring particulate matter.

The basis for the continual assessment of ambient air quality nationally is the Ambient Air Quality National Environment Protection Measure (NEPM). The original NPI data was used in developing the NEPM standards.

The ACT Government measures a subset of the criteria pollutants listed in NEPM, namely carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), photochemical oxidants as ozone (O<sub>3</sub>) and particulate matter. It does not measure lead and sulphur dioxide as there are no significant emissions sources in the ACT. Historical monitoring shows that particulate matter is the only pollutant of concern in the ACT air-shed.

Both PMSs contain instrumentation that continuously monitor levels of CO, NO<sub>2</sub> and O<sub>3</sub>. PM<sub>10</sub> is monitored at both PMSs whilst PM<sub>2.5</sub> is only measured at Monash. They are not designed to monitor the data based on categories. Therefore, it is not possible to give the percentage of air pollutants.

- (2) No. The Government can however provide data for the levels of the criteria pollutants over the last five years. This information is available both in the NPI annual reports and for the last three years in the ACT's annual air quality report available on the Directorate's web site.

I can inform the Assembly that there have been no exceedances of the CO, NO<sub>2</sub> and O<sub>3</sub> and PM<sub>10</sub> standards during 2011. As with previous years there were exceedances of the PM<sub>2.5</sub> daily advisory standard, with four in total.

- (3) Data is collected daily and validated on a weekly basis (monthly for PM<sub>2.5</sub>). Since 2009 data from the Civic and Monash PMS have been included in the ACT's annual report which is made publicly available through the ESDD website. Prior to 2009 only Monash data was included in the annual report which is listed on the Environment Protection and Heritage Council website at [www.ephc.gov.au](http://www.ephc.gov.au)
- (4) The highest levels of air pollutant levels reported in Canberra are in the Tuggeranong Valley. These levels are caused by wood heater emissions being trapped in the valley under stable atmospheric conditions.
- (5) Data for the last five years is not available, however, the most recent data from the ABS Environment Issues publication: Energy Use and Conservation (March 2011) indicates the percentage of ACT dwellings using wood heating has fallen from 3.9%, (approximately 5000) in March 2008 to 2.3% (approximately 3000) in March 2011.
- (6) The installation of a wood heater is likely to be exempt from requiring development approval unless, for example, there is a restriction on wood heaters in that suburb, or the proposed chimney or flue exceeds the height for exemption. Building approval from a private certifier will be required.

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### **Land Development Agency—dividends (Question No 2189)**

**Mr Seselja** asked the Minister for the Environment and Sustainable Development, upon notice, on 29 March 2012 (*redirected to the Minister for Economic Development*):

- (1) In relation to a question taken on notice during the Standing Committee on Planning, Public Works and Territory and Municipal Services annual reports hearing on Tuesday, 29 November 2011, is the estimated four year \$12.8 million impact on the Land Development Agency dividend based on the 2011-12 Budget or the 2011-12 Budget Review.
- (2) Can the Minister provide a breakdown of the \$12.8 million impact for each year from 2011-12 to 2014-15.

**Mr Barr:** The answer to the member's question is as follows:

(1) The \$12.8 million increase in the Land Development Agency dividend was based on the movement between the 2011-12 Budget and the 2011-12 Budget Review.

(2) The breakdown is as follows:

2011-12	-\$26.6m
2012-13	-\$23.2m
2013-14	\$63.2m
2014-15	-\$ 0.6m
<b>Total</b>	<b>\$12.8m</b>

### **ACT public service—workplace investigations (Question No 2228)**

**Mr Hanson** asked the Minister for Health, upon notice, on 1 May 2012:

- (1) In relation to the answer to question on notice No 2066, of the 34 workplace investigations/reviews requested, what was the number made by a person or organisation (a) external and (b) internal, to the directorate.
- (2) What was the main issue for the request for each of the workplace investigations/reviews.
- (3) For each of the three workplace investigations/reviews requested but not carried out, what were the reasons for why they were not carried out.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) (a) external was 11; and  
(b) internal, to the directorate was 23.

(2) Refer to the table below

<b>REPORTING PERIOD 1 JANUARY 2011 to 23 FEBRUARY 2012</b>	
<b>Main issue for each of the workplace investigation/reviews</b>	<b>Total</b>
Bullying and Harassment	15
Harassment	2
Conflict of Interest	2
Discrimination	5
Inappropriate Behaviour	3
Inappropriate Use of ICT Resources	3
Sexual Assault	4
<b>TOTAL NO. INVESTIGATIONS REQUESTED:</b>	<b>34</b>

- (3) All 3 staff members resigned prior to the investigation being completed.



## Alexander Maconochie Centre—emergency calls (Question No 2231)

**Mr Hanson** asked the Minister for Corrections, upon notice, on 1 May 2012:

In relation to the answer to question on notice No. 2100, what is the total number of emergency code calls made at the Alexander Maconochie Centre that are classified in the categories of (a) medical emergency, (b) prisoners fighting, (c) staff member assaulted, (d) fire, (e) prisoner disturbance or riot, (f) hazardous material, (g) spillage or leaks, (h) hostage situation, (i) escape or attempted escape, (j) breach of external perimeter by external source, (k) death and (l) other, for the periods (i) 1 January to 31 March 2010, (ii) 1 April to 30 June 2010, (iii) 1 July to 30 September 2010, (iv) 1 October to 31 December 2010, (v) 1 January to 31 March 2011, (vi) 1 April to 30 June 2011, (vii) 1 July to 30 September 2011 and (viii) 1 October to 31 December 2011.

**Dr Bourke:** The answer to the member's question is as follows:

The data requested has been collated in the table below. The table shows that the overwhelming majority of code calls have been for '*fire*'. There have been numerous smoke alarms triggered by detainees cooking in cottage accommodation and smoking in cells.

It should also be noted that whilst this table indicates that there have been 44 '*staff member assaulted*' code calls made over the two year period, as advised in the answer to question on notice No 2100, only five of these were reportable assaults of staff members. A code may be called over the radio in a situation where a staff member feels that the threat of assault is imminent.

One of the disturbance code calls refers to the (widely publicised) incident of April 2010 in which a number of detainees gained access to a cellblock roof. The other disturbance was minor in nature, which involved a very small number of detainees, was de-escalated quickly and resulted in no injuries (to detainees or staff).

	1/1/10 – 31/3/10	1/4/10 – 30/6/10	1/7/10 – 30/9/10	1/10/10 – 31/12/10	1/1/11 – 31/3/11	1/4/11 – 30/6/11	1/7/11 – 30/9/11	1/10/11 – 31/12/11	<b>Total</b>
Medical emergency	17	21	11	13	7	4	1	4	<b>78</b>
Prisoners fighting	4	9	11	11	5	7	8	6	<b>61</b>
Staff member assaulted	2	10	9	3	5	5	5	5	<b>44</b>
Fire	57	58	80	48	52	42	26	36	<b>399</b>
Prisoner disturbance or riot	1	1	0	0	0	0	0	0	<b>2</b>
Hazardous material, spillage or leak	0	0	0	0	0	0	0	0	<b>0</b>
Hostage situation	0	0	0	0	0	0	0	0	<b>0</b>
Escape or attempted escape	0	0	0	0	0	0	1	0	<b>1</b>

Breach of external perimeter by external source	0	0	0	0	0	0	0	0	0
Death	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>81</b>	<b>99</b>	<b>111</b>	<b>75</b>	<b>69</b>	<b>58</b>	<b>41</b>	<b>51</b>	<b>585</b>

### **Health—palliative care (Question No 2237)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

- (1) What is the cost per annum to ACT Health to provide palliative care services, including through Calvary Health Care, and what is the break-up of that cost.
- (2) How many (a) palliative care, (b) inpatient palliative care and (c) community palliative care patients are there per annum.
- (3) What is the average cost a day for an inpatient palliative care bed at (a) Clare Holland House and (b) The Canberra Hospital.
- (4) What is the average cost per community patient per day.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) The Health Directorate provide Calvary Public Hospital with a funding envelope each financial year to provide all public hospital services. The structure of this funding is not broken down to identify the amount granted to provide palliative care services. However, based on current costing data available, it is estimated that the cost per annum to the Health Directorate to provide palliative care services is around \$7.5 million. This includes approximately \$1.6 million for TCH to provide palliative care services; approximately \$5.9 million for Calvary Health Care to provide palliative care services.
- (2) In 2010-11, there were:
  - a) 2,686 palliative care patients;
  - b) 617 inpatient palliative care patients; and
  - c) 2,069 community palliative service events.
- (3)
  - a) Average cost per day per inpatient palliative care bed is: \$961 for Clare Holland House; and
  - b) \$995 for Canberra Hospital, based on ACT Round 14 (2009-10) National Hospital Cost Data Collection (NHCDC) costed data.
- (4) Average cost per community palliative care patient service event is \$127, from ACT Round 14 NHCDC cost data.

**Health—midwives  
(Question No 2238)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

- (1) How many full-time equivalent (FTE) midwives are currently employed by ACT Health.
- (2) What is the average cost per annum to ACT Health to employ a full-time midwife.
- (3) How many FTE midwives are employed to deliver services within the Birth Centre at The Canberra Hospital.
- (4) How many FTE midwives will be employed to deliver services within the new Birth Centre at the Women and Children's Hospital.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:'

- (1) There are 130.1 full-time equivalent (FTE) midwives providing maternity care to women in the Women and Babies department at Canberra Hospital. This includes all Clinical Midwife Consultants (CMCs) Clinical Development Midwives (CDMs) and Postgraduate Diploma students studying midwifery. This does not include any midwives working in non clinical roles.
- (2) The average cost per annum as at July 2011 for an ACT Health Directorate midwife is \$80,184 plus 33% on costs for shift work and penalties.
- (3) The current FTE midwives working in a continuity of care model in the birth centre is 20.38.
- (4) Midwifery services at the new Birth Centre will be managed within the current scope of service delivery and FTE.

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**Health Directorate—pregnancy to parenting series  
(Question No 2239)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

- (1) What is the cost per annum to ACT Health to provide the Pregnancy to Parenting Series.
- (2) How many people access the program per annum and can the Minister advise how that counting is performed, that is, if one unit is a mother and father.
- (3) Have there been any changes in the scope or accessibility of that program over the last three years; if so, what are those changes and why were they made.
- (4) Is any cost charged to the people accessing that program; if so, what are the costs.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) The cost per annum relates mainly to the allocation to salaries and wages for the midwives who facilitate the education sessions. The costs identified in this answer are only for the Pregnancy to Parenting Series and does not include Caeserean Education Sessions, Antenatal Breastfeeding Sessions, Canberra Midwifery Program Antenatal Education or Continuity at Canberra Hospital Antenatal Education sessions.

Salaries and wages per annum are approximately	\$152,769
Staff training in Antenatal Education facilitation	\$ 4,000
Material resources	\$ 4,420

- (2) The woman is the client who is booked into the session through the ACT Patient Administration System (ACTPAS). All women are offered to bring along their significant support person or persons (being their partner, mother or other). It is just the woman who is booked into ACTPAS; therefore the couple is counted as one unit. In the 2011 calendar year, 711 women attended the program.
- (3) There have been no changes to the scope; however some changes made to the accessibility of the program due to the increase in birth numbers at Canberra Hospital. The changes have been to include an extra evening a week for the five week program and to also have an extra one day session in a month.
- (4) As part of the Health Directorate's commitment to free antenatal care for women, there is no cost charged to the people accessing this program.

### **Health Directorate—peer support programs (Question No 2240)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

How much funding does ACT Health provide per annum for peer support programs in the (a) drug and alcohol and (b) mental health areas and who receives that funding and how much does each organisation receive.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

The Health Directorate provides funds totalling:

- (a) \$103,789 annually for Alcohol and Other Drug peer support programs. This includes funding for the following organisations:
1. \$103,789 - Canberra Alliance for Harm Minimisation and Advocacy (CAHMA)
- (b) \$1,439,510 annually for Mental Health peer support programs. This includes funding for:
1. \$32,054 - Majura Women's Group;
  2. \$32,054 - Brindabella Women's Group;
  3. \$389,493 - Mental Health Foundation "Rainbow";
  4. \$160,453 - GROW;
  5. \$349,671 - Mental Illness Education ACT (MIEACT);
  6. \$303,106 - ACT Mental Health Consumer Network\* (MHCN); and
  7. \$172,679 - Volunteering ACT – Connections Program\*.

\*These Health Directorate funded community mental health organisations have a non peer support component associated with their programs, in that they engage some support workers and volunteers to assist in the delivery of their service(s).

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**Health Directorate—training scholarships  
(Question No 2241)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

- (1) What training scholarships for health professionals does ACT Health provide annually.
- (2) What is the cost per annum to ACT Health for each of these scholarships.

**Ms Gallagher:** I am advised that the answers to the member's question is as follows:

- (1) and (2)

The ACT Government Health Directorate currently sponsors a number of scholarship schemes to support staff in further education, travel and professional development.

The training scholarships for health professionals include the following:

- a. The ACT Government Health Directorate in conjunction with the Canberra Institute of Technology's Yurauna Centre offers two Aboriginal and Torres Strait Islander Enrolled Nursing Scholarships. This commitment is in response to the COAG National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes. The total value of each scholarship is approximately \$2,000.00 per year.
- b. The Nursing and Midwifery Post Registration Scholarship Scheme (formally known as the Postgraduate Scholarship Scheme) commenced in 2000 and provides financial assistance to nurses and midwives wishing to undertake further study. Ninety three scholarships have been awarded in Semester 1, 2012. Applications for Semester 2 remain open. To date the allocated funding is \$252,001.45.
- c. Seventeen Mental Health Services Nursing Postgraduate Scholarships were awarded in Semester 1, 2012. Additional applications are anticipated for Semester 2. The allocated funding for Semester 1 totalled \$24,145.20.
- d. In 2012 the Joanna Briggs Institute Clinical Fellowship Scholarships were introduced. This is a new initiative with up to four scholarships to be awarded. The aim of these scholarships is to support nurses and midwives in the Joanna Briggs Institute Clinical Fellowship Program at the University of Adelaide. Each scholarship is valued at \$3,500.00.
- e. Nursing and Midwifery Travel Scholarships are offered biannually. These scholarships provide financial support for nurses and midwives to present papers or posters at national or international conferences. Ten Travel Scholarships are offered annually. Each applicant can receive up to \$3,000.00 to cover costs of airfares and/or other transportation, accommodation, conference registration and associated costs.

- f. The ACT Government Health Directorate (through the Nursing and Midwifery Office) in partnership with the University of Canberra will offer a Jennifer James Memorial Honours Degree Scholarship commencing in 2013. This scholarship will be funded by both the ACT Government Health Directorate and the University of Canberra. The total cost has been determined at \$20,000.00 for a calendar year. Each party has agreed to pay half the cost.
- g. Twenty eight applications were received for the Allied Health Postgraduate Scholarship Scheme in 2012. The projected budget for the 2011-2012 financial year is \$171,600.00.
- h. A small number of scholarships have been offered each year since 2005 to undergraduate Allied Health students in their final year of study. To date scholarships have been offered in the professions of Podiatry, Radiation Therapy, Prosthetics and Orthotics. Over the last five years a total of 4 x 2 year Allied Health Undergraduate Scholarships have been offered and accepted representing an investment of \$57,782.00, and 4 x 1 year scholarships have been offered representing a further investment of \$32,000.00.
- i. The Office of the Allied Health Advisor in collaboration with the University of Canberra offers a Graduate Certificate in Tertiary Education scholarship. The scholarship does not operate on a payment system per se but rather successful recipients are enrolled in the course by the University of Canberra on the formal understanding that the recipient will, in lieu of course fees, be required to undertake an agreed teaching and training role at the University for an agreed period of time. Since its commencement in 2008, twenty-five ACT Government Health Directorate employees have received a scholarship to undertake the Graduate Certificate in Tertiary Education.
- j. The ACT-ANU GP Scholarships support ANU medical students in their medical education and accommodation. This is a bonded scholarship where students are committed to specialise in general practice and have to work for three years in the ACT. Each scholarship is worth \$30,000 a year. To date two scholarships have been awarded. The program is currently being reviewed with a view to making the offer even more attractive to students in the future.

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### **Health Directorate—mobile primary health services (Question No 2242)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

- (1) What mobile primary health services does ACT Health provide.
- (2) What are the details of each of these services.
- (3) What is the cost per annum to ACT Health for each of these services.
- (4) Do any of these services charge fees; if so, what are they and how much is collected per annum.
- (5) What additional capital costs are there per annum to ACT Health for each of these services, for example, the cost of running and maintaining a car.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) The Community Care Program within Division of Rehabilitation Aged and Community Care provides home visiting primary health care to ACT residents through Community Nursing, Physiotherapy, Nutrition, Occupational Therapy and Social Work services.

The Division of Women Youth and Children community health programs provide home visits and outreach services at various locations across the community.

- (2) **The Community Care Community Nursing Service** delivers technical nursing care in the areas of wound care, catheter care, tube and drain management, central line management, post surgical care and palliative care.

**The Community Care Nutrition Service** provides nutrition assessment, counselling and advice to adults.

**The Community Care Occupational Therapy Service** provides assessment and recommendations for home modifications and equipment to address issues of home safety and independence for clients with physical disabilities.

**The Community Care Physiotherapy Service** provides assessment and treatment to both adults and children with musculoskeletal issues, mobility issues, respiratory problems, peripheral neurological deficits.

**Community Care Social Work Service** provides support to prevent social admissions into hospital, psychosocial support regarding chronic health condition/s, grief and loss support and reactive depressions.

The **Maternal Child Health Service** provides universal home visiting, provides clinics at various health centres and other locations such as Child and Family Centres and early childhood centres.

The **Allied Health** (social work, nutrition), undertakes occasional home visits, provides clinics at various health centres including Winnunga and provides group education sessions at various locations across the ACT.

The **Women's Health Service** based at the City Health Centre provides primary health services, at outreach locations including other community health centres and Child and Family Centres.

**School Immunisation and Kindergarten Health Check:**

This is a free service to all students at ACT schools (government and non Government), providing the national schedule of vaccines to high school students and the kindergarten health check.

**Community Asthma Support Service:**

The Community Asthma Support Service provides children, young people, families and community groups with asthma education and support. The service works closely with GPs, paediatricians, specialists, hospital staff and the ACT Asthma Foundation.

- (3) **Community Care services** outlined above deliver both home visiting and clinic based services. Costs for each of these types of service delivery are not separated.

Resources are also shared across the Program at times to maximise utilisation and minimise additional expenses and within each service there are physical and human resources that are utilised across both types of service delivery. Initial intake to the services is undertaken via Community Health Intake and it is noted that these costs are not included in the figures below:

**Community Care services:**

2011-12 financial reports indicate total program budget for the services outlined above is: \$10,040,769.

Breakdown per service:

**Community Care Nursing Service** offers both domiciliary and health centre clinic services and is partly funded by HACC. 2011-12 financial reports indicate total budget for the service is \$7,762,276.

**Community Care Nutrition Service** offers both domiciliary and health centre clinic services.

The 2011-12 financial reports indicate the budget is \$449,123

**Community Care Occupational Therapy Service** only offers home visiting services and is partly funded by HACC. 2011-12 financial reports indicate total budget for the service is \$753,218.

**Community Care Physiotherapy Service** offers both domiciliary and health centre services and is partly funded by Home and Community Care. The 2011-12 financial reports indicate the total budget for the service is \$767,781.

**Community Care Social Work Service** offers both domiciliary and health centre clinic services. The 2011-12 financial reports indicate the total budget is \$308,371.

Division of Women, Youth and Children 2011-12 financial reports indicate the total budget is \$6,044,000. Breakdown for each service is as follows:

Maternal Child Health Service	\$4,542,000
Allied Health	\$ 215,000
Women's Health Service	\$ 272,000
School Immunisation and Kindergarten Health Check	\$ 822,000
Community Asthma Support Service	\$ 193,000

- (4) **Community Care services** charge fees as per the ACT Government legislated Schedule of Determination of Fees 2011. Community Care services charge non-eligible and compensable patients, such as those with accepted compensation claims. There is a scheduled fee for education and training to organisations.

Revenue for the abovementioned services includes both clinic based and home visiting services as these are not separated in financial records. Revenue for the Community Care Program for 2011-2012 is budgeted at \$10,867. This revenue included fees for specialist Clinical Nurse Consultants providing consultancy and education services, disability Nutrition Induction education sessions and cost recovery charges for equipment listed in the Schedule.

There are no fees charged for any of the services provided by the Division of Women's Youth and Children.



- (5) Vehicle costs for Community Care services in the 2011-12 period is budgeted at \$595,900, which equates to each vehicle costing on average \$9,300 per annum.

Breakdown per service:

Community Care Nursing:	\$505,000
Community Care Occupational Therapy Services:	\$ 54,100
Community Care Physiotherapy:	\$ 29,100
Community Care Social Work:	\$ 7,700
Community Care Nutrition:	No dedicated vehicles costs to this cost centre. (Note vehicles are shared across the allied health services to maximise utilisation, therefore there is no specific vehicle expenses attributed to Nutrition Services).

All costs associated with the services of the Division of Women, Youth and Children are included in the answer to Questions 3 above.

### **Health Directorate—walk-in clinic (Question No 2243)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

- (1) What is the cost to ACT Health per annum for a nurse practitioner at the walk-in clinic.
- (2) What is the cost to ACT Health per annum for a nurse who is not a nurse practitioner at the walk-in clinic.
- (3) What is the average cost to the ACT Health per patient at the walk-in clinic.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) A Nurse Practitioner (RN 4.2) who works shifts that includes evening and weekend work in 2011-12 in the Walk-in Centre is budgeted for \$183,500 i.e. base salary plus on costs.
- (2) An Advanced Practice Nurse (RN 3 grade 1) who works shifts that may include evening and weekend work in 2011-12 in the Walk-in Centre is budgeted for \$159,700 i.e. Base salary plus on costs.

A Clinical Nurse Consultant RN 3 Grade 2 in the Walk-in Centre is budgeted for \$121,500 i.e. Base Salary plus on costs. It is noted that this position does not work weekends.

- (3) For the current financial year 1 July 2011 – 30 April 2012 the Walk-in Centre Operating costs actual is \$1,479,191. An additional budgeted Managerial contribution

to the unit brings the total to \$1,543,190. When the total cost is divided by the total number of Walk-in Centre clients registered for the period 1 July 2011 – 30 April 2012 is 14,312, meaning the total cost per client is currently \$108.

Note: cost per client includes consultation and treatment including: suturing, plastering, supply of medication and/or crutches where applicable as per Walk-in Centre treatment protocols.

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### **Canberra Hospital—television rental service (Question No 2244)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

- (1) What is the total revenue collected per annum by The Canberra Hospital (TCH) from charging patients to watch a television in their room.
- (2) Approximately how many televisions are available for rental at any one time.
- (3) How many patients per annum rent a television.
- (4) What are the renting costs for the patient per day, per week etc.
- (5) What channels are available on the television.
- (6) What is the cost per annum to TCH to provide the television service.
- (7) What are the associated costs to the patient and ACT Health for this service on the public wards at Calvary Hospital.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) The television service provided to patients at the Canberra Hospital is licensed to a contractor for which the Health directorate receives \$48,000 annually.
- (2) There are approximately 307 television sets available for rent at the Canberra Hospital.
- (3) This is commercial in confidence information for the Contractor and is unavailable to the Health Directorate.
- (4) The television rental rates at the Canberra Hospital are:
  - \$8.80 per day, \$44.00 per week for the first week and \$33 per week thereafter, \$99.50 for the first month and \$77.50 per month thereafter.
  - Health Care Card holders attract discounted rates. These are \$6.60 per day, \$33 per week, \$66 for the first month and \$49.50 per month thereafter.
  - No cost for patients in Paediatrics and Oncology.
- (5) The contractor provides free to air channels and a video movie channel at an additional daily rate of \$1.

- (6) The cost of the provision of television services at the Canberra Hospital this financial year is approximately \$26k based on service records of works undertaken.
- (7) At present there is no cost to the ACT Health Directorate or to patients for the provision of television services at Calvary Hospital.

**Health Directorate—health protection service  
(Question No 2245)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

- (1) What is the total cost per annum to ACT Health for the Environmental Health Division's Health Protection Service.
- (2) How many full-time equivalent (FTE) staff are employed in that branch.
- (3) What are the different activities that branch performs and how many FTE staff are attached to each activity.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) The budget for this section for 2011/12 is \$2,759,789.
- (2) Currently there are 26.5 FTE employed.
- (3) The Environmental Health Section undertakes the following activities:

Licensing, monitoring and enforcing public health legislation, including radiation protection, food safety, cooling towers and warm water systems, safety of recreation water and drinking water, and other factors that may impact upon public health.

The Section also provides the secretariat function to the Radiation Council and the Registrar of the Veterinary Surgeons Board.

Function	Activity	FTE
Director Environmental Health	Management	1
EH Inspections – Food	Food inspections and regulation	9.5
EH Inspections – Environment	Public Health inspections and regulation	4.5

Function	Activity	FTE
Project / Policy	Project and policy development	9
Radiation Safety	Policy and regulation	2
Vetboard	Registrar and secretariat	0.5

**Canberra Hospital—meals  
(Question No 2246)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

- (1) What is the total cost per annum to ACT Health for providing meals to patients at The Canberra Hospital.
- (2) Approximately how many meals are provided per annum.
- (3) Can the Minister provide any brochures for patients regarding the meals.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) The total cost for the provision of patient meals and mid meals (which include morning and afternoon tea and supper) at the Canberra Hospital is \$6,795,455 per annum, based on the 2010/11 financial year.
- (2) 862,216 patient meals were provided at the Canberra Hospital in the financial year 2010/11.
- (3) Canberra Hospital Meal Service Pamphlet attached. (April 2012)

*(A copy of the attachment is available at the Chamber Support Office).*

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**Health Directorate—veterans' liaison office  
(Question No 2247)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

- (1) How many full-time equivalent staff are employed in ACT Health's Veterans' Liaison Office.
- (2) What type of staff are employed in that office, that is, nurses, administrative staff.
- (3) What is the (a) level of demand and (b) waiting time, for that service.
- (4) What is the cost per annum to ACT Health for the provision of this service.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) There are two full-time equivalent (FTE) staff employed within the Veterans' Liaison Office.
- (2) The staff employed are 1 x Registered Nurse (RN) Level 2 and 1 x RN Level 1 with no additional administrative staff employed in the office.
- (3) This service is primarily provided to inpatients.
  - a) Level of demand is dependent on the number of Department of Veterans' Affairs (DVA) card holders who are inpatients of Canberra Hospital. For a two week period in April 2012 there was an average of 24 inpatient DVA card holders. During this same period there were 42 new DVA card holder admissions and 59 DVA card holder day patient presentations to Canberra Hospital.
  - b) There are no waiting times to access this service.

- (4) In the 2011-12 financial year to date, the cost of the Veterans' Liaison Office is \$213,500. It is noted that the Health Directorate receives revenue from the DVA for the number of inpatients provided with a service. However, this revenue is provided to the Health Directorate as a whole and does not relate to the cost or running of the Veterans' Liaison Office.

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**Health Directorate—lactation consultant  
(Question No 2249)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

Does ACT Health employ any lactation nurses or consultants for new mothers; if so, (a) how many full-time equivalent (FTE) people are employed, (b) what is the cost to ACT Health per FTE per annum and (c) how many patients per annum use this service.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (a) The ACT Government Health Directorate currently has one FTE staff member employed as a dedicated lactation consultant. This position was created in September 2011 and is based at the Canberra Hospital (TCH). The position works across the TCH campus and may see breastfeeding women in maternity, antenatal services, emergency department, the Walk-in Centre, or any other part of the hospital where the woman or the baby are breastfeeding.

In addition to this dedicated lactation consultant position, there is a significant number of health professionals who are certified with the International Board Certified Lactation Consultants (IBCLC). These staff incorporate their lactation knowledge and skills into their everyday work as nurses, Maternal and Child Health Nurses, midwives, doctors and allied health professionals. This cannot be quantified with regards to costing as they are not remunerated in addition to their regular salary.

- (b) The cost of the dedicated lactation consultant is \$80,184 (excluding on-costs) per annum.
- (c) Since its inception the lactation consultant has provided a service to approximately 615 women on an individual basis and conducted 71 clinics or group sessions to many more parents. Some of these groups are intended for staff with an aim of providing professional development.

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**Health Directorate—procurement exemptions  
(Question No 2250)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

- (1) Given that within the ACT Government Contracts Register the procurement processes for contracts (a) 2012.18543.210 – Provision of Business Architecture Consultancy Services – Execution Date 19/3/2012 – Contract Value \$234,212 (GST Inclusive) and (b) 2012.19059.210 – ACT Health Directorate – Capital Works Upgrade – Execution

Date 06/3/2012 – Contract Value \$1,485,000 (GST Inclusive) are recorded as single select, urgent and exempt from quotation and tender threshold requirements, can a further description of each of these projects be provided.

- (2) With respect to value for money in procurement within the Health Directorate in relation to the above contracts, 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.
- (3) What were the reasons for not complying with subsection 9 of Part 2 of the *Government Procurement Regulation 2007* with respect to each of the procurement processes.
- (4) If the Director-General of the Directorate, in writing, exempted the Directorate from complying with the requirements of subsection 9 of Part 2 of the *Government Procurement Regulation 2007*, what were the reasons for so doing.
- (5) 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 the two procurement processes.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) (a) Further description of the project requires the consultant to:
  - (i) map the Health Directorate's current model of business processes, information, data, integration and applications;
  - (ii) identify any gaps; and
  - (iii) make future recommendations for next steps for the Health Directorate to undertake.

This procurement was not undertaken as a single select procurement. I can confirm that the Contracts Register accurately reflects that a select procurement was undertaken by the Health Directorate, and that this involved three organisations. Value for money requirements were satisfied by assessing the three (3) responses received against pre-identified assessment criteria.

An invitation to public tender process was exempted by the Delegate on the grounds that "the time within which the procurement activity was to be completed prevented public tenders from being called".

Under the Government Procurement Regulations 2007, the decision by the Delegate not to invite public tenders is consistent with the example type listed under Item 10(2)(4). Subsection 9 of Part 2 of the Government Procurement Regulation 2007 is consistent with Section 10(2)(4) of the Government Procurement Regulation 2007. The conduct of a public tender process was exempted by the Delegate on the grounds that "the time within which the procurement activity was to be completed prevented public tenders from being called".

In assessing the responses received from the three organisations, the Health Directorate was satisfied that a value for money outcome was achieved. The Health Directorate's approach to contracting the services of the consultant complied with all relevant requirements of the "ACT Government Procurement Policy Circular PC25: Select and Single Select Procurement".

- (1) (b) Further description of the project: The Project consists of one off campus property renovation and four minor works packages at the Canberra Hospital:

(i)	Emergency Department Expansion (4 beds in ambulance bay entry)	\$280K
(ii)	Discharge Lounge relocation / expansion & Hospital in the Home	\$290K
(iii)	Oncology Clinics 14A	\$180K
(iv)	Refurbishment Renal Gaunt Pl.	\$300K
(v)	Cancer Patient Residential Accommodation	\$300K
<b>Total Procurement (project) estimate</b>		<b>\$1.350M (ex. GST)</b>

I am advised that the single select process for the appointment of a Project Manager for the above packages relates only to the components of the Project Manager's profit, support management fee, administration costs and consultant fees which are approximately 26% of \$1.35m. Individual building trade works are tendered in accordance with the Government Procurement Regulation 2007 without any need for exemption from quotation and tender threshold requirements.

- (2) Value for money requirements were satisfied by assessing the tender received against pre-identified assessment criteria. The tender was benchmarked against other Shared Services Procurement recent similar projects at the Canberra Hospital and was assessed as providing value for money.
- (3) This approach was taken as G E Shaw and Associates have undertaken similar work for the Health Directorate giving them exceptional knowledge of the sites and a high level of understanding of processes and protocols while working within Health Facilities. In relation to the Cancer Patient Residential Accommodation G E Shaw and Associates were the builders who built the residence.

A single select was required due to the tight timeframe allowed to complete all packages so as to not impact on the larger Health Directorate Health Infrastructure Program builds. This is consistent with Section 10(2)(4) of the Government Procurement Regulation 2007, the conduct of a public tender process was exempted by the Delegate on the grounds that "the time within which the procurement activity was to be completed prevented public tenders from being called".

- (4) See 3 above.
- (5) The Health Directorate's approach to contracting the services of the consultant complies with all relevant requirements of the "ACT Government Procurement Policy Circular PC25: Select and Single Select Procurement". The Health Director-General's exemption for the single select was obtained during procurement planning process due to the tight timeframe as specified in above 3(11). Value for money requirements were satisfied by assessing the tender received against pre-identified assessment criteria. The tender was benchmarked against other Shared Services Procurement recent similar projects at the Canberra Hospital and was assessed as providing value for money. The process demonstrated that value for money has been pursued and it complies with all relevant requirements of the Circular.

**ACTION bus service—air quality  
(Question No 2251)**

**Ms Bresnan** asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:

- (1) What indoor air quality tests are performed on new additions to the ACTION bus fleet, with specific reference to the Scania K320B tri-axle buses.
- (2) What standards apply to indoor air quality testing for ACTION buses.
- (3) Has the Government been contacted by the public regarding the interior air quality of Scania or other ACTION buses.
- (4) Has the Government received any reports of headaches, nausea, dizziness, asthmatic symptoms or other illness related to the interior air quality of ACTION buses.
- (5) Are ACTION drivers permitted to switch off air conditioners to improve performance or fuel efficiency, or for other reasons, and how does this affect the ventilation of buses.
- (6) What procedures govern the use of air conditioners on ACTION buses.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) Performance testing of the climate control system on a new bus including the Scania K320B tri-axle bus is undertaken by the manufacturer prior to its delivery to ACTION. The performance testing includes measuring temperature, humidity and airflow readings.
- (2) Nil.
- (3) Yes, a total of 10 times between 1 July 2009 and 30 April 2012.
- (4) Yes, a total of three times between 1 July 2009 and 30 April 2012.
- (5) For buses that are fitted with an air conditioning (climate control) system, drivers do have the ability to switch it off. This will typically occur if there is a fault with the system. Where the air conditioner on a bus is not operating, the amount of fresh air into the bus is reduced and the temperature and humidity will not be controlled.
- (6) For buses that are fitted with an air conditioning system, the driver should have the system switched on at all times whilst the bus is in service.

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**ACTION bus service—hybrid electric buses  
(Question No 2252)**

**Ms Bresnan** asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:



- (1) Has the Government investigated purchasing hybrid electric buses for the ACTION fleet; if so, what work has been done and what were the outcomes.
- (2) What is the estimated cost of purchasing various models of hybrid electric buses for the ACTION fleet.
- (3) What advantages/disadvantages do hybrid electric buses have over existing ACTION buses, for example diesel and CNG, in terms of (a) CO2 emissions; (b) fuel efficiency, (c) operating costs, (d) air pollution (particulate emissions etc) and (e) other identified advantages or disadvantages.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) No. However, the ACT Government is monitoring hybrid bus trials currently in other states.
- (2) The estimated cost including GST is \$0.800 million per hybrid bus.
- (3) Operating in the preferred network of frequent stops and low average speeds (below 10 km/h) the hybrid buses trialled in Australia to date have delivered marginal gains from an emissions and fuel use perspective. The trial buses to date have appeared to be some 10% less reliable than regular shadow buses operating in the trials. As this new technology develops there is an expectation that reliability and costs will come down.

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### **ACTION bus service—security (Question No 2253)**

**Ms Bresnan** asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:

- (1) How many assaults, including spitting, have been reported to have occurred on ACTION bus drivers in each of the years 2006-2012.
- (2) What security measures are in place on ACTION buses for the protection of bus drivers.
- (3) How many ACTION buses are fitted with (a) screens between the driver and passengers, for driver security and (b) silent alarms.
- (4) What percentage of the ACTION fleet is fitted with closed circuit television (CCTV).
- (5) What is the estimated cost of (a) installing a driver security screen in an ACTION bus, (b) installing CCTV on an ACTION bus and (c) fitting a driver silent alarm in an ACTION bus.
- (6) What is the cost, or approximate cost, annually to the ACT Government due to graffiti and vandalism (a) on ACTION buses and (b) at bus stops and interchanges.
- (7) Does the ACT Government employ any security personnel at ACT bus interchanges; if so, (a) how many security personnel are employed at each interchange, (b) what are

the duties of these security personnel, (c) what are the hours of operation of security personnel at each interchange, (d) what is the employment status of these security personnel, that is, are they ACT Government or ACTION staff, or are they contracted private firms, and are they part time, full time or casual and (e) what is the cost of security personnel at each interchange.

- (8) Has there been any increase or decrease in the number of security personnel at each of the interchanges, or in the hours that the security service is provided, from 2006-2012; if so, what were these changes and when.
- (9) Does the ACT Government employ any security personnel to patrol ACTION buses or community bus stops (non-interchange); if so, (a) how many security personnel are employed in this role, (b) what are the duties of these security personnel, (c) what are the hours of operation of security personnel in this role, (d) what is the employment status of these security personnel, that is, are they ACT Government or ACTION staff, or are they contracted private firms, and are they part time, full time or casual, (e) what is the cost of these security personnel and (f) has there been any increase or decrease in the amount of security personnel performing this role, or in the hours that the security service is provided from 2006-2012; if so, what were these changes and when.

**Ms Gallagher:** The answer to the member's question is as follows:

- |     |       |  |
|-----|-------|--|
| (1) | 2006: | data not available                         |
|     | 2007: | data not available                         |
|     | 2008: | 0 (only July – December data is available) |
|     | 2009: | 16   |
|     | 2010: | 17   |
|     | 2011: | 28   |
|     | 2012: | 4  |
- (2) ACTION uses a variety of physical and electronic measures to protect bus drivers. The specific details of these measures are unable to be detailed for security reasons.
- (3) (a) 100% of ACTION's bus fleet are equipped with screens behind the driver.  
As at 30 April 2012, 40% of buses are equipped with enhanced side protection screens.
- (b) 100%.
- (4) 100%
- (5) (a) \$600 (estimated)  
(b) \$6,000 (estimated)  
(c) \$4,500 (estimated)
- (6) (a) The estimated annual cost of repairing vandalism and graffiti on ACTION buses is \$60,000 \$100,000.
- (b) The estimated annual costs of repairing vandalism at bus stops and interchanges is \$65,000. The estimate cost of graffiti at bus stops and interchanges is not available as this infrastructure is maintained as part of a larger maintenance contract.
- (7) No.

(8) Not applicable.

(9) No.

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**Transport—demand responsive initiatives  
(Question No 2254)**

**Ms Bresnan** asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012 (*redirected to the Minister for the Environment and Sustainable Development*):

- (1) What Demand Responsive Transport (DRT) initiatives are currently being operated by the ACT Government, or with ACT Government assistance.
- (2) How does each of these DRT initiatives work, and which areas do they serve.
- (3) What is the cost of each of these DRT initiatives.
- (4) What is the patronage of each of these DRT services.
- (5) Has the Government identified any new areas of the ACT, geographic or demographic, as being appropriate for a DRT initiative.
- (6) Which DRT services formally operated in the ACT but have now ceased to operate and what was the rationale for ceasing these services.
- (7) What work has the Government done to assess how a DRT service to new Molonglo suburbs would operate.
- (8) What is the approximate cost of operating a DRT service to new Molonglo suburbs.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The ACT Government funds the operation of two Demand Responsive Transport initiatives:
  - the six community buses, operated by the Regional Community Services with ACT Government funding; and
  - the Christmas season Nightrider service
- (2) Community buses operate in each of the six ACT districts - Gungahlin, Belconnen, North Canberra, South Canberra, Woden and Tuggeranong. Services are targeted at ACT Seniors, people with a disability, new migrants, people with mental illness, those living in nursing homes/residential care and people isolated through a lack of transport options and/or social networks. The service can also be used by people eligible for Home and Community Care transport services who cannot access them.

The Nightrider routes picked up passengers in Civic. Services then carried passengers to serviced suburbs in Belconnen, Gungahlin, Inner-North, Inner-South, Woden and Tuggeranong, dropping passengers at the bus stop nearest to their home.

- (3) The ACT Government funds the community buses at a cost of \$626,000 per year.

The Night Rider service cost \$136,492.78

- (4) The community buses provided 17,000 passenger trips in 2009-10. The Nightrider service carried 2,745 passengers in the four week period it operated over the Christmas season in 2011-12.
- (5) Transport for Canberra has identified a possible role for flexible transport in the ACT as a means of introducing services into newly developed greenfield suburbs. This will be explored in future network planning.
- (6) In 2005 ACTION buses operated Demand Responsive Transport known as “Flexibus” to replace evening services. The Flexibus trial was discontinued in 2006 as part of Network '06 due to customer feedback that indicated a preference for scheduled rather than flexible routes.
- (7) Preliminary planning for the next bus network is considering fixed route and demand responsive transport options for Molonglo and other greenfields suburbs, subject to funding decisions by Government.
- (8) The approximate cost will be determined as part of planning the next bus network. The cost of Demand Responsive Transport services varies depending on the level of service provided (e.g. how many vehicles and drivers it requires, how frequently it departs, the size of the area it serves, the fares it charges). Options for Molonglo will consider the merits of both fixed route and flexible (demand responsive) options. The projected number of passengers, level of build-out when the network commences, availability of hubs and other factors will determine whether it is more cost effective to meet the coverage standard through fixed route or demand responsive services in Molonglo.

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### **ACTION bus service—crime (Question No 2255)**

**Ms Bresnan** asked the Attorney-General, upon notice, on 2 May 2012 (*redirected to the Minister for Police and Emergency Services*):

- (1) In relation to assaults and other crimes on ACTION buses, can the Minister provide data on the number of assaults reported to have occurred for each year from 2006-2012 (a) on ACTION buses, (b) at ACT bus interchanges, broken down by interchange, that is, Woden, Tuggeranong, Belconnen (Cohen, Westfield, Community), City, and (c) at bus stops.
- (2) Can the minister provide data on the number of thefts or robberies reported to have occurred for each year from 2006-2012 (a) on ACTION buses, (b) at ACT bus interchanges, broken down by interchange, that is, Woden, Tuggeranong, Belconnen (Cohen, Westfield, Community), City, and (c) at bus stops.
- (3) Has the ACT Government identified any bus stops or interchanges that are higher risk of crime; if so, which bus stops or interchanges.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) ACT Policing statistics are not recorded to the level that permits reporting on incidents occurring on buses or at individual bus stops. Incidents are recorded and extracted via a 'Common Place Name'. Consequently, statistics for Belconnen represent all three of the locations referred to in the Member's question. I am advised that the number of assaults reported at the various bus interchanges between 1 January 2006 and 30 April 2012 is 271. Please refer to the attachment for the breakdown of assaults by year and *Common Place Name*.
- (2) The number of thefts or robberies, including burglary and stolen motor vehicles, reported at each interchange over the same period is 238. Please refer to the attachment for the breakdown of these numbers by year and *Common Place Name*.
- (3) These statistics indicate the highest number of incidents occur at Woden interchange.

*(A copy of the attachment is available at the Chamber Support Office).*

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**Taxis—crime  
(Question No 2256)**

**Ms Bresnan** asked the Attorney-General, upon notice, on 2 May 2012:

- (1) What statistics does the ACT Government collect on crimes committed in taxis.
- (2) What obligations do ACT taxi companies and taxi operators have to collect, and to report to Government, statistics of crimes or other incidents relating to their taxis.
- (3) What is the number of assaults committed in ACT taxis in each of the years from 2006-2012 for (a) passenger on driver, (b) driver on passenger and (c) passenger on passenger.
- (4) Does the ACT have any requirements for taxis to be fitted with security screens to protect drivers.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) ACT Policing does not record incidents that occur in taxis as a specific data field within the PROMIS operational data system.
  - (2) There is no obligation for taxi companies or operators to collect and report statistics of crimes or other incidents related to taxis.
  - (3) ACT Policing data recording does not permit reporting to this level of detail.
  - (4) There is no requirement for taxis to be fitted with security screens to protect drivers. Taxi networks may provide other security measures for their drivers, such as security cameras, duress alarms and direct communication with the network at the time of the incident.
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**Housing—Red Hill units  
(Question No 2258)**

**Ms Bresnan** asked the Minister for Community Services, upon notice, on 2 May 2012:

- (1) What maintenance and upgrades have been provided to the Red Hill multi-unit public housing complex overall over the last three years and how much did that work cost, not including one-off works to individual units.
- (2) What future work is planned for the complex.

**Ms Burch:** The answer to the member's question is as follows:

- (1) Housing and Community Services has not undertaken any significant upgrade works (not including one-off upgrades to individual units) on the Red Hill Flats complex in the last three years.

However, approximately \$1.1 million has been expended on Red Hill Flats in the last three years (1 June 2009 to 1 June 2012).

Of this, approximately \$200,000 has been expended on upgrade works to individual units. This includes kitchen upgrades, wet area upgrades, minor refurbishments, major roofing works, structural works, painting and floor coverings. The remaining \$900,000 has been spent on maintaining the site, grounds maintenance, complex cleaning and responsive repairs to individual units.

- (2) Housing and Community Services will continue to maintain the Red Hill Flats multi-unit complex in the future.

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**Housing—Aboriginal and Torres Strait Islander advocacy service  
(Question No 2259)**

**Ms Bresnan** asked the Minister for Community Services, upon notice, on 2 May 2012:

- (1) What funding is currently provided per annum for an Aboriginal and Torres Strait Islander advocacy housing service, that is, to assist Aboriginal and Torres Strait Islander people in the applications for public and private rental housing.
- (2) How many clients do these services assist per annum.

**Ms Burch:** The answer to the member's question is as follows:

- (1) Housing ACT provides \$90,223.24 to Billabong Aboriginal Development Corporation for advocacy housing support.

Housing ACT provides \$132,252.72 to Winnunga Nimmityjah for advocacy housing support.

- (2) Billabong Aboriginal Development Corporation reported in its latest Output and Performance Report to Housing ACT that it assisted 147 clients from 1 January to December 2011.

Winnunga Nimmityjah reported in its latest Output and Performance Report to Housing ACT that it assisted 687 clients from January to December 2011.

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### **Housing ACT—maintenance services (Question No 2260)**

**Ms Bresnan** asked the Minister for Community Services, upon notice, on 2 May 2012:

- (1) In relation to the Government response to the Standing Committee on Public Accounts' Report No. 5 of 2009 entitled *Auditor-General's Report No. 4 2008 into Public Housing Maintenance*, did recommendation 2 recommend that another audit be undertaken before the letting of the next total facility management services contract and that tenants views be sought as part of the audit and that the Government noted that a further audit would be a matter for the Auditor-General, but that it would consult with tenants prior to the letting of a new contract in 2012.
- (2) Whilst it is noted that the Auditor-General has not undertaken a follow-up audit of the total facility management services contract, has the Directorate undertaken an internal audit of the contract or engaged an independent consultant to undertake such a review; if so, what were the findings and recommendations of the audit.
- (3) Has the Community Services Directorate undertaken consultation with tenants; if so, what were the outcomes of those consultations and how were these factored into the tender specifications for the new Total Facilities Management Contract.
- (4) Did (a) recommendation 3 recommend that the Government amend its procedures for determining whether the Total Facilities Management contract will be extended to ensure that a renewal is made at least six months before it expires, (b) recommendation 4 recommend that upon renewal of the Total Facilities Management contract, or the appointment of a new provider, the Government report to the Assembly on the details of the contract as well as a statement of reasons for the renewal or appointment and (c) the process for retendering the Total Facilities Management Contract commenced during 2010-11 and that the contract was expected to be finalised in October 2011, with the new provider commencing on 1 July 2012 (page 113 of Volume 2 of the Community Services Directorate Annual Report 2010-11); if so, why has the new Total Facilities Management Contract not yet been announced and finalised and why has the Directorate not met recommendations 3 and 4 of the committee's report.
- (5) Given that it is now two months from the end of the financial year which does not provide sufficient time for a new provider to be transitioned in efficiently and effectively, does the Directorate intend extending the current contract with Spotless; if so, what additional costs will be borne by Government due to this extension.
- (6) What is the expected date that the new provider will have fully transitioned in their services.

- (7) How will the Directorate ensure that public housing tenants are not disadvantaged due to the delay in finalisation of the contract.

**Ms Burch:** The answer to the member's question is as follows:

- (1) In the Government's response to the Standing Committee's Report the Minister noted that "while the Government would have no objection to a further audit, this is a matter for the Auditor General". As part of its response to the Auditor-General's Report, Housing ACT undertook a series of improvements and changes and provided documentation about those actions to the Auditor-General's Office. After reviewing documentation the Auditor-General did not undertake another audit.
- (2) The Directorate undertook an evaluation of Spotless' performance under the contract as part of the recommendations to the Director-General supporting the final extension of the TFM contract. The evaluation confirmed that Spotless performance against the key performance indicators was beyond a business as usual score and identified areas for further improvement. The internal quality assurance process for this contract continues to improve and meet the Auditor General recommendations.
- (3) Consultation with public housing tenants regarding housing maintenance and the TFM contract has been ongoing through the Joint Champions Group. Presentations and feedback from the Joint Champions Group was sought in preparation for the new contract. All the suggestions put forward by members of the Joint Champions Group were documented and full consideration of the suggestions was given when developing the new Total Facilities Management Contract.
- (4) The Government response to the Auditor General's report into Public Housing Maintenance was tabled in the Legislative Assembly on 6 May 2010. The Auditor General Report referred to the previous contract (2005-12) and the potential extension or retendering of the third tranche of that contract. In 2010 the contract was extended and was not retendered. A copy of the Deed of Variation to extend the contract and the Statement of Reasons for the extension of the contract were attached to the Government Response which was tabled in the Assembly on 6 May 2010.

A new Total Facilities Management contract has been announced and finalised in February 2012.

- (5) See answer to Question (4).
- (6) 30 June 2012.
- (7) See answers to Question (4) and Question (6).

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### **Housing ACT—maintenance services (Question No 2261)**

**Ms Bresnan** asked the Minister for Community Services, upon notice, on 2 May 2012:

- (1) In relation to the contract for the Provision of Total Facilities Management Services between Spotless P&F Pty Ltd (Spotless) and the Commissioner for Social Housing,



Deed of Variation 17 March 2009, given that Part E of the Deed of Variation states that the parties confirm that on 29 November 2007 they varied the contract with respect to key performance criteria and indicators ... Section 1 (Effective Date) of the Deed of Variation states that the variations to the Contract described in clause 2 of this Deed, take effect on 5 December 2008, why did the Directorate not issue the Deed of Variation changing contract service levels from 29 November 2007, until March 2009 and did this cause any financial loss to the Territory, or service level issues with Spotless.

- (2) If the Deed took effect on 5 December 2008, how could performance indicators be applied from 29 November 2007.
- (3) Given that pages 6 to 20 of the Deed of Variation set out the Key Performance Criteria and Key Performance Indicators (effective 29 November 2007 to 4 December 2008), for each key performance indicator listed in the tables, what has been the results, scores and weighted scores (by relevant reporting timeframe, for example, monthly, three monthly, six monthly and yearly) for the period 29 November 2007 to 4 December 2008.

**Ms Burch:** The answer to the member's question is as follows:

- (1) The TFM contract includes provisions that allow the Key Performance Indicators (KPI's) to be changed at any time subject to agreement of both parties. There is also provision to allow a deed of variation to be agreed outside of extension of the contract.

Following the first 12 months of the contract a number of changes were agreed on 29 November 2007 to align the KPI's more closely to the core business of Housing and Community Services. These changes took effect from that date.

In January 2008 the ACT Auditor General commenced a performance audit into the "Maintenance of Public Housing". The then Chief Executive wrote to Spotless Facility Management Pty Ltd in April 2008 agreeing to an extension of the existing contract for a further 2 years.

Understanding that some recommendations would be made by the Auditor General regarding the contract and the KPI's, Housing and Community Services advised Spotless it was taking the opportunity to re-negotiate the existing KPI's and service level provisions into the Deed of Variation extending the contract.

In July 2008 the Auditor General's Office made 12 recommendations which were accepted by Housing and Community Services and would require the integration of changes into the contract and internal business practices. It was agreed that any changes to the KPI's that resulted would be effective from the date the Deed became effective (5 December 2008).

Given the incorporation of the Auditor General's recommendations, the contract extension and the revised KPI's, Housing and Community Services took the opportunity to reflect all these changes into the one deed of variation.

The fact that the agreement to change the KPI's in November 2007 was subsequently included in the Deed signed on 17 March 2009 did not cause any financial loss to the Territory as the scoring of the KPI's and any resulting discount or bonus payments to Spotless had already commenced on 29 November 2007.

- (2) On 29 November 2007 the Joint Consultative Committee (JCC) agreed to vary the original Key Performance Indicators (KPI's) in the contract. The revised KPI's were applied from the date of the JCC in November 2007 prior to the Deed of Variation of 19 March 2009. Housing and Community Services took the opportunity to have the Deed reflect this agreement noting the period 29 November 2007 to 4 December 2008 and including the agreed scoring and weighting system.
- (3) KPI Scores by relevant timeframe for the period 29 November 2007 to 4 December 2008:

The Business as Usual monthly score is 1.5

The maximum monthly score is 3.0

### **2007-2008**

Performance against the KPI's from July 2007 to June 2008 was above "Business as Usual" with scores in the low 2's.

July	1.95
August	2.03
September	2.03
October	2.23
November	2.15
December	2.19
<b>TOTAL</b>	<b>12.58</b>

Total performance score for the 6-month period from July to December 2007 was 12.58 which equates to 3.14 on the Performance Management System (PMS).

January	1.85
February	1.94
March	2.08
April	1.95
May	2.10
June	2.21
<b>TOTAL</b>	<b>12.13</b>

Total performance score for the 6-month period from January to June 2008 was 12.13 which equates to a weighted score of 3.03 on the PMS.

### **2008 – 2009**

Performance against the KPI's from July 2007 to June 2008 was above "Business as Usual" with scores in the high 1's.

July	1.78
August	1.79
September	1.60
October	1.60
November	1.84
December	1.92
<b>TOTAL</b>	<b>10.53</b>

Total performance score for the 6-month period from July to December 2008 is 10.53 which equates to a weighted score of 1.52 on the PMS.

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**Housing ACT—maintenance services  
(Question No 2262)**

**Ms Bresnan** asked the Minister for Community Services, upon notice, on 2 May 2012:

In relation to the contract for the Provision of Total Facilities Management Services between Spotless P&F Pty Ltd (Spotless) and the Commissioner for Social Housing, Deed of Variation 1 July 2010 and given that Table 4C sets out the Key Performance Criteria and Key Performance Indicators (effective 1 July 2010), for each key performance indicator listed in the tables, what has been the results, scores and weighted scores (by relevant reporting timeframe, for example, monthly, three monthly, six monthly and yearly) for the period 1 July 2010 to 31 March 2012.

**Ms Burch:** The answer to the member's question is as follows:

**2010-2011**

July	1.82
August	1.96
September	1.85
October	2.28
November	2.10
December	2.45
<b>TOTAL</b>	<b>12.46</b>

Total performance score for the 6-month period from July to December 2010 was 12.46 which equates to a weighted score of 3.46 on the Performance Management System (PMS).

January	1.85
February	2.06
March	1.90
April	1.49
May	1.83
June	2.25
<b>TOTAL</b>	<b>11.38</b>

Total performance score for the 6-month period from January to June 2011 was 11.38 which equates to a weighted score of 2.38 on the PMS.

**2011 – 2012**

Performance against the KPI's from July 2011 to September 2011 was above "Business as Usual" with scores in the high 1's.

July	1.78
August	1.71
September	1.98

The final scores for October 2011 to March 2012 period have not yet been determined. The scoring for this period is to be agreed upon at the next Joint Consultative Committee meeting which is scheduled for 1 June 2012.

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### **Housing ACT—maintenance services (Question No 2264)**

**Ms Bresnan** asked the Minister for Community Services, upon notice, on 2 May 2012:

- (1) In relation to the contract for the Provision of Total Facilities Management Services between Spotless P&F Pty Ltd (Spotless) and the Commissioner for Social Housing Volumes 1 and 3 and given that at pages 67, 93 and 119 of Volume 1 and pages 10, 24, 39, 44 and 45 of Volume 3 of the contract, Spotless has committed: to conduct publicly advertised information sessions for preferred tenderers; market test the schedule of sub-contractor rates each year, including publicising the public tender process in a way that gives all suppliers a reasonable opportunity to be aware of the procurement activity; achieve greater than 5 percent decrease in average expenditure on maintenance per dwelling; provision of superior management of quality assurance including; reduction in the average value of responsive work orders through better monitoring of sub-contractor works; channelling additional funds towards planned rather than responsive works; reduction in the number of BIF's and NCN's; undertake a comprehensive review of SOR's to achieve significant cost savings and to review SOR's annually; implementation of planned maintenance management and delivery programs that achieve World's Best Practice for maintenance expenditure, optimal asset performance, reliability and availability, extended asset life and predictable maintenance budgeting, have publicly advertised information sessions for preferred tenderers been undertaken in each year of the contract; if not, why not.
- (2) Has Spotless undertaken a public tender process during each year of the contract to market test sub-contractor rates and have such processes led to a reduction in sub-contractor rates.
- (3) What has been the average expenditure on maintenance per dwelling, over the life of the contract.
- (4) If a 5 percent decrease in average expenditure on maintenance per dwelling has not been achieved, how has the Directorate performance managed Spotless to require them to meet agreed target levels.
- (5) How has the Community Services Directorate assessed the veracity and robustness of the Spotless quality assurance arrangements, including their efficiency and effectiveness.
- (6) Did Spotless undertake a comprehensive review of SOR's in the first year of the contract and has this also been undertaken in each year subsequent and how has the Directorate assessed whether this has led to cost efficiencies and what the dollar value of these cost efficiencies was.

- (7) How has the Directorate assessed whether Spotless has achieved World's Best Practice for maintenance expenditure, optimal asset performance, reliability and availability, extended asset life and predictable maintenance budgeting.
- (8) Where Spotless has not met the commitments that it made in Volumes 1 and 3 of their contract with Government how has the Directorate performance managed Spotless to achieve agreed performance levels or imposed financial penalties upon Spotless for failing to meet contractual requirements.

**Ms Burch:** The answer to the member's question is as follows:

- (1) Spotless publicly advertised Expressions of Interest on an annual basis to attract new contractors and to market test the schedule of rates encouraging competitive pricing. Spotless annually undertake tender request and evaluation processes. In addition to public advertising, over the course of the contract, Spotless have held three "whole of industry" briefings to provide all suppliers advice on the contract and upcoming procurement opportunities.

In 2010, Spotless developed a Schedule of Rates which included a base rate as agreed by Housing and Community Services and Spotless for the purchase of goods and services provided under the Total Facilities Management Services contract. Spotless conducted a public tender inviting sub-contractors to submit proposals outlining whether they would provide a discount or charge a premium on the base rate. This system has been in operation since 2010.

In a 2012 analysis of the discount and premium system, reports indicate an average 4% reduction in the base costs of maintenance and improved value for money.

Under the contract, the Joint Consultative Committee (JCC) is responsible for overseeing the strategic management of the contract and the delivery of the services. The JCC sets the budget ratio of responsive repairs versus planned maintenance. Over the term of the contract the ratio has improved from 40% responsive- 60% planned to 30% responsive - 70% planned.

Over the course of the contract (7 years) the total number of Non Conformance Notices (NCN) issued is seventy. The number of NCN's issued has fluctuated annually, although the trend line for NCR's shows them reducing.

<b>Year</b>	<b>No of NCN's</b>
2005	2
2006	24
2007	10
2008	13
2009	4
2010	7
2011	10
Total	70

Spotless established a Quality Management System (QMS) which meets ISO 9001:2008. Spotless has maintained and managed the QMS throughout the Term of this Contract. Spotless employ staff that are qualified and experienced in QMS and Quality Assurance (QA). Housing and Community Services has the unreserved right to audit any aspect of this Contract and/or the Total Facilities Manager's performance at any time and continue to undertake these audits on a weekly, monthly and quarterly

basis to monitor performance against the Key Performance Indicators, to monitor contractor performance and work orders.

Audits have been conducted by HACS alone and jointly with Spotless. Spotless has co-operated with all audits and auditors and through this process have improved and streamlined services which have assisted in the reduction in the average value of responsive work orders through better monitoring of sub-contractor works.

- (2) See answer to Question (1).
- (3) The average expenditure on maintenance per dwelling per annum over the life of the contract is \$3,100.
- (4) See answer to Question (1). In addition reports indicate an average 4% reduction in the base costs of maintenance and improved value for money. Under the current contract arrangements, financial bonus and discount payments apply where the Total Facility Manager's performance is assessed as exceeding or not meeting the required standard. These bonuses and discounts are assessed on a monthly or 6 monthly basis depending on the KPI. Monthly overall performance scores provide the control mechanism that allow corrective action to be taken where the services are not being delivered in accordance with performance targets. This provides a contractual financial incentive for Spotless to perform well.
- (5) In 2005 the Community Services Directorate established an internal Quality Assurance and Continuous Improvement Team to monitor the performance of the contract. Spotless must perform quality performance evaluations at a minimum of quarterly. The quality performance evaluations must be carried out by Spotless in conjunction with Housing and Community Services (HACS). The results of each quality performance evaluation must be reported by Spotless to the HACS Contract Manager, and the HACS Contract Manager must report the results to the next meeting of the Contract Management Group.

HACS conduct audits and other checks to monitor all aspects of the Spotless contract. This includes service provision, financial, performance management and contractor performance.

- (6) See answer to Question (1).
- (7) HACS monitor every aspect of Spotless performance through the HACS Quality Assurance and Continuous Improvement Team.
- (8) See answers to Questions (1) and (4).

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### **Housing ACT—maintenance services (Question No 2265)**

**Ms Bresnan** asked the Minister for Community Services, upon notice, on 2 May 2012:

- (1) In relation to the contract for the Provision of Total Facilities Management Services between Spotless P&F Pty Ltd (Spotless) and the Commissioner for Social Housing, part (4) of response to question No. 2019 and the ACT Auditor-General's Office,

Performance Audit Report, Maintenance of Public Housing, August 2008 and page 47 of the Auditor-General's report where it is noted that "Spotless submitted its proposal to conduct condition audits in June 2006, at a cost of about \$300,000 per annum. However, Audit noted that this process did not test the market to provide assurance of value for money. Further, the variation did not fully comply with the requirements of the *Government Procurement Act 2001*" and that the Minister's response to the question on notice No 2019 stated that "\$380,000 has been allocated for payment to Spotless for carrying out condition audits in 2011/12" and given the findings of the Auditor-General, did the Directorate obtain competitive quotes to undertake the condition audits prior to allocating this payment to Spotless for 2011-12.

- (2) How has the Directorate ensured value for money in this procurement process and compliance with the *Government Procurement Act 2001*.
- (3) Given that page 41 of the Auditor-General report notes that "a significant proportion of responsive maintenance tasks relate to tenant-responsible maintenance (TRM). When a tenant calls in with items of this nature, the call centre should advise that the item will be charged as TRM, and that the tenant may wish to consider other means of making good the damage, such as selecting their own tradesperson to do the job. However, it is hard for the tenant to make a correct economic decision as Spotless is not currently able to give a quote for the cost to be charged by the Spotless sub-contractor", has a quotation system for TRM been developed by the Directorate; if so, how has the Directorate measured its effectiveness.
- (4) What was the level of complaints made by tenants with respect to TRM, by month, for the last three financial years to date.

**Ms Burch:** The answer to the member's question is as follows:

- (1) The TFM contract provides for Spotless to undertake work on a schedule of rates basis. Spotless is paid for this role through a fixed management fee. The condition assessment process is best managed by Spotless to ensure that the data produced is used effectively to guide the annual planned maintenance program. Spotless set the rate for each condition assessment (\$115 per residence) in consultation with the Community Services Directorate. Spotless managed the works within their fixed maintenance fee meaning that the full expenditure was on assessments.
- (2) The management services provided by Spotless were procured consistent with Government Procurement ACT 2001. The condition audits were carried out under that contract.
- (3) The twenty most frequent items of tenant responsibility maintenance for both tenanted and vacant properties have been published with indicative prices on the Directorate website. This process was implemented through consultation with the Joint Champions Group. Details can be obtained from the Directorate website – [www.dhcs.act.gov.au](http://www.dhcs.act.gov.au).
- (4) After careful consideration of the question, and advice provided by the Directorate, I have determined that the information sought is not in an easily retrievable form, and that 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 that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

**Women—disabled  
(Question No 2267)**

**Ms Bresnan** asked the Minister for Community Services, upon notice, on 2 May 2012:

- (1) What are the prevalence, characteristics and representation of female disabled parents in care and protection proceedings in comparison to non-disabled female parents.
- (2) What are the current formal processes and mechanisms used to assess parenting capacity.
- (3) What are the rates of child removal by authorities from female disabled parents, in comparison to non-disabled female parents.

**Ms Burch:** The answer to the member's question is as follows:

- (1) Care and Protection Services data collection does not include this information.
- (2) Care and Protection decisions are never made purely on the basis that a parent has a disability.

Care and Protection Services take a holistic approach to the assessment of parenting capacity and decisions are not made in isolation. Information is gathered from a variety of sources and a number of processes and mechanisms to assess parenting capacity are used. These include;

- Interviews with parents and children
- Home visits
- Observations of parent child interaction
- Consultation with other professionals involved in the family's life
- Requests for information from other agencies including the Australian Federal Police and Mental Health Services

The above information is incorporated into a Comprehensive Family Assessment. The Comprehensive Family Assessment draws on the evidence gathered and current research to identify the family's strengths and to assist in Care and Protection Services decision making.

In some circumstances a more in-depth approach is necessary to understand parenting capacity within the family dynamics and this may include:

- An independent Family Assessment completed by an approved service provider e.g. Psychologist, Psychiatrist or Social Worker external to the agency; and
- Child Protection Assessment Report (CPAR).

The decision making is further reviewed by the Application Review Committee within Care and Protection Services. The Committee, comprising senior managers and legal representatives, considers the assessment and endorses applications to the court.



The court may also request an independent assessment. The court determines the final outcome of any application.

- (3) Care and Protection Services data collection does not include this information.

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**Canberra Arts Marketing—funding  
(Question No 2269)**

**Ms Le Couteur** asked the Chief Minister, upon notice, on 2 May 2012 (*redirected to the Minister for the Arts*):

- (1) Over what period of time did the now defunct Canberra Arts Marketing (CAM) operate.
- (2) How much money was appropriated to the organisation each year over the duration of the program.
- (3) What proportion of CAM's income was from the ACT Government and what were the other sources.
- (4) How many full-time equivalent staff did the organisation employ and what were their roles.
- (5) What performance indicators were levied against the organisation.
- (6) Were these performance indicators met or exceeded.
- (7) What was the program's estimated economic benefit to the ACT's Gross Territory Product.
- (8) Since ceasing to fund CAM, has the Government operated any type of similar service within the ACT arts community; if so, what programs and how much has been spent on them.
- (9) Why did the Government cease to fund CAM.

**Ms Burch:** The answer to the member's question is as follows:

- (1) Canberra Arts Marketing (CAM) was funded by the ACT Government from 1995 to 2008.
- (2)

Year	Amount Funded
1995	\$35,000
1996	\$45,000
1997	\$40,000
1998	\$40,000
1999	\$41,000

2000	\$46,000
2001	\$80,000
2002	\$100,000
2003	\$105,500
2004	\$105,000
2005	\$113,500
2006	\$112,000
2007	\$112,000
2008	\$115,000

- (3) In 2008, the ACT Government's contribution to CAM's total income was 31.5%. The Australia Council for the Arts contribution was 38%, sponsorship 11.5%, membership 9%, services 8%, and interest was 2%.
- (4) In 2008, it is understood that CAM employed two full time staff members in the roles of Director and Office Manager.
- (5) In accordance with its Deed of Grant, CAM's performance indicators were defined in its 2004-2007 Business Plan. The Plan identified seven key areas and these were: communications, promotion, cooperative marketing, events, professional development, members' services and advocacy.
- (6) It is was not evident through the 2007 acquittal that Canberra Arts Marketing was achieving its core vision of leading and excelling in collaborative marketing services and advocacy for the arts of Canberra and Region. The 2007 Acquittal Assessment of the organisation's performance indicators noted that the organisation's achievements had been described in qualitative terms and without analysis.
- (7) This was not measured and is therefore unknown.
- (8) Since 2008, the ACT Government has contributed \$138,600 to the Australia Business Arts Foundation ACT Office to provide professional development services for the ACT Arts Sector, including for marketing. In addition, funding has been provided to ACT Key Arts Organisations to support increases to staff wages and hours, including to assist with marketing.
- (9) The ACT Government ceased funding CAM after its application to the ACT Arts Fund's Key Arts Organisation category was not successful. In 2008, the Australia Council for the Arts no longer saw the co-operative marketing model as a priority funding area. The Australia Council for the Arts advised that it would no longer fund CAM beyond 2008. This would require the Territory to be the principal funder. As a membership based organisation, CAM only attracted 9% of its funds base from membership and as this was not anticipated to increase to compensate the Australia Council for the Arts support, the organisation was financially unviable. The ACT Cultural Council assessment found that the CAM application did not strongly address the Key Arts Organisation funding assessment criteria.

### **Cycling and pedestrian network—Cardno report (Question No 2270)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:

- (1) In relation to the Territory and Municipal Services Directorate commissioned Cardno report, ACT Cycling and Pedestrian Network: Priority Network for Capital Works, from February 2011, what is the total cost of implementing the 30 priority walking and cycling infrastructure projects recommended in the Cardno report.
- (2) What would be the total cost of implementing all of the walking and cycling infrastructure projects considered in compiling the Cardno report.
- (3) Can the Government provide a full list of the costs, in dollars, and benefit scores for every project considered in compiling this report.
- (4) Which of these projects has the Government already committed to building and funded.
- (5) Did the Government's \$9 million announcement in November 2011 include projects not included in the Cardno report; if so, what are they and what is their cost.
- (6) Did the Government's \$9 million announcement in November 2011 include projects not included in AECOM's July 2011 Walking and Cycling Feasibility Study; if so, what are they and what is their cost.
- (7) Did the AECOM report consider and develop costings for projects not announced in November 2011.
- (8) Does the Government now view that the best way to prioritise infrastructure projects, from a range of compatible options, is to rank them according to cost-effectiveness (a ratio of cost to benefit), not by adding a score for cost-effectiveness to a score for benefits, as in the Cardno report.
- (9) Why did the Government hire AECOM to review feasibility and costs for projects prioritised by the Cardno report.
- (10) Were the projects announced in November 2011 chosen according to a cost-effectiveness ranking, or according to the Cardno report ranking.
- (11) What has the Government done to address the concerns raised by Dr Dobes during the AECOM consultation in July 2011 about the lack of data on cycling and walking in the ACT.
- (12) Why did the Government decide not to rank projects according to a ratio of their costs and the scores for benefits in the Cardno report, given both sets of data is already available.
- (13) How much did the AECOM report cost.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) Cost estimate : \$5.31 million.
- (2) Cost estimate : \$54.18 million.
- (3) Yes, available on Attachment A.

- (4) Eight projects from the listing have been identified as priority projects and funding identified to progress these works. These projects include:
- Civic cycle loop
  - Kings Avenue cycle lanes
  - Sullivan Creek path lighting (currently under progress)
  - Bunda Street – shared spaces
  - accessible street project – Tuggeranong
  - accessible street project – Belconnen
  - accessible street project – City
  - accessible street project – Woden
- (5) One project covering the provision of improved walking and cycling to Canberra Hospital on Yamba Drive was included as part of the \$9 million Government announcement in November 2011 at a cost of \$1.15 million.
- (6) Yes, as outlined in response to Q5 above.
- (7) Yes.
- (8) The Government considers that within the limitations of available data, the cost of walking and cycle facility projects divided by the number of people that would use the facility is a useful way of prioritising projects.
- (9) To confirm the feasibility, treatment type and cost of the individual projects.
- (10) The projects were chosen based on an assessment of their cost effectiveness and views of the working group which considered each project in detail.
- (11) The Government has commissioned pedestrian and cyclist surveys of each town centre to collect better information for identifying and evaluating the utilisation of walking and cycling facilities. These surveys commenced in March 2012 and will be undertaken annually.
- (12) The Government also sought advice from a working group of interested stakeholders including a respected transport economist on the rankings and the methodology outlined in the answer to Q10 and this was adopted instead of the Cardno Report recommendations.
- (13) \$179,000.

*(A copy of the attachment is available at the Chamber Support Office).*

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### **Planning—Kingston foreshore (Question No 2272)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:

- (1) In relation to options for the interim Kingston cycle path, while the Kingston Foreshore shared path is built, will the interim path go along Wentworth Avenue,

including widening the existing path along Wentworth Ave between Eastlake Parade and the Old Bus Depot, and paving the verge in Eyre Street to connect to the path through Norgrove Park; if not, (a) why not and where will the interim path be built instead and (b) if not, did the Government consider the benefits of the Wentworth Avenue option, including that it will provide a permanent link between Queanbeyan and City Main Community Route, and a link between the future Lake path and Kingston shops.

(2) When will the interim path be completed.

(3) Where can the public find information about the progress of the interim path.

**Ms Gallagher:** The answer to the member's question is as follows:

- 1) The east basin of the Lake Burley Griffin cycle path that passes through the Kingston foreshore is currently temporarily diverted along Wentworth Avenue, Eyre Street, Norgrove Park, Dawes Street, Sandalwood Street and Blueberry Street.

Following the completion of a number of the Kingston foreshore developments, the final path will follow Newcastle Street and connect back with the lake foreshore path near Eastlake Parade.

Wentworth Avenue was considered as an alternative option and sections of the existing path were deemed not suitable due to the interaction with adjacent buildings and service roads. The connection with the Kingston shops is listed in the possible future works identified in the Cardno Report. Improvements to the Queanbeyan to City main community route are also identified in the Cycling and Pedestrian Network – Priority Infrastructure for Capital Works - February 2011 prepared by Cardno on behalf of Roads ACT.

- 2) The signage for the temporary path has been installed. Some minor improvements to the existing path network will be completed in December 2012.
- 3) Information on the interim path route is available on the signage that has been recently installed. The information has also been provided to Pedal Power for publication in the Canberra Cyclist Magazine. The map will also be made available of the TAMS website.

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## **Government—procurement exemptions (Question No 2273)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:

- (1) Given that within the ACT Government Contracts Register the procurement process for the contract 2012.11643.366.03 – North Western Pond Redesign – Execution Date 19/4/2012 – Contract Value \$490,402 (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 Territory and Municipal Services 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 9 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 9 of Part 2 of the *Government Procurement Regulation 2007*, what were the reasons for so doing.
- (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.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) Submitted rates have been benchmarked against industry standard rates for projects of similar job value and complexity.
- (2) To facilitate the timely completion of a revised pond design.
- (3) To facilitate the timely completion of a revised pond design.
- (4) Advice was sought from Shared Services Procurement prior to approving this procurement process.

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**Domestic Animal Services—costs  
(Question No 2278)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:

- (1) What is current annual cost of running the Domestic Animal Services (DAS).
- (2) Of the amount referred to in part (1), how much is allocated to (a) enforcing the provisions of the Domestic Animals Act 2000 and associated regulations, (b) running the animal shelter and (c) educating or advising the public regarding caring for domestic animals.
- (3) How many alleged cases of animal welfare breaches were followed up by DAS and how many were referred to the RSPCA in the (a) financial year 2010-2011 and the (b) first half of the financial year 2011-2012.
- (4) How many instances were there of (a) criminal prosecutions, (b) fines levied and (c) cautions given in the (i) financial year 2010-2011 and the (ii) first half of the financial year 2011-2012.
- (5) What was the total amount of fines collected in the (a) financial year 2010-2011 and the (b) first half of the financial year 2011-2012.
- (6) Is there a statistically significant trend in the number of instances of deliberate or inadvertent animal cruelty brought to the notice of DAS.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The current DAS budget is \$1,186,340.
  - (2) DAS provides regulatory services, the animal shelter and community education in an integrated service delivery model and does not allocate specific budget amounts to each activity
  - (3) DAS does not investigate breaches of the *Animal Welfare Act 1992*. The RSPCA-ACT is responsible for the investigation of animal welfare breaches.
  - (4) DAS instigated the following legal proceedings in the 2010-11 financial year:
    - (a) (i) One prosecution was referred to the ACT Director of Public Prosecutions;
    - (ii) 134 infringement notices were issued; and
    - (iii) 21 formal cautions were issued.
- DAS instigated the following legal proceedings in the first half of the 2011 12 financial year:
- (b) (i) one prosecution was referred to the ACT Director of Public Prosecutions;
  - (ii) 100 infringement notices were issued; and
  - (iii) 32 formal cautions were issued.
- (5) The infringements issued in 2010-11 totalled (a) \$21,800 and (b) for 2011-12 (July to December) totalled \$10,500.
  - (6) No statistical information on animal cruelty is collated by DAS.

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### **Territory and Municipal Services Directorate—city rangers (Question No 2279)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:

- (1) In relation to the Territory and Municipal Services (TAMS) Directorate City Rangers, how many ACT public servants (full-time equivalent) are employed as City Rangers.
- (2) At what level of ACT public service employment are City Rangers typically employed.
- (3) What is the average total annual cost of employing and administering a City Ranger.
- (4) How many pieces of legislation are City Rangers responsible for monitoring and what are these pieces of legislation.
- (5) How many formal warnings have City Rangers issued in the last financial year and for what infractions were these issued.

- (6) How many infringement notices have City Rangers issued in the last financial year and for what infringements were these issued.
- (7) How many prosecutions were pursued by City Rangers in the last financial year and for what infractions were these prosecuted.
- (8) What was the total income generated by City Rangers infringement notices in the last financial year.
- (9) How do City Rangers schedule their time with regard to the monitoring of various legislative responsibilities and how is particular legislative monitoring prioritised within rangers' daily schedules.
- (10) Are there sufficient TAMS rangers to adequately enforce the full spectrum of their responsibilities.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) There are seven full time public servants employed as city rangers.
- (2) There is one senior ranger at the ASO 6 level and six rangers employed at the ASO 4 level.
- (3) The average annual cost ranges from \$99,103 to \$112,916 depending on increments. This includes costs associated with superannuation, overtime, penalties, allowances, fleet and all corporate costs.
- (4) Four: *Roads and Public Places Act 1937; Trespass on Territory Lands Act 1932; Litter Act 2004, incorporating the Litter (Shopping Trolley) Amendment Act 2011; and Uncollected Goods Act 1996.*
- (5) In the last financial year, four formal warnings were issued by city rangers in total. There were two written warnings issued for dumping litter outside charity bin sites, one written warning for depositing litter from a vehicle and one formal direction was given to return a shopping trolley to a shopping precinct.
- (6) In the last financial year, 71 infringement notices were issued by city rangers in total with 42 of those being for depositing litter in a public place, 21 for depositing litter in a public place and eight for depositing commercial waste in a public place.
- (7) No prosecutions were referred to the ACT Director of Public Prosecutions.
- (8) The total income generated by city ranger infringement notices in the last financial year was \$14,704.
- (9) City rangers respond to complaints from members of the public on a daily basis. In addition to dealing with those issues, the rangers proactively target emerging issues of concern, most recently a spate of illegal dumping around charity bins in Gungahlin which involved the issuing of 15 infringement notices and one warning between 31 March 2012 and 5 May 2012. Issues are prioritised on a daily basis with matters of potential or actual public safety issues the highest priority.



(10) Yes.

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**Schools—active transport programs  
(Question No 2280)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:

- (1) In relation to active transport to schools, what targeted programs has the Government funded over the past three years to promote active transport to schools, including through community grants, and what did they cost.
- (2) What plans does the Government have to promote active transport to schools and why has it chosen these programs over those previously funded.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) While TAMS has an ongoing infrastructure investment program involving improving road safety at schools through the use of 40kph school zones and school crossings, improvements to shared paths and traffic signs, the amount invested at schools to promote active transport is not able to be easily isolated.
- (2) TAMS meets with representatives of schools regularly to discuss safety for pedestrians and cyclists in the vicinity of schools and the various infrastructure measures that may promote safe walking and cycling activities.

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**RSPCA—funding  
(Question No 2282)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:

- (1) In relation to funding for the RSPCA ACT and noting that (a) at the meeting of the Assembly Estimates Committee on Friday, 13 May 2011, the CEO of RSPCA ACT, Mr Michael Linke, gave evidence that the ACT Government did not, as required under the service agreement that it had with the RSPCA, negotiate in a meaningful way the funding grant for the 2011-2012 financial year and the service outputs that the RSPCA would be expected to deliver, Instead the RSPCA was simply informed of their funding increase and (b) in February 2012 the RSPCA requested that the grant for 2012-2013 include an extra \$327 000 to cover the cost of looking after stray cats and that Mr Linke noted that even with this increase, the Government grant would not fully cover the cost of providing a range of services which are fully funded from Government revenues in other jurisdictions and he also indicated that without increased revenues the RSPCA may need to discontinue some activities, with responsibility falling back on the Government, in preparing the Budget for 2012-2013 has the Government negotiated with the RSPCA regarding the funding grant for 2012-2013 and the three forward estimate years, including the service outputs expected from the RSPCA; if so, has this involved face-to-face meetings with RSPCA representative(s), on how many occasions and what were the levels of staff from the directorate involved in those meeting.

- (2) Has the RSPCA entered into a contract with the Government for the services that it will deliver in 2012-2013; if so, will this fully meet the community demand for these services; if not, has the directorate given consideration as to how Domestic Animal Services will meet the demand over and above what the RSPCA are funded for, what those costs will be and whether additional funding will be provided to Domestic Animal Services.
- (3) Can the Minister provide any cost modelling or other analysis that the Government has undertaken in relation to estimating the cost to Government if it had to directly deliver services that the RSPCA were no longer able to provide, or were to charge the Government on a fee-for-service basis with full cost recovery.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The Service Funding Agreement (SFA) was negotiated for a two year period, 2011-2012 and 2012-2013, and was signed on 30 September 2011. The SFA identifies the specific activities that are to be undertaken by the RSPCA ACT.

On 10 formal occasions, a variety of TAMS officials, with the number of officials varying between meetings, met face-to-face with RSCPA representatives to develop the SFA.

The development of the SFA involved the following levels of TAMS officials:

Director General;  
Deputy Director General;  
Executive Director, Parks and City Services;  
Director City Services;  
Manager, Licensing and Compliance; and  
Domestic Animal Services Registrar.

These meetings included discussions on the manner in which government could further assist the RSPCA to both deliver the services under the SFA and reduce RSPCA costs associated with the provision of those services.

- (2) The two year SFA signed by the RSPCA ACT and the ACT Government on 30 September 2011 covers the period 2012-13. The terms of the mutually agreed SFA are expected to meet the animal welfare needs of the Territory.
- (3) The Territory has not undertaken a comprehensive financial analysis of the cost to the Territory of providing the entire range of animal welfare services currently provided by the RSPCA. The RSPCA provides a number of animal welfare services that extend beyond the responsibilities of government.

## **Environment—shopping trolleys (Question No 2283)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012:

- (1) In relation to shopping trolleys, with respect to the provisions in section 24C of the *Litter Act 2004*, as amended in March 2011, relating to the removal of trolleys from

shopping centres, since the amendments were passed, how many qualifying ACT retailers are compliant with the trolley legislation in regards to providing (a) identification and contact details on trolleys for the retailer, and the trolley hotline and (b) details of trolley precincts in the store.

(2) How many are not compliant.

(3) In the period since the amendments to the Act were passed, (a) how many warnings have been given to qualifying retailers for non-compliance with the legislation, (b) how many fines have been levied on qualifying retailers for non-compliance with the legislation, (c) on how many occasions has a collection day notice been issued, (d) how many trolleys have been moved to retention areas, and of these how many have been collected by the retailer, (e) how many warnings have been issued to individuals, (f) how many fines have been levied on individuals, (g) how many calls have been made to the Shopping trolley hotline with information about shopping trolleys left outside the shopping precinct and (h) what monitoring has been done on the number of trolleys left outside the shopping precinct.

**Ms Gallagher:** The answer to the member's question is as follows:

(1) Section 24C of the Act specifies 'definitions'. The relevant sections are section 24E (Notice about taking etc shopping trolley outside of shopping centre precinct) and section 24F (Identification of ownership of shopping trolleys).

a) 5

b) 72.

(2) One

(3) (a) One warning issued.

(b) None.

(c) None.

(d) Nine identified trolleys have been impounded. None have been collected by the retailer. A further 14 unidentified trolleys were impounded by City rangers and sent for recycling.

(e) City rangers have issued one written direction and two verbal warnings. All directions were complied with.

(f) None.

(g) 319 reports of trolleys were received by City rangers. 179 of these were referred by Canberra Connect.

(h) City rangers conduct proactive patrols in known trolley abandonment 'hotspots'. The targeting of these patrols is directed by the level of complaints received from the public and advice from government employees.

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### **Government—procurement exemptions (Question No 2284)**

**Ms Le Couteur** asked the Minister for Economic Development, upon notice, on 2 May 2012:

- (1) In relation to contract procurement and given that within the ACT Government Contracts Register the procurement processes for the following contracts are recorded as single select, urgent and exempt from quotation and tender threshold requirements: 2011.18062.210 – Delivery of Land Rent Education Scheme – Information Sessions – Execution Date 18/1/2012 – Contract Value \$100,000 (GST Inclusive); 2011.17017.320 – Fyshwick Intersection Upgrade – Stage 2, Ipswich/Newcastle Street Intersection – Execution Date 14/9/2011 – Contract Value \$1,773,429 (GST Inclusive) and 2010.14338.925 – National Arboretum Reflective Pavilion Design Consultancy – Execution Date 14/7/2011 – Contract Value \$257,730 (GST Inclusive) and with respect to value for money in procurement within the Economic Development Directorate in relation to the above contracts, how has the directorate assured itself that value for money in accordance with subsection 22A of Part 2A the *Government Procurement Act 2001* has been achieved.
- (2) What were the reasons for not complying with subsections 6 and 9 of Part 2 of the *Government Procurement Regulation 2007* with respect to each of the three procurement processes.
- (3) If the Director-General of the directorate, in writing, exempted the Directorate from complying with the requirements of subsections 6 and 9 of Part 2 of the *Government Procurement Regulation 2007*, what were the reasons for so doing.
- (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 Barr:** The answer to the member's question is as follows:

- 2011.18062.210 – Delivery of Land Rent Education Scheme

- (1) To assure itself of value for money in accordance with subsection 22A of Part 2A the *Government Procurement Act 2001*, the Economic Development Directorate (EDD) sought indicative pricing from three local training providers. The providers were asked to provide quotes on the provision of a three-hour information session regarding the Government's Land Rent Scheme.

Of the three trainers approached, only two considered that they would be interested in providing the services. The following indicative pricings were received:

Quote one: \$2,400 per session

Quote two: \$1,960 per session

The current price charged by CIT Solutions for the session is \$1,800, and also includes printing and provision of certificates of attendance, and ongoing liaison with the ACT Government. This demonstrates an annual saving of \$28,200 and \$7,520 respectively in comparison to the quotes received, based on 47 sessions (the number of sessions conducted in 2010).

- (2) The Government Procurement Regulation 2007 (the Regulation) requires that for services for \$200,000 or more, the territory entity must invite public tenders for the provision of the services. Given that the value of the contract for the Land Rent Education Scheme is \$100,000, there was no requirement to comply with subsections 6 and 9 of Part 2 of the *Government Procurement Regulation 2007*.

(3) Not applicable.

(4) Given the urgent need to enter into a new contract, EDD sought the advice of Procurement Solutions with regard to this matter. Procurement Solutions advised that single select for an interim contract with a fixed term of 13 months was appropriate in this circumstance.

- 2011.17017.320 – Fyshwick Intersection Upgrade – Stage 2, Ipswich/Newcastle Street Intersection

(1) Under the *Public Sector Management Act 1994*, Division 3.5, a Chief Executive Officer has the power of delegation to approve single select procurement. The LDA CEO agreed to the single select based on the following:

Awarding the Stage 2 works to Huon was considered the best value for money given the time constraints, risk management, availability of site amenities and the price submitted by Huon to complete the work. Huon had completed part of the Stage 2 works as early works to relocate essential services for the Industrial Estate. The quality of the work completed in the Industrial Estate by Huon was assessed as very good, thereby minimizing the risk of reworks. The early completion of Stage 2 was critical to the unheeded sale of the land on the Fyshwick Industrial Estate creating a second access to the Estate, and easing the traffic congestion at the intersection of Gladstone and Newcastle Streets.

Completion of the southern section of the Estate was based on Operational Acceptance being achieved July 2011 for the area around the stage 2 road works. It was therefore critical that the stage 2 road works were completed to allow the southern section of the Estate to reach Operational Acceptance.

Huon Management was on site completing the Estate works and the intersections works at the Gladstone and Ipswich Streets intersection. Huon's price to complete Stage 2 was considered competitive as they had recently gone through a competitive tender process for the Industrial Estate project and the relevant rates used for the Stage 2 works were the same. The site for Stage 2 was very constrained which meant if a second contractor was awarded, this work there would have been a premium paid, and possible damage to the works already completed. Calling tenders for Stage 2 would have delayed the contract award by over two months while tenders were called and evaluated.

(2) The procurement principles have been addressed in the statements above.

(3) The CEO at the time had the delegation to exempt this requirement based on the principle of best value for money.

(4) Due to the time constraints and managing the risks of the project, the Chief Executive Officer approved exemption as indicated in Procurement Policy Circular PC25: Select and Single Select Procurement.

- 2010.14338.925 – National Arboretum Reflective Pavilion Design Consultancy

(1) The National Arboretum Reflective Pavilion is a building to be constructed on the Events Terrace to a unique design, and which has to be fully integrated with other site works in progress. The work was needed urgently to prepare concept and sketch

designs for the building, given that a private sponsor had indicated a willingness to sponsor the building. Approximately 60 per cent of the value of the work to be undertaken in this stage of the project was competitively bid in accordance with the procurement thresholds. The TZG component of the offer (approximately 40 per cent) was based on hourly rates which were considered to be in line with industry standards. Accordingly, it was considered that the TZG offer was a value-for-money offer for the required services.

- (2) Section 10 of the *Government Procurement Regulation 2007* allows that the responsible Director-General may exempt a procurement from the requirements of section 6 or 9, as long as they are satisfied, on reasonable grounds, that the benefit of not complying with the requirement outweighs the benefits of complying with the requirement.

TZG were joint winners of the international two stage design competition, which attracted 45 entries. As a result, TZG has been through an extensive, open and competitive process to be involved at the NAC. TZG had specialist architectural knowledge and also had intimate knowledge of the site, the Arboretum project and the National Arboretum Canberra (NAC) master plan.

- (3) The Director-General agreed to the exemption (and hence agreed to a single select method of procurement) on the basis of specialist knowledge and the time frame as allowed for under Section 10 of the *ACT Procurement Regulations 2007*. The concept and sketch drawings were required for discussion and consideration by the National Arboretum Board and the prospective sponsors. The decision was made following the development and approval of a strategic procurement plan, incorporating a risk plan.
- (4) Notwithstanding that the contract was executed before PC25 was released, the process described above complies with the Government Procurement Regulation requirements restated in the Policy Circular.

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### **Planning—Kingston foreshore (Question No 2286)**

**Ms Le Couteur** asked the Minister for Economic Development, upon notice, on 2 May 2012:

- (1) In relation to the Kingston Foreshore shared path, is the Land Development Authority responsible for constructing the path.
- (2) Under what approval or plan are they required to build the path.
- (3) Why has this project been delayed.
- (4) What are the specific dates for starting and completing the project, including design and construction.
- (5) What is the total funding presently allocated to the project.
- (6) Where in the Budget is this funding allocated.

- (7) What sections of the project does the presently allocated funding cover and what sections does it not cover.
- (8) How does the Government plan to promote use of the Kingston Foreshore path.
- (9) How can members of the public find out about the project and its progress.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The Land Development Agency (LDA) is responsible for constructing the shared path with the exception of the path in front of Sites 18 (section 51, block 2), 19 (section 63, block 1) and 20 (Section 64, block 1). Private development of Sites 18, 19 and 20 includes construction of the shared path on those sites.
- (2) Construction of the shared path within Sites 18, 19 and 20 is stipulated in the lease purpose clause for those sites.
- (3) Construction of the shared path in front of Sites 18, 19 and 20 is dependent on completion of development of these three privately owned sites.
- (4) The shared path in front of the Waterfront apartments is expected to be completed in late May/early June 2012. The shared path in front of sites 18, 19 and 20 will commence when those sites receive 'Certificate of Occupancy'.
- (5) Funding for the entire public landscape works which includes the shared path in front of the Waterfront Apartments and the Island, is a total of \$9m. The developers of the promenade (Sites 18, 19 and 20) are responsible for the costs of completing the shared path and landscape works within their sites.
- (6) Funding for the public landscape works is the responsibility of the LDA and is allocated in the Kingston Foreshore Project budget. The cost of constructing the part of the shared path within Sites 18, 19 and 20 was incorporated in the sales price of these sites and will be funded by the respective private developers.
- (7) The presently allocated funding covers:
  - the shared path between the Waterfront Apartments and Lake Burley Griffin;
  - a landscaped park between the Waterfront Apartments and the Site 18 apartments;
  - a shared path between Lake Burley Griffin and the Lakeside and Bridgepoint Apartments on the Island;
  - landscape works on the Island;
  - landscape works on the western promenade; and
  - landscape works and construction of the eastern promenade.

The presently allocated funding does not cover the sections within the private domain of Sites 18, 19 and 20.

- (8) The shared path, which is the final link in the Territory and Municipal Services Directorate (TAMSD) cycle main network route will be promoted accordingly by TAMSD.

- (9) For information on the project and its progress, members of the public may access the Kingston Foreshore website directly at [www.kingstonforeshore.com.au](http://www.kingstonforeshore.com.au), or via the LDA website at [www.lda.act.gov.au](http://www.lda.act.gov.au). Information is also provided in a quarterly newsletter titled 'Shoreline' and registration for the newsletter can be completed online at the Kingston Foreshore website. Further, enquiries may be emailed to [info-kf@act.gov.au](mailto:info-kf@act.gov.au).

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### **Territory and Municipal Services Directorate—community gardens (Question No 2287)**

**Ms Le Couteur** asked the Minister for Economic Development, upon notice, on 2 May 2012:

- (1) Could the Minister provide a full list of the number of community gardens that the Land Development Agency (LDA) has built into estate development plans in new suburbs in the last (a) 12 months and (b) five years.
- (2) Can the Minister provide the location of each of these community gardens and when they will be established.
- (3) Who will be responsible for the establishment and management of these gardens.
- (4) What is the cost of each of these gardens in terms of capital and recurrent funding.
- (5) What is the total cost of all community gardens established to date by the LDA, in terms of capital and recurrent funding.
- (6) How many are located at (a) schools and (b) Housing ACT sites.
- (7) What criteria are used to decide whether a community garden should be established in a particular suburb or area.
- (8) How many new gardens are planned to be established before the end of this Assembly.

**Mr Barr:** The answer to the member's question is as follows:

- (1) In the last 12 months, the LDA has included one community garden into the draft estate development plan for the new suburb of Lawson. In the last 5 years, there have been no community gardens included in estate development plans for new suburbs.
- (2) The proposed Lawson community garden is centrally located to residents in the College Creek open space corridor. The garden will be established on completion of Stage 2 of Lawson, subject to an organisation expressing an interest in operating the garden.
- (3) The LDA will work with Canberra Organic Growers Society (COGS) and other interested providers to establish the community garden. Ongoing management of the garden will be the responsibility of COGS and/or the other interested providers.
- (4) The LDA will contribute \$50,000 from capital funding towards establishing the proposed Lawson community garden.



- (5) No cost incurred to date, as the LDA has not yet established any community gardens.
  - (6) None. The LDA has not yet established any community gardens.
  - (7) The Environment and Sustainable Development Directorate is working on a draft policy document in relation to future locations of community gardens in the ACT.
  - (8) No new gardens will be established before the end of this Assembly.
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**Territory and Municipal Services Directorate—community gardens  
(Question No 2290)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 2 May 2012:

- (1) Could the Minister provide a full list of the number of community gardens that the Environment and Sustainable Development Directorate funded in the last (a) 12 months and (b) two years.
- (2) Could the Minister provide a full list of the location of each of these community gardens and (a) when they were established, (b) who manages these gardens, (c) whether there is any community access or responsibility for these gardens and (d) whether these gardens are integrated into Government community outreach programs in any way.
- (3) Can the Minister provide a full list of the total cost of all community gardens established to date by the Environment and Sustainable Development Directorate, in terms of capital and recurrent funding.
- (4) Can the Minister provide a full list of how many new gardens are planned to be established before the end of this Assembly and (a) where these new gardens will be, (b) who will have responsibility for the management of these gardens and (c) how these new gardens will be funded.
- (5) When will the digital map of community gardens currently under development by the Government be finalised and available to the public.
- (6) Could the Minister provide a full list of classification types of community garden types used in the map.
- (7) When will the most recent survey of community gardens funded by the Government be completed.
- (8) Has any evaluation been undertaken to determine community satisfaction of, use of and demand for community gardens.
- (9) Has any work been undertaken to support social enterprise opportunities arising from community gardens.

**Mr Corbell:** The answer to the member's question is as follows:

- (1)-(4) The Environment and Sustainable Development Directorate does not have the responsibility to establish community gardens in the ACT. The Directorate does not have funding nor incur any costs for establishing, managing or maintaining community gardens.

In the ACT, community gardens are usually community based initiatives. Currently, there are also considerations by the Land Development Agency and other developers to provide community gardens in newly developing neighbourhoods, such as Lawson South, Coombs/Wright and Forde.

The Environment and Sustainable Development Directorate's role is developing planning policy for community gardens including the criteria for selecting the location of future sites for community gardens.

- (5) The Health Directorate is funding the University of Canberra to develop a digital map of community gardens. The map is still under production and will be made available once data verification and testing has been completed.
- (6) The details and full list of the classification types of community gardens will be provided by the Health Directorate when the digital mapping is complete.
- (7) The University of Canberra is currently undertaking a study of the demand for community gardens for the Environment and Sustainable Development Directorate. This study is building on the face-to-face interviews and on-line survey previously undertaken by the University and is scheduled to be completed by 31 August 2012.
- (8) As part of this study considering demand, the University of Canberra is also addressing the benefits of community gardens for the wider ACT community. It will also provide a better understanding of the people who use community gardens, their future needs and the interests of specific groups, including children, young people and seniors.
- (9) Given the scope of the current study by the University of Canberra it will include consideration of any social enterprise opportunities arising from community gardens.

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### **Environment—Hyder report (Question No 2291)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 2 May 2012:

- (1) In relation to the Hyder Report, *Assessment of Waste Infrastructure and Services Options for the ACT*, from December 2011 and Treasury's costing of the Canberra Liberals election initiative *Green Bins for Canberra*, from 20 September 2008, can the Minister please provide copies of the full detailed quantitative and qualitative assessments for each of the seven short listed scenarios in the Hyder Report, that is, Hyder's working paper files, being: Business as usual scenario; Garden waste collection scenario (garden 3rd bin); Organic waste collection scenario (organic 3rd bin); Residual waste MRF scenario (R-w MRF); Education Scenario (Education); Least-cost bioenergy scenario (TCF1) and Slow pyrolysis scenario (TCF2).

- (2) Can the Minister provide a copy of the market sounding survey referred to at page 28 of their report.
- (3) Can the Minister provide a copy of the United Kingdom study undertaken between 2005 and 2007, referred to at page 32 of the Hyder Report.
- (4) Can the Minister provide a copy of the supplementary Hyder Report, *Recycling in High Density Residential Buildings*, Hyder Consulting, 2011a.
- (5) If the report referred to in part (4) is not yet available, when will it be available.
- (6) Can the Minister provide the Treasury modelling of the Canberra Liberals election costing for Green Bins.
- (7) Does the Environment and Sustainable Development Directorate support the key assumptions in the Hyder Report or do they believe that they should be modified in any way; if so, what would those modifications be.
- (8) Would the Minister make any modifications to the education scenario as outlined in the report; if so, what would these modifications be.
- (9) Can the Minister provide the finalised planned annual program for the education scenario, referred to at page 52 of the Hyder 2011 report, including costings by activity identified in Table 34, page 53, for each of the four years of the program.
- (10) Can the Minister provide information as to the skills, qualifications and experience of the Hyder staff who prepared the December 2011 Report and the subsequent 2011a report.
- (11) Can the Minister provide a copy of the WRAP 2008 report *The food we waste: food waste report V2*, Banbury, UK, referred to in the reference list on page 123, Hyder Report 2011.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The Government cannot provide the full workings of Hyder Consulting Pty Ltd (Hyder). Hyder's Consultants developed the scenario models using commercial-in-confidence information that they have developed from their extensive experience:
  - a. working with the waste industry on tenders and designs;
  - b. providing policy advice on waste issues to all levels of Government; and
  - c. from a market sounding and consultation carried out specifically for this project.
- (2) The market sounding survey was conducted at arm's length from the Government and involved interviews with businesses to gain commercial-in-confidence information. The Government is not at liberty to provide this information.
- (3) This document is in the public domain.
- (4) Minister Corbell will release Hyder's report *Study of Recycling in High Density Dwellings* (2012) in the near future.
- (5) See above response to question (4).

- (6) The Canberra Liberals 'Green Bins for Canberra' policy of 20 September 2008 was the basis for Treasury's 2008 election commitment costing. The reasonableness of the costing contained in the Liberal policy was assessed by Treasury in conjunction with the relevant agencies.

The Canberra Liberal's estimated green bin collection and processing cost of \$11.4 million over three years, and the composting plant cost of \$38.8 million were assessed as being reasonable estimates. Treasury, however, estimated a capital cost of \$7.8 million for the bins themselves (at \$60 per household for 130,000 households) which was slightly lower than the \$9 million contained in the Canberra Liberal's policy. The Treasury estimates also included an additional \$5 million in recurrent costs for depreciation and maintenance that were not apparent in the Liberal costing. The Treasury costing released on 17 October 2008 is identified below for reference.

Green Bins	2008-09 \$m	2009-10 \$m	2010-11 \$m	2011-12 \$m	Total \$m
Recurrent	0	1.050	7.626	7.676	16.352
Capital	0	46.600	0	0	46.600

- (7) The Government accepts the expert advice provided by Hyder regarding technical and cost assumptions in the scenarios. However, the cost and effectiveness values for the education scenario were provided by ACT NOWaste.

- (8) The Hyder reported noted on page iv of the Executive Summary that "the Education scenario will require major changes to community behaviour and will impact on convenience as high participation rates are required to successfully achieve the nominated targets". To partially address this risk, Hyder conducted sensitivity analysis around the education scenario performance assumptions.

The Territory has since commissioned Associate Professor David Pearson of the University of Canberra to review food waste education programs in other jurisdictions. A/Prof Pearson will make recommendations on probable costs and effectiveness of waste education options in the ACT context.

- (9) The education scenario, referred to at page 52 of the Hyder 2011 report, has not been finalised.
- (10) Hyder was selected through an competitive tender process on the basis of their expertise, demonstrated experience, and value for money. Ron Wainberg of Hyder Consulting has consented to the release of their resumes which are attached.
- (11) See response for question (3).

## **Environment—community gardens (Question No 2293)**

**Ms Le Couteur** asked the Minister for Community Services, upon notice, on 2 May 2012:

- (1) Can the Minister provide a full list of the number of community gardens that the Community Services Directorate has funded on Housing ACT sites in the last (a) 12 months and (b) five years.

- (2) Could the Minister provide a full list of the location of each of these community gardens and (a) when they were established, (b) who manages these gardens and (c) whether there is any community access or responsibility for these gardens and (d) whether these gardens are integrated into community outreach programs in any way.
- (3) What is the cost of each of these gardens in terms of capital and recurrent funding.
- (4) What is the total cost of all community gardens established by the Community Services Directorate, in terms of capital and recurrent funding.
- (5) How many new gardens are planned to be established before the end of this Assembly and at which sites.
- (6) Has any evaluation been undertaken to determine the value of Housing ACT based community gardens.
- (7) Has any work been undertaken to support social enterprise opportunities arising from Housing ACT based community gardens.

**Ms Burch:** The answer to the member's question is as follows:

- (1) (a) Three community gardens have been funded on Housing ACT sites in the last 12 months.
- (b) Thirteen community gardens have been funded on Housing ACT sites over the last five (5) years (this includes the three in the answer to (1) (a)).
- (2) (a)

Barr Smith Community Garden Bonython	2012
Jindabyne / Henty Gardens, Braddon	2011
Lyneham Flats	2010
Dickson Flats	2010
 Fisher Square	 2009
Throsby Court, Griffith	2009
Griffith Flats	2009
Ainslie Village Community Garden	2009
Malahide Gardens and Yallum Gardens Wanniasa	2009
Gowrie Court Narrabundah	2008
Clarendon Court, Banks	2008
Myalla Gardens, Farrer	2008
Illawarra Court Belconnen	2008
- (b) The gardens are managed by the tenant groups comprising residents in the complex and who were successful through the Tenant Participation Grants Program or Tenant Initiated Grants Program.
- (c) The gardens can be accessed by tenants who reside in the housing complex; the responsibility for maintenance for the garden is undertaken by the tenant group who have applied for either a Tenant Participation Grants Program or a Tenant Initiated Grants Program.
- (d) Over the five years a total of six community service organisations have auspiced and supported tenant groups to implement the funded projects.

- (3) The cost of each of the gardens over the past five years has ranged from \$500 to \$10,000. While there is no capital or recurrent funding for community gardens, tenants may re apply for a further grant through the Tenant Participation Grants Program and some tenants have applied for multiple grants over several years.
  - (4) A total of \$44,950.00 has been granted for community gardens over the past five years.
  - (5) The 2012 Tenant Participation Grants approved the establishment and maintenance of three community gardens at Barr Smith Community Garden Bonython, Jindabyne / Henty Gardens Braddon, and Gowrie Court Narrabundah Garden. The 2012 grants were provided in February 2012 and tenant groups have twelve months from receiving their grant to establish their gardens.
  - (6) No
  - (7) No
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**MusicACT—venue database  
(Question No 2294)**

**Ms Le Couteur** asked the Minister for the Arts, upon notice, on 2 May 2012:

- (1) How much funding has the Government contributed to the creation and operation of MusicACT.
- (2) What proportion of this funding was tied to the delivery of a database of music venues in the ACT.
- (3) What conditions or performance indicators were attached to this funding.
- (4) What progress has MusicACT made with the delivery of this database.
- (5) When will the database be launched.
- (6) How will the database be promoted.
- (7) What plans does the Government have to address the prohibitive cost of the public liability insurance associated with the use of these venues.

**Ms Burch:** The answer to the member's question is as follows:

- (1) The ACT Government, through the ACT Arts Fund, has provided MusicACT with \$10,000 to establish a website listing public buildings in the ACT suitable for use as live music venues and a guide for business and community organisations wishing to stage live music, and \$10,800 to deliver professional development workshops for the ACT music industry in 2012.
- (2) \$10,000.

- (3) The ACT Arts Fund Deed of Grant for the website development has a completion date of 31 October 2012 and the funds must be acquitted by 31 December 2012.
  - (4) MusicACT launched its website in late 2011. MusicACT has engaged a consultant to create two new databases which will be accessed from its website. One link will be to venues suitable for music in the ACT. The second link will be a guide/checklist for venue users to consider when presenting live music.
  - (5) The database is anticipated to be launched by 31 October 2012.
  - (6) Through the MusicACT's network and by artsACT through its website and electronic newsletter, Newswire. The launch of the database is likely to attract social and traditional media attention.
  - (7) The Government understands that there a variety of arrangements including through ACT Key Arts Organisations and other community groups that provide access to low-cost public liability insurance.
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**Education and Training Directorate—community gardens  
(Question No 2295)**

**Ms Le Couteur** asked the Minister for Education and Training, upon notice, on 2 May 2012:

- (1) Can the Minister provide a full list of the number of community gardens that the Education and Training Directorate has funded in the last (a) 12 months and (b) two years.
- (2) Could the Minister provide a full list of the location of each of these community gardens and (a) when they were established, (b) who manages these gardens and (c) whether there is any community access or responsibility for these gardens and (d) whether these gardens are integrated into the school curriculum in any way.
- (3) What is the cost of each of these gardens in terms of capital and recurrent funding.
- (4) What is the total cost of all community gardens established to date by the Education and Training Directorate, in terms of capital and recurrent funding.
- (5) How many new gardens are planned to be established before the end of this Assembly and in which schools.
- (6) Has any evaluation been undertaken to determine student and school satisfaction of school based community gardens.
- (7) Has any work been undertaken to support social enterprise opportunities arising from school based community gardens.

**Dr Bourke:** The answer to the member's question is as follows:

- 1-7) The Education and Training Directorate does not specifically fund community gardens at schools. Schools may decide to develop a school garden as part of their

curriculum to provide real life learning experiences for students, which would likely be linked to areas of the curriculum related to health and sustainability. This would be funded through their existing allocated budget or with the assistance of fundraising activities. Majura Primary School is a good example of this as the ACT demonstration school for the Stephanie Alexander Kitchen Garden Program.

### **Transport—car pooling (Question No 2296)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 3 May 2012:

- (1) What is the cost of providing the ACT Health car pooling service.
- (2) When was the car pooling service introduced.
- (3) What has been the year-by-year take up of the car pooling services.
- (4) How does the car pooling service operate and is the system supported by the Shared Services Information and Communication Technology section.
- (5) Has any cost modelling been done for expanding the service to other agencies, ACT Government wide, or for including Federal Government agencies; if so, can the Minister provide details.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) The contract price for development, implementation, licence fees, hosting, technical support and in house marketing for two years is \$94,050.00 (GST including).
- (2) The Health Directorate launched the service in August 2010.
- (3) The year by year participation in the car pooling scheme has been as follows:

	Oct 2010	Oct 2011	Apr 2012
Registered staff	144	172	201

- (4) The car-pooling system is a web based service which staff access via a link from the Health Directorate Intranet. The system is hosted and supported by the contracted service provider CarPool-IT.com.
- (5) The Government is expanding the scheme to all ACT Government directorates from 1 July 2012 from existing funding allocations and is currently in confidential contract negotiations with the software provider. Following this 12 month trial, the Government will consider whether the scheme could be expanded to include Federal Government agencies. No cost modelling has been done on the expansion to Federal Government agencies, as it is contingent on the success of the initial ACT rollout.



**ACTION bus service—school buses  
(Question No 2297)**

**Ms Bresnan** asked the Minister for Territory and Municipal Services, upon notice, on 3 May 2012:

Can the Minister provide the revenue, expenditure and average daily number of students for each of ACTION's school bus routes.

**Ms Gallagher:** The answer to the member's question is as follows:

- ACTION delivers over 300 dedicated school services daily.
- For the 2012 school period year to date (as at 28 May 2012), these services carried an average 9,789 students per day.
- The ACTION network has also carried an average of 12,553 students daily on weekday route services over the same time.
- For the 2012 year to date (as at 28 May 2012), school students ticket sales revenue is \$1,119,591.25 across the entire network.
- Expenditure details for individual routes are not available.

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**Roads—speed zones  
(Question No 2299)**

**Ms Bresnan** asked the Minister for Territory and Municipal Services, upon notice, on 3 May 2012:

- (1) In which areas is the Government considering introducing new 40km/h speed zones.
- (2) How were these areas identified.
- (3) What is the implementation process and timelines.
- (4) What has been the cost of implementing the (a) Woden Town Centre and (b) Gungahlin Town Centre 40km/h zones.
- (5) What method does the ACT Government use to determine where it is appropriate to (a) install a pedestrian crossing and (b) create a 40km/h speed zone.
- (6) When was the last time the standards referred to in part (5) were reviewed.
- (7) What is the approximate cost to Government to build (a) a standard pedestrian crossing, (b) a raised pedestrian crossing and (c) lighting to accompany a pedestrian crossing.
- (8) Can the Minister provide a list of new pedestrian crossings that were built in the last two financial years and the cost of each, including design, construction and post construction review costs.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The new areas include City and the Belconnen and Tuggeranong town centres.

- (2) They are the remaining town centres left after the implementation of 40 km/h speed zones in the Woden and Gungahlin town centres.
- (3) Roads ACT will consult with the community in June/July 2012. The physical implementation of the 40km/h speed zones is scheduled to be completed by the end of 2012.
- (4) The cost of the implementation of the 40 km/h speed zone in the Woden town centre was \$17,000 and in the Gungahlin town centre, \$39,000.
- (5) a) To determine if a pedestrian crossing is warranted, Roads ACT uses the ACT Design Standards for Urban Infrastructure Part 9 and Australian Standard AS1742.10.  
 b) 40km/h speed zones are implemented in areas with high pedestrian activities. To create 40km/h speed zones, Roads ACT uses Australian Standard 1742.4 and Austroads Guide to Traffic Management Part 5 and Austroads Guide to Road Safety Part 3.
- (6) ACT Design Standards for Urban Infrastructure Part 9 - 2011  
 Australian Standard 1742.4 – 2008; Australian Standard 1742.10 - 2008  
 Austroads Guide to Traffic Management Part 5 – 2008  
 Austroads Guide to Road Safety Part 3 – 2008
- (7) Approximate costs:
  - (a) standard pedestrian crossing - \$5,000 to \$10,000
  - (b) raised pedestrian crossing - \$50,000 to \$70,000
  - (c) lighting \$25,000
- (8) Costs of design and construction of new pedestrian crossings in the last two years:
 

Worgan Street, Phillip	\$4,000
State Circle:	\$4,800
Haydon Drive, Newcastle Street, Hindmarsh Drive	\$6,000
Flemington Road	\$31,000 (street light required at a cost of \$25,000).

Costs of post-construction evaluation can vary depending on whether public consultation is included and the extent of it.

### **ACTION bus service—school buses (Question No 2300)**

**Ms Bresnan** asked the Minister for Territory and Municipal Services, upon notice, on 3 May 2012:

- (1) How many buses out of the ACTION bus fleet are used as school buses and how many of these are (a) diesel and (b) compressed natural gas.
- (2) What is the total number of permanent school bus routes.
- (3) What process does the Government use to determine where it will operate new school bus routes.

- (4) Has the ACT Government ever conducted an ACT wide school survey of travel patterns/needs to help determine where appropriate school routes should run, and if any new school routes are required; if so, when and what were the results.
- (5) Has the ACT Government determined which school areas are the highest priority for new school bus routes; if so, how and when was this determined.
- (6) Are there any ACT public or non-government schools that are currently not serviced by any school bus routes; if so, which schools are these.
- (7) Are there any suburbs that are not currently serviced by any school bus routes; if so, which suburbs are these.
- (8) Has the Government identified any parental concerns that may be a perceived or real barrier to utilising ACTION school bus services; if so, what is being done to further encourage usage.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) There are no "school buses" per se. Any bus may perform a combination of route and school service on any given day, excluding school holiday periods.
  - (2) 305.
  - (3) Requests for new school bus routes are considered under ACTION's "Policy for the provision of dedicated school bus services". This is available on the ACTION website.
  - (4) No. However, ACTION does meet regularly with the Education and Training Directorate as well as other stakeholders such as private school associations, the P&C Association and the Safe Schools Taskforce to assess demand and how best to meet that demand within available resources.
  - (5) No. However, ACTION does meet regularly with the Education and Training Directorate as well as other stakeholders such as private school associations, the P&C Association and the Safe Schools Taskforce to assess demand and how to meet that demand within available resources. This includes consideration of upcoming school developments.
  - (6) ACTION services schools with both dedicated school bus routes and usual ACTION services. All schools that have approached ACTION for school services have been provided with transport options.
  - (7) Yes. Acton, Casey, Crace, Hume, Oaks Estate.
  - (8) ACTION regularly receives and encourages feedback about route and school services. ACTION always attempts to assist commuters with alternatives if it is unable to provide a specific service. ACTION also uses this feedback in the development of new networks.
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**ACTION bus service—hybrid electric buses  
(Question No 2302)**

**Ms Bresnan** asked the Minister for Territory and Municipal Services, upon notice, on 3 May 2012:

- (1) What additional infrastructure would be required in the ACT, such as at interchanges or depots, to accommodate hybrid electric buses in the ACTION fleet.
- (2) Can the Minister provide any cost modelling the Government has done for this additional infrastructure.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) No additional infrastructure at interchanges or depots is required to operate diesel electric hybrid buses in-service. However, additional training, tools and equipment are required to safely maintain the battery packs when the vehicle is in the workshops for maintenance.
- (2) No. However, the ACT Government is monitoring hybrid bus trials currently underway in other States.

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**ACTION bus service—particulate filters  
(Question No 2303)**

**Ms Bresnan** asked the Minister for Territory and Municipal Services, upon notice, on 3 May 2012:

- (1) What is the cost of maintaining a particulate filter on an ACTION bus.
- (2) How often do the particulate filters need to be replaced.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The replacement cost of particulate filters varies depending on the type of filter from the smallest pre filter at \$5.00 to an air filter at \$190.00.
- (2) All filters are serviced and maintained as part of each service interval which is typically every 90 days.

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**ACTION bus service—disabled access  
(Question No 2304)**

**Ms Bresnan** asked the Minister for Territory and Municipal Services, upon notice, on 3 May 2012:

- (1) How has the Government prioritised which bus stops to upgrade to meet disabled access standards, for example, are stops prioritised based on cost of upgrade, or on patronage of the stop.

- (2) Does the Government have data on which stops are used most by people with a disability and can the Minister provide the list.
- (3) Can the Minister provide the list of the bus stops that the Government has upgraded in the last year and which it will upgrade by the end of 2012.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) Bus stops on bus routes with the highest levels of patronage are investigated first. Priority is then given to those stops that are close to community facilities then stops that can be made Disability Discrimination Act compliant at a reasonable cost.
- (2) No. The MyWay ticketing system does not capture this information.
- (3) A list of bus stops completed in the 2011-12 year to-date is provided at Attachment A. A list of bus stops planned for completion by June 2012 is provided at Attachment B. A list of bus stops planned for completion by December 2012 is provided at Attachment C.

*(Copies of the attachments are available at the Chamber Support Office).*

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### **Roads—speed cameras (Question No 2305)**

**Ms Bresnan** asked the Minister for Territory and Municipal Services, upon notice, on 3 May 2012 (*redirected to the Attorney-General*):

- (1) What was the revenue generated, broken down by location of the fixed and mobile speed cameras and red light cameras, within the ACT for the last three financial years and for the period 1 July 2011 to 31 March 2012.
- (2) What was the expenditure incurred in maintaining these devices, broken down by location of the fixed and mobile speed cameras and red light cameras, within the ACT for the last three financial years and for the period 1 July 2011 to 31 March 2012.
- (3) How has the Government mapped the location of fixed and mobile speed cameras and red light cameras against accident statistics, to ensure that the locations of these devices are sufficiently targeting known road black spots or high accident sites.
- (4) What proportion of revenue generated from fixed and mobile speed cameras and red light cameras has been directly applied to road safety initiatives, including education campaigns, for the past three financial years and for the period 1 July 2011 to 31 March 2012 and (a) what were these initiatives, (b) what was the level of funding applied by initiative and (c) how has the Government assessed the effectiveness of these initiatives.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) Refer to the attachment, which shows the revenue generated by fixed, mobile and red light cameras by location for the last three financial years and for the period 1 July 2011 to 31 March 2012

- (2) The Traffic Camera Office does not maintain a record of maintenance by site. The following amounts have been spent on routine and reactive maintenance and camera certification;

2008-2009 – Fixed = \$228,882.21 and Mobile = \$51,556.58

2009-2010 – Fixed = \$256,220.48 and Mobile = \$53,676.30

2010-2011 – Fixed = \$288,669.00 and Mobile = \$51,708.94

2011-2012 – Fixed = \$209,324.07 and Mobile = \$44,801.19 YTD 5 April 2012

- (3) The Government's safety camera program involves the use of point to point, mobile and fixed speed cameras and fixed speed and red light cameras on arterial roads. Mobile speed cameras are also used on major and minor collector roads in residential areas. The location of existing fixed speed cameras on arterial roads was based on a number of factors including traffic volume, crash history and speed.

The capacity of the roadside was also a determining factor to ensure the cameras would be highly visible and would not create a roadside hazard. Sites for red light cameras were selected after a review of crash rankings at signalised intersections, with particular consideration of crash types that result from red light running (e.g. right angle crashes).

Other considerations included reviewing the operation of intersections with a high crash rate to determine if other operational aspects could be improved (e.g. phasing, right turn arrows etc). The final determining factor was engineering factors of red light camera installation such as road condition, number of lanes and width of the median.

Mobile speed camera locations are selected based on speed-related crash history and current speed surveys. At present there are over 100 sites on the ACT mobile speed camera network. Mobile speed camera locations are regularly reviewed and updated, with roads and sites being added or changed to ensure that the camera program clearly addresses road safety needs.

The Traffic Camera Office is responsible for the operational rotation of these sites and considers the following factors in carrying out this function:

- Intelligence received from AFP traffic operations.
- Road safety data on areas recording recent or frequent serious/fatal traffic crashes (particularly those involving excessive speed).
- Information or complaints from members of the community concerning speeding vehicles or the potential for crashes to occur in the area.
- The placement of other traffic offence detection devices to ensure that they are not operating in the same direction on the same road within a distance of one kilometre of each other.

- (4) The Government does not currently hypothecate safety camera revenue to fund road safety initiatives.

*(Copies of the attachments are available at the Chamber Support Office).*

### Transport—light rail (Question No 2306)

**Ms Bresnan** asked the Treasurer, upon notice, on 3 May 2012 (*redirected to the Minister for the Environment and Sustainable Development*):

- (1) What was the cost to Government for consultant studies of the (a) 1994 Canberra light rail implementation study: public transport options study, (b) 2004 Canberra Public Transport Futures Feasibility Study, (c) 2005 SMEC Northbourne Avenue Study and report, (d) 2008 Price Waterhouse Coopers Light Rail Study and (e) 2010-12 City to Gungahlin Transit Corridor Study.
- (2) What additional transport studies have been conducted on either Northbourne Avenue, the Northbourne Avenue-Gungahlin Corridor, light rail or Bus Rapid Transit and what was the cost of each of these studies.

**Mr Corbell:** The answer to the member's question is as follows:

(1)

Name of study	Cost (\$'000)
(a) 1994 Canberra light rail implementation study: public transport options study	80
(b) 2004 Canberra Public Transport Futures Feasibility Study	300
(c) 2005 SMEC Northbourne Avenue Study and report	80
(d) 2008 PriceWaterhouseCooper Light Rail Submission to Infrastructure Australia (ACT Government)	70
(e) 2011-12 URS Australia City to Gungahlin Transit Corridor Study	1,080

Note: costs are rounded.

(2)

Name of study	Cost (\$'000)
Northbourne Avenue bus priority study URS (2010-11)	251
Feasibility study for bus priority: Gungahlin to City Oct 2003-04 by <i>Parsons and Brinkerhoff</i> <sup>a</sup>	50
Feasibility study on Flemington Road (North of Sandford Street)	100

<sup>a</sup>. As implementation of this (Parsons and Brinkerhoff) study a bus lane was constructed on Flemington Road between Sandford Street and Federal Highway.

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### Environment—wood heaters (Question No 2307)

**Ms Bresnan** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

- (1) Which version of AS4013 (by year) must a wood heater comply with under the *Environment Protection Act 1997* for it to be legally sold in the ACT.

- (2) Given the *Environment Protection Act 1997* does not refer to an Australian Standard “as updated from time to time”, do wood heaters in the ACT need to comply with updated versions of the AS4013 to be sold legally.
- (3) Is the Minister able to say whether it is an offence under ACT legislation to sell a wood heater, as “solid fuel-burning equipment”, if the wood heater has not been issued with a certificate of compliance by an entity authorised under the *Environment Protection Act 1997*.
- (4) What is the penalty for selling a wood heater that has not been issued with a certificate of compliance referred to in part (3).
- (5) Have any retailers in the ACT been sanctioned for committing this offence since the Act commenced; if so, how many.
- (6) What is the “authorised entity” for the purposes of subsections 2.4(1)(b) and 2.4(3)(b) of the *Environment Protection Act 1997* and (a) under what instrument is the entity authorised and (b) how many compliance certificates have been issued by the authorised entity since the Act commenced.
- (7) Can the Minister provide data on the number of complaints regarding smoke from domestic chimneys, by year, from 1999-2012.

**Mr Corbell:** The answer to the member’s question is as follows:

- (1) For a brand new heater it is AS4013 (1999). For a second hand heater it can be either AS4013 (1999) or AS4013 (1992) depending on when the heater was first certified.
- (2) No, the tighter standards in AS4013 (1999) are not retrospective,
- (3) Yes it is an offence.
- (4) A maximum of 30 penalty units (currently \$110 per penalty unit).
- (5) No. The Environment Protection Authority has never had a complaint brought to its attention about retailers selling non-compliant heaters. The standard was first introduced in 1992.
- (6) The Australian Home Heating Association is currently the only body in Australia that can certify wood heaters.
  - (a) information on the certification status of heaters can be found on their website at **[www.homeheat.com.au/certified.php](http://www.homeheat.com.au/certified.php)**.
  - (b) due to the ongoing work of the Standing Council on Environment and Water on national wood heater emissions management they have not been authorised under Section 2.4(1)(b) of the Act.
- (7) Complaints regarding smoke from domestic chimneys

Year	Number of complaints
1999-2000	Not available
2000-2001	Not available



2001-2002	Not available
2002-2003	23
2003-2004	40
2004-2005	19
2005-2006	21
2006-2007	34
2007-2008	105
2008-2009	54
2009-2010	18
2010-2011	69

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### **Environment—firewood (Question No 2308)**

**Ms Bresnan** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

- (1) Can the Minister provide the most up-to-date list of businesses which have undertaken to comply with the ACT Firewood Code of Practice, including the dates that each business was entered on the register.
- (2) Does the Government have statistics, or an estimate, of the total number of firewood merchants selling firewood to the ACT.
- (3) What is the total amount in tonnes of firewood sold to the ACT and (a) what percentage of this is supplied by retailers compliant with the Firewood Code of Practice and (b) what is the percentage of this that is (i) hardwood, (ii) softwood, (iii) seasoned, (iv) unseasoned and (v) boxwood.
- (4) Can the Minister provide data, in the form of percentages or estimated percentages, on where firewood sold to the ACT is sourced, including the (a) locality from which the wood is obtained, (b) tenure of the land from which it is obtained, that is, private, crown land, state forest etc and (c) further information on the source, that is, dead timber from land clearing, plantation, and/or residue from forestry.
- (5) What action has the ACT Government taken nationally to promote the certification of softwood wood heaters and what progress has been made on this issue.
- (6) What auditing does the Government do of businesses that are registered as agreeing to the ACT Firewood Code of Practice, for example, to ensure they sell seasoned wood only and when were any audits last conducted.
- (7) Can the Minister provide data on the results of compliance checks carried out under the Code of Practice by year from 1999 to 2012.

- (8) Can the Minister provide (a) data on the number of complaints from consumers regarding the sale of firewood by year from 1999 to 2012, (b) data, by year, of the total quantities of hardwood, softwood and mixed loads sold by merchants who have agreed to the code of practice, from 1999-2012 and (c) a copy of the most recent pamphlet prepared by the ACT Government for retailers to provide to customers, detailing correct wood burning practices and encouraging environmentally responsible behaviour, including the date this pamphlet was last updated.
- (9) Has the ACT Firewood Code of Practice been subject to any review since it was introduced; if so, (a) by whom and (b) what were the outcomes of the review.
- (10) When was the ACT Solid Fuel Industry Working Party last convened.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) No. The ACT Firewood Code of Practice (COP) ceased in 2001 following amendments to the *Environment Protection Act 1997* to introducing mandatory licensing.
- (2) Yes. Currently there are currently 27 firewood merchants authorised to sell or supply firewood in the ACT.
- (3) For the 2011 calendar year (the latest reporting year) 13 031 tonnes of firewood was sold by authorised firewood merchants.

(a), (b) (i)–(v) this information is not reported by firewood merchants under their annual report. .

Please note authorised merchants are not allowed to sell unseasoned timber.

- (4) Information is available for locality (western NSW, South East NSW, North East NSW, Eastern Victoria, Western Victoria, ACT or other).

(b) and (c) this information is not available.

Please note that whilst this information is not reported by merchants it must be disclosed to the consumer under the conditions of their authorisation.

- (5) Wood heaters are currently being considered at a national level through the Standing Council of Environment and Water through the National Plan for Clean Air.
- (6) None. See response to question 1 above.
- (7) No. The Code of Practice ceased in 2001.

- (8) (a) Since the introduction of mandatory licensing in April 2001 the EPA is only aware of two complaints regarding the sale of firewood. Both of these related to the moisture content of the timber.
- (b) Data provided to ESDD is not segregated by timber type.
- (c) Refer to attached.

- (9) No, as the Code of Practice ceased in 2001 with the introduction of mandatory licensing.

- (10) The ACT Solid Fuel Industry Working Party was abolished with the introduction of mandatory licensing.

*(A copy of the attachment is available at the Chamber Support Office).*

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**Environment—air quality monitoring stations  
(Question No 2309)**

**Ms Bresnan** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

- (1) How many ambient air quality monitoring stations does the ACT have, where are they located and which of them meet national standards.
- (2) How many ambient air quality monitoring stations should be in the ACT under the National Environment Protection (Ambient Air Quality) Measure.
- (3) What plans are underway for creating a new monitoring station and what are the costs and timeline for this project.
- (4) Can the Minister provide any cost modelling the Government has done of the cost of providing mobile ambient air quality testing.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) ACT Health operates two performance monitoring stations (PMS) located at Civic and Monash, with a third location at Belconnen which contains a surrogate instrument for measuring particulate matter.

The Ambient Air Quality National Environment Protection Measure (NEPM) states that PMSs, to the extent practicable, should be sited in accordance with the requirements of Australian Standard *AS/NZS 3580.1.1:2007 Methods for sampling and analysis of ambient air - Guide to siting air monitoring equipment (previously AS2922-1987 Ambient Air-Guide for Siting of Sampling Units)*.

The Monash PMS fully complies with the siting criteria contained in the standard, while the Civic PMS is non-compliant against the following criteria:

- a) minimum distance to support structure;
  - b) clear sky angle;
  - c) unrestricted airflow;
  - d) minimum distance from trees; and
  - e) minimum distance from road traffic.
- (2) Based on the formula in Section 14 of the NEPM the ACT requires two PMS.
  - (3) The establishment of any future station will be subject to budgetary processes.
  - (4) The ACT Government has not done any cost modelling on mobile ambient air monitoring.
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## Transport—cost modelling (Question No 2310)

**Ms Bresnan** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

- (1) In relation to the Northbourne Avenue-Gungahlin transit study, what method of economic modelling was applied to determine the costs of the bus rapid transport (BRT) and light rail transit (LRT) projects.
- (2) Can the Minister provide a copy of the cost modelling and data used to determine the costs of the BRT and LRT projects.
- (3) Can the Minister provide any modelling the Government has of cost savings and cost recovery measures for the BRT or LRT projects.
- (4) How many people expressed a preference for light rail and how many expressed a preference for bus rapid transit at each of the community consultations at Dickson, City, Gungahlin and any others.
- (5) What is the explanation for the significantly different cost projections for Gungahlin to City transit projects in the 2005 Canberra Public Transport Futures Feasibility Study and the 2012 Northbourne Avenue-Gungahlin transit study.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The cost estimates were prepared in accordance with the Best Practice Cost Estimation for Publicly Funded Road and Rail Construction, Department of Infrastructure, Transport, Regional Development and Local Government, June 2008 and Australian Transport Council Guidelines. Costs were benchmarked against comparable projects including Constitution Avenue, the Hoddle Street Planning Study (Melbourne) and the Gold Coast Light Rail project. The current estimates are based on the pre-feasibility stage of the project, and consistent with national guidelines include an accuracy range of -15 to -30% and +20% to +50%.
- (2) Detail on the percentage breakdown of costs for LRT and BRT is included in the URS concept report, available at [www.timetotalk.act.gov.au](http://www.timetotalk.act.gov.au).
- (3) Detail on the percentage breakdown of costs for LRT and BRT is included in the URS concept report, available at [www.timetotalk.act.gov.au](http://www.timetotalk.act.gov.au).
- (4) Approximately 765 people attended community information sessions about the project in Gungahlin, Dickson and Civic. 171 people specified a preference for LRT and 33 specified a preference for BRT in voting sheets available at the sessions. To date, the online survey for the project has had 524 responses. 414 people specified a preference for LRT and 71 specified a preference for BRT.
- (5) The differences between costs for LRT in previous studies and the current study include:
  - **Escalation:** the 2004 KBR *Public Transport Futures Feasibility Study* was based on 2003 costs. The 2008 PwC Submission to IA was based on an assumed

escalation of these costs over time. Construction costs have increased at a higher rate than inflation over the past 9 years. This accounts for a significant portion of the increase in the URS estimates.

- **Infrastructure assumptions:** the KBR study was an engineering assessment, and based its corridor costings on roadwork costs that may be more appropriate for a greenfield rather than brownfield project. The URS costings include roadwork assumptions more appropriate to changing an existing road (while continuing its operation and managing traffic/travel). The roadwork cost per kilometre assumption has increased by more than 20 times between the studies.
  - **Detail of studies:** the 2004 KBR estimates were indicative not definitive, and applied across the whole transport network. The current study is the most comprehensive study into light rail on a single corridor in the ACT, and has been benchmarked against comparable – and current – projects, including the Constitution Avenue Upgrade Project, Gold Coast Rapid Transit, and the Melbourne Hoddle Street Planning Study.
  - **Quality:** The current study includes some estimates to maintain (and enhance) the quality of the public realm along the corridor, including landscaping, pedestrian and cycle paths. The current project is an integrated transport project, whereas the KBR work was simply an engineering study.
  - **Contingency:** The current estimates are based on pre-feasibility stage, and consistent with national guidelines include an accuracy range of -15 to -30% and +20% to +50%. The previous estimates included less for contingency.
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### **Housing—Narrabundah Long Stay Caravan Park (Question No 2311)**

**Ms Bresnan** asked the Minister for Community Services, upon notice, on 3 May 2012:

- (1) In relation to the Narrabundah Long Stay Caravan Park, what was the total (a) revenue received and (b) total operating expenditure incurred, by Government for managing the caravan park for the last three financial years and for the period 1 July 2011 to 31 March 2012.
- (2) What was the total capital expenditure incurred or committed by Government in maintaining the caravan park for the last three financial years and for the period 1 July 2011 to 31 March 2012.

**Ms Burch:** The answer to the member's question is as follows:

- (1) (a) Housing ACT received total revenue of \$1.483 million for the period 1 July 2008 to 31 March 2012.  
(b) Housing ACT incurred total operating expenditure of \$1.542 million for the period 1 July 2008 to 31 March 2012.
  - (2) The Government committed \$600,000 to the upgrade of infrastructure at the caravan park in the 2008-09 budget. This amount is in addition to the \$1.542 million of total operating expenditure in (1) (b).
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**Asylum seekers—support  
(Question No 2312)**

**Ms Bresnan** asked the Minister for Community Services, upon notice, on 3 May 2012 (*redirected to the Minister for the Multicultural Affairs*):

- (1) On average how many asylum seekers per annum are supported by the ACT Government.
- (2) What is the average level of funding per annum, by individual, provided by the Commonwealth to the ACT Government to provide support services and community based accommodation for asylum seekers.
- (3) Is there a memorandum of understanding, or alternative form of agreement, between the Commonwealth and ACT Government for the provision of support services and community based accommodation; if so, what services has the ACT Government agreed to provide and to what level.
- (4) What is the average level of expenditure provided, by individual, by the ACT Government to assist asylum seekers with support services.
- (5) What is the average level of expenditure provided, by individual, by the ACT Government to assist asylum seekers with community based accommodation support and does this support involve the provision of public housing, or alternatively rental assistance for the rental of private properties.

**Ms Burch:** The answer to the member's question is as follows:

1. The ACT Government funds support programs for asylum seekers through a number of community organisations including the Multicultural Youth Service Inc and the Migrant and Refugee Settlement Service Inc.

From 1 July 2010 to 30 June 2011, of the 215 clients assisted by the Migrant and Refugee Settlement Service Inc, 2 clients identified as asylum seekers.

In the period 1 July 2011 to 28 May 2012, of the 399 clients assisted by the Migrant and Refugee Settlement Service Inc, 14 clients identified as asylum seekers.

The Multicultural Youth Services Inc do not have a specific target group of asylum seekers however some asylum seekers participate in school holiday programs.

2. The Commonwealth Government does not provide any funding to the ACT Government to provide support services and community based accommodation for asylum seekers.

The Commonwealth Government funds the Red Cross to provide support services to asylum seekers in the ACT.

3. The Commonwealth Government has not signed a memorandum of understanding, or any alternative form of agreement with the ACT Government for the provision of community based accommodation.

The ACT has been working collaboratively with the Commonwealth to establish support arrangements for asylum seekers awaiting residence determination in our community, particularly in relation to health (including mental health) services and education. Key considerations throughout this process have been to ensure that asylum seekers have the requisite support to live successfully in the community, that service providers and residents are not significantly impacted and that the ACT is fairly compensated by the Commonwealth for the services it provides. The Commonwealth provides a number of services, including housing, to asylum seekers through its own contracted service providers.

4. The average level of expenditure provided, by individual, by the ACT Government to assist asylum seekers is not readily available.

The ACT Government developed the ACT Services Access Card Pilot Program to assist asylum seekers to gain smooth access to government services to which they are entitled. The Card is administered by Companion House on behalf of the ACT Government.

5. The ACT Government does not provide funding for community based accommodation support for asylum seekers. Housing ACT provides properties to the Refugee Transitional Housing Program. Allocation of properties under this program is at the discretion of the Migrant and Refugee Settlement Service Inc, which operate the program.

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### **Community Services Directorate—interpreting services (Question No 2313)**

**Ms Bresnan** asked the Minister for Community Services, upon notice, on 3 May 2012 (*redirected to the Minister for the Multicultural Affairs*):

- (1) How many full time equivalent staff (FTE) are employed within the Community Services Directorate to provide or act as (a) interpreters and (b) support services for people from a non English Speaking background (ESB).
- (2) What are the staff classification levels for staff engaged in these activities.
- (3) What are the per annum costs of providing these services, broken down by staffing costs and operational costs.
- (4) Could the Minister provide details of the services offered to people from a NESB.
- (5) What is the annualised funding provided by the Directorate to non-government organisations to provide or act as (a) interpreters and (b) support services for people from a NESB.
- (6) What is the funding level broken down by non-government organisation to undertake these activities and where are they located in the ACT.

**Ms Burch:** The answer to the member's question is as follows:

- (1) Community Services Directorate does not employ staff to provide or act as (a) or (b)
- (2) Not applicable for (a) or (b)
- (3) Nil.
- (4) In the context of interpreting services, the ACT Government provides point of service access to interpreters when required. These services are mostly provided by the Translating and Interpreting Service. Other services include on-site face-to-face interpreting and a limited 'settlement' document translation service.

Once a person from a non English speaking background presents at a service, the Translating and Interpreting Service is contacted to book either a face-to-face interpreter or a telephone (conferencing) interpreter. The relevant Directorate is invoiced for the interpreter service.

- (5) Information about recurrent and grants funding to community providers to provide interpreter and support service to people from culturally and linguistically diverse backgrounds is available in the Community Services Directorate's Annual Report 2010-11 Volume 2.
- (6) Information about how funding allocated by the Community Services Directorate to community providers is used by them to purchase interpreters to enable people to access their services, is not readily available.

### **Government—procurement exemptions (Question No 2314)**

**Ms Hunter** asked the Treasurer, upon notice, on 3 May 2012:

- (1) Given that within the ACT Government Contracts Register the procurement process for the contract 2011.15714.220 – Establishing ACT Treasury Modelling Capacity – Execution Date 07/9/2011 – Contract Value \$686,400.00 (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 Treasury Directorate for 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 9 of Part 2 of the *Government Procurement Regulation 2007* with respect to the procurement process.
- (3) Did the Director-General of the Directorate, in writing, exempt the Directorate from complying with the requirements of subsection 9 of Part 2 of the *Government Procurement Regulation 2007*; if so, what were the reasons for so doing.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Treasury assessed the response from the firm to the requirements for the project, and considered it to provide the best value for money given the mix of skills and experience offered, the price asked and the requirements of the project.



The firm was considered to have excellent skills and the technical proposal from the firm indicated good understanding of the local economy and sound technical expertise. The proposal also involved drawing staff from the modelling area of Monash University, the academic institution that is renowned for leading the development of such models (commonly referred to as the 'Monash Model').

Engagement of academics was also considered to provide better value for money, as they are cheaper than the higher cost traditional consultancy firms.

- (2) Treasury has met the requirements of the Legislation. Under subsection 10 of Part 2 of the *Government Procurement Regulation 2007* the Under Treasurer may exempt Treasury from undertaking the process mentioned in subsection 9 of Part 2. Given the unique skills and experience of the firm, Treasury considered that proceeding to a public tender would not deliver a different outcome; rather, it would add to costs and time.

A single select procurement process was therefore undertaken.

- (3) Yes.

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### **Youth—transition workers (Question No 2316)**

**Ms Hunter** asked the Minister for Education and Training, upon notice, on 3 May 2012 (*redirected to the Minister for Community Services*):

- (1) How many young people on Care and Protection Orders have the Transitions Unit worked with since January 2012.
- (2) Have the two transitions workers who are to be employed by the non-government sector begun providing service yet; if so, which organisation is delivering these services; if not, how does the Minister plan to procure these positions and when does he expect these positions to begin work.
- (3) How will the work of the Transitions Unit be evaluated and the outcomes of the evaluation made public.
- (4) Does the Case Conference Team still exist within Care and Protection Services; if so, what is their role now; if not, where have the savings incurred been allocated.

**Ms Burch:** The answer to the member's question is as follows:

- (1) The Youth Support and Transition Team has worked with 29 young people under the age of 18 and 35 young adults over the age of 18. These supports include:
  - fast tracking access to accommodation and addressing young people's issues with accessing government supports;
  - supporting young people to obtain employment, enter tertiary education and access scholarships; and
  - developing young people's living skills such as budgeting, cooking and developing stable relationships and support networks.

- (2) To set-up the service in a timely way, the Office for Children, Youth and Family Support (OCYFS) temporarily employed four people in January 2012 to establish the Youth Support and Transition Team.

The revised Child, Youth and Family Services Program (CYFSP) which funds community organisations to provide services to vulnerable and in need children, young people and their families commenced on 1 March 2012.

Work and consultation is underway to ensure the Youth Support and Transition Team service model fills gaps and complements rather than duplicates existing services. These issues are being taken into consideration in finalising the model.

- (3) An evaluation framework is being established and outcomes will be reported on annually, as part of Community Services Directorate Annual Report. The Team has sought advice on the service delivery model and evaluation framework from Associate Professor Philip Mendes, Department of Social Work, Faculty of Medicine at Monash University. The Team Leader is shortly travelling to Bendigo, Victoria to visit a similar service being delivered by St Luke's Anglicare, which is considered best practice in Australia, to further refine the service delivery model and evaluation framework.
- (4) The Case Conference Team still exists within Care and Protection Services. The Case Conference Team now focuses on early intervention such as emergency actions, voluntary care agreements and pre-natal support. The staff numbers remain the same. Transition from care conferences have been transferred to the Youth Support and Transition Team to manage.

### **Land Development Agency—sales (Question No 2319)**

**Mr Seselja** asked the Minister for Economic Development, upon notice, on 3 May 2012:

- (1) In relation to residential land sales by the Land Development Agency (LDA), what was the (a) average and (b) median price of residential land sold by the LDA for the years (i) 2008-09, (ii) 2009-10 and (iii) 2010-11.
- (2) How many blocks of residential land were sold and exchanged with the LDA for the years (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (3) How many blocks of residential land were sold by the LDA to first home buyers for the years (a) 2008-09, (b) 2009-10 and (c) 2010-11.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The information provided below relates only to single residential blocks. The LDA also sold a number of multi-unit and englobo sites during this period, however, given the variances in size and development capacity, providing mean and median data for these sales would not be meaningful.

	2008-09	2009-10	2010-11
(a) Average price (single residential blocks)	188,552	176,447	208,495
(b) Median price (single residential blocks)	192,000	185,000	220,000

(2) The table below details single residential blocks and multi-unit sites sold or exchanged by LDA in the relevant financial years.

	2008-09	2009-10	2010-11
Blocks sold or exchanged (single residential blocks)	1,270	2,004	1,612
Multi-unit sites (maximum number of dwellings)	213	535	1,554
<b>Total dwellings</b>	<b>1,483</b>	<b>2,539</b>	<b>3,166</b>

(3) OwnPlace is the only LDA program where purchasers are required to provide evidence of first home buyer status. Details of blocks sold through the OwnPlace program are provided below.

	2008-09	2009-10	2010-11
OwnPlace (single residential)	223	24	157

The Australian Bureau of Statistics also publishes data on the number of dwelling financed by ACT first home buyers (ABS Cat.No.5609.0). This information is provided below.

	2008-09	2009-10	2010-11
ACT first home buyers – dwellings financed	2,631	2,279	1,507

### **Community Services Directorate—contracts (Question No 2320)**

**Mr Seselja** asked the Minister for Community Services, upon notice, on 3 May 2012:

- (1) What is the total value of contracts given in 2011-12 to community organisations for services under (a) Output Class 1: *Disability and Therapy Services*, (b) Output Class 2: *Early Intervention*, (c) Output Class 3: *Community Development and Policy* and (d) Output Class 4: *Youth and Family Services*.
- (2) If the information referred to in part (1) is not available on an Output level, what is the total value of contracts given in 2011-12 to community organisations for services

**Ms Burch:** The answer to the member's question is as follows:

1. Contracts with community organisations for services are regularly varied to account for changes in demand. As such, a final value for 2011-12 will not be known until after 30 June 2012. This information will be published in the Directorate's Annual Report for 2011-12.

As a guide, the information for 2010-11, shown below, can be found on page 291 of Volume 2 of the Community Services Directorate's Annual Report.

Output Class 1 – Disability and Therapy Services	\$25,297,770
Output Class 2 – Early Intervention	\$5,296,246
Output Class 3 – Community Development and Policy	\$7,919,156
Output Class 4 – Children, Youth and Family Services	\$26,942,000

2. Not applicable.

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### **Government—procurement exemptions (Question No 2322)**

**Mr Rattenbury** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

- (1) Given that within the ACT Government Contracts Register the procurement processes for the contracts (a) 2012.19443.220 – Provision of Redrafting the Think Water, Act Water Strategy for Public Consultation – Execution Date 30/3/2012 – Contract Value \$50,000 (GST Inclusive) and (b) 2011.17542.220 – Report Writing for State of the Environment Report – Execution Date 04/8/2011 – Contract Value \$36,300 (GST Inclusive) are recorded as single select, urgent and exempt from quotation and tender threshold requirements and with respect to value for money in procurement within the Environment and Sustainable Development Directorate in relation to the contracts, 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* for each of the procurement processes.
- (3) If the Director-General of the Directorate, in writing, exempted the Directorate 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 the two procurement processes.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) In relation to contract 2012.19443.220 – Provision of Redrafting the *Think water, act water* strategy for Public Consultation. ESDD sought advice and worked closely with Procurement Solutions regarding the single select process to ensure due process was adhered to.

By following due process in conjunction with Procurement Solutions, including assessment panel evaluation, ESDD assured itself that it was receiving value for money in accordance with subsection 22A of Part 2A of the *Government Procurement Act 2001*.

In relation to contract 2011.17542.220 –Report Writing for State of the Environment Report, the engagement of the consultants allowed the services to be provided cost effectively to meet the urgent timeframes for the ACT State of Environment Report

2011. Advice was sought from Procurement Solutions regarding the single select process. The project required specialist expert skills and specific local knowledge which the firm could provide. A quote was sought from the firm to determine their ability to meet requirements and costs.

The requirements of the Purchasing Policy Arrangements for Select Tendering were met as the timescale for undertaking was urgent and delay unacceptable.

(2) See response to Question (1) above.

The Report Writing for State of the Environment Report and redrafting of the *Think water, act water* strategy were required in a very short timeframe to meet specific and urgent timelines. The normal procurement process would not have facilitated the completion of these reports in the timelines required.

(3) See response to Question (1) above.

Under subsection 6 of Part 2 of the *Government Procurement Regulation 2007*, the Director General must approve the exemption. The reports were required in a very short timeframe to meet specific and urgent timelines. Seeking the exemption was a requirement of the procurement process.

The tight timeline requirement of a draft for potential release by the Minister and public comment by June 2012 required a draft for circulation by April 2012. The appointment of a consultant was seen as the most expeditious way of achieving this deadline. The consultant being considered had the advantage of being very familiar with *Think water, act water* through their involvement in the major technical report on “The Implications of Recycling and Reuse in the ACT” - a body of work sought to more specifically inform the Review.

The resources available to complete the task within Water Policy were involved with other priority issues. An expert consultant was able to devote all their work time and focus to this one specific task.

(4) See response to Question (1) above.

ESDD sought advice and worked closely with Procurement Solutions regarding the single select process to ensure due process was followed.

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### **Environment—carbon sequestration projects (Question No 2323)**

**Mr Rattenbury** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

Will or has the Government sought Carbon Farming Initiative funding for (a) the Territory and Municipal Services Directorate’s feral pig control program and (b) any other ACT sequestration projects.

**Mr Corbell:** The answer to the member’s question is as follows:

The Carbon Farming Initiative (CFI) is an Australian Government scheme to help farmers and other land managers earn income from reducing emissions through changes to

agricultural and land management practices. Carbon credits are earned through approved activities and then may be traded or sold. As a general rule, access by Government landowners is limited.

a) No. TAMSD advises that they have not sought funding for the feral pig program as that program is recognised as principally a pest management and not a carbon emission reduction program.

b) No. The Territory has however recently been successful in securing \$2.1 million from the Australian Government's Biodiversity Fund to consolidate and connect the largest remaining box-gum grassy woodland in Australia which, apart from providing habitat protection, will have a limited emission capture outcome.

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### **Environment—sustainability attitudes and behaviours survey (Question No 2324)**

**Mr Rattenbury** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

When will the updated version of the 2007 survey of environment and sustainability attitudes and behaviours be publicly released.

**Mr Corbell:** The answer to the member's question is as follows:

The updated Sustainability Survey was due to be undertaken at the same time as the commencement of community consultation on *Weathering the Change* Draft Action Plan 2. As similar outcomes were being sought in both processes, work on the Sustainability Survey was suspended.

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### **Electricity—feed-in tariff (Question No 2325)**

**Mr Rattenbury** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

- (1) In relation to the Large Scale Feed-in-Tariff, what is the timeframe for releasing subsequent tranches.
- (2) What factors will be used to determine (a) the appropriate level of capacity for each tranche and (b) the commencement time-frame for each tranche.
- (3) Will any provisions for encouraging community-based solar proposals be included in the selection criteria for the reverse auction.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The Government has not presently set a timeframe for future capacity releases.

- (2) (a) The factors to be considered for future capacity releases will include:
- the outcome of the present Solar Auction
  - the limitations of the supporting legislation
  - the renewable technologies available
  - the possible location of proposed renewable energy generators
  - the cost impact on the ACT community
  - demand from industry and the ACT community
  - the impact of the Federal Clean Energy Future Package
  - the limitations of the ACT electricity network
  - progress towards the Government's greenhouse gas abatement targets
- (b) The factors used to determine the commencement time-frame for each tranche will be dependent upon the factors mentioned in 2 (a) above.
- (3) There are no specific provisions in the present Solar Auction for encouraging community-based proposals.
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**Environment—renewable energy targets  
(Question No 2326)**

**Mr Rattenbury** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

- (1) What level of mitigation are the ACT's current Renewable Energy Targets (RETs) (15% by 2012 and 25% by 2020) expected to deliver annually until 2020.
- (2) Did the Minister indicate that the RETs would be reviewed as part of the finalisation of *Weathering the Change* Action Plan 2; if so, can he explain what the basis for the review is and how it is being undertaken.
- (3) Has the Government undertaken mapping work on the capacity for renewable energy installation in the ACT, specifically, wind, solar and geothermal; if so, is this data public; if not, why not.
- (4) If the mapping referred to in part (3) has not been undertaken (a) why was it not included as part of the ACT's Sustainable Energy Policy 2011 and (b) are there plans to undertake such research.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The greenhouse gas impact of varying levels of renewable energy consumption is the subject of ongoing analysis which will be reported through *Weathering the Change* Action Plan 2.
- (2) In my letter sent on 18 April 2012, I indicated that the Territory's renewable energy targets would be reviewed as part of the development of *Weathering the Change* Action Plan 2. The targets will be reviewed as part of a strategy designed to achieve the Government's legislated greenhouse gas reduction targets.

- (3) Wind information is available from Windlab Systems Pty Ltd, geothermal from Geoscience Australia, and solar from the Bureau of Meteorology. Detailed site specific assessments are expensive and it is not prudent for the Government to undertake these for the Territory as a whole.
- (4) The Government is considering options to improve information on renewable energy resource availability and network capacity through the development of *Weathering the Change Action Plan 2*.

### **Environment—HEAT rebate (Question No 2327)**

**Mr Rattenbury** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

- (1) In relation to the HEAT rebate, what has the uptake of the rebate been (a) annually since the scheme was introduced, (b) amongst private home-owners, (c) amongst the rental sector of (i) private rentals and (ii) ACT housing and (d) amongst priority (low-income) households.
- (2) What sorts of measures is the rebate most frequently used for.
- (3) Why was the rebate threshold set at \$2000.
- (4) Why was the rebate payable time set at 6-12 months.

**Mr Corbell:** The answer to the member's question is as follows:

- (1)(a) 2004-2005: 26 rebates claimed.  
2005-2006: 256 rebates claimed.  
2006-2007: 320 rebates claimed.  
2007-2008: 423 rebates claimed.  
2008-2009: 496 rebates claimed.  
2009-2010: 433 rebates claimed.  
2010-2011: 462 rebates claimed.

(1)(b-d)

Although the person requesting the audit can be the owner-occupant, tenant, landlord or property manager the rebate can only be claimed by the owner of the property. Therefore the total uptake of the rebate is only by home-owners. Housing ACT and its tenants are not eligible to claim the HEAT rebate. The number of low income households accessing the rebate is unknown. Home-owners claiming rebates are not asked to indicate their income in their application.

- (2) The most frequently claimed improvement measures are ceiling and cavity wall insulation, thermal window coverings, double glazing and draught sealing.
- (3) The threshold of the \$2,000 expenditure was chosen;
  - a) as a result of an investigation of programs being run in other states; and
  - b) being a sufficient amount of money to make purposeful infrastructure changes.



- (4) The timeframe for the claim period of 6 months has a dual purpose, firstly to allow enough time for the resident to complete the infrastructure changes and secondly for budget control. This timeframe also allows funds to be acquitted after the program has closed.

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**Environment—energy and water efficiency outreach program  
(Question No 2328)**

**Mr Rattenbury** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

- (1) In relation to the Energy and Water Efficiency Outreach Program, can the Minister provide a breakdown of (a) how many households have been involved in the program annually since its commencement and (b) involvement in the program by household type of (i) privately owned homes, (ii) private rentals and (iii) ACT housing.
- (2) Are there waiting lists associated with the Program and what is the size of the waiting lists.
- (3) What sorts of measures are most frequently implemented through the Program.
- (4) How many staff hours are required to deliver the Program.

**Mr Corbell:** The answer to the member's question is as follows:

- (1a) 1015 households have been involved in the Outreach Energy and Water Efficiency Program within the first year of commencement (as at 31 March 2012, not including the Outreach trial)
  - (1b) Number in each household type:
    - i. 116 privately owned homes
    - ii. 70 private rentals
    - iii. 822 ACT housing
    - iv. 7 not specified
  - (2) Yes, there are 124 households on the waiting list. These clients are waiting for a home visit by an Energy Efficiency Officer from one of the five community organisations who deliver the Outreach Program. This is a capacity issue because of the high demand for the program and the limit to the number of people that these Energy Efficiency Officers can visit in a week.
  - (3) The measures most frequently implemented through the program are:
    - replacing old inefficient appliances with new energy and water efficient appliances. Refrigerators and washing machines are the most frequently replaced appliances.
    - Home energy and water efficiency assessments and education sessions
    - Energy and water efficiency retrofits. Draught proofing and window treatments are the most common retrofit measures.
  - (4) A total of three FTEs are required to deliver the Program
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**Environment—energy efficiency industry  
(Question No 2329)**

**Mr Rattenbury** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

- (1) In relation to the ACT's clean energy and energy efficiency industry, has any work been undertaken to assess the size of this sector.
- (2) Has an assessment of the sector's skills shortages been undertaken; if so, could the Minister provide me with a copy; if not, are there plans to undertake such an assessment.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) No.
- (2) See above.

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**Environment—urban waterways  
(Question No 2330)**

**Mr Rattenbury** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

- (1) In relation to the Urban Waterways Program, for the Dickson and Lyneham Ponds could the Minister provide (a) all design briefs, (b) detailed budget, including design costs, construction costs and post-implementation costs, for the construction of each pond and (c) an analysis of the actual costs of building each pond, reconciled against the budgeted expenditure for the construction of each pond.
- (2) What planning work has been undertaken with respect to construction of a wetland area at Tuggeranong Homestead and what has this planning work included.
- (3) Has the Directorate developed a detailed costing/budget for the construction of a wetland area at the Tuggeranong Homestead; if so, could the Minister provide a copy of the detailed costing for this construction activity.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) In relation to the Urban Waterways Program, for the Dickson and Lyneham Ponds:
  - a) A wide range of documentation relevant to the feasibility, design and construction of the wetlands are available at [www.act.gov.au/water](http://www.act.gov.au/water) .
  - b) The Government has reported on the costs for the Urban Waterways Program through Annual Reports of the (then) Department of Environment, Climate Change, Energy and Water and most recently through the 2010-11 Annual Report of the Environment and Sustainable Development Directorate. These reports can be found at [www.environment.act.gov.au](http://www.environment.act.gov.au) .

- c) Refer to the response provided at 1 b) above.
- (2) The 2009 *CSIRO Canberra Integrated Waterways Feasibility Study* commissioned by the ACT Government identified a number of potential wetland sites within the Tuggeranong area, including one within the Tuggeranong Homestead Precinct.
- (3) No.
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**Environment—house demolition waste  
(Question No 2334)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

- (1) Can the Minister provide a full list of the number of houses in the ACT that have been demolished in the last (a) 12 months and (b) two years.
- (2) Can the Minister provide a full list of the (a) suburb of each of these houses and the approximate age of the demolished house, (b) number of demolished houses that contained asbestos, (c) total volume of waste that has been generated from the demolition of these houses in the last (i) 12 months and (ii) two years and (d) total volume of this demolition waste that was recycled in the last (i) 12 months and (ii) two years.
- (3) Can the Minister provide a full list of the proportion of waste generated by type, that is, bricks and tiles, timber, concrete and cement, bitumen and asphalt, concrete, plasterboard, soil and clean fill, stainless steel, steel, aluminium brass lead and copper and mixed recyclables, out of the total, from the demolition of these houses in the last (a) 12 months and (b) two years.
- (4) Can the Minister provide a full list of the proportion of this demolition waste by type, as listed in part (3), out of the total that was recycled in the last (a) 12 months and (b) two years.
- (5) Can the Minister provide a full list of the proportion of total demolition waste that was sent to (a) ACT concrete recyclers, Pialligo, (b) ACT Recycling Pty. Ltd. Mugga Lane Resource Recovery Centre, Symonston and (c) any other significant recycling companies, in the last (i) 12 months and (ii) two years.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The total number of houses demolished for the period 1 May 2010 to 30 April 2011 is 105.

The total number of houses demolished for the period 1 May 2011 to 30 April 2012 is 207.

- (2) (a) Please see Attachment A.

(b) Number of demolished houses that contained asbestos,

Unable to provide this data.

- (c) Total volume of waste that has been generated from the demolition of these houses in the last (i) 12 months and (ii) two years; and
- (d) Total volume of this demolition waste that was recycled in the last (i) 12 months and (ii) two years.

Unable to provide this data.

- (3) The data requested cannot be provided as ACT NOWaste does not specifically track waste and resource recovery data resulting from the demolition of houses. The information provided by businesses is aggregated into broad categories and comes from a range of sources.
  - (a) There is no data available at this time.
  - (b) ACT NOWaste is able to advise that in 2009 2010 the total “Construction and Demolition” (C&D) waste stream was 285,672 tonnes and in 2010-2011 the total C&D waste stream was 420,227 tonnes.
- (4) A full list of the proportion of total demolition waste by type cannot be provided.
  - (a) There is no data available at this time.
  - (b) The total “Construction and Demolition” (C&D) waste material recycled in 2009-10 was 246,777 tonnes or 86.4% of the total C&D waste stream and in 2010-2011 was 368,966 tonnes or 87.8% of the total C&D waste stream.
- (5) The collection of industry waste recycling statistics is conducted annually at the end of each financial year via ACT NOWaste’s Recycling Survey. The data collected in this survey is guaranteed to each business to be kept “Commercial In Confidence”.

#### **Attachment A**

Suburb of each of these houses and the approximate age of the demolished house

#### **Demolition by Suburb 1 May 2012 to 30 April 2012**

Ainslie	23	Kambah	4
Aranda	2	Lyneham	8
Braddon	6	Lyons	5
Calwell	1	Macgregor	1
Campbell	12	Macquarie	5
Chapman	5	Mawson	10
Chifley	14	McKellar	1
Curtin	18	Melba	4
Deakin	13	Narrabundah	14
Dickson	8	O'Connor	28
Downer	3	Page	7
Duffy	4	Pearce	5
Evatt	1	Red Hill	5

Fadden	1	Reid	2
Farrer	2	Rivett	2
Fisher	2	Scullin	1
Florey	2	Spence	3
Flynn	2	Stirling	2
Forrest	5	Torrens	2
Fraser	1	Turner	10
Garran	7	Wanniassa	3
Gilmore	1	Waramanga	4
Gowrie	1	Watson	2
Griffith	10	Weetangera	2
Hackett	3	Weston	2
Holder	3	Yarralumla	15
Hughes	12		
Isabella Plains	1		
Kaleen	3		

**Approximate age of house demolished in years**

AINSLIE	22	FISHER	40	O'CONNOR	37
AINSLIE	23	FISHER	40	O'CONNOR	37
AINSLIE	23	FLOREY	23	O'CONNOR	37
AINSLIE	23	FLOREY	27	O'CONNOR	38
AINSLIE	23	FLYNN	23	O'CONNOR	39
AINSLIE	24	FLYNN	31	O'CONNOR	40
AINSLIE	39	FORREST	55	O'CONNOR	41
AINSLIE	41	FORREST	57	O'CONNOR	41
AINSLIE	44	FORREST	60	O'CONNOR	44
AINSLIE	46	FORREST	65	O'CONNOR	46
AINSLIE	47	FORREST	75	O'CONNOR	49
AINSLIE	50	FRASER	35	O'CONNOR	49
AINSLIE	50	GARRAN	23	O'CONNOR	51
AINSLIE	50	GARRAN	28	O'CONNOR	52
AINSLIE	50	GARRAN	42	O'CONNOR	52
AINSLIE	53	GARRAN	42	O'CONNOR	53
AINSLIE	53	GARRAN	44	O'CONNOR	53
AINSLIE	55	GARRAN	45	O'CONNOR	53
AINSLIE	55	GARRAN	46	O'CONNOR	55
AINSLIE	56	GILMORE	25	O'CONNOR	60
AINSLIE	59	GOWRIE	23	PAGE	23
AINSLIE	61	GRIFFITH	23	PAGE	37
AINSLIE	69	GRIFFITH	24	PAGE	38
ARANDA	23	GRIFFITH	34	PAGE	39
ARANDA	43	GRIFFITH	36	PAGE	42
BRADDON	23	GRIFFITH	53	PAGE	42
BRADDON	23	GRIFFITH	54	PAGE	43
BRADDON	39	GRIFFITH	55	PEARCE	44
BRADDON	47	GRIFFITH	56	PEARCE	45
BRADDON	53	GRIFFITH	60	PEARCE	45
BRADDON	82	GRIFFITH	64	PEARCE	45
CALWELL	24	HACKETT	38	PEARCE	45
CAMPBELL	29	HACKETT	40	RED HILL	48
CAMPBELL	46	HACKETT	47	RED HILL	48

CAMPBELL	46	HOLDER	39	RED HILL	50
CAMPBELL	48	HOLDER	39	RED HILL	50
CAMPBELL	48	HOLDER	41	RED HILL	53
CAMPBELL	48	HUGHES	32	REID	67
CAMPBELL	49	HUGHES	38	REID	85
CAMPBELL	49	HUGHES	39	RIVETT	40
CAMPBELL	49	HUGHES	45	RIVETT	40
CAMPBELL	50	HUGHES	45	SCULLIN	42
CAMPBELL	51	HUGHES	46	SPENCE	34
CAMPBELL	52	HUGHES	46	SPENCE	35
CHAPMAN	35	HUGHES	47	SPENCE	35
CHAPMAN	36	HUGHES	47	STIRLING	30
CHAPMAN	37	HUGHES	47	STIRLING	35
CHAPMAN	37	HUGHES	47	TORRENS	44
CHAPMAN	38	HUGHES	47	TORRENS	44
CHIFLEY	23	ISABELLA PLAINS	22	TURNER	38
CHIFLEY	23	KALEEN	29	TURNER	40
CHIFLEY	24	KALEEN	33	TURNER	55
CHIFLEY	36	KALEEN	33	TURNER	55
CHIFLEY	39	KAMBAH	23	TURNER	59
CHIFLEY	39	KAMBAH	33	TURNER	59
CHIFLEY	40	KAMBAH	35	TURNER	66
CHIFLEY	44	KAMBAH	35	WANNIASSA	31
CHIFLEY	44	LYNEHAM	37	WANNIASSA	31
CHIFLEY	45	LYNEHAM	46	WANNIASSA	33
CHIFLEY	45	LYNEHAM	46	WARAMANGA	38
CHIFLEY	45	LYNEHAM	48	WARAMANGA	41
CHIFLEY	46	LYNEHAM	50	WARAMANGA	42
CHIFLEY	46	LYNEHAM	50	WARAMANGA	42
CURTIN	22	LYNEHAM	51	WATSON	47
CURTIN	39	LYNEHAM	52	WATSON	49
CURTIN	39	LYONS	23	WEETANGERA	40
CURTIN	43	LYONS	34	WESTON	41
CURTIN	43	LYONS	41	WESTON	41
CURTIN	43	LYONS	44	YARRALUMLA	23
CURTIN	44	LYONS	46	YARRALUMLA	36
CURTIN	45	MACGREGOR	37	YARRALUMLA	40
CURTIN	45	MACQUARIE	39	YARRALUMLA	40
CURTIN	45	MACQUARIE	40	YARRALUMLA	40
CURTIN	45	MACQUARIE	42	YARRALUMLA	41
CURTIN	45	MACQUARIE	43	YARRALUMLA	44
CURTIN	46	MACQUARIE	43	YARRALUMLA	47
CURTIN	46	MAWSON	29	YARRALUMLA	47
CURTIN	46	MAWSON	37	YARRALUMLA	49
CURTIN	46	MAWSON	38	YARRALUMLA	49
CURTIN	47	MAWSON	39	YARRALUMLA	50
CURTIN	47	MAWSON	40	YARRALUMLA	51
DEAKIN	22	MAWSON	43	YARRALUMLA	54
DEAKIN	23	MAWSON	44		
DEAKIN	27	MAWSON	44		
DEAKIN	35	MAWSON	44		
DEAKIN	45	MAWSON	44		
DEAKIN	47	MCKELLAR	23		
DEAKIN	50	MELBA	24		
DEAKIN	51	MELBA	38		

DEAKIN	52	MELBA	38		
DEAKIN	56	MELBA	39		
DEAKIN	56	NARRABUNDAH	17		
DEAKIN	57	NARRABUNDAH	23		
DEAKIN	60	NARRABUNDAH	23		
DICKSON	28	NARRABUNDAH	23		
DICKSON	38	NARRABUNDAH	24		
DICKSON	39	NARRABUNDAH	28		
DICKSON	46	NARRABUNDAH	48		
DICKSON	47	NARRABUNDAH	49		
DICKSON	48	NARRABUNDAH	51		
DICKSON	51	NARRABUNDAH	52		
DICKSON	52	NARRABUNDAH	52		
DOWNER	39	NARRABUNDAH	55		
DOWNER	45	NARRABUNDAH	57		
DOWNER	50	NARRABUNDAH	59		
DUFFY	39	O'CONNOR	22		
DUFFY	39	O'CONNOR	22		
DUFFY	40	O'CONNOR	22		
DUFFY	40	O'CONNOR	22		
EVATT	33	O'CONNOR	23		
FADDEN	29	O'CONNOR	23		
FARRER	44	O'CONNOR	23		
FARRER	44	O'CONNOR	23		

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### Business—licences (Question No 2233)

**Mr Seselja** asked the Attorney-General, upon notice, on 1 May 2012:

- (1) Can the Attorney-General provide a list of industries operating in the ACT that are required by the ACT Government to publically list and/or advertise licenses (a) electronically, that is, on a website and (b) in print.
- (2) For each industry referred to in part (1), can the Attorney-General identify the (a) purpose of the advertisement, (b) required specifications of the advertisement, (c) relevant law and/or regulation requiring that advertisement and (d) specified publication(s) deemed as suitable for the advertisement.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) There are a number of different requirements in legislation in my portfolio that relate to advertising.

There are a number of Acts that require industries to advertise prior to applying for a licence. These include the *Agents Act 2003*, *Liquor Act 2010* and *Sale of Motor Vehicles Act 1977*.

There are also a number of Acts that require industries to include their licence number or information about being licensed when advertising. These include: *Sale of Motor Vehicles Act 1977*, *Fair Trading (Motor Vehicle Repair Industry) Act 2010* and *Security Industry Act 2003*.

There are a number of Acts that require industry to publicly display their licence at their place of business. These include: *Fair Trading (Motor Vehicle Repair Industry) Act 2010*, *Security Industry Act 2003*, *Tobacco Act 1927*, *Hawkers Act 2003*, *Road Transport (Public Passenger Service) Act 2001*. The *Pawnbrokers Act 1902* and *Second-hand Dealers Act 1906* do not require the licence to be display, however, the business must have a sign at the entry to the premises stating that they are licensed and the management must be able to produce licence a when requested.

There are a number of Acts that require ACT Government to keep a publicly available list of licensees. These include: *Dangerous Goods (Road Transport) Act 2009*, *Associations Incorporations Act 1991*, *Agents Act 2003*, *Prostitution Act 1992*, *Business Names Act 1963*, *Sale of Motor Vehicles Act 1977*, *Charitable Collections Act 2003*, *Liquor Act 2010*, *Fair Trading (Motor Vehicle Repair Industry) Act 2010*, *Pawnbrokers Act 1902*, *Second-hand Dealers Act 1906*, *Security Industry Act 2003*, *Tobacco Act 1927* and *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995*.

(2) The purposes of these requirements are:

- To advise the community of the application for a licence, prior to it being issued, so that public objections to the granting of a licence can be made.
- Ensuring that only licensed businesses can trade in the industry.
- Ensuring that consumers can check that businesses are licensed before engaging them.

The relevant laws are set out in the answer above. In regard to the *Sale of Motor Vehicle Act 1977* the advertisement must be notified in a daily newspaper and section 11B sets out the content for the advertisement. In regard to the *Agents Act 2003* the advertisement must be notified in a daily newspaper and include the requirements are set out in sections 28 and 52. In regard to the *Liquor Act 2010* the advertisement must be notified in a daily newspaper and include the requirements set out in section 34.

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### **Housing—low cost boarding houses and hostels (Question No 2235)**

**Ms Bresnan** asked the Chief Minister, upon notice, on 2 May 2012 (*redirected to the Minister for Economic Development*):

- (1) What work has the ACT Government undertaken, separate from the development of legislation, to see low cost boarding houses and hostels established in the ACT.
- (2) Who has the ACT Government undertaken that work with.
- (3) What amount of funds has the ACT Government allocated to this work and what exactly has or will it be spent on.
- (4) Is the ACT Government developing proposals to own and operate low cost boarding houses and hostels itself, or is the ownership and management proposed to be undertaken by private or community organisations.

**Mr Barr:** The answer to the member's question is as follows:



- (1) The ACT Government does not promote the development of boarding style accommodation as part of its housing affordability or other housing initiatives. In 2011 some work was undertaken on trying to attract interest in the development of low cost accommodation for construction workers. This proposal may have taken the form of hostel accommodation however this did not eventuate due to a lack of interest.
  - (2) The work regarding low cost worker accommodation was commercial in confidence.
  - (3) Nil.
  - (4) The ACT is not developing any proposals of this type.
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**RSPCA—site**  
**(Question No 2281)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 2 May 2012 (*redirected to the Minister for Economic Development*):

- (1) In relation to a new animal shelter for the RSPCA and noting that (a) the Government has agreed to construct a new animal shelter for the RSPCA because of its forced relocation from its current site in Weston and (b) there will inevitably be other capital or operating expenses associated with the move, has any submission been received from the RSPCA regarding extra assistance with the relocation.
- (2) Have there been any discussions with the RSPCA regarding such assistance.
- (3) Has any agreement been reached with the RSPCA regarding such assistance; if so, what is the extent of the assistance and when will such assistance be available.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Relocation of the RSPCA may be required to facilitate further residential development in Molonglo. Any relocation would be under terms acceptable to both the ACT Government and RSPCA.
  - (2) The ACT Government has had preliminary discussions with the RSPCA about replacing the current facility with a comparable facility elsewhere should it prove feasible to facilitate further residential development in Molonglo.
  - (3) No final decision has been made about the development of the area surrounding the RSPCA's current site in Weston. When a decision is made about further residential development in Molonglo, discussions between the ACT Government and the RSPCA will be convened.
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**Schools—carbon neutrality**  
**(Question No 2331)**

**Mr Rattenbury** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012 (*redirected to the Minister for Education and Training*):

- (1) In relation to the Government's commitment to achieving carbon neutrality across all ACT schools, can the Minister advise how data on schools' mitigation achievements are recorded and provide a copy of this information.
- (2) If the information referred to in part (1) does not exist, are there plans to record it.
- (3) What proportion of ACT schools are currently undertaking steps to reduce their emissions.
- (4) What is the cost of the emission reductions achieved in ACT schools to date.
- (5) Has an assessment of the costs of achieving carbon neutrality across ACT schools been undertaken; if so, can you please provide a copy of this information.
- (6) Has any progress been made in the negotiations that were underway to include non-government schools within the carbon neutral schools target.

**Dr Bourke:** The answer to the member's question is as follows:

- 1) Data on ACT public schools energy consumption and greenhouse gas emissions over the two year period 1 April 2009 to 31 March 2011 is presented in the Education and Training Directorate's 2010-11 Annual Report (pp 167-168) and across the 2006 07 to 2009 10 years in the Directorate's 2009 10 Annual Report (pp141-142).

Data on energy consumption and greenhouse emissions will again be presented for ACT public schools in the Education and Training Directorate's 2011-12 Annual Report.

- 2) See (1) above.

- 3) With the exception of the new schools opened in 2011 (Gungahlin College and Namadgi School) and 2012 (Harrison Secondary School), all ACT public schools have received an energy audit and report. These reports provide details on energy consumption and provide recommendations to the schools on measures to improve energy efficiency.

In addition, during the 2010-11 year, the Education and Training Directorate undertook a lighting audit at all ACT public schools to identify the schools and locations where less efficient lights were installed. Lighting in refurbished areas of schools is upgraded to energy efficient fittings as part of the standard program of capital upgrades.

All schools are registered under the Australian Sustainable School's Initiative (AuSSI). Seventy seven of these schools are working on the AuSSI ACT Energy Best Practice Guide to reduce energy usage, including 71 ACT public schools.

In addition, there were specific measures undertaken or planned by the Education and Training Directorate to improve or offset energy consumption across ACT public schools including the design of new school to achieve a 5 Green Star, the on-going installation of photovoltaic systems which offset energy, and the rollout of Data Collection Storage and Visualisation systems.

- 4) The cost of energy efficiency measures and their energy performance over the lifetime of the school cannot be separated from the total construction or refurbishment works at ACT public schools.

In relation to the installation of photovoltaic systems, the ACT Government had allocated \$2.0m in the 2011-12 Budget. Further funds allocated through the NSSP and the annual schools capital upgrades program support the installation of solar panels.

5) No.

6) The ACT Government's target for ACT schools refers to ACT public schools. The ACT Government has allocated \$400 000 from the 2008-09 financial year for ACT non-government schools to undertake measures towards carbon neutrality and will cooperate with the non-government sectors where energy savings and other adaption measures can be made.

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### **Environment—recycling bins (Question No 2335)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012 (*redirected to the Minister for Territory and Municipal Services*):

- (1) When did the “no nappies in your recycling bin” campaign start and when will it finish.
- (2) What is the cost of this campaign and how is this campaign being promoted.
- (3) Can the Minister provide further details on the anecdotal data mentioned in the recent media release that has been collected for nappy reductions since the “no nappies in your recycling bin” campaign started.
- (4) Has the Minister received any community feedback on (a) the campaign, (b) the method of community education (e.g. magnet distribution) and (c) any questions/comments on why nappies cannot be placed in the recycling bin.
- (5) Has the Minister received any community feedback in relation to placing soiled nappies in the green landfill bin.
- (6) What are the current rules relating to placing soiled nappies in the green landfill bin.
- (7) Are there any health or environmental issues relating to the current practice of soiled nappies being placed in landfill.
- (8) Can the Minister provide a copy of the quantitative data, once finalised, in relation to nappy reduction figures in the recycled waste stream that is being presently collected by the Government.
- (9) What evaluation methods, if any, are planned for this program.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The ‘no nappies in your recycling bin’ campaign commenced on 5 December 2011. The end date of the campaign is dependent on when the store of magnets for bounty bags is exhausted, which is linked to new births in the ACT. At this stage it is anticipated that the magnet stock will be exhausted between October and November 2012.

- (2) The magnets are funded by Theiss Services from the Materials Recovery Facility (MRF) recycling funds. The costs are as follows:

production of the magnets	\$5,374.00 (including GST)
production of posters for the campaign	\$51.20 (including GST)
distribution of the magnets was	\$2,048.00 (exclusive of GST)

As part of the campaign, 4,500 magnets are being distributed in 'new parent bounty bags' by ACP Magazines Ltd. A further 500 magnets are being distributed by ACT NOWaste staff at appropriate events. Posters have been distributed for display to child and family health centres, clinics, birthing suites and hospitals.

- (3) No further anecdotal data can be provided.
- (4) No formal community feedback has been received regarding the campaign or its effectiveness; however the campaign has prompted discussions between community members and staff of ACT NOWaste indicating a mixed understanding of the issues associated with the practice.

Many are surprised that disposable nappies are actually placed in the recycling bin. Others are surprised that they cannot be placed in the recycling bin, citing that some nappies are bio degradable.

There are currently no facilities available in the ACT to compost bio-degradable nappies.

- (5) No.
- (6) Waste in the ACT is assessed and classified against the ACT's Environmental Standards: Assessment and Classification of Liquid and Non-liquids Wastes June 2000 (the Standards).

A copy of the Standards can be found at:

**[http://www.environment.act.gov.au/environment2/environment\\_for\\_business\\_and\\_industry/wastemanagementandhazardousmaterials/wastestandards?a=13535](http://www.environment.act.gov.au/environment2/environment_for_business_and_industry/wastemanagementandhazardousmaterials/wastestandards?a=13535)**

Under Table 2 of the Standards disposable nappies are pre classified as 'solid' waste and are suitable for disposal within the active leachate control area at the Mugga Lane Resource Management Centre. This waste type or stream also includes incontinence pads and sanitary napkins.

- (7) The standards referred to in question (6) above address the environmental and health issues associated with disposing of soiled nappies to landfill. Placing soiled nappies in the recycling bin however definitely has health implications for the workers on the sort line of the MRF.
- (8) A copy of quantitative data analysis can be provided, once the report is finalised.
- (9) ACT NOWaste commissions a residual waste audit of the MRF every two years. The next audit is scheduled for later in 2012.

**Waste—food rescue programs  
(Question No 2336)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 3 May 2012:

- (1) How many food rescue companies in the ACT is the Government presently aware of.
- (2) What, if any, (a) in-kind and (b) financial support does the ACT Government provide to food rescue programs.
- (3) If support is provided by the ACT Government, can the Minister provide details by individual business.
- (4) What incentives or education programs, if any, does the Government provide to the public to reduce household food waste.
- (5) Has the Government set any reduction targets to reduce the amount of household food waste going to landfill via kerbside collection.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) One, OzHarvest Canberra.
- (2) No direct or in-kind support is provided by the ACT Government.
- (3) Not applicable.
- (4) No current incentives or education programs are provided.
- (5) The ACT Waste Management Strategy 2011-2025 (the Strategy) includes the target of a no recoverable waste being sent to landfill by 2025 and a carbon neutral waste sector by 2020. This means all organics, including household food waste, should be diverted from landfill by 2020. The Strategy identifies a Residual Material Recovery Facility as the most effective way to recover household organics.

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**ACT Concrete Recyclers—Pialligo site  
(Question No 2337)**

**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, what management rules apply to any contaminated waste, soil and water that might be present at this site.
- (2) In relation to Environment Protection Authority management, 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.
- (3) Is this site on the contaminated sites records or register.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The land on which Canberra Concrete Recyclers Pty Ltd (CCR) operates is National land, held by the Department of Defence.

Canberra Concrete Recyclers Pty Ltd current activities are authorised under the *Environment Protection Act 1997* for the operation of a facility for crushing, grinding and separation of materials and the acceptance of virgin excavated natural material.

One of the conditions of the Authorisation is that the activities must be undertaken in accordance with an approved Environment Management Plan (EMP). The placement of soil including management of run off from soil and other material recycled at the site is undertaken in accordance with the EMP which details the measures to minimise discharges to the environment.

The authorisation was granted on 10 September 2007. However, it does not cover the management of historic placement of contaminated material on the site other than the requirement to monitor the existing groundwater monitoring wells.

- (2) Yes. (a) records indicate that a landfill operated at the site from the mid-1960's until it was closed in 1978. (b) the exact extent of rehabilitation measures is unknown. Further information may be available from the Department of Defence.
- (3) The site is not recorded on the contaminated sites Register as no Orders have been issued under the *Environment Protection Act 1997* but is recorded on the EPA's Contaminated Sites Management Database and Geographical Information System given its previous use.

### **Health Directorate—dental services (Question No 2339)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 8 May 2012:

What is/was the total revenue collected by ACT Health for fees for service in relation to the provision of dental services in (a) 2011-12, (b) 2010-11 and (c) 2009-10 for (i) children and young people under the age of 14, (ii) young people between 14 and 17 years old and (iii) adults.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (a) 2011-12
  - (i) As at 30 April 2012 revenue for children and young people under the age of 14 was \$279,235.
  - (ii) Eligibility requires young people between 14 and 17 years of age to have a Centrelink Concession Card which entitles free dental treatment. Medicare Teen Dental Vouchers can be presented to the Dental Health Program. The figure as at 30 April 2012 of revenue from Medicare was \$47,364.
  - (iii) As at 30 April 2012 revenue for adults was \$281,401.

- (b) 2010-11
  - (i) Revenue for children and young people under the age of 14 was \$323,290.
  - (ii) Eligibility requires young people between 14 and 17 years of age to have a Centrelink Concession Card which entitles free dental treatment. Medicare Teen Dental Vouchers presented to the Dental Health Program returned a revenue from Medicare of \$52,254.
  - (iii) Revenue for adults was \$446,456.
- (c) 2009-10
  - (i) Revenue for children and young people under the age of 14 was \$296,839.
  - (ii) Eligibility requires young people between 14 and 17 years of age to have a Centrelink Concession Card which entitles free dental treatment. Medicare Teen Dental Vouchers began in the Dental Health Program in November 2009 with the revenue from Medicare at \$32,759.
  - (iii) Revenue for adults was \$462,402.

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**Government—spending  
(Question No 2341)**

**Ms Hunter** asked the Treasurer, upon notice, on 8 May 2012:

- (1) In relation to the Treasury Directorate Annual Report 2010-2011, Volume 2, pages 320-323 and page 339 and with respect to the operating results for the Shared Services Centre for the financial year ended 30 June 2011, as an enabling service for ACT Government Directorates, why did three of the four Shared Services outputs operate at a surplus as opposed to a break even position.
- (2) Did Procurement Support Services charge \$22 273 million in fees to ACT Government directorates for user charges for the financial year ended 30 June 2011; if so, could the Treasurer describe the basis upon which Procurement Support Services charges ACT Government Directorates for the management of capital works user charges.
- (3) Are user charges levied to ACT Government directorates for capital works projects based on actual costs to provide the service, as opposed to a derived or alternative cost allocation method.
- (4) Are timesheets maintained by Procurement Support Services staff for each activity that they work on so that staffing costs can be allocated to capital works projects based on actual work performed; if not, how are staffing costs charged to capital works projects.

**Mr Barr:** The answer to the member's question is as follows:

- (1) All four Shared Services Business units produced better than budgeted results for 2010-11. Procurement, Finance and Human Resource Services produced larger operating surpluses than budgeted due to:
  - a. Higher Capital Works Procurement Fees due to higher levels of activity than expected by Procurement; and

- b. Lower staffing costs in Finance and Human Resource Services is due to the timing of recruitment processes and ongoing implementation of process improvements required to meet identified savings targets.
- (2) Yes. Shared Services Procurement charges ACT Government Directorates for the management of capital works projects based on 4% of total budgeted project costs. This 4% Capital Works Procurement charge was set by Treasury and is included in the Treasury guidelines for Capital Works Business cases. There are occasions where different ratios are negotiated.
- (3) Refer to response (2).
- (4) Timesheets are not maintained for the purpose of allocating actual staffing costs to capital works projects except when specifically agreed. The 4% Capital Works Procurement charge is to cover all project management costs incurred by Procurement including staff costs, and office overheads.
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**Chief Information Officer  
(Question No 2343)**

**Ms Hunter** asked the Treasurer, upon notice, on 8 May 2012 (*redirected to the Chief Minister*):

- (1) Further to the transcript for Estimates Hearings on 30 May 2011, page 1452, and the response by the Head of Service and Director-General of the Chief Minister and Cabinet (CMCD) Directorate concerning the chief information officer, can the Treasurer provide an update of the work being undertaken by the Chief Information Officer, based within CMCD, including the integration of the knowledge management framework with the information, community technology strategic plan.
- (2) What modelling has been undertaken by the Chief Information Officer in relation to the efficiency, effectiveness and economy of the current approach to information technology across Government.
- (3) Has the modelling referred to in part (2) identified cost savings that could be made by re-engineering the current approach to information technology across government; if so, what are those expected cost savings likely to be.

**Ms Gallagher:** The answer to the member's question is as follows:

Q1

I am pleased to provide an update on the work of the Government Information Office (which covers the role of a Chief Information Officer).

The Government Information Office was established in CMCD in June 2011.

Work completed includes:

- the release of the ICT Strategic Plan



- the establishment of the Open Government website which went live on 17 October 2011 which now provides a single point gateway to strategic plans, Directorate annual reports, performance reporting, government contracts, measuring our progress and government data
- the provision of all media releases, for all Directorates and all Ministers, from the Open Government website
- the establishment of the FOI disclosure log on the Open Government website
- Community Cabinet using Twitter and recently Youth Cabinet using the state of the art Inspire Centre at University of Canberra
- the establishment of the Information Strategy Committee, a whole of government committee to provide direction, leadership and advice on strategy relating to the ACT Government's information and knowledge systems.

Work in progress includes:

- the development of policies on the proactive release of data and information
- preliminary work on a knowledge management framework across government
- a study of e-government options.

Q2.

The role of the Government Information Office includes collaboration and alignment of information-related activities across the ACT Government. The Government Information Office has not conducted modelling as described in the question.

Related work is progressing on a number of fronts with collaboration between the GIO and Shared Services and other stakeholder agencies. This includes an external review by Shared Services of opportunities in the ACT Government for efficiencies through the adoption of cloud computing.

Q3.

Not applicable.

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### **Education and Training Directorate—staff (Question No 2345)**

**Ms Hunter** asked the Minister for Education and Training, upon notice, on 8 May 2012:

- (1) How many (a) non-teaching staff positions and (b) teaching staff are there in the Education and Training Directorate's Aboriginal and Torres Strait Islander and Student Services.
- (2) At what level/band are the positions referred to in part (1) paid.
- (3) How many Pastoral Co-ordinators are there in ACT Schools.
- (4) At what level/band are the positions referred to in part (3) paid.

**Dr Bourke:** The answer to the member's question is as follows:

- 1) In the Education and Training Directorate's Aboriginal and Torres Strait Islander and Student Engagement branch staffing profile as at 10 May 2012 was:

- a) Fifty four non teaching staff, and
- b) One hundred and seventeen teaching staff.

2) The levels the positions referred to in part (1) are:

<b>Aboriginal and Torres Strait Islander Education and Student Engagement</b>	
<b><i>Non Teaching staff</i></b>	<b><i>number</i></b>
SES	1
Senior Officer B SOB	3
Senior Officer C SOC	3
Administrative Services Officer 6 ASO6	2
Administrative Services Officer 4 ASO4	4
School Assistant SA4	2
School Assistant SA3	10
School Assistant SA2	7
Health Professional Officer HPO3	3
Disability Support Officer DSO2	2
School Counsellor SC1	6
School Counsellor SC2	4
School Counsellor SC3	7
<b>Non-Teaching staff Total</b>	<b>54</b>

<b>Aboriginal and Torres Strait Islander Education and Student Engagement</b>	
<b><i>Teaching Positions</i></b>	<b><i>Number</i></b>
School Leader A SLA	3
School Leader B SLB	5
School Leader C SLC	29
Classroom Teacher CT	80
<b>Teaching Staff Total</b>	<b>117</b>

3) All high schools, other than the specialist schools, and all P-10 schools with an established secondary component have one designated Pastoral Care position. This is a total of 18 positions. Black Mountain and Woden School have current selection processes to fulfil this role.

4) The Pastoral Care positions are paid at the School Leader C level.

### **Hospitals—lymphoedema services (Question No 2346)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 9 May 2012:

- (1) Further to the answer to question on notice No 2034, what is/was the total cost to the Health Directorate in financial figures for providing lymphoedema services through Calvary Public Hospital and The Canberra Hospital in (a) 2011-12, (b) 2010-11, (c) 2009-10 and (d) 2008-09.
- (2) What is the anticipated cost to the Health Directorate in financial figures for providing lymphoedema services in (a) 2012-13 and (b) 2013-14.
- (3) What are the consumable items that a lymphoedema patient may need to purchase and what are the financial costs for those items.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) The Health Directorate provides Calvary Public Hospital with a funding envelope each financial year to provide all public hospital services. The structure of this funding is not broken down to identify the amount granted to provide Lymphoedema services.
- (2) Because the Health Directorate provides Calvary with a funding envelope to provide these services, the anticipated cost is not known.
- (3) Lymphoedema services are provided free of charge from the public health facilities (Calvary Health Care ACT and the ACT Health Directorate). Compression garments, however, are charged to the patients. Eligible patients may receive their garments free of charge through the ACT Equipment Scheme (ACTES). The costs of these garments start at around \$42 per item.

Patients with private health insurance covering extras may receive a partial rebate after the payment has been made either to the hospital or directly to the supplier.

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### **Health—orthopaedic surgeons (Question No 2347)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 9 May 2012:

- (1) How many orthopaedic surgeons are practising in the ACT in the (a) public and (b) private sectors.
- (2) What are the conditions governing the registration of orthopaedic surgeons in the ACT.
- (3) What is the situation regarding the registration of podiatric surgeons in the ACT.
- (4) Does the Government intend to accept and encourage the development of specialist podiatric surgeons in the ACT; if not, why not.

**Ms Gallagher:** I am advised that the answer to the member's is as follows:

- (1)
  - a. There are 16 Orthopaedic surgeons practicing publicly in the ACT; and
  - b. The Health Directorate does not collect data on doctors practicing in the private health system.
- (2) The registration of Orthopaedic surgeons in the ACT is undertaken by the Australian Health Practitioners Regulation Agency (AHPRA). Any conditions relating to the registration of Orthopaedic Surgeons are governed by the *Health Practitioner Regulation National Law Act 2009*.
- (3) The registration of Podiatric Surgeons in the ACT is undertaken by AHPRA. Any conditions relating to the registration of Podiatric surgeons are governed by the *Health Practitioner Regulation National Law Act 2009*.

- (4) I am advised that there is not significant demand for Podiatric surgery in the ACT at this time. Should there be sufficient demand in the future for specialist Podiatric surgeons in the ACT, appropriate recruitment action would be undertaken.

**Health—ACT Pathology  
(Question No 2348)**

**Mr Hanson** asked the Minister for Health, upon notice, on 9 May 2012:

- (1) What is the total full-time equivalent (FTE) staff employed in ACT Pathology.
- (2) What is the total FTE staff employed in ACT Pathology at (a) Calvary Hospital, (b) Charnwood, (c) Home Collection Service, (d) Lyneham, (e) Tuggeranong, (f) The Canberra Hospital, (g) Gungahlin, (h) John James Collection Centre and (i) Macquarie.
- (3) What is the total 2011-12 budget allocation for (a) ACT Pathology and (b) staff employed by ACT Pathology.
- (4) What employment classification groups are employed within ACT Pathology
- (5) What is the total of FTE staff employed in each employment classification group referred to in part (4).

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) ACT Pathology employ 245.6 FTE
- (2) What is the total FTE staff employed in ACT Pathology in specific collection centres:

	<b>Location of collection centre</b>	<b>FTE staff employed</b>
(a)	Calvary Hospital	3.68
(b)	Charnwood	1.0
(c)	Home Collection Service	1.44
(d)	Lyneham	1.74
(e)	Tuggeranong	2.7
(f)	The Canberra Hospital	4.88
(g)	Gungahlin	1.72
(h)	John James Collection Centre	1.4
(i)	Macquarie	1.68

- (3) The total 2011-12 budget allocation for:

(a)	ACT Pathology	\$36,633,800 (including private practice income)
(b)	Staff employed by ACT Pathology	\$23,840,240

- (4) See Question 5

- (5) Employment classification groups employed by ACT pathology and total FTE staff employed in each classification group are as follows;

	<b>Classification Group</b>	<b>FTE staff employed</b>
(a)	Medical Specialists	12.95
(b)	Medical Registrars	12.0
(c)	Health Professional & Technical	181.81
(d)	Nursing	8.33
(e)	Health Services Officers	8.06
(f)	Administrative Services Officers	22.45

### **Hospitals—elective surgery (Question No 2349)**

**Mr Hanson** asked the Minister for Health, upon notice, on 9 May 2012:

- (1) What was the total number of elective surgery procedures conducted for public elective surgery waiting list patients for (a) 1 July to 30 September 2010, (b) 1 October to 31 December 2010, (c) 1 January to 31 March 2011, (d) 1 April to 30 June 2011, (e) 1 July to 30 September 2011, (f) 1 October to 31 December 2011 and (g) 1 January to 31 March 2012.
- (2) What was the total number of elective surgery procedures conducted for public elective surgery waiting list patients by (a) public and (b) private surgeons for (i) 1 July to 30 September 2010, (ii) 1 October to 31 December 2010, (iii) 1 January to 31 March 2011, (iv) 1 April to 30 June 2011, (e) 1 July to 30 September 2011, (v) 1 October to 31 December 2011 and (vi) 1 January to 31 March 2012.
- (3) What is the mean cost to ACT Health for an elective surgery procedure conducted for public elective surgery waiting list patients by (a) public and (b) private surgeons.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) The total number of elective surgery procedures performed for public patients:
  - (a) 2,754
  - (b) 2,728
  - (c) 2,605
  - (d) 3,249
  - (e) 3,062
  - (f) 2,695
  - (g) 2,558
- (2)
  - (a) As above.
- (2)
  - (b) The number of elective surgery procedures performed by private surgeons is not collected by the Health Directorate. However, the total amount of public patients that accessed elective surgery under the private partnership agreement in private facilities:

(i)	2
(ii)	46
(iii)	41
(iv)	82
(v)	153
(vi)	64
(vii)	56

- (3) The mean cost for an ACT public elective surgery procedure in a public or private hospital is \$5,100 per average cost weighted separation.

### **Health Directorate—expenditure (Question No 2353)**

**Mr Hanson** asked the Minister for Health, upon notice, on 10 May 2012:

- (1) What has been the Directorate's expenditure in 2011-12 on (a) travel, (b) consultancy, (c) advertising/marketing and (d) hospitality, as at 9 May 2012.
- (2) What is the expected total spend in 2011-12 for each item referred to in part (1).
- (3) What was the Directorate's expenditure on hospitality for (a) 2008-09, (b) 2009-10 and (c) 2010-11.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) The Directorate's expenditure in 2011-12 (as at 30 April 2012) for the categories you requested is:
  - (a) Travel \$1.149m. Travel includes taxi usage within the ACT, airfares and accommodation;
  - (b) Consultancy \$1.979m. Consultancy includes Information Technology resources;
  - (c) Advertising/marketing \$0.909m. Advertising/Marketing includes promotions, displays, signage and artwork; and
  - (d) Hospitality \$0.266m.
- (2) The budget for 2011-12 for the same categories is:
  - (a) Travel \$1.397m;
  - (b) Consultancy \$3.669m;
  - (c) Advertising/marketing \$1.201m; and
  - (d) Hospitality \$0.309m.
- (3) The Directorate's expenditure on Hospitality in 2008-09 was \$0.391m, \$0.384m in 2009-10 and \$0.390m in 2010-11.

**Kangaroos—cull  
(Question No 2354)**

**Mr Rattenbury** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

- (1) Does item 3.6.3, page 23, of the Woodland Restoration Implementation Plan indicate that funding should be sought for the Territory and Municipal Services Directorate to undertake the culling of approximately 2,000 kangaroos annually in woodland nature reserves, for example, Wanniasa Ridge; if so, how was the decision to extend culling to these areas made.
- (2) Can the Minister provide documentation of the scientific evidence that was used to justify this approach.
- (3) Was any public consultation sought in making this decision.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The Woodland Restoration Implementation Plan was developed by a steering group of community, academic and government interests following a woodland roundtable conducted by the Chief Minister in November 2010. The steering group felt that grazing control, including rabbits and kangaroos, was essential for successful restoration and enhancement of the woodland condition.

The Implementation Plan informed funding bids to undertake woodland restoration across the Territory. The Government allocated \$1 million to the program. This did not include funding for the culling component.

- (2) The scientific evidence justifying the need for culling is provided in the *ACT Kangaroo Management Plan (2010)* (KMP), particularly chapter 3. The policy in the KMP is not site specific but supports culling (according to priority and resources) where conservation outcomes can be improved.
- (3) The development of the KMP included public consultation on a draft KMP. The Woodland Restoration Implementation Plan grew out of and reflected the discussions from a public roundtable process that involved a number of community groups with an interest in environmental management. Public views on conservation culling are also obtained through surveys of Canberra residents.

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**Oakey Hill nature park—hazard reduction burn  
(Question No 2357)**

**Mr Rattenbury** asked the Minister for the Environment and Sustainable Development, upon notice, on 10 May 2012 (*redirected to the Minister for Territory and Municipal Services*):

Is another hazard reduction burn scheduled to occur at Oakey Hill Nature Park in the coming weeks; if so, can the Minister explain why (a) only part of the suburb of Lyons,

adjoining where the burn will take place, was notified of this event and (b) the map circulated to a select number of Lyons properties did not indicate where in the Oakey Hill reserve the burn will take place.

**Ms Gallagher:** The answer to the member's question is as follows:

A hazard reduction burn was undertaken by the ACT Rural Fire Service (RFS) on Oakey Hill on Saturday 12 May 2012. An area of approximately 7 hectares was unable to be treated during the burn due to weather conditions. The RFS returned to Oakey Hill to complete the burn on 19 May 2012. No additional burns are scheduled for Oakey Hill Nature Reserve under the 2011-12 Bushfire Operations Plan.

- (a) The RFS is responsible for notifying adjoining neighbours. Under approved practice, only those neighbours directly adjoining the burn area are notified.
- (b) The Territory and Municipal Services Directorate provided a map to the RFS which illustrated the exact location of the burn. The RFS has confirmed that the map indicating the area of the burn was supplied with the letter box drop.

### **Health Directorate—cross-border agreement (Question No 2359)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 10 May 2012:

- (1) In relation to the Health Directorate annual report for 2010-2011, page 46, what is the break down, by fee classification, for inpatient fee revenue of \$27 285 million for 2010-2011 and on what basis does the Directorate determine the fees that will be charged to inpatients, that is, is it based on cost recovery, or market rates etc.
- (2) Is the cost of goods sold expenditure of \$15 637 million for 2010-2011, page 53, directly related to the costs of generating the inventory sales revenue of \$19 002 million for 2010-2011, page 46; if not, what percentage of the cost of goods sold expenditure makes up each user charge revenue classification in Note 5.
- (3) What was the actual cost of providing inpatient activity to residents of NSW during 2010-2011 and for the previous three financial years, referred to at page 46, Revenue \$96 310 million for 2010-2011.
- (4) What is the break down by fee classification for facilities fees revenue of \$20 571 million for 2010-2011 and what is the basis for determining facilities fees charged.
- (5) How does the Directorate ensure that the charges, referred to in part (4) are comparable to market and how often are reviews of the fees charged undertaken.
- (6) What were the costs incurred in generating the revenue received for highly specialised drugs of \$15 479 million for 2010-2011 and on what basis does the Directorate determine the fees that will be charged for supplying highly specialised drugs.
- (7) What progress has been made by the Directorate in addressing the audit findings in Auditor-General's Report No. 5/2011, page 96, which identified issues with the "cross-border-agreement" between the ACT and NSW Governments and given that it is noted that the Directorate advised that it had agreed to address all audit findings in 2011-2012.



- (8) What is the total amount outstanding from the NSW Government for inpatient fees and how much of this amount is related to financial years prior to 2011-2012.
- (9) Is interest being charged to the NSW Government for amounts outstanding; if not, is it possible under the cross-border agreement to impose an interest charge.
- (10) Is the cross-border agreement between the ACT and NSW Governments publicly available; if not, is it possible for the Minister to provide a copy.
- (11) Does page 12 of the annual report refer to the potential risks that may influence the future financial position of the Directorate and the manner in which these risks are being responded to by the Government and the Directorate; if so, what work has been undertaken by the Directorate in (a) strengthening its patient safety and clinical practice framework to minimise the risks associated with the cost of medical malpractice indemnity and what modelling has been undertaken by the Directorate to determine whether this work will lead to reduced insurance claims and what the projected annual savings in medical practice indemnity insurance costs would be and (b) enhancing its procurement processes to address the rising costs of pharmaceuticals and medical and surgical supplies and what (i) modelling has been undertaken by the Directorate to determine whether this work will lead to cost savings and (ii) are these projected cost savings on an annualised basis.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) A break-down of inpatient fees (\$27.285m) is below:

Ordinary Private (Insured) Shared Room	5,859
Ordinary Private (Not Insured) Shared Room	4
Ordinary Private (Insured) Single Room	1,838
Nurse Home Type-Hospital	89
Nurse Home Type-Private	31
Compensable (Worker Comp)	1,584
Compensable (Third Party)	3,167
Compensable (Other)	99
Non-Eligible	2,173
DVA Prosthesis	607
Ordinary DVA-Hospital Service	11,803
Nurse Home Type-DVA	33

Private accommodation fees for shared rooms are determined by the Commonwealth and are based on national CPI movements. Where fees are not controlled by the federal government, estimated ACT WPI movements are applied to charges in line with ACT Government Policy. Non-eligible refers to overseas visitors and diplomatic staff.

- (2) The Inventory sales revenue figure of \$19.002m includes charges for Sterilising Services provided to Calvary Hospital of \$2.8m. The level of Inventory revenue related to cost of goods sold expenditure is \$16.2m. The difference between the revenue figure of \$16.2m and the expense figure of \$15.6m reflects the funds collected by the Health Directorate to cover the cost of providing the service.
- (3) The actual cost of providing inpatient activity to residents of NSW for 2010-11 and the previous 3 years is not available. The Directorate is still working with NSW to confirm the activity for those years.

- (4) Facility fees are not linked to a fee or charge determination. Facility fees revenue is generated from charges to the salaried specialists for use of the Health facilities as per their Medical Officers Enterprise Bargaining Agreement (EBA). The percentage of fees charged is by the Medicare Benefits Schedule item number for the service that has been provided by the specialist and also by the employment or craft group scheme that the specialist has elected as nominated in the EBA.
- (5) Similar fees are charged in other states (also in accordance with EBAs) and these are considered with each EBA negotiation.
- (6) The highly specialised drugs are those drugs which are subsidised by the Commonwealth under Section 100 of the National Health Act for outpatients or day-only patients but are required to be prescribed and dispensed in a hospital with the associated clinical specialty. The highly specialised drugs (there are currently 80 drugs listed on the program) are purchased by Canberra Hospital at the price determined by the PBS, and then a claim is lodged at the end of each month for reimbursement for the previous month's expenditure. The 'fee' charged for each prescription is the PBS co-payment which is a patient co-contribution set by the Commonwealth for any PBS subsidised medicine. The Directorate does not determine the fee. The indexed PBS patient co-payment and safety net amounts are determined at the beginning of each calendar year by the Commonwealth. The general outpatient contribution rate at public hospitals is set at 80% of the general PBS co-payment rate (currently \$28.30 for each prescription) and the concessional patient co-payment is the same as in the community (\$5.80 per prescription). The Commonwealth deducts an amount from the reimbursement paid to the States for highly specialised drugs to cover the co-payment collected. The States have an agreement with the Commonwealth to 'administer' the highly specialised drugs program, which is at a cost to the State because of the staff required to purchase, dispense, lodge the claims and administer the program. This would equate to approximately three full time pharmacy staff at Canberra Hospital.
- (7) A number of processes are being put in place to address the previous data processing, validation and acquittal concerns in relation to records of service provided to NSW residents. The ACT and NSW are working to implement and improve on these process to ensure improved data quality. The Directorate's aim is to have agreement with NSW to allow acquittal of the outstanding years by 30 June 2012.
- (8) As at 30 June 2011, the ACT estimates it was owed \$16.4m by NSW for Cross Border Health services for non-disputed activity. The final amount is subject to negotiations on disputed data currently underway and for this reason (and because the actual level of activity is not yet known) it is not yet practical to estimate an amount owing to the end of 2011-12.
- (9) No. There is no provision in the agreement to allow for the charging of interest.
- (10) No, the Cross Border Agreement is not a publicly available document. A copy of the agreement is attached.
- (11) Yes.
  - (a) The Health Directorate has a range of mechanisms in place to minimise the risks associated with medical malpractice indemnity. This work includes:

- An open disclosure policy and procedures that provide timely information to families and patients about significant adverse events. Evidence shows that families and patients may be more likely to enter into litigation when they feel health systems are not providing them with all the information about an incident.
- Incident management and reporting systems that log all incidents that occur, provide a systematic process for investigating them, and addressing issues that are identified and allow for accurate reporting to the ACT Insurance Agency of potential claims.
- An ongoing accreditation program exists that monitors compliance of systems and individual practice with a range of standards. This process will be further strengthened with the move from January 2013 to accreditation against the National Safety and Quality in Health Service Standards, endorsed by Health Ministers.
- An expanded program to support patient and family centred care will commence in the second half of 2012 and drive a program of work to improve the experience people have when using the Directorate's Health Services. This builds on our ongoing program of capturing patient experiences and learning from these, our systematic approach to monitoring consumer feedback and our consumer satisfaction surveys, all of which provide us with information on how to improve our services and the community's experience when using them.

This work is driven by our commitment to improving the safety and quality of our services and minimizing costs. The calculation of medical malpractice indemnity cover is complicated and is managed for the Territory by the ACT Insurance Authority.

(b) The ACT supports competitive tendering and procurement processes.

- i) Pharmaceutical costs have been benchmarked at a national level with all major jurisdictions several times over the past 5 years the results have shown that the ACT procures this commodity group within average cost parameters and considering the buying power of the ACT compared to other larger states, confirms that these products are procured with a positive value for money outcome for the territory. The territory where appropriate and when value for money dictates utilises other jurisdiction's contracts. Examples of these are a large proportion of the pharmaceutical and basic medical and surgical consumables are procured using the NSW suite of contracts or standing offers. This maximizes savings opportunities by piggy backing onto NSW's superior buying power.
- ii) The Directorate doesn't set specific savings targets. It relies on competitive tendering and use of contracts referred to above.

*(A copy of the attachment is available at the Chamber Support Office).*

**Chief Minister and Cabinet Directorate—accommodation  
(Question No 2364)**

**Mr Seselja** asked the Chief Minister, upon notice, on 10 May 2012:

- (1) Can the Minister provide a list and the corresponding cost of fit-outs, refurbishments and minor capital works that have taken place in 2011-12 in relation to their Directorate's accommodation.
- (2) What is the scope and cost of any additional accommodation works planned for the remainder of 2011-12.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The Chief Minister and Cabinet Directorate has not undertaken any fit-outs, refurbishments or minor capital works in 2011-12.
  - (2) There are no additional accommodation works planned for the remainder of 2011-12.
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**Environment and Sustainable Development Directorate—  
accommodation  
(Question No 2366)**

**Mr Seselja** asked the Minister for the Environment and Sustainable Development, upon notice, on 10 May 2012:

- (1) Can the Minister provide a list and the corresponding cost of fit-outs, refurbishments and minor capital works that have taken place in 2011-12 in relation to their Directorate's accommodation.
- (2) What is the scope and cost of any additional accommodation works planned for the remainder of 2011-12.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) LED Lighting Project at Dame Pattie Menzies House (part of the energy efficiency program to reduce energy costs and greenhouse gas emissions) - \$101,590.94  
Furniture purchase and installation - \$60,083.81.
  - (2) Works currently planned will enable consolidation and co-location of elements of the Directorate following its establishment. Scope and cost is still in planning stages and is managed by the Economic Development Directorate.
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**Chief Minister and Cabinet Directorate—expenditure  
(Question No 2367)**

**Mr Seselja** asked the Chief Minister, upon notice, on 10 May 2012:

- (1) What has been the Directorate's expenditure in 2011-12 on (a) travel, (b) consultancy, (c) advertising/marketing and (d) hospitality, as at 9 May 2012.

- (2) What is the expected total spend in 2011-12 for each item referred to in part (1).
- (3) What was the Directorate's expenditure on hospitality for (a) 2008-09, (b) 2009-10 and (c) 2010-11.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) and (2)

	Expenditure to 9 May 2012	Expected total spend in 2011-12
Travel	\$131,713	\$145,479
Consultancy	\$1,370,196	\$1,434,196
Advertising/marketing	\$288,738	\$314,629
Hospitality	\$3,073	\$8,423

Note the figures used to produce the expected total spend in 2011-12 column are estimates only and may not match the actual end of year figure.

- (3)

	2008-09	2009-10	2010-11
Hospitality	\$13,048	\$8,802	\$9,011

Note all the figures are based on the current Directorate structure. Areas that have left the Directorate over the past three years have been excluded.

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### **Energy—renewable (Question No 2371)**

**Mr Seselja** asked the Minister for the Environment and Sustainable Development, upon notice, on 10 May 2012 (*redirected to the Minister for Territory and Municipal Services*):

- (1) What percentage of the Government's energy is currently sourced by renewable energy and what will be the percentage purchase by the end of 2012.
- (2) What measures are being implemented in 2012 to increase the use of renewable energy by the Government.
- (3) What will be the total cost of these measures including upfront and recurrent costs.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The ACT Government currently sources 37.5% of its annual energy consumption from renewable energy.
- (2) The ACT Government is developing a Carbon Neutral ACT Government Framework. A key element of the framework is energy efficiency in government operations and switching to cleaner energy sources where appropriate.

Government Directorates can apply for loan funding under the Resource Management Fund for projects that will save energy. The Fund has provided funding for renewable energy projects such as the installation of solar hot water systems at the Canberra Institute of Technology.

Under the ACT Solar Schools program and the Australian Government's National Solar Schools Program (NSSP), photovoltaic (solar panel) systems are being installed at all ACT public schools.

- (3) Please see the answer to Question No 2232 regarding supplementary funding for renewable energy purchase. Information on the cost of specific initiatives by Directorates to introduce alternative energy sources such as solar is not held centrally.

### **Education and Training Directorate—expenditure (Question No 2372)**

**Mr Doszpot** asked the Minister for Education and Training, upon notice, on 10 May 2012:

- (1) What has been the Directorate's expenditure in 2011-12 on (a) travel, (b) consultancy, (c) advertising/marketing and (d) hospitality, as at 9 May 2012.
- (2) What is the expected total spend in 2011-12 for each item referred to in part (1).
- (3) What was the Directorate's expenditure on hospitality for (a) 2008-09, (b) 2009-10 and (c) 2010-11.

**Dr Bourke:** The answer to the member's question is as follows:

- 1) The Directorate's expenditure in 2011-12 for the items mentioned in part (1) of the question as at 11 May 2012, which is the most recent available data, is as follows:

<b>Item</b>	<b>\$'m</b>
Travel	0.4
Consultancy	0.5
Advertising/Marketing	0.2
Hospitality	0.005

It should be noted that the above amounts do not include school based expenditure. Schools maintain their own data and details of expenditure is consolidated in the Directorate's accounts at summary level only. Therefore school information cannot be provided without the allocation of considerable resources.

- 2) The expected total spend in 2011-12 for each item referred to in part 1) is as follows:
- a) Travel - \$0.5 million
  - b) Consultancy - \$0.7 million
  - c) Advertising/Marketing - \$0.3 million
  - d) Hospitality - \$0.008 million

3) The Directorates expenditure on hospitality for the financial years mentioned in part 3) is as follows:

- a) 2008-09 - \$0.008 million
- b) 2009-10 - \$0.009 million
- c) 2010-11 - \$0.015 million

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**Government—mobile phones  
(Question No 2373)**

**Mr Coe** asked the Chief Minister, upon notice, on 10 May 2012:

What were the monthly costs of each Minister's mobile phone since 2008.

**Ms Gallagher:** The answer to the member's question is as follows:

The Executive has an allocated budget for administrative purposes, including telephones. Administrative expenditure is reported in the budget papers.

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**Territory and Municipal Services Directorate—expenditure  
(Question No 2374)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

- (1) What has been the Directorate's expenditure in 2011-12 on (a) travel, (b) consultancy, (c) advertising/marketing and (d) hospitality, as at 9 May 2012.
- (2) What is the expected total spend in 2011-12 for each item referred to in part (1).
- (3) What was the Directorate's expenditure on hospitality for (a) 2008-09, (b) 2009-10 and (c) 2010-11.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The Directorate's recurrent expenditure from 1 July 2011 to 30 April 2012:
  - (a) travel: \$127,209
  - (b) consultancy: \$5,731,522
  - (c) advertising/marketing: \$492,355
  - (d) hospitality: \$7,309.
- (2) The expected total spend in 2011-12 for each item referred to in part (1):
  - (a) travel: \$152,618
  - (b) consultancy: \$6,875,968
  - (c) advertising/marketing: \$756,979
  - (d) hospitality: \$8,652
- (3) The Directorate's total expenditure on hospitality:
  - (a) 2008-09: \$96,525
  - (b) 2009-10: \$125,403
  - (c) 2010-11: \$33,881

**Roads—Barton highway bridge collapse  
(Question No 2375)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

What was the cost to the Territory for the Barton Highway bridge collapse.

**Ms Gallagher:** The answer to the member's question is as follows:

Costs were recovered through insurance and no additional costs were incurred by the Territory as a result of the Barton Highway bridge collapse.

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**Roads—expenditure  
(Question No 2378)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

- (1) What portion of the overall capital budget is spent on road infrastructure.
- (2) What portion of the overall recurrent budget is spent on road maintenance.
- (3) For the amounts referred to in parts (1) and (2), what portion is spent on (a) Government administration and (b) external contractors.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) \$175.6 million of the new capital works funding provided in the 2011-12 TAMS budget (including capital upgrades) is related to roads and associated infrastructure.
- (2) \$14.2 million of funding is allocated for expenditure on road maintenance in 2011-12.
- (3) (part 1) Capital Works projects consist of the following types of expenses:

**Administration:**

- Shared Services Procurement costs;
- internal salary costs;
- employment agencies costs;
- training levy costs;
- insurance costs;
- development approval costs; and
- permit costs.

**Other predominately external expenses:**

- superintendent costs;
- site preparation and remediation costs;



- construction costs;
- material and supply costs;
- technical costs;
- consultant costs;
- consultation, communication and meeting costs; and
- landscaping costs.

The costing breakup for the above items is not readily available.

(part 2) The estimated expenditure on road maintenance in 2011-12 is broken up as follows:

- 72% - external contractors;
- 20% - Road Maintenance Services (internal staff) performing maintenance work; and
- 8% - administration and overheads.

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### **Government—mobile phones (Question No 2381)**

**Mr Coe** asked the Treasurer, upon notice, on 10 May 2012:

- (1) What is the standard call rate and flagfall for the ACT Government mobile phone contract.
- (2) When was the contract entered into.
- (3) What carrier provides the mobile phone service.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The standard contracted call rate for an ACT Government mobile phone is 13.8 cents per minute for Optus to non Optus and Optus to fixed phones, and there is no flagfall charge. For Optus to Optus mobile calls, the call rate is 11 cents per minute with no flagfall.
- (2) The contract was executed on 9 September 2004 and there is currently a procurement initiative underway to enter into a new arrangement.
- (3) Optus currently provides mobile phone services to the ACT Government.

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### **Roads—speed cameras (Question No 2382)**

**Mr Coe** asked the Attorney-General, upon notice, on 10 May 2012 (*redirected to the Minister for Territory and Municipal Services*):

- (1) What was the total cost of installing the point-to-point speed camera and what are the ongoing costs.

- (2) What is the marginal cost of an additional (a) mobile speed camera, (b) fixed speed camera and (c) set of point-to-speed cameras.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The total installation cost of the first point to point camera was \$475,000 (exl.GST).  
The ongoing cost is \$2,200/month.

- |         |  |                           |
|---------|--|---------------------------|
| (2) (a) | Mobile speed camera (per unit)             | \$24,000 (excluding GST)  |
| (b)     | Fixed speed camera (not including signage) | \$225,000 (excluding GST) |

**(Breakdown component)**

Road furniture (including cameras)	\$196,500
Night Flash unit and housing	\$ 7,500
Installation (include provision for traffic)	\$ 17,500
Underground services	\$ 3,500

- |     |                               |                           |
|-----|-------------------------------|---------------------------|
| (c) | Set of point-to-speed cameras | \$398,666 (excluding GST) |
|-----|-------------------------------|---------------------------|

**(Breakdown component)**

General *	\$ 76,329
Provision for traffic	\$ 32,942
Underground services	\$ 31,608
Road furniture (includes cameras)	\$200,880
Road signs	\$ 56,907

\* This includes contractors' allowance for site facilities, establishment charges, work as executed drawings, detailed design of the installation, testing and environmental controls

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**Roads—William Hovell Drive  
(Question No 2383)**

**Mr Coe** asked the Attorney-General, upon notice, on 10 May 2012 (*redirected to the Minister for Territory and Municipal Services*):

What was the cost of reducing the speed limit on William Hovell Drive to 80km/h.

**Ms Gallagher:** The answer to the member's question is as follows:

The cost of the signs to implement the reduction of the speed limit on William Hovell Drive to 80km/h was \$5,200.

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**Education and Training Directorate—publication costs  
(Question No 2388)**

**Mr Coe** asked the Minister for Education and Training, upon notice, on 10 May 2012:

- (1) What publications, letterhead, flyers, or over-print ready publications have been prepared by your office or Directorate for your personal distribution in your electorate, for example, DLs, flyers advertising mobile offices, doorknocking notes.
- (2) Who produced each publication referred to in part (1)
- (3) What was the cost and under what cost centre or account code was the expenditure made.
- (4) How many were produced.

**Dr Bourke:** The answer to the member's question is as follows:

- 1) All material in my office is prepared according to the guidelines in the Members' Guide produced by the Assembly Secretariat. Under the guidelines, there is no reporting requirement on these items.

No items have been prepared by the Directorate.

- 2) See (1) above.
- 3) See (1) above.
- 4) See (1) above.

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### **Housing ACT—maintenance requests (Question No 2389)**

**Mr Coe** asked the Minister for Community Services, upon notice, on 10 May 2012:

- (1) How many Housing ACT maintenance requests have been deferred to the (a) 2011-2012, (b) 2012-2013 and (c) 2013-2014 financial years, for each month since July 2010.
- (2) What is the value of the deferred requests.

**Ms Burch:** The answer to the member's question is as follows:

- (1) The statistics below includes requests for maintenance, commitments made and works that were programmed but deferred due to reasons such as no access, tenant requested deferrals (eg health issues), works declined and budget.
  - (a) Works deferred from 2010-11 to 2011-12
    - 35 Kitchen Upgrades
    - 17 Wet Area Upgrades
    - 135 Floor Coverings
    - 10 External Paints
    - 34 Internal Paints

## (b) Works deferred from 2011-12 to 2012-13

- 67 Floor Coverings
- 1 External Paint
- 27 Internal Paints

## (c) Works deferred to 2013-14

- 1 Kitchen Upgrade
- 1 Wet Area Upgrade
- 1 Floor Covering

Answers to questions (1) (a) (b) and (c) refer to planned works maintenance requests only.

## (2) The approximate value of the above deferrals is as follows:

- (a) Works deferred to 2011-12 = \$1.3 million
- (b) Works deferred to 2012-13 = \$381,000
- (c) Works deferred to 2013-14 = \$29,000

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**Roads—cleaning  
(Question No 2390)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

- (1) How often does street sweeping occur on average across all suburbs.
- (2) What are the types of material that is swept up and how do these types of material change seasonally.
- (3) What is the cost of this street sweeping.
- (4) What data has been collected in relation to leaves accumulating in drainage traps, stormwater and other, and causing drainage problems.
- (5) Where does the street sweeping material go and what is it used for.
- (6) What times of the year does street cleaning occur.
- (7) Is there more street cleaning done in the autumn months.
- (8) Is the material collected in autumn street cleaning treated differently than in other months; if so, where does it go and what is it used for.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) Suburbs are swept at least twice per year. Suburbs with large numbers of deciduous street trees receive additional sweeping services during autumn.

- (2) Street sweepings typically contain:
- sediment;
  - litter;
  - leaves, bark and other vegetation;
  - debris and residues from vehicle use, accidents, and spillages; and
  - a wide range of other contaminants and detritus.
- (3) The cost of street sweeping services this financial year to date is \$649,000. The cost for the 2010-11 financial year was \$1,052,000.
- (4) A total of 6604m<sup>3</sup> of sediment and other gross pollutants has been removed from stormwater network gross pollutant traps this financial year to date. It is not possible to determine the proportion of this material that originated from road surfaces as opposed to other sources.
- (5) Street sweepings are classified as solid waste and are disposed of to landfill.
- (6) The street sweeping programme is continuous throughout the year.
- (7) Yes, street sweeping activity is concentrated in areas with heavy leaf fall during autumn. Additional resources are often utilised during this period.
- (8) No.
- 

### **Trees—management (Question No 2391)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

- (1) In relation to the Government response to the Commissioner for Sustainable and the Environment's *Report on the Investigation into the Government's Tree Management Practices and the Renewal of Canberra's Urban Forest* released in February 2012, what, if any, tree management and practice changes will result from the 36 "agreed in principle" (sub) recommendations out of the 44.
- (2) What will happen in relation to the Government's agreement in principle to Recommendation 4.
- (3) What tree management and practice changes (a) has the Government made to date and (b) does the Government intend to do, in relation to implementing the agreed Recommendation 1.
- (4) What is the timeframe for implementing any of these planned tree management and practice changes.
- (5) Will the Government increase funding for urban tree management in the ACT to \$4 million per year, in line with the Commissioner's Recommendation 11B and Recommendation 1 to replace the comparably funded Urban Forest Renewal Program.

- (6) What will the cost be of implementing Recommendation 10B, Increasing programmed maintenance to achieve TAMS' goals of 65% (currently 15%) with the addition of two field crews (or equivalent in contractors).
- (7) What has been the increase, from the current 15%, of programmed maintenance work to date and has this target figure of 65% be achieved; if not, when will it be achieved.
- (8) What progress to date has the Government made in relation to implementing Recommendation 10C.
- (9) Where have these plantings occurred to date and what planting are planned in the next 12 months.
- (10) What is the reasoning behind not agreeing to Recommendation 6E.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) Changes associated with the 36 recommendations that were agreed in principle were outlined in the Government's response to the Report on the Investigation into the Government's Tree Management Practices and the Renewal of Canberra's Urban Forest by the Commissioner for Sustainability and the Environment (CSE) tabled in the Legislative Assembly on 13 February 2012.
- (2) Proposed changes to tree management practices in Recommendation 4 of the CSE's report relating to the decision making process, in particular, have been provided in the Government's response tabled on 13 February 2012.
- (3) (a) To date, the Government has changed its tree management focus from an urban forest renewal approach which strategically looked at ways to manage Canberra's trees, particularly around issues of senescence, to an approach that focuses on maintenance work aimed at extending the life of all trees. This approach prioritises the tree removal as a last resort.  
  
In addition, TAMS has made significant progress in integrating tree planting and tree removal programs. The changes have also included improved public notification processes which advise the community when trees are to be removed.
- (b) In respect to implementing Recommendation 1 of the CSE's report, the Government's response was tabled on 13 February 2012.
- (4) No agreed timeframe has been set for the implementation of all the planned tree management and practice changes agreed in principle because some recommendations are budget dependent and others are linked to legislative changes. The Government, however reports on progress annually via the Commissioner for Sustainability and the Environment's annual report.
- (5) An additional budget of \$1.15 million was allocated to TAMS for this purpose in 2011-12. Additional funding will be considered in the context of budget considerations and broader government priorities.
- (6) The cost of implementing Recommendation 10B has been provided in the Government's response tabled on 13 February 2012.

- (7) In 2011-12 financial year to date 52.8 % of tree maintenance work has been programmed. The target rate of 65% has been achieved periodically during the course of the 2011-12 financial year. However, the rate of 65% has not been sustained due to the high number of non-programmed (unforeseen) maintenance requirements following the wet weather events in March 2012. It is anticipated that the percentage of programmed work delivered in 2012-13 will exceed the 53% achieved in 2011 12.
  - (8) The Government has increased its commitment to suburban planting programs during the past three years, with 984 trees planted in 2010, 1,425 in 2011 and more than 2,700 scheduled to be planted by the Urban Treescapes Section of TAMS in 2012. Additionally, under the million trees program, TAMS planted approximately 600 trees and shrubs in the urban area in 2010 and 2011 and planted 500 trees and shrubs in 2012.
  - (9) Tree planting has occurred in suburban streets and parks where trees have been removed, along arterial roads, within heritage precincts and in other suitable locations. It is anticipated that up to 3,000 new trees will be planted in the urban area by the Urban Treescapes team in 2012-13 while the million trees team will plant 600 to 1,000 new trees and shrubs during the next 12 months within the urban area.
  - (10) Dead trees are not retained on suburban verges as habitat trees because of the effect on local amenity, safety concerns and the Government's objective to replant new healthy trees on suburban verges. Habitat trees are retained in other suitable locations within urban open space.
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**Territory and Municipal Services Directorate—woodchip use  
(Question No 2392)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

- (1) How much woodchip does the Territory and Municipal Services Directorate (TAMS) use in total each year and (a) what is it used for and (b) what is the breakdown of volumes for each use.
- (2) Is TAMS aware of, or has it sought any alternatives to, using woodchips for these uses and why does TAMS use woodchips over these alternatives.
- (3) What volume and/or proportion of logs and other wood from urban trees does TAMS chip.
- (4) What else does TAMS use logs and other wood from urban trees for and (a) what volume and or proportion of the total goes to each use and (b) where is this used.
- (5) Does TAMS produce any woodchips that it does not use; if so, what happens to it.
- (6) Does TAMS purchase woodchips; if so, (a) where from, (b) how much each year, as volume and or proportion of total woodchip used and (c) what does this cost.

- (7) Does the TAMS website note that Canberrans are generally not permitted to keep wood from street trees because of concerns about spreading wood pests and disease; if so, do such concerns prevent TAMS from chipping and using that material within urban areas; if so, what happens to that material.
- (8) Does TAMS have any plans to increase the use of wood material in land remediation and supporting biodiversity, such as in the Mulligans Flat - Gorooyarroo Woodland Experiment.
- (9) Are there any other projects that use wood material from the urban forest other than the project referred to in part (8) and what liaison is undertaken with the Environment and Sustainable Development Directorate in this regard.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) TAMS generates approximately 30,000 cubic metres of mulch as a by-product of its tree maintenance activities and bushfire operational planning each year. Several thousand tonnes of log by-product is also generated. This equates to about 12,000 tonnes of material.
  - a) The bulk of this mulch is used in the urban landscape on garden beds to suppress weeds, help retain soil moisture and to act as a soil conditioner as the material decomposes.
  - b) It is not possible to provide a breakdown of volumes for each use as the material is not individually weighed. The majority of the woodchip is used as mulch.
- (2) TAMS is aware of other options for the sustainable use of tree maintenance by-products, including mulch and solid logs, and is investigating those options. These options include on selling suitable logs for:
  - use as furniture;
  - firewood;
  - processing as boiler fuel; and
  - processing into value added products such as 'euccie mulch' and compost.

Other options being investigated include using the by-product for generating electricity and bio-char. TAMS has generally utilised the bulk of the tree maintenance by-product as woodchips. Other options have become more apparent in recent years and are being considered.

- (3) Approximately 2,000 to 3,000 tonnes of solid log by-product is generated each year by tree maintenance activities. The economies of scale encourage this material to be stockpiled and then processed in bulk into mulch.
- (4) In recent years a small volume of suitable logs have been made available to schools, wood workers, the equestrian park at Yarralumla for jumps, Stromlo Forest Park and the National Zoo and Aquarium for use in enclosures. It is not possible to provide a breakdown of volume for each use as the logs are not individually weighed.
- (5) No.



- (6) TAMS purchases a small amount of fine grade eucalyptus chip for use in high priority parks such as Glebe Park, the Lady White Garden in Lennox Gardens and the English Garden in Weston Park. The total volume of fine grade chip purchased each year is approximately 60 cubic metres at a cost of approximately \$3,000.
  - (7) The TAMS website notes that members of the public are generally not permitted to keep wood from street trees because of concerns about spreading wood pests and disease. In general the process of chipping kills the majority of insect pests, such as termites, reducing the chance of termites spreading.
  - (8) Yes. TAMS has made suitable wood material available for land remediation projects and will continue with this practice.
  - (9) Yes. Mulch by-product from urban forest operations is made available for planting programs undertaken by TAMS and Roads ACT capital works projects such as the Gungahlin Drive Extension. TAMS is currently liaising with the Environment and Sustainable Development Directorate in relation to future possible sustainable uses for tree maintenance by-product.
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**Territory and Municipal Services Directorate—community gardens  
(Question No 2393)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

- (1) What community funding has the Government provided for community gardens for the (a) 2011-12, (b) 2010-11 and (c) 2009-10.
- (2) Which community groups have received the funding referred to in part (1) in (a) 2011-12, (b) 2010-11 and (c) 2009-10.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The Territory and Municipal Services (TAMS) Directorate provides advice to community groups seeking a licence to establish a community garden on unleased Territory land. TAMS does not normally provide community funding for community gardens.
  - (2) No community groups received funding from TAMS specifically for community gardens as TAMS is only responsible for licensing the use of unleased Territory land. However, funding was provided to repair a fence at the Kaleen community garden. The community can apply for the following funding programs:
    - i. ACT Health Promotions grants program (Operational grants)
    - ii. ACT Community Support and Infrastructure Grants program (targeted)
    - iii. ACT Tenant Initiated Grants program (targeted capital)
    - iv. ACT Environment grants program (capital)
    - v. ACT Seniors Grants and Sponsorship program (Active aging)
    - vi. Sport and Recreation Grants program (Physically active recreation).
-

## Roads—resurfacing (Question No 2395)

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

- (1) In relation to the 2011-2012 Budget Paper No. 4, page 73 – Output 1.2, what was the actual percentage of territorial and municipal roads resurfaced for the past three financial years.
- (2) What were the costs incurred to undertake this work for each of the past three financial years.
- (3) On what basis was the current resurfacing target set, that is, what modelling was undertaken.
- (4) What is the expected average time before a road would need to be resurfaced again, that is, how many years, based on the materials currently used in road resurfacing.
- (5) What modelling has the Directorate undertaken with respect to the roads resurfacing program to determine (a) whether there are alternative materials that could be used, that would increase the number of years before a road would need to again be resurfaced, (b) what additional costs would be incurred on an annual basis to use more expensive materials in road resurfacing (by type of material) and (c) what are the projected savings that would be made on an annualised basis by using materials in road resurfacing that would increase the number of years before a road would need to again be resurfaced, taking into account the need to maintain roads in a good condition.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The actual percentage of territorial and municipal roads resurfaced during the last three financial years are as detailed in the table below.

% Resurfaced	2011/12 as at March 2012	2010/11	2009/10
Territorial	2.8%	5.7%	4.6%
Municipal	3%	2%	2.9%

- (2) The costs incurred to undertake this work were as follows.

Cost of resurfacing	2011/12 as at March 2012	2010/11	2009/10
Territorial	\$4,797,000	\$6,994,000	\$5,979,000
Municipal	\$3,493	\$3,984	\$4,218

- (3) The targets were most recently reviewed and modelled during the preparation of the Roads ACT Strategic Asset Management Plan 2010 – 2012 (AMP). The AMP in considering the planned maintenance plan for roads addressed such factors as level of service, road surface age, costs and network sustainability.

- (4) The expected average time before a road would need to be resurfaced again is 20 years for territorial roads and 25 years for municipal roads, however the actual age varies significantly with different treatments and the different in-service conditions like traffic volumes, type of traffic, construction history, damage to the surface etc.
- (5) (a) Roads ACT is a member of the national organisation of state road authorities (Austroads) and the Australian Road Research Board (ARRB) and uses the results of their research and modelling and inter-jurisdictional fora to keep abreast of alternative materials becoming available.
- (b) The following table shows the approximate extra cost for using various more expensive materials in road maintenance resurfacing.

Type of material	Unit Rate per square metre	Typical Annual Area in square metres	Typical Annual Cost	Revised Annual Area using More Expensive Materials	Annual Cost using More Expensive Materials	Saving/Extra Annual Cost using More Expensive Materials
Reseal	\$10	600,000	\$6,000,000	0	\$0	-\$6,000,000
Ultra Thin Asphalt	\$20	15,000	\$300,000	75,000	\$1,125,000	+\$825,000
Dense Graded Asphalt	\$55	20,000	\$1,100,000	560,000	\$30,800,000	+\$29,700,000

say                   +\$24,000,000

(c) In financial terms, savings would not be realised by using more expensive materials in road resurfacing that would increase the number of years before a road would need to be resurfaced. For example, a road that is resurfaced by resealing typically needs to be resurfaced every 15 years. A road resurfaced using asphalt typically needs to be resealed every 18-20 years. The high capital cost of using asphalt does not justify the 3-5 years savings on frequency of resurfacing in financial terms.

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### **ACT Public Cemeteries Authority—proposed southern cemetery site (Question No 2396)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

- (1) Has a final decision been made on whether a crematorium will be part of the new Southern Cemetery; if so, (a) what is this decision, (b) have any estimates been made of the capital cost of establishing the new crematorium, and the ongoing operating costs and (c) what are these cost estimates.
- (2) Which stakeholder groups were consulted as part of the community consultation program.
- (3) Which Tuggeranong suburbs were included as part of the letterbox-drop in relation to this consultation program.

- (4) How many people attended the community information meeting in relation to the same program.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The Government has approved, in principle, the development of the memorial park, a cemetery and a crematorium, the details of which will be finalised once the ACT Public Cemeteries Authority has delivered a costed master plan to the Government for consideration.
- (2) The following list of individuals and groups were consulted about the proposed cemetery development.
  - Members of the ACT Legislative Assembly
    - Ms Joy Burch MLA
    - Mr John Hargreaves MLA
    - Ms Caroline Le Coutuer MLA
    - Mr Zed Seslja MLA
  - Queanbeyan Cemetery management
  - Funeral Industry representatives
  - War Graves, Commonwealth Department of Veterans Affairs
  - ACT Muslim Advisory Council
  - ACT Jewish Community
  - Canberra Interfaith Forum
  - Multicultural community
  - ACT Greens public forum on natural cemeteries
  - Tuggeranong Community Council
  - Woden Valley Community Council
  - Weston Creek Community Council
  - Gungahlin Community Council
  - Belconnen Community Council
  - North Canberra Community Council
  - United Ngunnawal Elders Council
  - Indigenous Elected Body
  - Ngambri Inc.
  - Council on the Ageing
  - Symonston respite facility (Community Services Directorate)
  - Revolve
  - NOWaste (Territory and Municipal Services Directorate)
  - Roads ACT (Territory and Municipal Services Directorate)
  - Parks and City Services (Territory and Municipal Services)
  - ACT Planning and Land Authority (Environment and Sustainable Development Directorate)
  - Environmental Protection Agency (Environment and Sustainable Development Directorate)
  - ACT Heritage Unit (Environment and Sustainable Development Directorate)
  - Multicultural and Community Affairs (Community Services Directorate)
  - Symonston Respite Facility, Disability ACT (Disability, Housing & Community Services Directorate)

- Nature and Society Forum
- Horse Paddock User Group
- Canberrans for Power Relocation (CPR)
- ActewAGL

Consultation is ongoing.

- (3) Fadden, Macarthur, Gilmore, Gowrie, Isaacs, Chisholm, Wanniasa and Farrer.
- (4) Two general community information sessions were held, however numbers of attendance were not recorded.

Drop in sessions were also held at the Woden, Dickson and Tuggeranong libraries.

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### **Roads—cycle lanes (Question No 2397)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012 (*redirected to the Minister for the Environment and Sustainable Development*):

- (1) Has there been modelling of what cycleways would best meet the needs of commuter cyclists from Molonglo to the City and Parliamentary Triangle.
- (2) Do these cycleways require commuter cyclists to use (a) off-road recreational paths and (b) on-road cycle lanes from Molonglo to the City and Parliamentary Triangle and has there been any modelling of commuting times using such paths.
- (3) Has there been consideration of the provision of a cycle highway to provide direct, high-quality and cyclist-prioritised routes for cycle commuting between development in the new Molonglo suburbs and the City, Parliamentary Triangle and Russell areas.
- (4) Will a cycle highway from Molonglo to the City and Parliamentary Triangle be included in the transport planning for the new suburbs and stages of Molonglo Valley; if so, (a) will it allow cyclists to have right of way at intersections, and avoid intersections where possible, (b) will it be included in structure, concept or estate development plans, (c) what costs are involved in developing a cycle highway and (d) when will these plans be publicly released; if not, what are the proposed cycle commute options for new residents of Molonglo.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The ACT government has engaged SMEC, engineering consultant, to undertake investigation and modelling as part of the *Study of Strategic Cycle Network Plan*. The objective of the study is to plan a high quality cycle network to the future urban areas including Molonglo. The final Plan will be based on detailed multi-modal modelling as well as input from stakeholder and community consultation. This will help to identify the commuter cycleway network that best meet the needs of Molonglo.
- (2) (a) This is subject to cycle network modelling and investigation as per (1). However, the investigation will seek direct route options for commuter cycling.

- (b) The Plan will consider options for a safe on-road cycle lane. The detailed cycle modelling will assist in estimating the commuting time using different types of path from Molonglo to City and the Parliamentary Triangle.
- (3) Yes, one of the key objectives of the Plan is the development of a safe, direct and legible bicycle network. The Plan will identify high quality, innovative and attractive cycling infrastructure that connect people efficiently and safely to their everyday destination from the new suburbs of Molonglo.
- (4) The transport planning will include the Cycle Network Plan (that will be combination of cycleways, on-road cycle lanes and off road cycle paths) and feed into the planning process of future Molonglo suburbs.
- (a) the SMEC investigation will consider best practice, innovative infrastructure facilities including the feasibility of priority at intersections.
- (b) The Cycle Network Plan will contribute to all relevant plans on the aspect of cycling.
- (c) The cost involved in developing the cycle infrastructure will be determined in the planning study.
- (d) The planning includes a public consultation process. The preliminary options are expected to be publicly released and discussed during the final quarter of this year. This will involve series of community information sessions and six weeks of public feedback period.
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**ACTION bus service—revenue  
(Question No 2399)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

- (1) In relation to the use of the ACTION bus network, what is the total revenue from passengers in 2010-11.
- (2) What is the total revenue from concession card holder passengers in 2010-11 and can the Minister break down this revenue (a) by time of day, for example, morning pre-peak, morning peak, day time off peak, afternoon peak and post afternoon peak and (b) into types of concession cards.
- (3) What time does ACTION define as morning peak and afternoon peak.
- (4) How many bus services are in the morning peak and afternoon peak.
- (5) Are any full services run at weekends, excluding services to special events.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The total revenue from passengers in 2010-11 was \$18.58 million.

- (2) Revenue from concession card holders in 2010-11 was \$5.24 million. Due to the limitations of the previous ticketing system TAMS is not able to provide a breakdown of the 2010-11 concession revenue.
  - (3) The morning peak fare period is between 5:00am and 9:30am, and the afternoon peak fare period is between 4:30pm and 6:00pm.
  - (4) With the implementation of Network 12, 821 services are run during the morning peak period, and 962 services in the afternoon peak period. These figures include dedicated school services.
  - (5) No.
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**Parking—Hopetoun Circuit  
(Question No 2402)**

**Ms Le Couteur** asked the Attorney-General, upon notice, on 10 May 2012:

- (1) Was there recently a blitz of the enforcement of parking restriction violations in Hopetoun Circuit, Yarralumla, specifically vehicle parking on the nature strip; if so, how many parking infringement notices were issued in Hopetoun Circuit as a part of this enforcement blitz.
- (2) How much revenue was raised as a result of these infringement notices.
- (3) When was the last blitz of parking restriction violations in Hopetoun Circuit, Yarralumla.
- (4) How many residents were given warning that previously unenforced parking restrictions were going to be enforced.
- (5) If not all residents were warned, why not.
- (6) How and why was Hopetoun Circuit, Yarralumla selected for a blitz of enforcement of parking restriction violations.
- (7) Are there any further parking enforcement blitzes planned for nature strips on other streets and suburbs.
- (8) Will residents of other target areas be warned of impending blitzes; if not, why not.
- (9) Has the Territory and Municipal Services Directorate formally approved the development of any parking spaces on nature strips in Hopetoun Circuit, Yarralumla; if so, were any cars parked in such approved spaces issued with infringement notices.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) Office of Regulatory Services Parking Operations regularly conducts high visibility patrols in different parts of Canberra as a part of its compliance monitoring and enforcement program. A patrol of this type was conducted between 18 and 20 April 2012 in Hopetoun Circuit Yarralumla regarding vehicles parking on the nature strip. There were 13 infringement notices and 40 written warnings issued over a 5 day period.

- (2) \$1,053
  - (3) There has been no blitz on parking restrictions in Hopetoun Circuit however ACT Parking Operations have attended the area on at least 11 separate occasions due to complaints from the public as well as the normal routine daily patrol since 2010.
  - (4) Between 18 and 20 April 2012 there were 40 official warnings given and multiple verbal warnings.
  - (5) Vehicles that were found parked illegally on nature strips had warning notices placed on them for the responsible driver. In addition to this, parking and information officers provided educational flyers to motorists to raise awareness of the requirements under the Australian Road Rules. It is a licensing requirement for the motorist to familiarise themselves with the Australian Road Rules and comply with the relevant legislation within the state or territory.
  - (6) Hopetoun Circuit was selected as there had been complaints received in relation to vehicles parking on the nature strip causing line of sight issues.
  - (7) Parking Operations act on complaints made by members of the public and if there are a high number of offenders, the same process that has been undertaken in Hopetoun Circuit is followed to advise residents that Parking Operations is in the area.
  - (8) If complaints are received in a residential area for vehicles parking on the nature strip then the area or offending vehicles are given warnings for 3 consecutive days, before infringements are issued.
  - (9) There have not been any formal approvals for residents to convert nature strips to car parks in Hopetoun Circuit Yarralumla.
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### **Planning—climate change impact (Question No 2403)**

**Ms Le Couteur** asked the Minister for Economic Development, upon notice, on 10 May 2012:

- (1) How is the Government's data from the report on *Ecological connectivity for climate change in the ACT and surrounding region* being used in land planning for the ACT.
- (2) What liaison with the Environment and Sustainable Development Directorate is undertaken to access this data.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The data and conclusions from the report on *Ecological connectivity for climate change in the ACT and surrounding region* are preliminary work aimed at improving the ability to identify areas of important landscape connectivity in the ACT and region.

The authors of the report caution that their work should be regarded as indicative only, as it is based on modelled data and is sensitive to the choice of model parameters, data resolution, ratings for habitat quality and permeability.



In line with the authors' recommendations, the data presented in the initial report has been subject to a fine scale analysis undertaken for the ACT and Commonwealth Governments by the Landscape Modelling & Decision Support Section, within the New South Wales Office of Environment and Heritage. This analysis is nearing completion and enables the current and potential relative connectivity value of a particular site to be determined.

This information will then form an important input into the planning processes, as applicable.

- (2) There is regular liaison between staff of both Directorates on strategic and ecological planning matters. Preliminary results from the fine scale analysis have been provided to EDD and have been utilised in the detailed planning for future urban land in Gungahlin to support statutory environmental approval processes under the *Environment Protection and Biodiversity Conservation Act 1999* and *Planning and Development Act 2007*.

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### **Planning—climate change impact (Question No 2404)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 10 May 2012:

- (1) How is the Government's data from the report on *Ecological connectivity for climate change in the ACT and surrounding region* being used in land planning for the ACT.
- (2) What liaison with the Economic Development Directorate is undertaken to ensure that this data is used in the primary stages of land planning for future urban areas.
- (3) What work has been undertaken to ensure that this data is integrated into ACTmapi.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The data and conclusions from the report on *Ecological connectivity for climate change in the ACT and surrounding region* are preliminary work aimed at improving the ability to identify areas of important landscape connectivity in the ACT and region.

The authors of the report caution that their work should be regarded as indicative only, as it is based on modelled data and is sensitive to the choice of model parameters, data resolution, ratings for habitat quality and permeability.

In line with the authors' recommendations, the data presented in the initial report has been subject to a fine scale analysis undertaken for the ACT and Commonwealth Governments by the Landscape Modelling & Decision Support Section, within the New South Wales Office of Environment and Heritage. This analysis is nearing completion and enables the current and potential relative connectivity value of a particular site to be determined.

This information will then form an important input into the planning processes, as applicable.

- (2) Preliminary results from the fine scale analysis have been provided to EDD and have been utilised in the detailed planning for future urban land in Gungahlin to support statutory environmental approval processes under the *Environment Protection and Biodiversity Conservation Act 1999* and *Planning and Development Act 2007*. This work is being undertaken by EDD.
- (3) Once the fine scale analysis is completed, information on key woodland and forest habitat and the key linkage areas between them will be placed on ACTmapi, along with the comprehensive threatened species and community mapping data which are already available through ACTmapi.

This connectivity information is expected to be added to ACTmapi in the next few months.

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### **Planning—draft variation 306 (Question No 2405)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 10 May 2012:

- (1) What are the costs involved in the ACT Planning and Land Authority's work in reassessing the planning codes in preparation for Draft Variation 306.
- (2) How many staff have been involved in this process.
- (3) How many years has this preparation work been going on.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) In addition to staffing costs, costs arose from the preparation by consultants of the review of solar access policies and the engagement of another consultant for a limited time in 2009 and 2010 to assist with policy review. The total costs were in the order of \$89,000.
- (2) The review team typically comprised two staff, but a third person was seconded to the team when required.
- (3) Review of the residential codes commenced in March 2009.

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### **Planning—energy efficiency initiatives (Question No 2406)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 10 May 2012:

- (1) Does the ACT Planning and Land Authority (ACTPLA), or another agency, maintain a database of energy efficiency ratings (EERs) for existing houses when they were sold, new houses and approved houses; if not, why not.

- (2) What did it cost or would it cost to do this.
- (3) If there is such a database, has ACTPLA collated this data in a form useful for analysis and policy development; if not, what would it cost to do this.
- (4) Has ACTPLA, or another agency, contacted All Homes, which I understand has been keeping records of EERs for houses it advertises for many years.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The ACT Planning and Land Authority does not maintain a database of EER's for existing houses. Commencing 1 July 2012 the eDevelopment system will make provision for the recording of EER for new dwellings at the time of building approval.
- (2) There is no cost analysis for a database to record EER's for existing houses.
- (3) See answer 1.
- (4) No.

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### **Planning—lease variation charges (Question No 2407)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 10 May 2012:

- (1) What types of remissions of development application (DA) charges or lease variation charges are available to property owners for redevelopment of buildings in the ACT.
- (2) Can the Minister list the number of DA waivers and LVC/CUC remissions which were granted over the past three years by type and amount remitted.
- (3) Are any other planning concessions granted to encourage redevelopment of sites, for example, waiver of parking requirements or changed building envelope or increased plot ratio.
- (4) Has there been consideration to reinstituting some of the waivers which were introduced in 1996-97 to encourage redevelopment of buildings such as the Novotel and Waldorf; if so, what are these waivers.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) a. There are no remissions or waivers available for DA charges.  
b. LVC remission for adaptive re-use – environmental performance is available under DI2012-78 – *Planning and Development (Remission of Lease Variation Charges for Adaptive Re use —Environmental Performance) Determination 2012 (No 1)*.
- (2) a. No. See the answer to question (1)A above.

- b. Since the *Land (Planning and Environment) Act 1991* was amended in 1997 all approved lease variations have attracted a remission of 25% of the added value under the formula now contained in Section 277 of the *Planning and Development Act 2007*.
- c. As a stimulus measure in response to the GFC 50% remission was granted under DI2009-137 – *Planning and Development (Reduction of Change of Use Charge) Policy Direction 2009 (No. 1)* in respect of lease variations lodged between 1 June 2009 and 1 June 2010 provided that the lease variation application was accompanied by a development application for construction of a structure upon the leasehold and the lease variation was reasonably relevant and proportionate to the proposed development.
- d. Since 1 July 2011 all approved lease variations to increase the number of dwellings permitted under the Crown lease have attracted a remission of 75% of the LVC in accordance with DI2011-197 *Planning and Development (Remission of Lease Variation Charges) Determination 2011 (No. 1)*.

(3) No.

(4) See the Answer to Question (1)B.

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## Questions without notice taken on notice

### University of Canberra and Canberra Institute of Technology

**Dr Bourke** (*in reply to a question by Mr Doszpot on Wednesday, 9 May 2012*): I can advise the Assembly that the Education and Training Directorate has confirmed that the total costs identified as being associated with the collaboration between UC and CIT (including GST) are \$58,198.

A breakdown of expenditure follows:

- Intermediate Government Liaison and Advisory was contracted to support the ACT Education and Training Directorate, with total costs of \$28,453.70.
- The cost of external consultancy fees, including travel and associated research, was \$29,744.42

### Communication and social awareness playgroups

**Dr Bourke** (*in reply to a question and a supplementary question by Ms Hunter on Thursday, 10 May 2012*):

1. Communication and social awareness playgroups are funded as part of the Early Childhood Intervention Program delivery through Early Childhood Education in the Education and Training Directorate (ETD).
2. In 2011 a pilot program trialled Noah's Ark Family and Community Centres managing the delivery of the Communication and Social Awareness Playgroup. Informal evaluation activities included a survey involving families and allied professionals. Nine responses were received including three from involved families, which were broadly positive. Due to the small number of respondents, it is not intended that further details would be made public.

Largely as a result of the small number of enrolments in 2011, it was mutually agreed between the Directorate and Noah's Ark Family and Community Centres that the Directorate could meet the needs of the group within existing resources, so the program returned to the Directorate in 2012. Children referred for this service are placed in north and south side ETD Early Intervention playgroups.

As is the case with any programs conducted by the ETD, current arrangements are subject to ongoing review. If it is considered appropriate at any time in future to outsource the delivery of this program, it will be subject to an open tender.

### Communication and social awareness playgroups

**Dr Bourke** (*in reply to a supplementary question by Ms Le Couteur on Thursday, 10 May 2012*): In 2011 a pilot program trialled Noah's Ark Family and Community

Centres managing the delivery of the Communication and Social Awareness Playgroup. Informal evaluation activities included a survey involving families and allied professionals. Nine responses were received including three from involved families, which were broadly positive.

Largely as a result of the small number of enrolments in 2011, it was mutually agreed between the Directorate and Noah's Ark Family and Community Centres that the Directorate could meet the needs of the group within existing resources, so the program returned to the Directorate in 2012. Children referred for this service are placed in north and south side Directorate Early Intervention playgroups.

As is the case with any programs conducted by the Directorate, current arrangements are subject to ongoing review. If it is considered appropriate at any time in future to outsource the delivery of this program, it will be subject to an open tender.

### **Alexander Maconochie Centre—identity bracelets**

**Dr Bourke** (*in reply to supplementary questions by Mr Coe and Mr Hanson 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.

### **Recycling—batteries and light bulbs**

**Ms Gallagher** (*in reply to a supplementary question by Ms Hunter on Tuesday, 8 May 2012*): The Territory and Municipal Services (TAMS) Directorate does not report on the proportion of fluorescent tubes and compact fluorescent globes going into ACT landfill given the very small volume.

However, the recycled component of fluorescent tubes and compact fluorescent globes is identified as a part of the drop off at transfer stations. Data for commercial recycling quantities is not kept.

In the 2010-11 financial year, a total of 2,235 tonnes of the recyclable component of fluorescent tubes and compact fluorescent globes, received at transfer stations, was recycled.

In 2011-12 to the end of April 2012, 1,245 tonnes of the recyclable component of fluorescent tubes and compact fluorescent globes, received at transfer stations, was recycled.

**Alexander Maconochie Centre—Solaris Therapeutic Community**

**Dr Bourke** (*in reply to a supplementary question by Ms Bresnan on Wednesday, 9 May 2012*): I understand that Karralika Programs Inc has now been advised by the Commonwealth that its funding for the Solaris Therapeutic Community program operating at the Alexander Maconochie Centre is to be continued for a further three years. Final funding details have not been provided at this point.

**Dr Bourke** (*in reply to a supplementary question by Ms Hunter on Wednesday, 9 May 2012*): I refer the Member to my answer to a similar question from Ms Bresnan MLA which I have attached for your information.

**Canberra Institute of Technology—alleged bullying**

**Dr Bourke** (*in reply to a supplementary question by Mr Doszpot on Wednesday, 9 May 2012*): All employees who have left employment at CIT have done so on the basis of a resignation or in one case through a retirement on medical grounds.

Staff with workers' compensation claims are being supported by Comcare, ACT Government rehabilitation managers and, where appropriate, external rehabilitation providers.

Employees who have concerns about the workplace experiences at CIT should raise those concerns with the ACT Commissioner for Public Administration.