



# Debates

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24 AUGUST 2012

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**Friday, 24 August 2012**

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

## **ACT Supermarket Competition Policy—Select Committee Report**

**MS LE COUTEUR** (Molonglo) (10.01): Pursuant to the order of the Assembly of 22 September 2011, as amended on 29 March 2012 and 7 June 2012, I present the following report:

ACT Supermarket Competition Policy—Select Committee—Report—*Inquiry into ACT Supermarket Competition Policy*, dated August 2012, including additional comments (*Ms Le Couteur, Mr Seselja*), together with a copy of the relevant minutes of proceedings.

I move:

That the report be noted.

I must, of course, start off by thanking the committee secretary, Mr Andrew Snedden, and the various assistant secretaries and helpers—Dr Michael Sloane, Ms Kate Harkins and Ms Lydia Chung. I also thank my fellow committee members, Mr John Hargreaves—who was not there from the beginning but was there for all of the time we deliberated and had public hearings—and Mr Zed Seselja.

This committee came about because of considerable public interest in the issue of supermarket competition and the resulting impacts on shopping centres in Canberra. It was a result of two motions which were amended and passed as one. The committee made 18 recommendations, and I will briefly go through the main ones. There were also additional comments from both me and Mr Seselja.

We talked a lot about the supermarket competition policy and the supermarket policy implementation plan. One of our first few recommendations was around transparency and better public information about this. We have asked that more information about the implementation plans be included in future annual reports from the Minister for Economic Development and in the reports of the Economic Development Directorate.

We suggested there should be a review of the supermarket competition policy. We noted that this was developed by the late John Martin, and that the retail environment had changed since its implementation in October 2009. It would seem reasonable that this be reviewed by this stage. We made a general comment in recommendation 6 that the retail hierarchy, which has been part of Canberra planning for the last 50 years or so, be incorporated in the supermarket competition policy implementation plan.

We spent some time considering supermarket floor space limits for different tiers of centres, and we made a number of recommendations about this. First we

recommended that the territory plan be revised to specify gross floor area limits for supermarkets in local centres. It may surprise people to know that, in fact, there are no actual GFA limits for supermarkets in local centres or other centres. We thought the GFA limits needed to be made individually rather than on a blanket basis, because Canberra has evolved.

The suburbs as they were designed way back in the 1950s are quite different from the suburbs that are being designed now. A GFA limit that makes sense for an older suburb is not necessarily going to make sense for a newer suburb and vice versa. A lot depends, clearly, on the population, the retail catchment area and also how far it is from one shopping centre to another shopping centre. We felt a one-size-fits-all GFA would not work but that there was a need for a size to be determined.

We also noted the considerable commentary about what exactly was included in gross floor areas for supermarkets. We recommended that this be looked at so that an exact definition is determined. We felt this definition should basically be looking at areas that are accessible to the consumer and not the auxiliary backroom areas, which are less important.

We also considered small business impact statements, and we recommended that these be extended. Small business impact statements should be undertaken for the geographic area which would be affected by any supermarket proposal. Such a small business impact statement should be paid for by the proponent but done independently, commissioned by ACTPLA, and it should be open for public comment.

We then looked at competition issues. The committee noted that the federal government has, under our constitution, carriage of competition issues. While the territory government has the levers of the territory plan and direct sale, these are not always the most appropriate levers. Recommendation 14 is that the ACT government should request the ACCC to consider acting to limit market share held in the ACT by the major supermarket operators and act similarly to limit the market share held by major supermarket operators in the ACT retail petrol market.

As I said, we recognised the ACT cannot do this job by itself and that it needs to be part of a federal solution. This is an Australia-wide issue. Anyone who reads the paper would see there is a discussion about the supermarket duopoly virtually every week and that we need an Australia-wide solution.

Going back to the days of the Martin report, there was a lot of discussion about wholesale competition. This discussion seems to have gone off the rails. We recommended that the ACT government provide an update on the situation as far as the introduction of additional wholesale facilities in the ACT are concerned.

We also looked a little bit at the role of shopping centres in the ACT, and we felt that it was important that we look at ease of access to supermarkets for people with mobility issues. We did not mean just people in wheelchairs or on walking frames but people who, for whatever reason, either choose not to drive or are not able to drive. We were talking about the whole gamut of mobility issues.

We also said that a recommendation of the supermarket competition policy and the territory plan should be the preservation of viable local centres. We had some discussion about the role of local centres, and we all felt that viable local centres were important. We also felt that, in terms of supermarket policy, the government needed to be a bit more forward looking and look at future transport patterns. People have to get from their residences to wherever their shopping centre is, and it is particularly true for supermarket shopping, which tends to be large and bulky. Transport patterns are very important in determining the location for supermarket developments.

I also made a couple of additional comments specifically about the management of gross floor area. The consistent measurement of GFA is important for the effective and equitable regulation of supermarket size and the associated shopping centres. This was one of the big issues in the case of Giralang shopping centre, and I think one of the things we need to look at is what should be included in the GFA for a supermarket.

I am a resident of Downer, so Dickson is my local shopping centre. Recently Dickson Woolies moved its liquor section out into another building. As far as the supermarket GFA definition is concerned, the GFA has not changed because they are not counted as the same organisation as they are in two different buildings. However, as far as the shoppers are concerned, the GFA has increased. We can see that—it just went from one place to another. I think that is an issue and it is something we need to deal with consistently and equitably.

The other thing that I wanted to make very clear is that shopping centres are a vital part of our community infrastructure. Of course, a viable supermarket is an important part of most shopping centres. Our community infrastructure is not just things like schools, playing centres, churches, hospitals et cetera. Commerce—buying things—is part of human existence and is part of how our community works. It is really important that our competition policy is such that we end up with a reasonable spread of viable shopping centres. We do not want to have the situation where we only have a small number of very large shopping centres because that is where dogged competition between the duopoly has left us.

In summary, this was a quite difficult inquiry because there are no easy answers. This issue is happening throughout Australia as supermarket retailing is changing and as retailing in general is changing. This is an area where the ACT has to do some more work. The late John Martin's work is very useful, but, unfortunately, most of his recommendations have not really come to fruition. It is time for the ACT to look at the issues again. It is also time for the ACT to lend its voice to national efforts to look at better supermarket competition policy. I commend the report to the Assembly.

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.12): I note that Mr Hargreaves is waiting to speak on his valedictory. I know there are many people in the gallery as a result, so I will let my additional comments speak for themselves and just pay tribute to our secretary, Andrew Snedden, and Kate Harkins in particular, and thank all members for their contributions.

**MR HARGREAVES** (Brindabella) (10.13): I thank Mr Seselja. I, too, would like to lend my voice to express appreciation to the committee secretariat and to colleague members on the work they did in delivering this report. It is a good read. If you have a problem sleeping, have a good read.

Question resolved in the affirmative.

## Visitor

**MR SPEAKER:** I draw members' attention to the fact that a former member of the Assembly is in the gallery with us today. I welcome Mr Mick Gentleman back to the Assembly.

## Valedictory

**MR HARGREAVES** (Brindabella), by leave: This is my valedictory statement to the Seventh, and my final, Assembly. This is also the first and last time I am going to use one of these lectern things.

Mr Speaker, 14½ years in a job is a long time by anybody's measure. To be given the honour of representing an electorate in this place is a singular privilege and one which I treasure. These years have been crammed full of exciting challenges, enormous highs and deep, very deep, lows. I have had the privilege of working with some amazing people. I have also worked with some that I would not invite to my home.

I have had a nomadic upbringing, never really calling anywhere home, because of my father's military service. So for a bloke that came to Australia as a £10 Pom—since I was only three, maybe it was a £5 Pom—to even think that I could end my full-time working life as a parliamentarian would have seemed fantasy.

Being elected as the last man standing in 1998 was an interesting time. I recall saying to my campaign manager, Jim Mallett, on election night when we knew I had won—because I wrote the program to do the predictions, which was enhanced by a young Andrew Barr—“So what do we do now?” He did not know either.

I reflect every now and again on what it has been like working here and I have developed a sort of theory on what it is to be a member of parliament. In developing the thinking, I came to realise the difference between being a politician and being a parliamentarian. During my stay in this building I have seen each facet of both being played out.

Being an elected politician is just an extension of other forms of politics. We all have been there, on P&C boards, footy club committees, interfamily feuds, survival in the workplace. Being a politician is to advance the cause of the group to which one belongs. One is a delegate for a cause.

A parliamentarian is a servant of the people, a representative, not a delegate. Parliamentarians advance the cause of individuals and groups within the community



without being connected to them necessarily. Further, a parliamentarian is a servant of the parliament, and a courageous parliamentarian will put the parliament above the party or group which helped elect him or her. I do not know of all that many people who fit this bill. It is this trait of being a politician before being a parliamentarian which brings the reputation of those in public life down to such a low level.

Most people in our community do not know what it is we actually do with our time here. They think we only work for 42 days a year and swan around enjoying perks for the rest. When I was a member of the opposition I found out in a hurry what demands there were. In trying to come to grips with being a representative for my electorate, and knowing that technically I had to provide services for about 12,000 electors, being one of five members for Brindabella, no-one told me which 12,000 they were, so I had to provide support for the whole electorate.

By the time 2001 came around I had over 3,000 individual constituents on my books, many of whom were repeat visitors. Given that most people do not have hassles most of the time, 3,000 was an extraordinary number. But this gave me the most satisfaction and joy. Of course not every contact ended in success, and my office took failure really to heart.

During the years 1998 to 2001 I had some incredible people working with me. Narelle Luchetti came on board with Lindy Frampton and we took on the tasks of a shadow minister for five portfolios and the deputy chair of a standing committee, as well as getting around the electorate. We were joined by Maria Vincent, who stayed with me for half my time here. I owe those three an awful lot.

Life in the chamber was a hoot—long nights, passionate debates and good humour exchanged across the floor, and only Simon Corbell and Brendan Smyth were around then to see it. As a member of the opposition, I found then that the best day in opposition is indeed nowhere near as good as the worst day in government. It was hard work: frustrating and rewarding at the same time and a massive learning curve.

Above all though there was an air of professionalism about—something which is sadly missing today. Strength of commitment, passionate debate, a sense of honour and integrity are not synonyms for fanatical zeal and personal destruction. Machiavelli did not really get it right when he said that the end justifies the means.

Later in the piece, we formed the Labor minority government and Jon Stanhope started his career as the longest serving Chief Minister in Assembly history. I, on the other hand, had to content myself with a support role as a member of multiple standing committees and the jobs of whip and what was then known as a Temporary Deputy Speaker. Again, though, my role as a representative for Brindabella kept me very busy and I loved it.

I have got to share with you one of the most amazing stories of that time. There was some discontent around about the building of the GDE, in particular the work affecting O'Connor Ridge. There was a group of agitators called Save the Ridge. On one occasion they burst into the chamber, chanting, "Save the ridge, save the ridge." I was in the Hansard box up there with Ray Blundell that day and saw the attendants

quickly escort the demonstrators out of the chamber. Ray said in his laconic fashion, looking down at the small refrigerator to his left: "What's this save the fridge bit all about? It's okay." It broke me up.

I was lucky to be part of a government bent on reform. And so it was. The Human Rights Act stands out over everything else. I was keen to see our own prison emerge, and it did. The standing committees I was on did some great work. Jane Carmody-Neilson was amazing as the secretary of the committee I chaired and we did some courageous stuff.

As luck would have it, 2004 rolled around and I got over a quota at that election. I was also lucky to get a guernsey in the cabinet. And so began the rollercoaster ride of the century. Only Brendan on that side of the house can know the highs and the lows of a ministerial job.

My highs were in reform, being part of the reforms in public housing, being part of the emerging corrections system, empowering our multicultural communities, getting more police out into the community itself and meeting some amazing people, like the current Prime Minister; the Queen; Audrey Fagan; the then Chinese Ambassador, Madam Fu Ying; Lara Giddings; and Katy Gallagher. While I have known Katy since 2001, I watched as she blossomed into the leader that she is today.

I was lucky enough to sit on ministerial councils which had only Labor ministers on them. Bliss. Another quick story: when I went to Canada to represent the Chief Minister, Mike Rann told the story of Gough Whitlam asking Mao Zedong what would have happened if it had been Nikita Khrushchev assassinated and not John Kennedy. The chairman thought for a while and replied, "I don't think Aristotle Onassis would have married Mrs Khrushchev."

Of the low times, one of them was having a heart attack in 2008 and carrying a big black dog around for a year. Beware the shadow of the dog. It roams around these hallowed halls looking for a victim. We have seen quite a few of us become members of that club. Also, stop to think from time to time whether you are delivering a black dog to your opponents for short-term political gain. It is nothing to be proud of.

The current Assembly has been an interesting time for me. I have been lucky enough to leave the ministry at a time of my own choosing, as well as leaving parliamentary life at a time of my choosing. People can say what they like, but I know the choices I have made have been mine and mine alone. I need to take up a bit of time to thank some people who have been on this rollercoaster journey with me over the years.

They fall into four groups: my Assembly parliamentary colleagues, my friends in the Assembly, my staff, both political and DLO, and my family and close friends. I have had the good fortune to work with some great colleagues. Whilst I disagreed with Jon on many issues, it was always a contest of ideas on whose were the best for Canberra. They were intense times and I would do it all again.

Katy brings a completely different style to the cabinet, one of consensus and the exploitation of the wide skills base in the cabinet. I saw Andrew's potential as a

fresh-faced young bloke and have seen his rise to prominence. Joy and Chris are still in a sense newbies but learning at a great rate. Joy has repaid all my faith in her tenfold.

But the one who has a special place is the father of the house. Simon has been there all of my parliamentary life and we have been a great support for each other. I have been a bit rough at times, just occasionally, but Simon has always been the unflappable, firm but gentle and considered leader that we know he is and a great counterpoint to my own style.

But Mary Porter holds a special place in my heart. During all of my low times, she has been a strength. She has been my mate. I do also need to say thanks for their company and contributions to Ted Quinlan, Karin MacDonald and Mick Gentleman. It is great to see Mick in the chamber. I have had some good friends over the years from those opposite and the crossbench.

The late Trevor Kaine was a great friend and I learnt a great deal from him. We enjoyed each other's company. Greg Cornwell, Bill Stefaniak and Harold Hird were, and are, good friends. They were not self-obsessed zealots but were professional and warm human beings. I got to respect and admire very much Kerrie Tucker, whose quiet and firm resolve was good to see. I see a bit of her in Meredith.

I have always seen part of my job here to relieve the tension by cracking jokes and lowering the temperature at times. It was sad to see the Liberals' attack on me see an end to this service to the house. The house is the poorer for the lack of a circuit breaker. My friends on the crossbench have always given me sources for amusement—and I thank you—but I do need to say how much they have, by their presence here, tried to enhance the image of the parliament, to reduce the reputation for schoolyard brawling to a small measure of success and I wish them well in the future.

When I got here I found the rigid protocols of decorum a bit hard to take. I hated the "Mr Hargreaves" tag and had difficulty convincing Mark McRae to call me John. It did not ever happen. I have achieved a fair bit in this regard, though. To be addressed as "Johnno" by all and sundry has given me such pleasure over the years.

Mr Speaker, this place would not work without the support staff—which for the most part is invisible. It is a smart member who listens to the advice of support staff and learns lessons for later. I was taught by experts. Tom Duncan, Max Kiermaier, Janice Rafferty, Celeste Italiano, Anne Shannon, Ian Duckworth, Sandra Viney and Laurel Coyles are some of the faces that come instantly to mind. There are heaps of others over the years and I thank you very, very much.

The guys in corporate and executive support services and in the library—a special g'day to my favourite in the library, Karen Franklin, my niece, who has a very good taste in uncles—have been fantastic, as have those in the education section, Hansard and IT support. But with respect to you all, the group that has saved my sanity on many an occasion has been the attendants. What a relationship I have had with this eclectic bunch.

Over the years there have been some characters. Some members here will remember Reg Walters and Peter Litchfield. The current crop are a great bunch of people with senses of humour only a mother could love. Dick Stalker, who is Gai Waterhouse's unrecognised son, Rod, Peter, Paul, Lainie, Denis "I'm a closet Collingwood supporter" Axelby, Andrew and Sam all give it to me when I come to work and I return fire. You gotta love them, don't you? Where would we be without the techos and the maintenance guys like Ray "scourge of the seas" Blundell and Rick "tricky dicky" Hart and, before him, Barry Schilg?

The work of parliamentarians is one of cerebral challenge. We consider all manner of issues and submit all manner of reports, but we do so on the back of the real workers in the committee system. I need to pay special credit to the committee secretaries that I have served with over the years. I have served with so many brilliant and capable people over the years and to single out some would be to forget others. But I do need to single out Andrea Cullen and Jane Neilson, two secretaries who have epitomised the supportive role so demonstrably. And to all others, thanks; if time permitted me, I would name you all.

However, one of the passions I developed was for the role of scrutiny committees. I believe that I may be the longest serving deputy chair of the Assembly's committee. In fact, I think I am the Assembly's professional deputy chair. I think I have been a deputy chair of almost every committee designed by humankind in Christendom. In all of that time I have had the pleasure of the guidance of Peter Bayne, whose dedication to this subject is legendary. We have also had the service of Stephen Argument. Both of these gentlemen are recognised world leaders in the subject of legislative and subordinate legislative scrutiny. They taught me heaps.

Mr Speaker, I have been blessed to be able to work with some pretty amazing people. When I was a minister I had a number of DLOs, without whose professionalism we would not have been able to do anywhere near the things we did. They were all characters in their own right but real professionals. I salute my DLOs and apologise if I have not included all of your names. Each one has a special place in my heart. Ashley King, Geoff Virtue, Lee-Anne Warren, Paul Udovisi, Emma Taber, Matthew Clissold, Maria Mangeruca, Keith Ward and David Jones. I know there are others.

Can I say also, Mr Speaker, that ministers depend on their departmental leaders. I had such great support from Sandra Lambert, Martin Hehir, Maureen Sheehan, Lois Ford, Ian "go the Pies" Hubbard, David Collett, Mike Zissler, Gary Biles, Hamish McNulty, Tony Gill, Audrey Fagan—the legendary Audrey Fagan—Nic Manikis, Angela Parker and myriad fantastic professional officers. I hate the name "public servant". I was an officer of the public service and a servant to no-one.

Lastly, Mr Speaker, I need to thank a group of people who have been my mainstay—my friends and my family. Jim Mallett was my campaign manager in 1998 and has been with me in one form or another for all of my political life. I worked with my good friend Ian McNeill for over 30 years and value his friendship immensely. We three grumpy old men are a formidable bunch and damn fine chefs.

During my time as minister for various things, I had an exceptional group of staff. My chiefs of staff were Andrew Barr, Geoff Gosling and Mark Kulasingham. My media advisers, whose job it was to control the larrikin in me, were Liz Lopa, Caitlin Bessell and my very, very good friend, Kim Fischer, who has been in all of the highs and the lows with me. It was an impossible task, but they did a great job. My advisers and minders included Jennie Mardel, Stacey Pegg, Andrea Walker and Nelson Mendonca.

Mr Speaker, you will notice that I did not have a lot of staff over my time but I had the best. Professionalism, persistence and patience. Dealing with me was not a walk in the park, but they were magnificent, and Canberra owes them a lot.

I also owe a debt of gratitude to my Labor Party mates. I have spent all my political life in the Lanyon sub-branch of the party, and my colleagues there and in the Tuggeranong sub-branch have been great supporters. People like Mark and Lizzie O'Neill, Lindsay Burge, Vic Rebikoff, Marco Spaccavento, Karl Maftoum, Jon and Keith Crowley, Shaun and Bill Haidon, and Winston Hopman—to mention just a few. Other friends in the party who have been such a big part of my life include Chris Sant, Natasha Shahidullah, Ian De Landelles, Paul Whalan, Stephen Bounds, Eva Cawthorne and Charles Njora—also mentioning only a few.

My family, Mr Speaker, have always been in my corner. My brothers and sisters and their wives and husbands, Jim, Judy, Jill and Jeff, Meg, Dave, Dave and Rachel, their kids and their kids' kids have always been there when Uncle Johnno has needed them and I love them all. There is not enough gin in this glass!

My late parents would have marvelled that I could have kept down a job as long as this. My father gave me a sense of the ridiculous. He was a liberal, of course, and thus an expert on the ridiculous. My mother gave me my compassion. That was and is a powerful mix. My daughters, Tracey and Amanda, their husbands John and Jason, my granddaughter Jessica, my grandsons Johnathon, Benjamin and Andrew are my joy and I am so blessed to have them.

There is, though, one person I need to put up in lights. She is responsible for there being no gin in this glass. She has seen me through the most amazing journey a man could go through. She was there before politics was even a thought. She was there when I ran the first time. She was there when I stuffed things up big time and she was there when I went that extra mile to do the things I believed in. We have been married for 30 years and I have spent half of it as a member of this place. We have grown up together. To my wife Jenny I owe my sanity, my sense of self-belief and my grounding. She has shared my laughter and my tears. Were it not for Jenny, I would have quit this place a long time ago, so you can all blame her.

Mr Speaker, I leave this place thankful that I was here, thankful to have had an opportunity to do some good things and thankful that I have been surrounded by so many good people. I would like to leave you with something that has guided me in my life. It is a quatrain from my favourite poet, Omar Khayyam, which reads:

The Moving Finger writes; and, having writ,  
Moves on: nor all thy Piety nor Wit,  
Shall lure it back to cancel half a Line,  
Nor all thy Tears wash out a Word of it.

And finally, au revoir, mes amis, puissiez-vous tous eu le succes que vous meritez dans l'election, peut vous appreciez l'amour de vos familles, et puissiez-vous etre dans le ciel une demi-heure avant que le diable sait que vous etes mort—which, translated, means: may you all have the success that you deserve in the election, may you enjoy the love of your families, and may you be in heaven a half hour before the devil knows you are dead!

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services), by leave: I would like to take this opportunity to make a few brief comments and farewell my colleague John Hargreaves, and to put on the record the significance of his contribution to the Assembly and to our community over the past 14 years.

I think you can take from the speech that John just gave that it is going to be clear to all of us that the Assembly will lose some of its colour with your departure at this election—your departure of choice, I should add.

In 14 years as an MLA, John Hargreaves has had the opportunity to serve his community in almost every capacity open to a member of parliament. He has also had the distinction of having served as an MLA for more than half of the period since self-government. The roll call of the government and opposition positions he has occupied since his election in 1998 is a long and varied one.

In his first term, he held a number of shadow ministerial posts. In government, he served as a minister in a range of portfolio areas, each time bringing his trademark enthusiasm and determination to improve the lives of his fellow Canberrans. His record of committee service, which he has given us a sample of today, is surely one of the most extensive in the history of self-government. He has been a member of no fewer than eight select committees on estimates—I feel that that must come with an apology as well, Johnno—four as deputy chair. He has also served on eight standing committees, on the MLA Superannuation Board and on a range of one-off select committees. He has represented the Assembly at many gatherings of the Commonwealth Parliamentary Association and at other conferences and in delegations relating to parliamentary and democratic processes.

As a parliamentary performer, Johnno has always been the king of the unscripted epigram—the more colourful the better, but unfortunately usually unrepeatable. I did check, Johnno, but I would have been required to withdraw many of them. He has been a dedicated student of the standing orders, rivalled in that capacity and in his preparedness to invoke those orders perhaps only by Mrs Dunne.

His achievements in the Assembly have been many, but I know the ones that he holds most closely to his heart. They would have to include his work to ensure that there

was a firework ban. I have very vivid memories, Johnno, of the meticulous work you put into lobbying each one of us to change our position. It was like *12 Angry Men*, the movie. We all started at one point, and gradually over the years he ground us into the numbers needed, including a very personal presentation to my daughter, I believe, to ensure that I got lobbying at home as well as at work about the impact of fireworks—and including, I think, very detailed photos, just in case she could not get the colour of what you were saying in your words. Anyway, it was successfully delivered.

Another area I would mention is corrections and your passion for prisoners, for prisoners' rights and for prisoner rehabilitation. Again, there are not too many people in this community that stand up for the most vulnerable. I would put prisoners in that category, and your passion for that area is noted and should be recorded.

The other area, I would say, is multiculturalism, and the way that you managed that portfolio. Your connections with all the multicultural community and the respect you gave all of them I have no doubt contributed to the wonderful multicultural community that we all live in today. I still will find that \$25,000—a private joke, but it goes back many budgets.

John has been the type of local member that all MLAs should aspire to be—not just a representative of the local community, but deeply embedded in it, in a way integrated into it. His passion for Tuggeranong and the electorate of Tuggeranong—I should say the republic of Tuggeranong—at times has been fierce. It is that same one-eyed view that he takes to anything and any person he wants to support, and it was the same with his electorate.

It is the same approach, I think, that he has taken with probably his most significant love, which is that of his family. All of us who have worked with Johnno know just how important family is to Johnno, and his deep love for Jenny and his children in particular—he has bragging rights on all of those—and the soft side of John Hargreaves. I think many people who do not know Johnno see the public side, the gruff side and the humorous side, but we all know the very deep and soft side. Politics is tough at times, and one of the things I respect most about Johnno is, when politics has been tough for him, the way he has approached those times with honesty and with incredible dignity in the face of a very public process. That is incredibly difficult. Your words today about the black dog, and some of that side of politics, are lessons that we could all learn from.

Johnno has been a member who focused on the little issues, but he never took his eyes off the big ones. That makes him a wonderful member of this Assembly.

I have been asked by Jim Mallett to say a few words, because even though he cannot be here he is really here. He wanted me to pass on today, Johnno, his most special thoughts at this time. He is up north somewhere, I hear, but he might be tuning in on webstreaming or something. But he did ask me to pass on his most special thoughts to you today. We do lose a very valued friend and colleague today in the Assembly, though you are not off till the election, Johnno.

And you will be missed from part of the Labor team. I know you will continue on in your work in the community. I know you will not be a stranger to any of us. But it is very right that you have your achievements and your contribution recognised today, Johnno. I thank you very much for your loyal service, not just to the government but to the community of Canberra.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation), by leave: It is the end of an era; there is no doubting that. This place will not be the same.

I have known John for a very long time. I still remember that election night in 1998 when, yes, we had done the numbers and worked out that he was going to get elected into this place. He has made a massive contribution. He is right: there have been highs and lows in his working life in this place—and in our relationship, undoubtedly. We have agreed on many things and had some pretty passionate disagreements over the years, but throughout that Johnno has always been real and he has always been someone whose capacity to inspire and surprise—even again this morning with a fantastic valedictory speech—has always been there.

John, I wish you all the very best in the next phase of your life. I am fairly sure that the fish of the south coast have something to fear, perhaps down Narooma way. With your own personal 2CA in your car, and through your passion for music, I am sure you will get an opportunity for a bit more personal enjoyment as you take the time to reflect upon everything that you have achieved in this place.

On behalf of all of us who have had the opportunity to work for you and to work with you, all the very best. The only positive I can reflect upon, John, in your exit from this place, is that there is going to be one less Collingwood supporter in the Assembly. That, ladies and gentlemen, has to be a good thing. But John, thank you for everything you have done for me and for the Labor Party, and most importantly for your electorate in Tuggeranong. Congratulations.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development), by leave: Mr Speaker, I first became a colleague of John Hargreaves in 1998. We were part of a small and, at that time, demoralised caucus that also included two other new members along with John: Jon Stanhope and Ted Quinlan. They, along with Wayne Berry, Bill Wood and I, formed the Labor team for that Assembly.

It was, as John has recounted, an exciting, challenging time, but it was a fantastic time for all of us. We built, and rebuilt, Labor, along with the party and our re-engagement with the community. They were great times; I will always value those and the times that I remember with John and all of that caucus in particular.

Since our election to government, John has shown his ongoing commitment to true Labor causes. The interests of those who are most disadvantaged or marginalised in our community, whether it is corrections, whether it is people reliant on public housing, or whether it is those in the broader multicultural community that often face



marginalisation or discrimination in our community—John has been a passionate advocate of them all.

But in my brief comments today what I really want to say is that, of all the things I admire about John Hargreaves, it is his humanity: his ability to recognise that he is not perfect, that he has his flaws, that he has foibles—that that is what makes him who he is. He brings his humanity to his politics and to his own life journey. John and I have had our battles, but over recent years I have greatly valued, in particular, the capacity to sit down and have a good conversation.

John, thank you for your contribution to this place, for your work as a member for Brindabella and for your work as a member of this Assembly. I wish you all the very best for your retirement from this place and the life that now will unfold before you.

**MS BURCH** (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing), by leave: I would like to make some very brief statements today. The words follow on from the Chief Minister, Deputy Chief Minister and Simon Corbell, who shared the 14 years of John Hargreaves's time here.

Your time, John, has been recognised. You served us well as a backbencher, as a whip and as a minister. You hold a place in this Assembly and elsewhere as the great parliamentarian that you are.

I had a look earlier today at your inaugural speech and, if I may, I will read some of it. John said in 1998:

I would like to see a Canberra where cultural diversity is celebrated in real terms, where interracial differences do not exist, where the different cultures are encouraged to be part of our society and where we take advantage of the richness of those cultures to enrich our world ...

So, how do we do it? We embrace the spirit of reconciliation in our hearts as well as in other ways; we encourage the celebration of other cultures and foster the continuation of diverse languages, music and personal beliefs through education and the arts.

I would have to say Mr Hargreaves has been absolutely true to the spirit of his inaugural speech back in 1998.

You have been described as a colourful character. You have come here today in black and white, and someone would think you are a Collingwood supporter. I, too, in your honour, have dolled myself in black and white. Sorry, Andrew; you might find me to be a Collingwood supporter. But on the spirit of Collingwood, I also looked at their theme song and, for you, John:

Good old Collingwood forever,  
We know how to play the game ...

Oh, the premiership's a cakewalk  
For the good old Collingwood.

That, can I say, is based on an Irish song—based on, I think, *Dolly Gray*. There is one line from that that I will read. The Irish version is:

Goodbye Dolly I must leave you, though it breaks my heart to go,

Johnno, you have made a difference and you will be missed.

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections), by leave: As the newest member of the Labor caucus, I valued John's advice when I first came here, and particularly his support on Assembly procedures and protocols. When I became corrections minister, his insight into restorative justice helped shape my view of the purpose of corrections, about rebuilding lives. His passion and commitment to Canberra, and especially to his constituency of Tuggeranong, have been an example to me and, I think, every Assembly member. I wish him well for his retirement from the Assembly and I look forward to his further contributions to public life in Canberra.

**MS PORTER** (Ginninderra), by leave: I would like to say a few words to recognise John Hargreaves—Johnno, as we all fondly know him—and thank him for his contribution to this place, to the community and to the Labor Party in his role as a member of that party and as a member of this place. This, of course, as others have said before me, is considerable. However, mostly I want to thank him for his person and for his personal support on my journey, in being there for me during my first election—particularly when I got the wobbles over some small moment that all candidates suffer. Also I thank him for his support when he was a minister, in attending so thoroughly to all my constituent representations—of which there were many, we can tell you. There were lots of things to do with footpaths and things, I recollect. As a fellow backbencher, he has been there for me as a colleague and a friend. His knowledge of parliamentary process is invaluable and I thank him for his mentoring.

I will miss you, Johnno, but I know that you will always be there with your dear wife and your family and your friends. Jenny, I know, will be there with you. She will enjoy having you at home and being able to travel the world with you—of course, with your ukulele; I am sure you are going to pack that. We will be hearing a lot of you, but all the best and thank you very much.

**MR SESELJA** (Molonglo—Leader of the Opposition), by leave: I find myself in a rare moment where I agree with Mr Barr. In a couple of ways Mr Barr said this place will not be the same; I think that we would all agree with that. Also I agree with Mr Barr on commending Mr Hargreaves for a very fine valedictory speech. I think they were very fine words and I thank him for saying those words here today.

It is a significant honour to be elected to the Assembly. I think we all feel that. Most of us—many of us—have tried a few times before getting there, but all of us who get elected to this once know that it is a great honour to be entrusted to represent your electorate. To be elected four times, in the way that John Hargreaves has, is a

significant achievement. It is a significant achievement that not many people get to do. There are very few people in the history of the Assembly who have been elected four or more times and served 14 years in the way that John has. I honour that achievement and I honour that service here today.

It is worth noting also that during that time I know that John Hargreaves was also, most often, mentioned as the first Labor member elected in Brindabella, which is no small achievement either.

I will just finish by thanking you for your service and wishing you and Jenny, particularly, all the best for the future.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens), by leave: On behalf of the Greens, I would also like to pay tribute to Johnno. I do not quite know where to start; there have been a lot of jokes and some great interactions over the last four years. We have sat on the scrutiny of bills committee together, along with Mrs Dunne; there have been times when it has been a little disconcerting for me to see Johnno and Mrs Dunne getting along so well. I almost wondered where I was. But you were happy to share your experience, sometimes in rather a longwinded way; fewer words may have been more to the point. You were always willing to share your experience and knowledge.

And you were always one to be able to have a bit of a laugh with, which is important. It is a tough job in here. You did speak about the black dog. It is important that amongst parliamentarians there is some support for and some understanding of the tough job we do. I know that has been a bit of a theme for you—the difference between a parliamentarian and a politician. I think, Johnno, you have been a good example of that.

I know that you have represented this parliament on many occasions overseas, with the Commonwealth Parliamentary Association. Sometimes, Max or Tom has accompanied you. I am sure there are parliamentarians around the world who may sometimes have wondered what our parliament is all about, Johnno. But I am sure that you did the best to promote this parliament in those circumstances.

Again, on behalf of my colleagues, I thank you for your long and dedicated service. As Mr Seselja said, it is quite extraordinary to have gone through four elections, to have been there. As I said, it is long hours, but you have been there to ensure that you supported your community, made representations on their behalf and, particularly, made that connection to the multicultural community. I have seen that first hand; I know that that is very close to your heart—along with playing music. I have yet to see Johnno and his band. I know they have been practising in a garage. I do not know if it is Ms Burch's garage? Yes, it is Ms Burch's garage.

I wish you all the best in your musical career, which is coming up, particularly with your ukulele playing. Maybe we could book you for the Christmas gig here at the Assembly; Mr Speaker might take than on board.

Thank you very much for your years of great service, Johnno.

**Ms Lainie Loewe**

**MR SPEAKER:** Members, while we are in the mode of farewells, I would like to take a moment to also acknowledge that today is Lainie Loewe's last day of service to the Assembly. Lainie is in the public gallery at the moment. She has been a sessional attendant at the Assembly since 2003. I would like to thank her very much for her service to the Assembly since that time. I remind members and staff that there will be a morning tea to farewell Lainie on Monday morning at 10.30 am, and all occupants of the building are invited to join us. Lainie, enjoy your retirement and thank you for your contribution.

**Climate Change, Environment and Water—Standing Committee Report 7**

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (10.58): I present the following report:

*Climate Change, Environment and Water—Standing Committee—Report 7—Report on Annual and Financial Reports 2010-11, dated 24 August 2012, together with a copy of the extracts of the relevant minutes of proceedings.*

I move:

That the report be noted.

I will speak briefly on this report to thank my fellow committee members on the climate change committee: Ms Porter, who is the deputy chair, and Mr Seselja. I also thank the secretary, Sam Salvaneschi, Dr Michael Sloane and Lydia Chung, who helped to put together this report on annual and financial reports.

There is not too much as far as recommendations go within this report, but there are a couple that I would like to highlight. One of those is around the importance of the ACT Environment Protection Authority continuing to monitor the progress of the mapping and management of ACT sites contaminated with asbestos and other hazardous material.

This is an ongoing issue that we need to keep an eye on here in the territory as we develop. Certainly, as we have greenfields developments and so forth going on in this city, we need to ensure not only that we make it safe for those building those new suburbs but also that we are continuing to locate and map where we do have hazardous materials and asbestos. I believe Mr Hargreaves yesterday touched on this issue when he spoke about sheep dips across the territory and that we still did not have a complete map of those sites. So we do make a recommendation in the report around mapping and monitoring.

We also recommended that the ACT Minister for the Environment and Sustainable Development present to the Assembly an update on how the government intends to

assist owners of units and apartments to increase the energy efficiency of their dwellings. This came up; we do have legislation in place for greenhouse gas reduction targets. It was in light of trying to meet those targets and about how we can assist not only those in stand-alone homes but also those in unit complexes and apartments to be able to achieve greater energy efficiency.

There was a recommendation that I know Mr Seselja was very keen on. Certainly we should be collecting data around the plastic shopping bag ban, in terms of environmental outcomes. We asked that there be a report to the Assembly on how that was going. It is important that we continue to strive to reduce the amount of waste that we are putting to landfill. That also goes to an issue of consumption. Certainly we need to be focusing, wherever and whenever possible, on being able to reuse, recycle and see how we can manage to keep things out of landfill. That one was about plastic bags, the impact of the plastic bag ban and what it was doing with respect to reducing rubbish going to landfill here in the territory.

There were 11 recommendations overall. I would like to thank the minister and also departmental officials for appearing before the committee and answering questions, as well as a number of questions on notice. I commend this report to the Assembly.

Question resolved in the affirmative.

## **Public Accounts—Standing Committee Report 30**

**MS LE COUTEUR** (Molonglo) (11.03): I present the following report:

Public Accounts—Standing Committee—Report 30—*Report on Committee Activity—Seventh Assembly*, dated 13 August 2012, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This report, as it is entitled, is a summary of the work of PAC over this Assembly. In presenting this what I need to do most is to pay tribute, as has been done before, to our very able secretary, Dr Andrea Cullen. Without her efforts there is no possibility that we could have done our work as well as we have done. I would also like to pay tribute to my fellow committee members, Mr Hargreaves and Mr Smyth, and previously Ms Burch. I pay tribute also to our informal editorial committee, which has been so useful in terms of improving the quality of our reports. I very much hope that the public accounts committee in the next Assembly will be able to take a look at this report and find out the sorts of ways that public accounts committees can work.

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

### 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 regarding certain Auditor-General's reports currently before the committee.

In the course of the Seventh Assembly the committee has completed a heavy workload. It has tabled 30 reports containing 346 recommendations and extending over 1,890 pages. Of these 30 reports, 16 inquired further into reports of the Auditor-General, which are automatically referred to the committee, nine addressed matters referred to the committee by the Legislative Assembly, two addressed the committee's participation in the activities of the Australasian Council of Public Accounts Committees, and two arose from self-referred inquiries.

Nevertheless, due to time constraints the committee has not been able to commence or has been unable to complete its inquiries into a number of referred Auditor-General's reports. As such, the committee resolved on 10 July 2012 that the following Auditor-General's reports should stand referred to the Eighth Assembly's Standing Committee on Public Accounts:

- No 6 of 2011: *Management of food safety in the Australian Capital Territory*;
- No 1 of 2012: *Monitoring and minimising harm caused by problem gambling in the ACT*;
- No 2 of 2012: *Whole-of-government information and communication technology security management and services*;
- No 3 of 2012: *Early childhood schooling*;
- No 4 of 2012: *Development application and approval process for high density residential and commercial developments*; and
- No 5 of 2012: *Management of recycling estates and e-waste*.

With regard to Auditor-General's report No 5 of 2012: *Management of recycling estates and e-waste*, Mr Hargreaves took no part in the committee's decision to refer this report to the public accounts committee of the Eighth Assembly, as he has previously been a minister with responsibility for waste management.

Under its resolution of appointment, the committee examines all reports of the Auditor-General which have been presented to the Assembly. The committee has established procedures for its examination of reports. The committee has reached different stages in its inquiries on the aforementioned reports in accordance with these procedures, and I will briefly outline the current situation with these reports.

The committee has commenced but not completed its examination of Auditor-General's report No 6 of 2011: *Management of food safety in the ACT*, which was

referred to the committee on 21 December 2011. The audit report presented the results of a performance audit on the regulatory framework for managing food safety and its implementation in the ACT. The committee received a private briefing from the Auditor-General in relation to the audit report on 9 February 2012 and a submission from the government, dated 31 July 2012.

The committee also commenced but has not completed its examination of Auditor-General's report No 1 of 2012: *Monitoring and minimising harm caused by problem gambling in the ACT*, which was referred to the committee on 3 April 2012. The audit report presented the results of a performance audit on monitoring and minimising harm caused by problem gambling in the ACT. The committee received a private briefing from the Auditor-General in relation to the audit report on 29 May 2012 and a submission from the government, dated 2 July 2012.

With regard to Auditor-General's reports Nos 2, 3, 4 and 5 of 2012, the committee has not yet commenced its examinations and therefore has not received briefings from the Auditor-General on these reports or received any government submissions with regard to the findings of these reports.

In relation to Auditor-General's report No 6 of 2012: *Emergency department performance information*, the committee resolved to inquire further into this report on 10 July 2012. As members would be aware, the committee tabled an interim report out of session on 21 August 2012. In this report the committee was of the view that the circumstances regarding the alteration and misreporting of performance information must be considered as part of a wider inquiry. Due to the time constraints, the committee has not been in a position to progress an inquiry of this scale and scope.

The committee therefore suggested that the Eighth Assembly Standing Committee on Public Accounts give due consideration to conducting an inquiry into the process of future delivery of healthcare services across the ACT's two public hospitals. Accordingly, the committee has resolved to leave Auditor-General's report No 6 of 2012: *Emergency department performance information* to stand referred to the Eighth Assembly public accounts committee.

Finally, I would like to update the Assembly on the status of the committee's review of Auditor-General's report No 6 of 2009: *Government office accommodation*. The report was referred to the committee on 28 August 2009. The committee resolved on 3 August 2010 to inquire further into the audit report.

On 15 February 2011 the committee tabled an interim report containing three recommendations. The committee made the decision to table an interim report after considering the evidence it had received up to that time because it believed its position with regard to the new government office building should be brought to the attention of the Assembly. The government responded to the interim report on 16 August 2011 and did not agree to any of the committee's three recommendations.

On 20 September 2011 I made a statement to the Assembly pursuant to standing order 246A reporting that, due to then recent developments with regard to the proposed construction of new office accommodation, the committee had resolved that no

further inquiry into the audit report was warranted at that stage; however, the committee intended to continue monitoring the outcome of the committee's market testing processes.

On 11 July 2012 the committee resolved that the audit report no longer warranted further inquiry. Any further inquiry into government accommodation is a matter for the public accounts committee of the Eighth Assembly to consider. Given that the government office accommodation project remains ongoing, I note that there is no procedural obstacle to that committee resolving to examine the matter further.

In concluding, the committee notes for the record that it has inquired into 34 of the 40 Auditor-General's reports that were referred to it in the course of the Seventh Assembly. Of the 34 audit reports, it resolved to inquire further into 16.

## **Climate Change, Environment and Water—Standing Committee Report 8**

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (11.12): I present the following report:

Climate Change, Environment and Water—Standing Committee—Report 8—*Inquiry into Current and Potential Ecotourism in the ACT and Region*, dated 22 August 2012, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I again want to thank those who have been involved in this inquiry. I thank Mary Porter and Zed Seselja, the deputy chair and member of the committee, and the secretary, Sam Salvaneschi, Dr Brian Lloyd and Lydia Chung. I thank those in the library who also helped with this report. And it was significant work that they also contributed.

The Standing Committee on Climate Change, Environment and Water decided that we would, as our final inquiry, look at current and potential ecotourism in the ACT and region. And some of the things we wanted to inquire into were the extent of organisations that were involved in ecotourism activities, how those activities contributed to or detracted from conservation and restoration of ecosystems, and what contribution they made to the region's economy.

We also wanted, of course, to look at the sort of accreditation and licensing that were in place that incentivised the ecotourism area or activities but also ensured that it was not a bit of greenwash and that, in fact, the sort of accreditation and licensing did put in some protections and enhancement of the region's ecosystems. We wanted to be looking at industry and government measures that supported and ensured the promotion of biodiversity and other benefits of ecotourism.



This was a very interesting inquiry for us. I understand that a previous Assembly did look into ecotourism in the ACT and surrounding region, but it was very much just an economic focus. We wanted to broaden that out a little to also be looking at what programs and companies could do as far as ensuring that ecosystems were in fact enhanced by the activities.

We did very well with our submissions. We had 30 submissions that came in from a range of organisations. Of course, there was the ACT government, but we also had submissions from organisations such as Orienteering ACT. We had the Australian National Botanic Gardens, who also came in to give evidence to the inquiry. We had the recently formed Ginninderra Falls Association, who came in to give some evidence about the importance of the Ginninderra Falls that many of us know, that have been closed for many years, and their bid and the work they are doing to try to reopen the falls.

We had quite a few submissions from surrounding councils, because we did take in the region, and it was fantastic to be able, in this inquiry, to engage with those councils in the surrounding region. This is something we also did in the ecological carrying capacity inquiry, because that also took a more regional focus.

I think that part of what came out strongly for us was the importance of seeing ourselves not just as the ACT, with these borders that were drawn up 100 years ago, but as part of a region, and a very dynamic region, and how we can build on the strengths of that region in regard to the wonderful places, beautiful places, that we have in the area—the parks, the natural beauty, the ecotourism experiences that can be provided in the ACT and across the region. We also, as I said, wanted to look at licensing and accreditation.

As far as the hearings went, we had Kim Cheatham, the chief executive officer of Ecotourism Australia, give a very good overview and a rundown around what processes people need to go through in order to get that stamp of approval around being an ecotourism operator and operation. And that gave us a good sense of the fact that you really do not want the greenwash and the fly-by-nighters coming in to set up something that at the end of the day may give profit to individuals and companies but damages the area that they are using. So it was really quite informative for the committee to hear about the processes that are in place that organisations have to fulfil, have to complete, in order to get the accreditation from that organisation.

We also did hear from the Australian National Botanic Gardens. I think it was really good to have one of our well-loved national institutions also talk about the role that they play in the ACT and in the region. And one of the things they did raise, which I thought was well worth looking into and should be planned into our city, was that link between the National Botanic Gardens and the arboretum and that there needed to be walking and cycling links built in and planned between those two places.

We have come out with a series of recommendations in this report. I do hope that even though this is the last day of this Assembly, the Seventh Assembly, we do have a response from the incoming government, because it would be a shame, after doing

this work and after the contributions made by a number of individuals and organisations, to have this work lost. So I do hope that it does get picked up, and certainly I will be pushing that it does get picked up in the next Assembly.

The report makes a series of recommendations around how we can look at, I guess, promoting ecotourism. The ACT is very lucky. We do have some great jewels in the crown and, as I said, we are in a very rich region as well.

So I would like to thank again those who contributed to this inquiry. It was a very short inquiry. Our ecological carrying capacity inquiry went over quite a considerable time, but we felt that it was important to have this inquiry, even though it was held within quite a short space of time. But I think we covered the area well. I think we managed to get some really knowledgeable people in this area to come in and give evidence to the committee, and we were also able to draw on a lot of expertise—as I said, 30 submissions. I really thank those who took the time to contribute, and I commend this report to the Assembly.

**MR SESELJA** (Molonglo—Leader of the Opposition) (11.21): I briefly thank Ms Hunter and Ms Porter for their contribution to this report, and I particularly thank Sam Salvaneschi for the amazing work she did on this report, for the amazing work she always does in serving committees.

Question resolved in the affirmative.

## **Administration and Procedure—Standing Committee Report 5**

**MR RATTENBURY** (Molonglo) (11.21): I present the following report:

Administration and Procedure—Standing Committee—Report 5—*Review of the Australian Capital Territory (Self-Government) Act 1988* (Cwlth), dated 24 August 2012, including additional comments (*Mr Hanson*), 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 to the Assembly this report, *Review of the Australian Capital Territory (Self-Government) Act*. I start by thanking my fellow committee members on this inquiry, Ms Bresnan, Ms Porter and Mr Hanson. I think it was a very interesting committee. This one had a particularly interesting topic for its investigation and I appreciated the conversations that we had around some of the issues. I would also like to particularly thank the staff for their support of this inquiry: the Clerk, Tom Duncan; Janice Rafferty; and Kate Harkins. They did some particularly good research in looking at the background of some of the issues that we faced. Some of them were quite complex, and I appreciate very much the work that they put into assisting the committee in considering these very important issues.

At its meeting on 6 December 2011 the committee discussed the report titled *An assessment of the performance of the three branches of government in ACT against Latimer House principles*, which was presented to the Legislative Assembly by Professor John Halligan. That assessment looked at a number of matters but, in particular, identified potential reforms relating to the self-government act. After that, we then noted that there had also been recent reviews of the ACT public service and the National Capital Authority conducted by Dr Alan Hawke. In both those reviews, potential reforms related to the self-government act were also identified.

The other piece of background was that the committee was also aware of evidence given by commonwealth public servants from the territories division of the Department of Regional Australia, Local Government, Arts and Sport to a Senate Legal and Constitutional Affairs Legislation Committee inquiry on 21 March 2011, where it was stated that the parliament would welcome any advice from the ACT following the review of the self-government act.

I think this was a particularly important indicator, at least in my mind, because I think there has been discussion for some time of the necessity for reviewing the self-government act. There was some sense that it perhaps could be a joint commonwealth-ACT effort. What we heard very clearly in that hearing was that the commonwealth was looking to the ACT to come forward with views on what some of those changes may be, and I think that provided real impetus for this inquiry to take place in the Assembly.

Throughout the review, the committee received 24 submissions from a broad range of stakeholders and heard from 12 witnesses over two days of public hearings. Those public hearings also included the committee's first-ever Twitter public hearing, which was an interesting exercise of the committee, to respond to those people that came online and contributed in real time.

The committee are grateful to all participants who appeared before the committee and provided written submissions. We certainly considered all the submissions, as well as previous reports, and ultimately made 10 recommendations.

I think from a philosophical point of view the committee took the approach that people who live in the ACT deserve the same recognition under law as our neighbours in the six states. As such, the report is a principle-based report for the next Assembly to consider when deciding how to respond to the report. This relates to discussions surrounding the inclusion of a preamble, the size of the Assembly and restrictions on law-making powers of the Assembly.

A number of amendments also relate to technical amendments that clarify existing recommendations. In that regard I particularly point to recommendations around conflict of interest and matters raised by the Electoral Commissioner about the qualification of electors in the ACT. And other matters, whilst perhaps not headline-type matters that probably will not make the *Canberra Times* tomorrow, are important, particularly taking this opportunity, if we are to see the commonwealth make amendments, to clarify areas that would warrant that bit of tidying up.

In terms of some of the headline recommendations, the committee has formed the view that a preamble should be included in the self-government act to clearly describe the purpose of the legislation and the commonwealth's interests and powers in relation to the ACT. Given the unique relationship between the commonwealth and the territory, we did form a view that the commonwealth does have legitimate interests and powers in relation to the territory, and being explicit about that in the preamble to the act would, we believe, give clarification and a better understanding.

The committee also believes it would be appropriate for a formal recognition of the traditional custodians of the territory to be included in a preamble that might be included in the act.

One of the most vigorously discussed issues was the size of the Assembly. All except one submission suggested that a greater number of members were required for the best operation of the Assembly. The committee considered that after more than 23 years of self-governance the ACT should be able to set the size of its legislature in the same terms as other states and territories in the Australian system of government. In the event that the act is amended along the lines suggested by the committee, that is, for the commonwealth to transfer power to the Assembly, it would be up to a future Assembly to determine an appropriate size. The committee made no comment on what was an appropriate size but we did, however, note that on a per capita basis there is a significant difference between the ACT other jurisdictions.

I think it is also worth noting that the committee recognised that should the power be handed to the Assembly, the requirements of the Proportional Representation (Hare-Clark) Entrenchment Act require a special majority of the Assembly. I think that shapes how the Assembly would need to go about such a discussion. And I think it is also worth noting that the committee received a number of suggestions on how that discussion might take place with the community, through a range of possible forums and community engagement ideas that would ensure that any discussion about increasing the size of the Assembly was one that the community was well engaged in and perhaps had a clear understanding of why that might well be a good thing to do. Certainly many of the submissions to the committee spelt those reasons out very clearly but I think the broader community perhaps has not given it such great consideration as those who are making submissions.

Moving on to some of the other recommendations, the committee also recommends a change to section 16 of the self-government act. This section allows the Governor-General to dissolve the Assembly if he or she believes the Assembly is incapable of performing effectively or conducts its affairs in a grossly improper manner. The ACT government's wish and suggestion is that section 16 be amended to require the Governor-General to consult with the ACT executive before making a decision, and the committee agrees with this suggestion.

Section 23 provides a list of matters in respect of which the ACT Legislative Assembly is prohibited from making laws. These include matters that remain a domain of the commonwealth, such as the raising or maintaining of any naval, military or air force and the coining of money. A number of submissions suggested

that the current list include matters that the ACT is now capable of managing; for example, censorship. On that basis, the committee has recommended that paragraph 23(1)(g) of the self-government act be removed and that schedule 4 be amended to remove the exemption in relation to censorship powers.

This was a proposal put forward by the ACT government. The committee sought legal advice on this and we feel that this is one area that is appropriate for an amendment of the act. Of course, there is still an interaction with commonwealth laws but certainly if we look at the debate we had yesterday on classification, it would clarify the situation of the ACT government and the ACT Assembly and put us on a more equal footing with other states and territories with regard to that particular area of censorship powers.

The committee also considered subsections 23(1)(A) and (1)(B). These are the provisions that put in place the constraints added by the so-called Andrews bill which addresses the issue of euthanasia. A majority of the committee—and this is the one place where the committee did form a difference of views—recommended these provisions be removed. Members will also note there are additional comments from Mr Hanson at the end of the report, and I imagine he will speak to those. But the committee did consider that the ACT government had demonstrated, and the Assembly for that matter, its maturity in respect to law making over the 23 years of self-government and, as a result, the ACT should have equal law making powers to those of the states.

The committee appreciates the sensitivities associated with a broad approach. A measure could include removing particular subsections or inserting a test that provides for the Assembly to legislate only in the best interest and good governance of the people of the territory. I think this comes to some of the matters where the committee had some particularly vigorous discussions.

Let me conclude by saying that in 1988 the federal parliament passed the self-government act, bringing self-government of the Australian Capital Territory. In his second reading speech, the federal Minister for the Arts and Territories indicated:

The Australian Capital Territory (Self-Government) Bill 1988 now before the House will establish the ACT as a body politic, with the legislative and executive powers of the States and the Northern Territory ... It will allow 270,000 people the same democratic rights and social responsibilities as their fellow Australians.

The minister then went on to pose some relevant questions in his speech. He said:

However, unlike every other person in this country, where a fair go is the creed by which we live, they cannot elect a member of their own community to their own government. They have no say in the decisions which affect their everyday lives. What an extraordinary admission in a country so committed to democratic ideals, and why? Are these people somehow different to other Australians? Are they second class citizens in some way? Do they not understand, or have options on, the issues that confront them daily? Can they not be trusted with their own destiny? The answer to all these questions is simple. The only difference between these people and the rest of Australia is that they live in the Australian Capital Territory.

I believe that the recommendations contained in this report are designed to ensure that the self-government act lives up to those ideals and principles espoused by the federal minister when he introduced the bill for self-government in the territory, and that is to ensure that the residents of the territory have the same democratic rights and responsibilities as their fellow Australians. I commend the report to the Assembly.

**MR HANSON** (Molonglo) (11.33): It is appropriate that we have conducted this review. All members of this place and certainly all members of the committee I would hope agree that we are now a mature and well-functioning Assembly and that it was time for us to look at the act under which we were formed and under which we operate, which gives us our powers and limits on our powers, and come to a view as to whether it was up to date and still appropriate. I thank my fellow committee members for the approach taken. Mr Rattenbury has highlighted that there was at times some vigorous debate, but there was a desire from all members of the committee to form, where possible, a collegiate approach and, where we could, a unanimous report. In all but one recommendation we achieved at, and that is commendable. It goes to the point that I made initially—that is, we have become a mature and well-functioning Assembly.

I thank the many people who put in submissions and appeared before the committee. Interestingly, the vast bulk if not all of the submissions and the people who appeared reflected the view that we are a well-operating Assembly. The majority saw the need for us to be given fewer restrictions and more ability to determine things like our own size. An increase in the size of the Assembly was a call from a number of people. Certainly the people who are engaged and interested in the Assembly demonstrated that they concur that this is now a mature and well-functioning place.

Turning to the recommendations, a number of recommendations could essentially be characterised as technical in that they recommend fixing up the self-government act because provisions have now been superseded by other pieces of legislation as time has marched on. The only one of those I would like to address is recommendation 6, where we have unanimously agreed that section 23(1)(g) be removed. The advice we received on that was a moving feast. The latest advice indicated that it would be appropriate that section 23(1)(g) be removed, but I note that that came late, and we have not necessarily had the full time to consider that. But certainly the advice indicates that that is okay.

One of the two recommendations that are of most substance and will receive the most attention is recommendation 2, which says, in essence, that the Assembly should have the power with a special majority to determine our own size. Based on a discussion of the evidence, I can see no reason why we should not have that power, which is similar to all other parliaments in Australia. The committee did not form a view on whether we should be bigger or smaller; just simply that we should have the power to determine the size.

As an aside, there was some discussion about our relative size compared to other jurisdictions. I note that on Monday evening I was having a chat with someone who was a former member of the Norfolk Island Legislative Assembly, which has nine

members. Based on the relative representation of their members, if we were to apply that to the Legislative Assembly of the ACT, we would have 2,100 members of the ACT Assembly. I make the point that there is some danger in comparing ourselves to other jurisdictions when determining our size and whether we want to be bigger or smaller.

We need to consider the size that is appropriate to the ACT for the good functioning of the ACT and not try to look at other jurisdictions necessarily as a guide, because each jurisdiction is unique in the way they operate and the way they have developed historically. There are historical anomalies with our federal constitution where states of different sizes, for example, have the same number of representatives in the Senate. That is not based on the proportional representation of the population.

The second recommendation that is worthy of note is one that I dissented from—that is, recommendation 5—which recommends the removal of subsections 23(1)(a) and 23(1)(b). Broadly these deal with euthanasia. This is a philosophical difference I have with the other members of the committee and comes to the issue of how much power the Legislative Assembly should have in setting a precedent in establishing laws which have ramifications and consequences for all Australians. It is certainly true that we should have broad powers to legislate for our own citizens, but when that then engages all other citizens of Australia in such a way that it cannot be viewed in isolation I think it is appropriate that we have restrictions on our ability to do so.

It must be recognised that we are a very small jurisdiction, and in terms of checks and balances we have the least compared to all the other states and territories. We do not have a governor or an administrator; we do not have an upper house; laws can be made with a simple majority of nine people, which is a very small number. My rationale for dissenting from recommendation 5 is based very strongly on the view that, although we want powers to legislate for the people that we represent in the ACT, some logical restrictions are needed when such laws cannot be isolated simply to the people of the ACT and would have national ramifications. It would be more appropriate that they be dealt with, in my view, at a federal level.

I thank members of the committee for their engagement. I note this is probably the last time I will be speaking to any matter of substance in the Assembly, and I thank the members of the committee for their participation in this committee.

**MS BRESNAN** (Brindabella) (11.40): I will speak briefly to the report. As other members have, I thank the committee members—the Speaker, Mr Rattenbury, and Mr Hanson and Ms Porter—for working on this report. I endorse all of the comments Mr Rattenbury has already made about the report and its findings. It is worth noting that this was a very thorough process. As Mr Rattenbury has already outlined, the committee received a number of submissions at hearings, including the first Twitter hearing, which was a very interesting process. That is something worth considering for future committees. I also acknowledge the range of expertise that has been pulled together in this report, including evidence from former members Bill Stefaniak and Greg Cornwell. Their experience in terms of being long-term members of this Assembly in the past was very valuable.

Evidence from the ACT Electoral Commissioner led to some of the recommendations of the report in terms of some of the more technical recommendations and how the self-government act and Hare-Clark system operate. Evidence was also taken from Professor Mike Reynolds AM from the Public Policy Institute; Professor Roger Wettenhall from the ANZSOG Institute for Governance; Professor George Williams, who is obviously recognised as an expert in this area and has been working with the Northern Territory around their processes looking at moving towards statehood; and Dr Allan Hawke, with whom all members would be familiar through the review of government structure.

As Mr Rattenbury has said, all but one submission supported the Assembly determining its own size. As Mr Hanson said, everyone now recognises the maturity of this Assembly. Judging by all the submissions, it is time the Assembly was given that power. The legislation that has come through here in the last few years—being the first jurisdiction to have a Human Rights Act and the like—shows the level of maturity of this Assembly and that it has been a leader in many areas around these sorts of processes.

I will go to a couple of the comments Mr Hanson made around his additional comments in relation to recommendation 5. It is worth noting that all laws have ramifications, and that includes at a national level. That shows from some of the laws that have been introduced here in the ACT but also other states. They often then act as a means for other states to move forward on particular legislation. I do not think it is correct to say that what the ACT does on a particular issue—Mr Hanson noted the issue of voluntary euthanasia—can have ramifications, as that is the case with all legislation.

As to the issue of voluntary euthanasia, it is likely that another jurisdiction will move forward on this before the ACT and we will not have the ability to even discuss it as an issue. That is the reason behind that recommendation—at the moment we cannot even have the debate about it. We have a level of maturity now amongst the members here to be able to have that debate. South Australia may, in fact, be the first state that legislates on this issue. The motion was defeated by one vote when this came up. That shows there very well may be another jurisdiction which moves on this.

Mr Hanson's comments are somewhat contradictory when he says that we have the level of maturity to legislate and determine matters such as our own size, but we cannot legislate on other particular matters. That is quite a contradictory statement. He also said that we do not have any checks and balances. It is true we do not have a governor in the ACT, but Queensland does not have an upper house. Being a former Queenslanders and seeing what is happening in Queensland at the moment with some of the legislation and programs that are being cancelled there, I can say there are very few checks and balances on what is happening there. We can see from what has happened in other states and territories that having a governor often has very little impact on what happens in the legislature.

Former senator and former leader of the Australian Greens, Bob Brown, moved a provision in the federal parliament to ensure it can discuss and vote on any law passed



in the ACT. That provision exists, so there is still that check and balance on what the ACT does. It still has to be discussed in the federal parliament. So even if this was to be removed and we passed legislation around, say, voluntary euthanasia, it is likely that it would be debated before the federal parliament regardless. I think they are important comments to make. I too commend this report to the Assembly. I hope we see some movement on the issues in the very near future.

Question resolved in the affirmative.

## **Justice and Community Safety—Standing Committee Statement by chair**

**MRS DUNNE** (Ginninderra): Members, the Standing Committee on Justice and Community Safety, performing the duties of a scrutiny of bills and subordinate legislation committee, has considered the Discrimination Amendment Bill which was tabled in this place on Wednesday. The Discrimination Amendment Bill 2012 proposes to amend subsection 66(1) of the Discrimination Act 1991 so that it would be unlawful for a person, by a public act, to incite hatred towards, or serious contempt for, or severe ridicule of, a person or group of people on the grounds of religion. Similarly, the offence provision in section 67 of the act would extend to such incitements.

The bill quite clearly engages and restricts at least the right to freedom of expression stated in section 16 of the Human Rights Act. Arguments that some rights warrant the enactment of the bill are canvassed in the explanatory statement. The scrutiny committee considers that it is not feasible for it to canvass these issues at this point. Introduction of a religious vilification law is highly contentious. Such a law has been enacted in Queensland, Tasmania and Victoria, but the legislatures of New South Wales, South Australia and Western Australia have declined to enact such a provision.

Instead, the committee may only offer these general comments as to how the rights debate might proceed.

In the first place, it will be of great assistance to the Assembly if it is provided with a plain English explanation, accompanied by illustrations, of what section 66 means and, in particular, as to how it will apply where the ground of religion is invoked. There is case law from other jurisdictions, and it is very briefly referred to in the recent advice of the Human Rights Commission. Elaboration is required, and points of uncertainty should be identified.

The Assembly will need to consider whether it accepts the way similar provisions are understood, whether section 66 will make more sense to the public if the way it will be applied is spelt out in more detail, and whether uncertainties should be resolved.

In the second place, this bill calls for a thorough justification in terms of the framework stated in section 28 of the Human Rights Act. Each of the matters stated in subsection 28(2) should be isolated and their relevance to the bill discussed. Practice reveals that the critical issue is often whether there are available options for achieving the purpose of the bill which are less restrictive of the rights, such as freedom of

expression, which the bill restricts. At least a couple of alternatives warrant consideration.

Firstly, given that sections 66 and 67 are directed only towards public acts that incite persons to hate et cetera other persons on the ground of their religion, there is a question whether the problem is better addressed by a law that focuses on offensive behaviour on any basis.

Secondly, and perhaps more critically, there is the question of what defences or exceptions apply to the operation of section 66. In particular, should the existing exceptions in subsection 66(2) be extended to apply to a public act made in the context of a religious discussion? The committee notes that this is the position under section 11 of the Victorian Racial and Religious Tolerance Act 2001.

There is also the question of how complaints on unlawful conduct should be processed. At present, the time taken can be quite lengthy and, as a consequence, very expensive. A dispute will first be considered within the Human Rights Commission and, failing settlement at this point, will proceed to a hearing before the ACAT. Apart from the cost issue, there are other issues.

Experience in other jurisdictions indicates that thoroughly unmeritorious complaints will be made, and some commentators, including judges who have been called on to adjudicate, have raised questions about what publicity should be given to a matter, at least up to a point when a body like the ACAT begins a hearing, and whether that body should be required to give leave to a matter to proceed to a hearing.

These are the comments of the scrutiny of bills committee in relation to the Discrimination Amendment Bill. These matters were considered by the scrutiny committee in anticipation that this bill might be brought on for debate later in the session, but I understand from the Attorney-General that it is no longer the government's intent to bring it on.

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

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

That so much of the standing orders be suspended as would prevent the adjournment debate for this sitting extending beyond the 30 minute time limit.

## **Leave of absence**

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

That leave of absence from 25 August to 19 October 2012 inclusive be given to all Members.

## **Road Transport (Third-Party Insurance) Amendment Bill 2011 Detail stage.**

Clause 1.

Debate resumed from 23 August 2012.

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

## **Appropriation Bill 2012-2013**

[Cognate bill:

Appropriation (Office of the Legislative Assembly) Bill 2012-2013

Cognate papers:

Estimates 2011-2012—Select Committee report

Estimates 2011-2012—Select Committee report—government response]

### **Detail stage**

Schedule 1—Appropriations.

Proposed expenditure—Part 1.14—Community Services Directorate—\$229,199,000 (net cost of outputs), \$30,993,000 (capital injection) and \$41,658,000 (payments on behalf of the territory), totalling \$301,850,000.

Debate resumed from 23 August 2012.

**MRS DUNNE** (Ginninderra) (11.53): This is in many ways the most important directorate in the government, because it is the directorate where all the services are provided to our most vulnerable people in the community who are most exposed and who are in strife in one way or another.

The Community Services Directorate provides homelessness services, it provides supported accommodation, and it supplies accommodation for people who do not have the financial means to seek accommodation in the private market. It provides a range of services to young people, disabled people and people who are in many ways vulnerable. The young people that it provides services to are the most vulnerable, because often they do not have functioning families who have the capacity to provide what we would consider the normal supports the young people would need.

To pretend that the current minister has competencies in this area would be to suspend belief. We hear the groans from Minister Burch's admittedly more competent colleagues and see their anguished faces every time she fumbles her way through question time and every time she mangles the English language with her mixed metaphors and worse. I think it is a symptom of a government in decline, a government that has been here too long, when we have ministers of such poor quality looking after such important issues.

As we know, the Community Services Directorate is an area which is fraught, but it has become an area which is riddled with potholes and black spots that have been

created by 11 years of the Labor government. And these have not been improved by the current minister. There is a litany of failures. While Minister Burch might just see them as administrative failures and policy hiccups along the way, Canberra citizens are concerned and broken by these failures. They are anything but hiccups.

We are talking about a generation of children in care who have been emotionally, mentally and, in the worst cases, physically damaged. We are talking about the “little buggers” that Minister Burch referred to at Bimberi who were damaged by maladministration. We are talking about the staff at Bimberi who were assaulted while they worked. Even as recently as yesterday, Minister Burch could not give this chamber an assurance that staff at Bimberi were not required to work alone and put their lives in danger, put their bodies in danger, as has been the case before. We are talking about the livelihoods and welfare of Canberra’s families, who are damaged by rising childcare costs. And this has gone unaddressed by Minister Burch.

Then there is the arts community, which has been damaged by the division that we have seen in relation to some of this government’s more spectacular policy failures and this minister’s persistence in perpetuating that damage. This minister has had every opportunity to recoil from the bad decision making that was made in relation to the Fitters Workshop and put that plan on a better footing, but she has failed to do so.

In relation to childcare in particular, we have seen substantial failures. We have to remember the election policy that was promulgated about this time four years ago, when the Labor Party said that they would build two childcare centres—they would spend \$4 million and they would build two childcare centres, one in the north and one in the south.

Since then, we have seen the government refurbish half of the Flynn primary school for a childcare centre, which created about 10 new places. When it refurbished the Flynn primary school, it refurbished it to re-house two existing childcare centres, so that was not a new childcare centre; it was new premises for two old childcare centres.

Since then we have seen the government commit to spending \$7½ million on a childcare centre in Holder, which will also have recurrent costs in excess of \$600,000. I have questioned the wisdom of the government’s building this childcare centre, this apparently gold-plated childcare centre, at something like twice the cost that the private sector could build it for. Not only has the ACT forgone the revenue from selling the block of land for the Holder childcare site, which could be in the order of \$1 million, but the ACT taxpayer is now committed to spending \$7½ million on a childcare centre that the private sector could build for probably half the cost. And the ACT taxpayer will be committed to the ongoing recurrent costs of \$600,000 a year to run and maintain that childcare centre. The Canberra Liberals would have done that differently.

In short, Ms Burch has done very little for the people of the ACT that is good, and she has caused a lot of harm along the way. In this year’s budget, we have seen that there is \$15.36 million of new money, some of it only over three years, with no allocation in the fourth year of the budget for increased out of home care costs. What are the strategies and how are we going to account for the money that will underpin this

expenditure so that positive outcomes are delivered for children and young people in the care and protection system? Will the money simply be wasted? To even question how the money is to be delivered goes to the root of the problem that we see with this minister. The most vulnerable in our community who rely on the directorate to be competent from the top are, sadly, disappointed. We need safeguards to ensure that the services are delivered effectively and on time.

We also see that in this directorate there have been extraordinary amounts of money set aside for feasibility studies. There are two feasibility studies in relation to community centres: \$650,000 for a feasibility study for the Turner seniors centre and another \$550,000 for a feasibility study for the Weston Creek community centre. These are astronomical figures. When you add to that the \$350,000 for a feasibility study on whether to keep the Civic childcare centre on its present site or move it somewhere else, you have to wonder about that. There are real problems there. I would have thought that perhaps, over a couple of cups of coffee, you could work out whether it was better to move it somewhere else or redevelop it on that site, but to spend \$350,000 on that is an alarming figure.

There is \$830,000 over four years to attract and retain care and protection staff. It is okay to attract them, and over the last four or five years the ACT government has spent a lot of money doing international recruitment, but what do we do when they come here to ensure that they stay, that their positions are valued, and that they have a sense of being worth while and making a real difference to children in the ACT?

The Canberra Liberals have spoken a lot about the Community Services Directorate. I am sure that my colleague Mr Doszpot will speak about this as well. We see that the principal problem in the Community Services Directorate is one of culture. There is a lot of money. As you just read out, Madam Deputy Speaker, there is \$228 million allocated for the Community Services Directorate. That is a lot of money to be allocated to care and protection services, looking after our vulnerable young people, looking after our disabled people. It may be that that money, even if it is well spent, is spread very thinly, but the real concern at the moment is that the culture is so bad that people do not get the services that they are looking for, whether it is in disability services—I am sure Mr Doszpot will talk about that—or whether it is in areas that I have more concern about, with our vulnerable young people and the care and protection system. The culture is rotten.

As Mr Smyth said about leadership the other day, fish rots from the head. If things are wrong in the Community Services Directorate it needs to do better. (*Second speaking period taken.*) People say to me on a regular basis that the care and protection system is broken, and I see no evidence that they are wrong. I do not resile from that. The care and protection system needs to be better. The Community Services Directorate needs to be better, and it needs to be able to provide better and more accountable services, more sensitive services, to the most vulnerable people in the ACT.

Madam Deputy Speaker, this is about culture. When you have a problem with culture, that is caused by leadership. We have seen bad leadership over the entire 11 years of our time in the ACT.

We have seen the Vardon report, which was supposed to bring about change, but that change has never really eventuated. There is, without a doubt, more money in the system. The government's only metric about performance is how much money they spend. They say, "As a result of the Vardon report we have put millions and millions more money into the system, and we have seen that this budget again puts millions and millions of dollars into the system." But what do we have to show for it?

The Public Advocate's two reports, which were brought about by the persistence of the Canberra Liberals, indicate that very little has changed. Very little of substance has changed since the Vardon report in 2004. It is so bad that the Public Advocate had to point out that the changes in procedures required by the Vardon report have never been written down. The policy and procedure manuals that are supposed to be available to staff were not available. Seven years after the Vardon report we now have the government saying, "We will write the procedure manuals." This is a symptom of all the failings of this department.

There are a few issues which are of considerable concern to the community. I note that, for instance, we have the issue that, over the next three years, this government is going to rip \$1.4 million by way of a contribution out of the community sector to fund issues of efficiency and to look at issues in relation to the equal pay case for the community sector. We consider this an efficiency dividend. This contribution to a red-tape committee—if it were not so unfunny, people would think it was a joke. The community sector is outraged by this, and there are real concerns about the viability of the community sector, a sector that this minister is supposed to be upholding.

It is interesting that last night Minister Barr spoke about the improvements and the issues that have come out of the business red-tape committee. It is worth noting that Treasury is funding that on behalf of the people of the ACT, to ensure that businesses are more viable. But the community sector is being asked to foot the bill for this. This is a poor joke being played on the great service providers in the community sector.

There are concerns also in that there is money in the budget this year in relation to childcare, but for the most part it is too little and it is too late. There is \$2½ million to upgrade community childcare centres. This is something that we have been calling for for a very long time. I spent a long time asking the minister to look at these issues before the 2012 standards came into operation, because many childcare centres needed to make physical adjustments to ensure that they could comply with the 2012 standards, which commenced on 1 January. To have \$2½ million in the budget which is being passed today seems a little too late.

I note that there is \$1.67 million for regulatory support for the childcare sector. I thought that perhaps this would be useful because it would help people in the childcare sector, mainly people in the volunteer and the community sector, to get on board with the regulations. But during the estimates process I discovered that it is for more public servants. It is for more people to do inspections of childcare centres rather than money to help the childcare sector get on board with the changes that were brought about at the beginning of 2012 and other changes which will come into operation in 2014.

I could go on for hours about the problems and the issues that need to be addressed in the Community Services Directorate, but I think I will leave it there. Suffice to say that every dollar that is spent in this department should be going towards addressing the needs of real people with real problems and finding ways to put them on their feet so that they can autonomously look after themselves and look after their families. We should be finding ways of ensuring that we get bureaucrats out of their lives and allow them to get on with their lives. When they cannot, we need to support families and individuals who cannot look after themselves by themselves. We need to do it in a sensitive way that is aimed at giving them as much autonomy as possible.

There is nothing in the administration that this minister and her predecessors have overseen that gives us any hope that a Labor government can achieve this. We have had 11 years of failure. We have had three years of failure under this minister, and I see no prospect of improvement except a change of government.

**MS BRESNAN** (Brindabella) (12.10): I will speak relatively briefly to the three areas—the disability, ageing and multicultural portfolios. With regard to disability, the primary funds allocated in the Community Services Directorate budget for people with disabilities was for the government’s community visitor scheme. As members would know, the Greens were successful in having legislation on establishing a disability community visitor passed here in the Assembly. Given that the new official visitor scheme is not set to commence until 1 July next year, I would imagine some of those funds allocated to this year’s budget will need to be rolled over to next year’s.

The most significant development with regard to disability policy in recent times has been the agreement by the federal government and states and territories to establish the national disability insurance scheme, and there will be significant work required to prepare the ACT for the NDIS trial. Moving to a consumer-based entitlement scheme will provide people with a disability with a greater degree of control over the types of services they purchase.

The ACT government have committed funds as their contribution to the ACT NDIS trial, as have the federal government. This will be a matter for future estimates committees and standing committees as the NDIS develops and moves towards full implementation.

One of the areas that will require attention is providing training for people with disabilities on self-advocacy. Many people with disabilities who will be eligible for the NDIS will not have previously had the opportunity to advocate on their own behalf.

The government has provided two community groups with a grant of \$25,000 each to undertake research and conduct training that will assist as the NDIS is rolled out. This funding was provided after the budget was announced. There will also be a change required in the way services are provided to ensure the range of services are available for people to purchase. This includes accommodation options and day programs.

Through estimates, questions were asked around how the ACT government, as an accommodation provider, had analysed options for expanding the range of accommodation. The ACT government has announced through the budget \$500,000 to look at government-provided disability housing models.

Carers ACT made a budget submission this year, requesting \$250,000 to undertake an economic and social analysis of models for people with disabilities, including involvement of government, the community and private sector. The government advised in the estimates hearings that it believed the work had already been completed. However, the work done by the ACT government looked at the government sector and did not examine housing models that could be delivered by, as I have already noted, the community or private sector, which is what Carers ACT is particularly interested in and it is what we should be encouraging.

It should be noted that this proposal from Carers ACT came out of a housing summit held here at the Legislative Assembly and it was supported by all groups and stakeholders at that forum. It was one of the major outcomes from that day. Ms Hunter and I also made additional comments to the estimates committee report on this and recommended that this proposal be supported. The Greens have also made an election commitment to fund this proposal.

On ageing, in the recent postcard survey conducted by the Council on the Ageing, the two biggest issues for older Canberrans were the accessibility and reliability of footpaths and public transport. I think it does show that, while all buses will be coming up to disability service standards, it is something we have to be vigilant on. A lot of people use public transport by necessity and as a choice, and we need to make it accessible for them.

I note that this is the final year of additional funding put towards the construction and maintenance of footpaths, as set out under the parliamentary agreement. I have had, as I know other Greens MLAs have had, great feedback about this initiative from older people in Canberra and hope to see a strong focus on active transport in future budgets.

I also note, although it is not in this budget, the older persons assembly that was held here. That came about through a Greens motion and was based on the older persons assembly that was first held in Scotland. The assembly held here in the ACT was the first held in this country. As the Greens have said previously, I hope this is something we see as a regular occurrence here in the ACT. I think it is a particularly useful and proactive way for older people to be able to make a contribution to policy development that affects them in the ACT.

Just briefly on the multicultural portfolio, there was not a specific funding allocation in this budget for multicultural programs. An issue that I raised in estimates was the multicultural indicator, which is the number of people participating in the Multicultural Festival. The point that has been made to me by a number of stakeholders involved with multicultural groups is that we need to look beyond the festival in terms of how the ACT is addressing multiculturalism in our community every day. This point was made to me at the various Ramadan activities that I took



part in. I believe it goes to issues around respect for people's religion and culture. I hope that there will be an incorporation of more meaningful indicators in future budgets.

**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) (12.16): I want to start by saying that Mrs Dunne did have an opportunity to talk positively about the work that the Community Services Directorate does, but as usual she spoke on and on and attacked not only me personally but also the hard work of the Community Services Directorate. She did not once offer a vision, a plan or anything positive that she would do; it was just a typical Dunne spray of attack.

This budget does provide increased levels of help and support to Canberrans, providing vital services to people who are in distressing circumstances. The budget sees us allocating significant resources for front-line services, gives support to fresh policy thinking and provides enhanced support for the vital community sector. In short, it is a budget that delivers for the needs of today's community while planning ahead for the demands of tomorrow.

I would like to go to some areas in the budget. Overall, this budget focuses on caring for our vulnerable children and young people and their families by allocating more than \$20 million to support and strengthen the delivery of out-of-home care and protection services. Funding of \$15.3 million provides an increased base of funding to the out of home care program. This is in recognition of the increasing number of children coming into our care.

Based on current models, funding will support an additional 89 places in foster care, kinship and residential care arrangements. There is an additional \$5.3 million over four years for care and protection services to improve services for children and young people. We are supporting care and protection staff by providing \$550,000 over three years to support our practices and processes. A retention bonus will be introduced to encourage front-line staff to stay. In fact our turnover of staff has halved. We now have a turnover rate of five per cent, which is extraordinary in such difficult areas.

In the area of youth justice, we have provided \$5 million over four years to support services. I also remind those here that we launched the youth justice blueprint recently, which was well received by all.

The important work of implementing the early education and care services under the national quality framework has been recognised in this budget through the provision of \$1.6 million over two years to embed the framework and support the childcare sector—that is, support the childcare sector, regardless of what Mrs Dunne would say, as the new standards are implemented.

At a meeting recently with the CEO of ACECQA, the national body overseeing these reforms, when she was in Canberra, she noted publicly that the CPRU, the regulation unit within the Community Services Directorate, has the best relationship with the children's services sector that she has seen across the country. So thank you to the

staff of the CPRU. It is in stark contrast to what Mrs Dunne feels is the work practice of the CPRU.

We have allocated significant support to Canberra families in regard to early education and care services. We allocated \$9 million in last year's budget and we have an additional \$2.5 million to increase childcare places and to support the infrastructure facilities. In the time of the Labor government, we have almost doubled the number of early childhood care places here in the ACT. Over the last 12 months I have overseen the coming online of 500 more places and we have got 500 more in the pipeline.

Mrs Dunne just does not understand and refuses to accept the good work that we are doing. In fact, the only vision that I have seen from Mrs Dunne is a waiting list for children's services that no-one in the sector wants. I am looking forward to her launching that in less than 60 days as she takes that to the election as her election policy. Or she could do what she did in 2008: in the last 24 hours, hijack the Labor policy about building children's services centres.

We know that Mrs Dunne does not support Canberra families. I know that she does not support Canberra women, because she is on record as saying that women, indeed, work as they like and older women move in and out of the workplace as they feel like it. So she has no understanding, sympathy or empathy with working women here in Canberra.

Our government gives staunch support to all members of our society and that is reflected in our investment in public housing. In May this year we had a portfolio of 11,848 properties. This is growth. We have continued to grow our public housing and social housing and support our community housing sector. That is a great difference from the Canberra Liberals. The last time they were in office they decided to sell houses. So they were prepared to put people on the streets and to increase the risk of homelessness here. Indeed we have been trying to repair the damage done under the penmanship of the likes of Mr Smyth.

We have allocated \$2 million in the forward years for Housing ACT's energy efficiency program, adding to the \$12 million expended on this initiative since 2007-08. I should also mention here that the government has decided to exclude the commonwealth clean energy future package compensation payments from ACT public and social housing tenants' assessable income. This means that tenants will be getting the full benefit of the commonwealth payments.

Another important initiative is more funding going towards some work being done on a common ground model. We have allocated \$3 million over three years to construct homes for people with a disability and a \$5 million increase around our social housing sector as well.

On disability and therapy, there has been a significant increase in funding under this Labor government—an increase of 103 per cent. Without doubt, though, the biggest development in our response to the needs of people with disability is the national disability insurance scheme, the NDIS. The ACT government has been working with

the commonwealth and other jurisdictions and we will be a launch site for that in 2013. I am working very closely with the sector to prepare for that.

Allied to this are further examples of direct support we are providing to the sector; namely, two grants of \$25,000 each to the ACT Disability, Aged and Carer Advocacy Service, ADACAS, and Advocacy for Inclusion for projects that will build the capacity of people with disability to ensure their voice is heard.

We have also improved the links between Therapy ACT and other organisations. Chief among those is the close relationship with the Education and Training Directorate and the Catholic Education Office in implementing the pilot phase of the therapy assistant program across five public schools and one Catholic school. This has now been funded for the next two years.

I am pleased to see that \$2 million has been allocated for a capital upgrade of the Tuggeranong Arts Centre and for a feasibility study and forward design of the Belconnen Arts Centre. We will also see funding of \$3.2 million in this budget over two years to extend the capacity of the Street Theatre as a performing arts hub.

I will go back to some of the other comments from Mrs Dunne. She stood here for nearly 15 minutes and did not have much of a kind word to say about anybody or anything, particularly the Community Services Directorate. The Public Advocate is on record as acknowledging the positive changes across care and protection services and out of home care services. The Commissioner for Children and Young People has recognised the positive work across youth justice. The childcare sector itself has accepted and is welcoming the national quality framework. It seems the only one who does not want quality care for our children is Mrs Dunne. As I have said, there has been a growth of over 500 places in the last 12 months or so, with more online. We have sold blocks of land to the private sector. We have facilitated growth in this area not only within government facilities but also in private facilities.

Mrs Dunne says that we should have sold this block of land. In the ACT close to 80 per cent of long-day services are community organisations. A good lot of them, about 30 or so of those, are within government buildings. Is she suggesting that we sell those buildings or ask them to pay commercial rent for that? It is an interesting policy dilemma that Mrs Dunne finds herself in. Again I will await with interest her children's services policies to see how she will support the sector in training the workforce, retaining the workforce and making sure that we have the bricks and mortar to support Canberra families.

She also raised the arts. If there is anyone who has perpetuated the division in the arts community here it is Mrs Dunne. With respect to her public statements that have been reported to me—because I was not at the forum—by a number of people who were present, she talked about a key arts organisation in the manner of Megalo being the elephant in the room and that we need to rough them up and send them on their way. That is simply appalling.

In the few minutes left before we break for lunch, I would like to make a comment about the Community Services Directorate. I often refer to CSD as the agency that is

the cornerstone of our society, and I firmly believe that. It is an agency that supports our most vulnerable, provides supports and services directly or through funding to our fabulous community organisations, to ensure that all in our community get access to services that they need and that they are all given the opportunity that they need.

I would like to close by saying thank you to the staff of the Community Services Directorate, from the director-general right down to front-line and support staff, across all lines and offices in areas within the directorate. It has been an absolute honour for me to be a minister for such a great organisation that does such good work for our community. I absolutely know that Canberra is a far better place for the work that the staff of the Community Services Directorate do, each and every day.

**MR DOSZPOT (Brindabella) (12.27):** Just as funding questions in education were all pushed through to await the outcomes of the Gonski review, so too in disability is this directorate hanging out every hope for salvation on implementation of the national disability insurance scheme. Lest there be any misinterpretation by Minister Burch, the Canberra Liberals have always supported the concept of a national disability scheme, and it is pleasing that the ACT has been selected as one of the trial sites.

However, what has been of some considerable concern to many is the Chief Minister's open admission at the time that she had no idea what it might mean financially for the ACT. Given that other states hung back and brokered a better deal for their states perhaps suggests that our Chief Minister was a little too quick to simply follow without some due consideration and negotiation.

Equally opportunistic and perhaps just as unready is the minister for disability, who staged a launch which would have to be one of the most carelessly advertised events for such an important announcement. We had a minister and several speakers who not once managed to make any mention of cost, and still have not; and a chair of a stitched together committee who admitted she only found out who was on her committee when the minister read out their names at the event. We had a number of members of the disability community who simply were not invited—in fact we did not get an invitation to this either—in this rush to capitalise on the publicity that the Prime Minister's announcement had generated. If that is not bad enough we had the Greens' spokesperson saying at a disability forum that, as the money "has to be borne somewhere we may as well get on with it".

Our concern is the damage that is made by following in the wake of a Prime Minister who is intent on saving her own political neck by announcing the expenditure of billions and billions of dollars without proper financial accountability. The same careless approach has been demonstrated by this government in its relationship with Canberra's very informed and very professional community services sector. Canberra is endowed with a number of excellent service providers and they do much within at times some very limited financial frameworks and challenging circumstances. So it was somewhat galling for them to be told they would be subject to 0.34 per cent for community sector reforms, a decision made with little consultation—no consultation, in fact—and a great deal of insult involved in such payments.

The community sector generally feel that they are a more efficient provider of services than government, but government is not going to be hit with these charges. It is the disability services sector that is looking at this 0.34 per cent, which is such a small amount for CSD that it will probably take more effort to organise the collection or the deduction than it is really worth to the department. But for the many small members of the community sector, and the larger ones for that matter, who will have to shave that amount off their budgets it will give them a great deal of headache as to how to cope with those missing funds.

I have not seen before the almost universal anger amongst the members of the community sector over such an announcement. When the minister was challenged at a forum as to why the contribution was imposed, she said in all seriousness that it was because the community sector had asked the minister how they could reform themselves. The answer did not make sense to the questioner, but then I think the sector has become very used to confusion—confusion often created by the very minister who is now telling the community sector that they need to reform themselves.

The telling point here is that this minister has once again not even consulted with the community services sector regarding this ridiculous surcharge or drawback on the grants—call it what you will. It is in fact in the form of another efficiency dividend, a budget cut that has been arbitrarily calculated and imposed. It is a sad reflection on the so-called open government and the Chief Minister's much-vaunted lip-service to consultation. I listened to this sector and the answers I got would not fill this government with confidence, as the community has had enough—enough of 11 years of hard Labor.

*Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.*

**Sitting suspended from 12.33 to 2 pm.**

## **Papers**

**Mr Corbell**, on behalf of **Ms Gallagher**, presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Alan Traves, dated 22 June 2012.

Andrew Cappie-Wood, dated 21 August 2012.

Andrew Kefford, dated 28 May 2012.

Andrew Stark, dated 8 December 2011.

Anthony Graham, dated 8 December 2011.

Baden McMaster, dated 10 January 2012.

Bernadette Mitcherson, dated 2 February 2012.

Bernard Sheville, dated 6 January 2011.  
Brett Phillips, dated 3 August 2012.  
Brook Dixon, dated 30 May 2012.  
Catherine Hudson, dated 28 March 2012.  
Chris Tully, dated 18 November 2011.  
Christine Murray (2), dated 3 December 2010 and 28 March 2012.  
Daniel Bailey, dated 27 February 2012.  
Daniel Stewart, dated 4 April 2012.  
Danielle Krajina, dated 3 August 2012.  
Dave Pepper, dated 28 May 2012.  
David Metcalf, dated 15 June 2012.  
Dermot Walsh, dated 4 April 2012.  
Don Taylor, dated 2 February 2012.  
Fleur Flanery, dated 24 May 2012.  
Geoffrey Rutledge, dated 8 August 2012.  
Glenn Bain, dated 4 April 2012.  
Gordon Elliott, dated 7 and 24 October 2011.  
Greg Ellis, dated 4 April 2012.  
Ian Cox, dated 28 March 2012.  
Ian Hill, dated 28 June 2012.  
Jennifer Dodd, dated 8 May 2012.  
Jenny Priest, dated 15 June 2012.  
Jeremy Lasek, dated 20 June 2012.  
Lana Junakovic, dated 3 August 2012.  
Michael Chisnall, dated 30 May 2012.  
Nicole Elizabeth Stenlake, dated 15 November 2011.  
Pamela Davoren, dated 10 August 2012.  
Paul Peters, dated 4 November 2011.  
Paul Swain, dated 8 December 2011.  
Shane O'Leary, dated 7 June 2012.  
Stephen Goggs, dated 2 August 2012.  
Susan Hall, dated 28 May 2012.

Short-term contracts:

Amanda Casimer, dated 7 April 2012.  
Andrew Kefford, dated 25 February 2012.  
Anita Hargreaves, dated 8 August 2012.  
Benjamin Ponton, dated 28 June 2012.

Bethan Mitchell, dated 4 and 12 June 2012.  
Brett Stanton, dated 11 and 12 June 2012.  
Brett Wilesmith, dated 1 May 2012.  
Bruce Fitzgerald, dated 6 August 2012.  
Carolyn Grayson, dated 28 April 2012.  
Carolyn O'Neill, dated 20 and 23 April 2012.  
Colm Mooney, dated 30 July and 1 August 2012.  
Conrad Barr, dated 31 May 2012.  
Coralie McAlister, dated 4 and 9 June 2012.  
Danielle Krajina, dated 31 January and 3 February 2012.  
David Collett, dated 4 July 2012.  
David Dutton, dated 23 and 27 January 2012.  
David Dutton.  
David Matthews, dated 31 May and 5 June 2012.  
Denise London, dated 8 April 2012.  
Grant Doran.  
Ian Thompson, dated 19 June 2012.  
John Rees, dated 10 August 2012.  
Karen Hansen, dated 25 July 2012.  
Louise Gilding (2), dated 5 June and 20 July 2012.  
Louise Gilding.  
Maureen Sheehan, dated 13 June 2012.  
Philip Canham, dated 7 May 2012.  
Ross O'Donoghue, dated 9 May 2012.  
Savvas Pertsinidis, dated 2 July 2012.  
Simon Kinsmore, dated 30 May 2012.  
Stephen Gniel, dated 4 and 25 June 2012.  
Stephen Goggs, dated 9 and 16 July 2012.  
Stewart Ellis, dated 28 June 2012.

Contract variations:

Adrian Walsh, dated 16 and 20 April 2012.  
Allan McLean, dated 5 July 2012.  
Brett Wilesmith, dated 3 and 8 August 2012.  
Bronwen Overton-Clarke, dated 4 and 12 July 2012.  
Carolyn Grayson, dated 26 June 2012.  
Conrad Barr, dated 1 December 2010.  
Daniel Walters, dated 8 June 2012.

David Butt, dated 18 March 2009.  
David Snowden, dated 21 June and 3 July 2012.  
Graeme Dowell, dated 5 March 2012.  
Grant Doran, dated 9 July 2012.  
Ian Primrose, dated 25 and 30 May 2012.  
Jayne Johnston, dated 8 and 15 June 2012.  
Jennifer Dodd, dated 28 March 2012.  
Judith Redmond, dated 14 and 29 March 2012.  
Lana Junakovic, dated 12 July 2012.  
Lisa Holmes, dated 15 August 2011.  
Liz Beattie, dated 26 and 27 June 2012.  
Louise Gilding, dated 27 June 2012.  
Mark Doverty, dated 3 and 10 August 2012.  
Nicole Stenlake (2), dated 27 April and 26 June 2012.  
Paul Wyles, dated 31 May 2012.  
Penny Farnsworth, dated 4 June 2012.  
Richard Baumgart, dated 4 and 30 July 2012.  
Shane Kay (2), dated 1 May, 26 and 27 June 2012.  
William Mudge, dated 25 and 30 May 2012.

Public Health Act, pursuant to subsection 10(3)—ACT Chief Health Officer's Report 2012, dated 10 August 2012.

ACT Disabled Parking Study 2008—Recommendations—Report to Assembly on progress, dated August 2012, pursuant to the resolution of 2 May 2012.

**Mr Barr** presented the following paper:

Narrabundah Park—Final Report on Options for the Future Ownership and Management of the Park, prepared for ACT Land and Property Services by SGS Economics and Planning Pty Ltd, dated April 2011.

**Mr Corbell** presented the following papers:

Planning and Development Act, pursuant to subsection 161(2)—Statements regarding exercise of call-in powers—

Development application No 201221565—Construction of a dual carriageway between the Federal Highway and Monaro Highway, dated 13 July 2012.

Development application No 201222020—Blocks 4, 14 and 15, Section 15 Griffith (Manuka Oval), dated 8 August 2012.

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 13—*Inquiry into the Tidbinbilla Revised Draft Plan of Management 2011*—Government response, dated August 2012.



Planning, Building and Environment Legislation Amendment Act 2012—  
Supplementary explanatory statement.

Murray-Darling Basin Authority—Proposed Basin Plan—ACT Government Six  
Month Report on Progress with the ACT's Basin Plan Negotiations, dated  
August 2012, pursuant to the resolution of the Assembly of 27 October 2010.

Petition which does not conform with the standing orders—Kambah Ovals—  
Upgrading of facilities—Mr Seselja (370 signatures).

**Ms Burch** presented the following papers:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural  
Facilities Corporation—Quarterly reports 2011-2012:

Third quarter (1 January to 31 March 2012).

Fourth quarter (1 April to 30 June 2012).

Bimberi Youth Justice Centre—Staffing—Answer to question without notice,  
taken on notice during question time on 23 August 2012, dated 24 August 2012.

## **Appropriation Bill 2012-2013**

[Cognate bill:

Appropriation (Office of the Legislative Assembly) Bill 2012-2013

Cognate papers:

Estimates 2011-2012—Select Committee report

Estimates 2011-2012—Select Committee report—government response]

### **Detail stage**

Schedule 1—Appropriations.

Proposed expenditure—Part 1.14—Community Services Directorate—\$229,199,000  
(net cost of outputs), \$30,993,000 (capital injection) and \$41,658,000 (payments on  
behalf of the territory), totalling \$301,850,000.

Debate resumed.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (2.04): Once again we have witnessed increased funding to crisis response services in the ACT that are delivered to children, young people and families. We recognise that this type of response is unfortunately always needed, and any funding put towards the vulnerable within the community is always welcome. I am, however, concerned that little funds are allocated towards prevention or early intervention. In fact, we have seen some of these critical programs, such as youth centres and their role in early intervention, severely restricted. The ACT Greens have concerns about the implications this has for the long-term health, wellbeing and prosperity of young people in the Canberra community. We believe there needs to be a shifting and a refocus on early intervention and prevention. This is a better way; it is a great investment; it is also fiscally and socially better for the community.

The ACT Greens are interested in seeing the spectrum of services in the ACT managed in a way that provides priority to prevention and still offers supports for young people who are at risk or in crisis. In the ACT at the moment it feels like the pendulum has swung to target only one section of the community, and we need to be aware of and provide service to all who need it.

There is an inherent risk that more people will find themselves or their loved ones in crisis situations because we have not made all appropriate efforts to intervene early and prevent the escalation of problems. On the surface it would appear that much of the funding has been directed into government front-line services, and while we understand this and, of course, support it, we are still, as I said, concerned that it comes at a loss to early intervention programs.

There has been a lot of change and reform happening in the community sector, particularly in relation to children, young people and families. The changes to the children and youth family support program have caused mass disruption and we still need the essential element such as the development of performance measures and evaluation frameworks. That still has not been done. Anecdotally we are already starting to hear of the cracks appearing with front-line youth services in particular reporting increased client loads and decreased flexibility and appropriate programs to respond.

On the issues facing the care and protection system, there are some very positive funding allocations. The Greens commend any additional care and protection staff positions that can be used to reduce pressure on the system. This initiative may also offer some practical relief to existing front-line staff who have already been working incredibly hard to respond to notifications. However, I issue a word of caution about how these positions will be recruited in light of the information provided by the recent Public Advocate report which talks about problems with recruitment and retention within care and protection.

I also put the challenge up to the government to ensure that these positions focus on reducing the numbers of children and young people coming into the statutory system. While the Greens support the initiative to further improve care and protection services, including systems development, professional development and practice improvement, it is essential that front-line staff continue to have complete support from the minister, the directorate and also, of course, from all of us—the wider community.

With this change management going on, it is absolutely essential that senior management within the directorate get behind this and make sure it is properly resourced and properly supported. I will keenly watch the development of these recent initiatives, and I want assurances from government that these will be given high priority and the moneys allocated used accordingly to implement these programs as soon as possible.

The Greens have some reservations about the effectiveness of the five-year recruitment and retention plan. To date we have received information that this will involve paying a staff retention bonus after three years of service. However, just like

the magic bullet solution of recruiting from overseas, we have seen that as soon as the agreed time frame is finished quite often workers leave the system and do not return. We need to be looking at what other ways we can make it an attractive and supportive workplace.

The Greens believe the real attraction and retention will occur once leadership is shown that takes the care and protection workforce on a process of change that makes the culture positive and works towards preventing children and families from coming into the system. We believe the development of a more comprehensive workforce development strategy that addresses more than just attraction and retention would also be worth while.

It is welcome to finally see funding allocated to a specific, targeted and evidence-based approach to addressing youth issues in the ACT. I applaud the overall goals and general scope of the strategies contained in the blueprint for youth justice. I acknowledge the efforts and work of the people within the directorate who wrote and put together and supported the process of the blueprint. They did a great job.

It appears that the government has heard the message from stakeholders and the relevant experts, and the blueprint looks to have achieved a better balance between early and tertiary intervention than the care and protection initiatives. While I understand the need for the government to appropriate money for the implementation of the blueprint, it remains to be seen if this is the right allocation of funds. It is somewhat disappointing to see that estimates of recidivism are not expected to drop despite extra funding towards youth justice. Obviously this is an area that we need a bit of a focus on, particularly when we are not talking about huge numbers of young people entering that end of the youth justice system. I am specifically talking about Bimberi but also those young people on community orders.

I also seek assurances that the expert panel will continue to monitor and provide feedback and will be properly and regularly involved in the evaluation processes that are being set up. I will, however, be revisiting the Human Rights Commission's report. I want to make sure that the blueprint has picked up legislative or policy changes.

I am disappointed that we have not seen the minister bring in changes to the Children and Young People Act during this Assembly relating to strip searches and the use of force. These are two important and outstanding recommendations of the Human Rights Commission report. In fact, I recall that the first audit done of Quamby by the Human Rights Commission raised the issue of strip searches. Quite a bit of work was done and a number of systems were put in place, but we need to keep working on this and get it right, and I would have liked to have seen the minister bring those amendments in.

The CHANCES program provides nationally accredited job-ready training to members of the local Aboriginal and Torres Strait Islander communities, and it is welcome to see the government supporting the continuation of a grassroots collaborative pilot program. Its success is an example of what happens when unique partnerships with agencies such as the AFP are encouraged. Too often these programs are not resourced beyond 12 months and suffer as a result. The Greens would like to

see this program provided with greater certainty in the future with at least three years' recurrent funding and for the ACT Aboriginal and Torres Strait Islander Elected Body to be much more regularly consulted in the development of the budget.

As to the women's portfolio, although allocated only a comparatively small amount of funding of \$1.4 million, it plays a big role across the ACT government and the community. The implementation of the women's plan, the national plan to reduce violence against women and their children and the plans and programs underpinning this work are significant and vital to ensuring the engagement, equal opportunity and protection of women and children in the ACT.

I refer to programs such as the YWCA's respect, communicate, choose pilot program operating at Ngunnawal primary, Mount Rogers primary and the Kingsford Smith school, which aims to educate our children, and, like those run by the Canberra Men's Centre, which work to engage and educate men about issues of domestic violence. These initiatives are important, and I am pleased to see an ongoing commitment by this government to this important work. We need to ensure a thorough evaluation, and the data from these initiatives as well as other research should be disaggregated and made available to stakeholder organisations to improve and better understand the challenges that we face in our community.

I would also like to note the role of the Office for Women in fostering a whole-of-government and whole-of-community approach to women's issues. Equal opportunity crosses all portfolios and all areas. As recent media reports have noted about pay equity and funding for women's sport particularly, we still have a long way to go. *(Second speaking period taken.)*

I commend the government on the extension of the therapy assistants program, which provides increased support to children with a disability and children from vulnerable families who have developmental delays. It is pleasing to see that this successful pilot program that grew out of a recommendation of the Shaddock review of special education in ACT schools continues to receive ongoing funding. The Greens have pushed for this service and look forward to its continued success. We are also committed to seeing it funded recurrently and to its continued rollout to include more government and non-government schools.

In order to make improvements in the area of community services and, in particular, for children and young people, we need to ensure we have a proactive culture that encourages better services that meet the increasingly complex needs of our children and young people. We need to shift the culture in the directorate. We need to support them in this change process. We need to be supporting a culture that is about reflective practice and that allows them to respond to the needs of communities that can focus on the strengths of communities and build resilience.

We need to attend to the risks we see for our vulnerable people while building on their strengths. To do this we need to ensure we develop government and non-government service sectors that are innovative, highly skilled and caring. We need to set real and achievable targets to reduce the number of children and young people entering out-of-home care and juvenile justice and then work to achieve this. This, of course, will

only occur if we have quality leadership from within government and a community sector that is resourced and supported to provide the best possible services.

On the day after the budget was announced, I remember being at the Business Council budget breakfast and expressing my disappointment and outrage to have discovered that the community sector was going to be slugged with a tax to cut red tape while—guess what—the tax for business was going to be funded. I still feel this is a most unfair situation. This is not about the particular reforms that have been chosen, the pieces of work; I am sure they are very sound, worth while and worthy pieces of work. That is not what this is about. It is about the fact that we are getting those organisations to forgo funds so a significant amount of money will not be out there delivering services because it will be withheld to make the changes that will hopefully flow through and make some savings. The point is, however, that it should not have been a tax on the community sector. That is very clear. Regardless of some people coming out and saying that they think it is okay and we will just have to grin and bear and get on with it, it is fundamentally unfair.

I have heard that some of the work that has been done to cut some of that red tape in the business sector will have positive impacts and will have some benefit for the community sector. That is fantastic; that is great; I welcome it. But it is still not the point. This is about a principle; it is about a principle of fairness, and that principle is not being upheld in this case. We should not have ever thought it was a good idea to withhold community sector funding that would have gone out to make a real difference to individuals and to communities for this process. It particularly stands in stark contrast when, at the same time, the business sector is having its process funded.

I will continue to take this stand; I continue to see it as unfair. I urge the government to reconsider what has happened here. Great, have a process and have a look at how you might be able to bring in some efficiencies. That is very welcome, but I urge you to reconsider your decision to tax or withhold money that I am sure would have gone a long, long way out there for individuals and for communities that are vulnerable and that we should be doing all we can to support.

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (2.20): I rise to speak on the Aboriginal and Torres Strait Islander portfolio, which is within this directorate.

Mr Speaker, what is an Aboriginal organisation? This is an important question for Aborigines. Most non-Indigenous Australians are perplexed or unconcerned. As a minister and as an Aboriginal man myself, I have used three separate means to define an Aboriginal organisation.

Firstly, there is registration with the Office of the Registrar of Indigenous Corporations under the Corporations (Aboriginal and Torres Strait Islander) Act 2006.

Secondly, the organisation can be a member of the National Congress of Australia's First Peoples, which requires that in an Aboriginal organisation at least 51 per cent of members are Aboriginal and/or Torres Strait Islanders; at least 51 per cent of the

board, committee or council members are Aboriginal or Torres Strait Islander people; and the purpose and activity of the organisation relates specifically to Aboriginal and Torres Strait Islander people.

Thirdly, an Aboriginal organisation can be defined quite simply as one that an Aboriginal community acknowledges as an Aboriginal organisation. This definition is very important to Aborigines, because Aboriginal organisations have been central to the struggle for equal rights for nearly a hundred years. It is a description that is revered and respected. It also reflects the rights to self-determination and participation which are at the heart of the United Nations Declaration on the Rights of Indigenous Peoples. Self-determination means that Aborigines can choose how to live their lives, participate in decisions that affect their lives and have control over their lives.

Aboriginal organisations offer Aborigines a means for collective activity. This view is supported by the Australian Human Rights Commission guide to the UN declaration:

In recognising our group identities and decision-making rights, exercising self-determination means we can participate in Australian society.

The logic is inexorable: to be an Aboriginal organisation requires the agreement of your Aboriginal community. Aboriginal community support legitimises the organisation as Aboriginal and lends the authority for the organisation to speak and act on issues affecting the community.

It needs to be recognised that many organisations have adopted the nomenclature of Aboriginal or Indigenous and provide services to Aborigines; but it is only Aboriginal organisations which can provide a legitimate Aboriginal voice. It has been Aboriginal medical services, legal services and childcare services which have galvanised support for Aboriginal issues over the last 40 years precisely because of their legitimacy as Aboriginal organisations. The recognition of organisations as Aboriginal through Aboriginal community acknowledgement also mirrors the generally accepted definition of who is an Aborigine, which requires the recognition by their local Aboriginal community.

I have sought the opinion of the Australian Institute of Aboriginal and Torres Strait Islander Studies and the ACT Indigenous Elected Body on this matter. Both supported my role as minister in making a decision about what is an Aboriginal organisation and furthermore agreed with the methodology described above. Furthermore, they both offered the opinion that organisations which choose to describe themselves as Aboriginal organisations should actively prove the claim.

Neither the Canberra Liberals nor Greens party members were able to understand the importance of my evidence in the estimates hearings about the lack of acknowledgement by Canberra's Indigenous community for Billabong Aboriginal Development Corporation as an Aboriginal organisation. It shows their ignorance. It shows their lack of engagement with the portfolio. And it shows their lack of respect.

It was notable that no MLA from the Canberra Liberals or Greens party attended either the NAIDOC ACT awards event or the opening of NAIDOC on the

peninsula—the two biggest NAIDOC events in Canberra this year. To add further insult, we have Ms Bresnan sanctimoniously saying in the Assembly last week:

In terms of making comments about whether or not they are an Aboriginal organisation, they are recognised by everyone in the community as such.

Ms Bresnan clearly believes that it is the non-Indigenous community who should make decisions for Aboriginal people.

Mr Smyth's malicious diatribe last week also references his lack of understanding of the importance of self-determination and his disregard for Canberra's Indigenous community. Perhaps if he had attended Ken Wyatt's Blackfriars lecture on Indigenous leadership at the ACU on Monday last week he may have noted the importance of listening to the Aboriginal community and noting the verbal and non-verbal information provided. It is important to listen. It would have been an opportunity to learn. Instead his mishmash misinterpretation of the evidence is another Smythic failure.

I now highlight some of the programs and policies trialled or delivered over the last 12 months in my portfolio.

**MR SPEAKER:** Dr Bourke, much as you would like to do so, I am afraid the time allocated for this debate has expired. I am sorry to have to interrupt you.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.15—Housing ACT—\$42,295,000 (net cost of outputs) and \$17,876,000 (capital injection), totalling \$60,171,000.

**MR COE** (Ginninderra) (2.25): It is quite convenient that Housing should come up immediately after Community Services and immediately after Dr Bourke's little rant, because a commonality between the two areas of government is of course the Billabong Aboriginal Development Corporation, which used to be the organisation which for many years provided housing for Indigenous people in Canberra, particularly in west Belconnen.

It is quite offensive that Dr Bourke, after offending the Billabong Aboriginal Development Corporation so much that they felt they had to write a letter to the committee to set the record straight—we then had to recall Dr Bourke to the estimates committee to give him an opportunity to set the record straight, to show some dignity, to show some integrity and to show some respect for the Billabong Aboriginal Development Corporation, which he did not do at the time. Then, after a month or so to reflect on this sorry saga, he comes into the chamber today and evokes that very issue in the most partisan of ways against the Liberals and Greens. I think it was absolutely appalling. It was an attempt at one-upmanship, it was an attempt at gamesmanship. It simply confirms what I said on Wednesday, that this is a minister not in performance but only by salary.

Dr Bourke is letting down the people he is here to represent. He is a disgrace to this Assembly. What he just said was absolutely appalling. To evoke, in effect, race politics on this issue is a tremendous shame—a tremendous shame. I imagine that there are other people in this place that took similar offence. Ms Bresnan, I know, has carriage of housing for the crossbench, and she may choose to make some comments on this issue as well.

Further to the issue of housing, the treatment of Billabong by DHCS is questionable. I do think that they could have been given more support and I do think there was a better way of resolving issues which existed between the government and the organisation—the Aboriginal organisation. I do hope that Billabong and the government are able to come to a point whereby comparable services can continue to be provided.

One of the telling things in the budget is in budget paper 4, page 382, which talks about the average cost per dwelling in public housing. The average cost is now up to \$11,401. This is a huge amount per dwelling—a huge, huge amount. Quite frankly, I believe we have got to be getting better value for money than we currently are out of that.

I believe ACTION and Housing, two areas of responsibility which I have carriage for from the opposition's point of view, are both seemingly out of control insofar as they seem to be a bit of a policy-free zone. We seem to just be going on and on—the way things always have been; the way things always will be, it seems. I think there is a real opportunity. When we have the \$60-odd million we spend in Housing and the \$120 million dollars we spend on ACTION buses—when we have that kind of money, there is real potential to make a tremendously positive impact. It seems that we are just not getting that.

That \$11,401 dollar figure which I just quoted from budget paper 4 is \$1,447 more than the target. In 2007-08 the figure was \$8,930. So you have got a rise of \$2,500 over the course of this government—a huge amount. What is the improvement in service that tenants or the community at large are receiving as a result of that increase of \$2,500 per dwelling?

We also saw evidence during estimates on 29 June about the turnover of housing stock, especially with regard to the report on government services and the evidence which lies therein. The report documents that the ACT is nearly 30 per cent over the average in terms of turnaround of housing stock. The ACT is at 38 and the national average is just 30. We also saw in the ROGS document that overcrowded houses are double the national average. We have got 7.2, whereas the national average is 4.3. We also saw that we are below the national average in occupancy rates. We are at 97 per cent, whereas the national average is 98.

The minister claimed that either the ROGS report was inaccurate or there were problems with it. However, there was no footnote actually saying this. As I recommended during the debate, if the minister thinks that the ROGS report is



inaccurate, she should be writing to have a footnote included in the report stating the alleged inaccuracy.

Housing in the territory, like so many of our services, should be relatively efficient to manage on a house-by-house basis, because of our geographic economies of scale. We do not have public housing properties located in towns thousands of kilometres from the state capital, or even thousands of kilometres from the nearest housing office. We have 100 per cent of our housing stock within a 20-odd kilometre drive from the office in Belconnen. Therefore, we should be able to get some very good economies of scale when it comes to economies from geography, as a result of being a city-state. We do not seem to be getting that. It is a great shame for the taxpayers who are not able to harness the benefits. There are many costs involved in running a small jurisdiction, but there should also be some efficiencies, and those efficiencies relate to geography. Yet we do not seem to be cashing in on that.

I think there is a long way to go to ensure that we are spending \$6 million in housing better, but I hope that the estimates report, the dissenting comments and our contribution in the debate will help steer this government in the right direction.

**MS BRESNAN** (Brindabella) (2.33): I will make some comments about Dr Bourke's speech, as Mr Coe has mentioned, because we are talking about housing. I have to say that making a statement that I believe non-Indigenous people should decide who qualifies as being an Aboriginal organisation is an offensive comment to make. As Mr Coe said, it invoked an element of debate which I do not think we have seen in the Assembly before. It is particularly disappointing and basically low, I would have to say. He also said that no Greens or Liberals went to a particular event. I know that my colleague Ms Hunter, who is our spokesperson on this issue, is extremely committed to this issue and has been to a number of events. Again, it is really disappointing to be invoking that sort of reasoning in a debate. The only person who is being sanctimonious today is you, Dr Bourke, in the speech you gave earlier.

Turning to the issue of public housing, it is one that the Greens are very committed to. It is the Greens' belief that investing in public housing provides one of the most secure forms of affordable housing for a significant proportion of our community. We have a policy goal in the parliamentary agreement that public housing should comprise 10 per cent of all housing in the ACT. The federal government's investment in social housing through the stimulus package was significant. The ACT, through Housing ACT, has benefited from around \$98 million towards new properties. The Greens acknowledge this significant investment in housing in the ACT.

At 31 December 2008 Housing ACT had 11,571 properties. At December 2011 that number had increased to 11,859. I understand—and this has been discussed previously—the government was expecting to have reached the mark of around 12,050 properties by now, but there have been some delays due to the large scale of redevelopment projects which are occurring. This is a goal that we have released and the government has accepted. The ACT Greens have made requests to the government for additional funding on top of the stimulus package. Last year we secured \$9.5 million and this year \$5 million. We are very proud of receiving that funding to go towards housing.

One of the issues which I raised through the estimates process and report was around Housing ACT's policies and practices for determining a minimum repayment amount for tenancy-related debts. Housing ACT said its policy stipulated that no tenant pay more than 30 per cent of their weekly income, including their rent and repayment of any debt. The issue raised by housing advocacy groups was that there was inflexibility in how this was applied, particularly if a tenant was not able to afford this amount. Representatives from the directorate said in estimates that they would be open to discussing having flexible payments applied, which was positive to hear. I hope this occurs in practice and is communicated to the housing advocacy groups who have raised concerns.

I would also like to go to the issue that I raised regarding implementing recommendations on repaying debt from the targeted assistance panel. Again, this was raised in the estimates report and in the hearings. A submission was made by the Welfare Rights and Legal Centre about the debt review committee and potentially reinstating this committee. The directorate seemed unaware of this request and this submission, but it was one that was made through that process by the targeted assistance panel.

With regard to debt repayment, the committee questioned whether the government would be implementing a recommendation from the targeted assistance strategy panel that debt waiver and partial debt waiver be used as a form of assistance where people have little or no capacity to pay and where the debt would prolong or compound financial hardship. I think the minister did say at the time—although I stand to be corrected—that they were looking at implementing these recommendations. I do hope this occurs. Obviously this issue has been raised by a number of housing advocacy organisations when people do not have the capacity to pay. I hope we see that recommendation implemented.

I also asked some questions on the Spotless contract, in particular the social component of the contract and what guarantees the directorate had in place to ensure that there would be adequate employment opportunities given to young people, people with disabilities, public housing tenants and people from an Aboriginal or Torres Strait Islander background, as is required. I should say that Spotless was recently awarded this particular component of the contract. The representative from CSD said it had set minimum employment targets and that the contract would default if they were not met. I hope this is diligently monitored and that government also considers, or does not rule out, the possibility of involving providers who are specialists in providing targeted social employment.

With regard to FirstPoint, the government advised through estimates that a review of the service would be conducted by the Australian Catholic University. The community sector definitely want to be involved in this review because they are the ones, I guess, who every day come into contact with people who are homeless, requiring emergency accommodation or requiring public housing and other forms of social housing. They have very valuable feedback and input to provide to this process.

I know they want to be involved so I hope that we actually see them being involved in this review of the operation of FirstPoint. They have raised a number of concerns about the operation of FirstPoint, including that—and this was addressed in estimates—the service is not available seven days a week and 24 hours a day. They have also raised issues around referral processes. I think these concerns need to be sorted if we want this service to work as it should.

The Greens were pleased to see funding allocated towards the design of the common ground model. We believe this is a development that should be supported. It has been successful in other jurisdictions. It is a partnership between the community, private and government sectors. It is the type of housing partnerships that can lead to extremely beneficial outcomes, as this model has in other states.

While I know it is not in the budget, I am going to talk about safe shelter. We had a motion in the Assembly on Wednesday which all parties unanimously agreed to. There has been an article in the paper today that is a little concerning. The points I would make again, as I did in my speech, are that I know the directorate do not see this as fitting into what seems to be their model, or continuum, of housing. But it is a legitimate service. It operates in other states and cities.

As I said in my speech, it is not an admission of defeat on homelessness. It is actually recognising that this is part of the picture, part of the services that can provide accommodation for people. Everyone recognises it is not a permanent solution. Through talking to people involved with the early morning centre, St John's Care—all of those sorts of organisations—and through my own experience in working in mental health, often the reality of the situation is that people are not ready to go into permanent accommodation, and providing people with shelter at night, somewhere that is warm and safe, is a starting point.

We have to recognise that we do have rough sleepers in the ACT. Sleeping out in the open in the cold weather is not a safe situation. It can severely hamper people's health and wellbeing. What I find quite frustrating is that these groups have not asked for government funding. They have actually done the right thing. They have come forward saying, "We want to do this." They have gone to the government saying, "What are the things we have to do to make this work?"

It seems to me now that the primary impediment is the actual building code. I have been to one of the halls and, again, as I noted in my speech, they have smoke detectors. I understand there may be an issue with the wiring there, but they are willing to fix that. There is emergency lighting and there are fire exits. Those things are actually in place. *(Second speaking period taken.)*

If there are any problems with this now, we need to point out what they are and allow the group to fix them. Then it goes to the registrar and can be sorted. If the directorate and the government do not agree with this proposal, that is fine. But a group has come forward willing to do something. Over the years there have been a number of services that groups in the community have gone ahead and done without the support of government which have then become an integral part of service delivery. There are many examples of that.

This is just about us as a community saying it is not okay that people are sleeping rough. If the churches want to provide accommodation, we should be supporting that, not trying to hamper it. Again, I remind everyone that we had unanimous support for my motion. I hope that we see this service up and running, hopefully this winter; if not, by next winter.

I think it is good that we have groups in the community willing to come forward and provide this service, not for their own self-interest but because they just want to help people. I hope that there is not a condescending attitude in the government towards this group and this proposal. I think it is a very valid one and I hope we see it up and running soon.

**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) (2.45): I will start by responding to the comments Dr Bourke made. I do so because both Mr Coe and Ms Bresnan started with comments that reflected on Dr Bourke. I find it somewhat insulting here to see members opposite with their eye-rolling, tisk-tisking, shame and indignation when an Aboriginal man stands in this place and outlines his methodology in relation to how he recognises Aboriginal organisations.

I understand that Dr Bourke has discussed his methodology with the Aboriginal and Torres Strait Islander Elected Body and he has discussed his methodology with AIATSIS. I also understand that, following that discussion, both the elected body and AIATSIS support Dr Bourke in his methodology. Agree with it or not, I would think that it is absolutely critical that members of this place give him the respect that he should be given as an Aboriginal man in his view, in his methodology. He should be able to come and explain it in this chamber without the eye-rolling, the indignation and the sort of pious approach to Aboriginality. If there is anyone in this chamber that can talk about Aboriginality, I actually think it is an Aboriginal man.

Turning to the other comments on housing and safe shelter—and I notice that Ms Bresnan read the article today and quickly flicked a somewhat toned email through to me—can I say, Ms Bresnan, that I did meet—

*Ms Bresnan interjecting—*

**MS BURCH:** I did. I was about to say, Ms Bresnan—if you would give me a chance—that the article did not reflect the meeting. We spoke at length with the group—not only the Community Services Directorate but also representatives from ACTPLA—and we outlined the support that we would offer them. At every stage we said that we will do all we can to help them. It is not the position of the government, for the sake of some artificial policy, to stand in the way for the heck of it. Let us be absolutely assured that if we are going to accept the use of a place, it needs to meet standards.

We said to the group yesterday that we will work with them and do all we can. We will work with the certifier. We will make sure that the information they give to the

certifier satisfies what is needed. If anyone in this place thinks that we can turn a blind eye to safety provisions, they are indeed wrong. Sleeping rough is dangerous, but there are some that would say sleeping in some form of shelter is also a dangerous place. I also refer to the *Canberra Times* article, which states:

Chair of the City Uniting Church's Uniting Care management committee Anne Butler said it would not participate in this project.

"Our hall is used during the evening for various activities," she said. "I think this government has done really well on homelessness. In the end you need some permanent solutions."

The church had decided to focus on its early morning centre and to work with St Vincent de Paul with the Street to Home program.

There are some within the sector that recognise this, and they wish the church well in all their endeavours, but there are some that want to focus on their activity as well.

With regard more broadly to homelessness—again, I think it is important that we do all we can as a community and as a society to support those that are homeless—the ACT Labor government see that as a priority. The Canberra Liberals see it as something that is negotiable. So much thought do they give to those that are at risk of homelessness or are indeed sleeping rough, whether you are old or whether you are young, is that it is simply negotiable. Mr Smyth has said to me that that is not what he actually said; it is what people think he said. Maybe he said it; he does not know. I give him the chance to say whether he opposes supporting—

**Mr Smyth:** See you at the meeting tomorrow.

**MS BURCH:** Well, you can say it right now. You have to wait for the meeting and get the tone of it. You are sitting on the fence, Mr Smyth.

**Mr Smyth:** I am not sitting on the fence.

**MS BURCH:** Do you oppose the cluster house? Do you support the Salvation Army supporting youth homelessness? It is a simple yes or it is a simple no. Do you do that or do you not, Mr Smyth?

*Mr Smyth interjecting—*

**MR SPEAKER:** Members, we are not having a conversation, thank you.

**MS BURCH:** Through you, Mr Speaker, Mr Smyth refuses to accept and say that he will support the Salvation Army in delivering a project and a program that helps the youth that are at risk of homelessness.

*Mr Doszpot interjecting—*

**MR SPEAKER:** Mr Doszpot, thank you. You can have a go in a moment.

**MS BURCH:** I find it extremely extraordinary that a candidate on that team heads up Homelessness Australia. I wonder what the CEO of Homelessness Australia would think of one of her team members saying: “Youth homelessness is not my problem. It is not negotiable. Put it somewhere else. We don’t care.”

**Mr Smyth:** Who said that?

**MS BURCH:** Who said what, Mr Smyth?

**MR SPEAKER:** Ms Burch, we are not having a debate across the chamber. Ms Burch will say her piece. She will direct it through the chair, and then other members are welcome to speak. I will give you the call straight after Ms Burch. Let us conduct it that way. Ms Burch.

**MS BURCH:** Thank you, Mr Speaker. I will table two documents. I will table a document that has been authorised by the Assembly-paid ACT president and man of the community himself where it says:

This means the things the local government must do receives the highest priority such as health, education, public transport and urban services.

And they are right; they are good services. It goes on:

The rest is frankly negotiable ... This is a true Liberal vision.

**Mr Coe:** On a point of order, Mr Speaker: I ask whether what the minister is harping on about now is relevant to an appropriation bill.

**MR SPEAKER:** I believe we are discussing the issue of homelessness and the group house in Chisholm. My understanding of the debate is that is probably relevant to the housing portfolio. If I misunderstand the debate, members may clarify it with me, but I think that is where we are at.

**MS BURCH:** Thank you, Mr Speaker. It was, indeed, because Ms Bresnan brought in the matter of a safe shelter. That was not in the budget, but we had that discussion. That led me to supporting youth homelessness. That led me to the Liberal Party, which says, “The rest is frankly negotiable; that is true Labor vision.” That is fantastic. You can negotiate being homeless, you can negotiate the support offered by the Canberra Liberals. I will table that document.

The other quote—and there were statements across the floor about who said what—was: “Contact Brendan Smyth, MLA, who actively opposes the proposal.” I will table that. I give Mr Smyth the opportunity to say whether he supports youth homelessness or whether he does not.

I present the following papers:

Election flyer—Tom Sefton, Liberal candidate for Molonglo.

Homelessness—Youth Emergency Accommodation Network Cluster in Chisholm—Flyer.

Back to the directorate and the budget at hand, I congratulate all staff at Housing ACT on the work that they do. We have, for example, just recently had—and it is up and running very well—the improved support stronger communities initiative, which is providing support and sustained intervention to tenants due to some of their complex and challenging behaviours, and it is about supporting them and supporting the neighbourhood in which they live.

In June this year, we had 11,848 properties. I understand Ms Bresnan quoted 11,850-something. Let us say there are around 11,850 properties within our portfolio. On my figures, I have 132 bedsitters, 2,104 one-bedroom units, 3,624 two-bedders, 4,959 three-bedders, 835 four-bedders and 160 with five or more bedrooms. I made reference to Ms Bresnan.

There is an aspirational target of 10 per cent social housing within the parliamentary agreement. Based on the December 2010 figures, which would have seen us need an additional 2,780 dwellings, if that was costed out at \$400,000 each, that would be \$1.1 billion. If that was put out at \$300,000 each, it is \$834 million. These are big figures and big asks, but there is funding in this budget for some work on that. We have funding for more social housing. As I said in estimates, I have a particular interest in how we can use that within the community or social housing sector for supporting people with a disability.

There is a discrete funding line to support accommodation for people with a disability. There is support for more work to be done on common ground, which is a commendable project, but I have said not only to the common ground committee but publicly that this is something that this government cannot do alone and we are looking for not only our contribution but a commonwealth contribution and, indeed, a private contribution. I was very pleased to see that, I think it was, the Snow Foundation has put \$500,000 towards common ground projects. There is also funding in this that builds on earlier budgets' funding for energy efficiency in our public housing.

Just to finalise, if I can go back to the numbers, we have had nothing but growth in our social housing stock since the government came to power. This is in stark contrast to the Canberra Liberal Party when Brendan Smyth and his colleagues were in power. One of the most, I think, devastating acts to the vulnerable in our community was when he ripped a thousand properties out of social housing and flogged them. There were some brought back, but certainly the deficit is in the multiple of hundreds. That has taken a long time to repair. If you base it on our figures of \$300,000, we would need to be finding many tens of millions of dollars to make up for any of the damage that Mr Smyth has done.

They stand here saying that they support our vulnerable, but, as the papers I have circulated say, they actually do not, that it seems to be Liberal Party policy—they are not refuting it; it has come out from the party office—that supporting the vulnerable is negotiable, that they will get to it when they have got time, when they think about it. That is evidenced by the fact that they ripped social housing out of the stock. It is

evidenced by the fact that Brendan Smyth will not stand in this place and say he supports the Salvation Army in their endeavours to support youth homelessness.

In closing, I would like to thank our partners across the social community housing sector for the fabulous work they do, from very small organisations to much larger organisations, in their work for people with a disability. The people that head-lease some of our properties for some of our most challenging communities do a wonderful job and make sure that people are supported and housed safely so that they can get an opportunity in their lives.

The housing staff, from the executive director right down to the support staff and the housing managers, do a fabulous job. We are the largest landlord in the ACT. They do a very good job in supporting not only the tenants but the fabric of our housing accommodation here in the ACT.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.16—Education and Training Directorate—\$558,459,000 (net cost of outputs), \$122,318,000 (capital injection) and \$228,229,000 (payments on behalf of the territory), totalling \$909,006,000.

**MR DOSZPOT** (Brindabella) (2.59): The Education and Training Directorate is responsible for the operation of 84 public schools, with over 40,000 students—39,600 in mainstream schools and 403 in four special schools. With a budget of close to \$600 million, it is our second largest expenditure and is one of the most important investments a government can make.

The minister made much in his post-budget publicity of the importance of and advances in ACT education. He talked enthusiastically about new schools coming on stream and the ongoing support for students with a disability, and highlighted a number of other minor initiatives. What he failed to mention was the requirement that his directorate find \$27 million in savings in the next four years because of Labor's financial mismanagement going back over the last 11 years.

There were no comforting words during the estimate committee process as to how the directorate will meet this figure. In fact, the answers given were vague and evasive and perhaps very worrying. "The directorate, in consultation with staff, unions and the community, is going to identify savings," said this minister. Given this is the government that is not strong on community consultation, a directorate that has already closed 23 schools without community consultation, that last time it sought an efficiency dividend it was through cuts to support for the visually and hearing impaired, to ESL support positions and it is the same directorate that took years and a teachers strike to deliver an agreed salaries outcome for teachers, I believe teachers, school communities and parents will need to be very much on the alert if this government is given an opportunity to, indeed, find these savings. Remember it has been done before, and this Labor government, if given half a chance, would do it again.



This minister regularly highlights literacy and numeracy levels but fails to point out the significant percentage of students who are falling below minimum literacy and numeracy levels. He showcases school buildings like the Gungahlin college and Namadgi but is less enthusiastic about explaining why Taylor primary school needs to be rebuilt, why Dickson College's asbestos remediation plans came to a halt when money ran out or the need for Curtin primary school parents to raise funds for basic building repairs and canteen upgrades, which have been promised twice and never delivered. Where is the consultation with parents at schools like Duffy and Weston Creek preschool?

Of course, while the minister made much of funding for students with a disability in non-government schools, he did not provide much detail and left it to others to do the maths and inquire as to the value and sincerity of the offer. They offered \$2 million, but only for one year. The \$2 million is to be spread across 559 students. So what happens next year? "Wait and see," said the minister. How and why a \$2 million grant came about is a mystery to everyone—the recipients and this minister, as he cannot explain the logic behind it. It appears the \$2 million from the interest subsidy scheme was just sitting there and they decided to do something with it. What useful contribution could it make, apart from having an immediate impact for 559 students for one year so that any programs that would need to be put in place cannot be funded because it runs out at the end of the year?

The minister said that the principal factor in play in this funding arrangement was the introduction of commonwealth government initiatives, in other words, Gonski review committee reforms. We questioned at the time how much the minister understood about Gonski, and after this week we know he does not know much at all. For a start, minister, any changes, if they can be agreed and funded by then, will not come into play until 2014, at the earliest. This one-off funding for students with a disability in non-government schools runs out in June 2013, minister. So there is the next year that is totally unfunded. But already any resolution on Gonski seems further away than ever.

On the Gonski review, when the minister went to the press about the statements we and the federal Liberals were making in questioning the Gonski review, the minister questioned the figures that we presented, the figures that were presented to every education directorate in the country. The unions have it. People have had it for two months. Everyone has speculated on the impact it would have on not just non-government schools, minister, but the whole education sector and especially here in the ACT where, because of our unique demographic situation, we are much harder hit than anyone else.

Who is the only one who has not spoken up about it? It is the minister. He said, "I will not sign anything that is not going to do the trick for us at all," without understanding, having had two months to examine these figures, without taking up the cudgel, if I can use that quaint expression that Ms Burch is very familiar with, without having the fortitude or the foresight to actually come out and defend what was wrong for the ACT within the Gonski review. Minister, you failed that test miserably. Instead, all you could say was that we were using false figures.

The figures that we were using were accurate enough for the Prime Minister to actually back down and not announce the figures that she was going to announce. The Prime Minister was going to make an announcement on viability and on the Gonski review. Because of all the figures that were put before the parliament, the Prime Minister put that off for a month so that she could go back to the drawing board and have a look at the figures that of course everyone has seen, except Dr Bourke.

The Prime Minister, after last weekend's headline showed schools would be devastated, was forced into making what is, very likely, a hollow promise that no independent school will be left short of funding. In fact, she went further. As ABC News quoted:

Prime Minister Julia Gillard announced plans to provide the same funding for all school students, regardless of the type of schools they attend.

The shake-up, announced in a speech to the Independent Schools Council of Australia this morning—

these are Ms Gillard's words I am using on the day—

will result in every independent school receiving a funding boost.

Ms Gillard said the funding rethink would help the Government lift education standards for all children, in both the private and the public sectors.

But the government, which has delayed its formal response to the Gonski report into school funding, will not say how much extra money schools will get.

She was addressing the Independent Schools Council. So she obviously had to come up with something. It was something, but how true is it? It sounds a bit like “no child will be living in poverty after 1990”, from then Prime Minister Hawke, and “there will be no carbon tax under a government I lead”. I am not sure whether I need to put a postscript as to who said that but, for the record, it was Prime Minister Gillard in 2010.

We know the Federal Labor government has been forced back to the drawing board and when the revised version comes up—and it will come up for debate—is anyone's guess. Maybe you can elucidate on that, Dr Bourke. What I would like to know is when the ACT government knew what impact an unadulterated Gonski would have on Canberra schools.

That is a question you have been asked this week in this Assembly, Dr Bourke, and all you could do was try to filibuster your way through it, saying that you were not aware of the figures. I guess the question that needs to be asked is: has your directorate been brave enough to show you those figures? And if they have not, if I were in your position I would be asking a few questions.

If Minister Bourke knew what an unadulterated Gonski would mean for the 26 Catholic schools, the 73 government schools and the 13 independent schools here

in Canberra, who would all lose and lose in the order of millions of dollars—when, Dr Bourke, were you planning to tell them? Why did you think it was preferable for families in Canberra to log onto the News Ltd site to see how hard their school would be hit? The figures are all there. They are all there, Dr Bourke. Everyone saw them, except you.

Why did you so fulsomely embrace Gonski only a week or so ago without any reference to the fact that a Gonski remodelling of funding support just will not work for Canberra? The union knew that. The government schools knew that. But they had blind faith that that would be fixed, but it was not, until all the talk, all the issues that were brought up by the independent schools and by the opposition, both at the local level and at the federal level. How it will be funded is perhaps another mystery. *(Second speaking period taken.)*

Indeed, apart from anything else, what will this do to the \$27 million payback expected by the Education and Training Directorate because of Labor's financial mismanagement, Dr Bourke? And how do teachers feel? They took years and a strike to get their last enterprise bargaining agreement. What chance have they got under Labor next time?

While Dr Bourke and others have been lauding the praises of Gonski and suggesting it was the answer to every school's funding dilemma and we should all get on board now, the reality is that, if implemented without adaptation, Gonski would slash money from 26 out of 27 Catholic schools, 73 out of 84 government schools, Dr Bourke, and 13 out of 16 independent schools in the ACT, and some \$23 million would be taken out of the ACT education system.

Dr Bourke's words to the estimates committee, that the implementation of the Gonski review recommendations would have wide ramifications for education funding in the ACT in the future, were, in retrospect, prophetic—maybe that was “pathetic”. But I do not think he actually realised the full extent of that statement. Since that statement was made I hope some more work has been done to better understand what those ramifications will be. The changes to funding, as they currently stand, will impact Canberra families enormously, and I cannot begin to imagine how schools in the ACT will cope if any of those changes come to pass.

We already know that Canberra families, whether they have children in the public or the non-government education sector, face enormous costs pressures. Housing, electricity, petrol, food, have all gone up and despite the claims and the advertising hype, not every family has been compensated for the negative and costly impacts of the carbon tax here in Canberra. And if this Labor government gets another four years, anyone with any interest in education in Canberra should be afraid.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (3.12): As the ACT Greens' spokesperson for education and training, I note what a big year it has been for the directorate, principals, teachers and students—a year of managing several national partnerships, preparing for the end of some and the beginning of others; a year where we saw the new enterprise agreement with teachers that will ensure they are properly reimbursed; a year of implementing the new quality frameworks and

working on multiple local frameworks towards better education outcomes for disengaged students and students with a disability and the rollout of the national curriculum. It is important to pause for a minute and reflect on the increased and ever-increasing demands we are asking from the education workforce and consider that in many areas there has not been much time to stop and catch a breath in the current environment. I acknowledge and congratulate all the staff, in particular those who have been tasked with overseeing the many positive programs and initiatives that fall under the ACT youth commitment.

It is somewhat concerning then to calculate the efficiency dividends expected from the directorate and the CIT that of course we will come to later. And I will be seeking assurances that genuine consultation and discussions will take place before any cuts are decided on.

There appear to be very modest increases to actual classroom activities and education outcomes for children and young people. It is disappointing that there has not been a significant increase in funding for the excellence and enterprise advance in public schools of distinction framework in particular, with only \$100,000 extra for implementation. The Greens consider school funding to be a valuable investment in the future, and this budget falls somewhat short in terms of that investment.

The Greens have long called for better data collection regarding the government's commitment to carbon neutral schools by 2017, and it is pleasing to see that these calls have been partially heeded, with the announcement of new monitoring systems in public schools. We also welcome the increased funding to make our schools greener, through practical measures such as improved lighting efficiency and thermal resistant glass. However, there needs to be more transparency from the government in regard to future reporting against these targets. It is disappointing that there is no published strategy, no apparent stage 2, no time lines or clear reporting mechanisms.

There have also been difficulties that have been outside the government's control in relation to building and infrastructure. I was happy to hear that the government had managed to avoid any significant delays to the new Bonner primary school project after the collapse of St Hilliers, and I commend the government on ensuring that contractors and subcontractors were looked after.

I welcome the funding allocated to the operational costs for the Franklin early childhood school. The Greens are fully supportive of increased access to early childhood education. I hope that the funding will ensure the integrated service delivery model is fully implemented and I look forward to seeing progress on the recommendations of the Auditor-General's recent report.

The project to remove asbestos-containing materials, upgrade and replace core infrastructure at Taylor primary school is essential work, and I congratulate the minister and the directorate staff on the communication strategy in regard to the issues around the school and the asbestos removal. There was some good communication and ongoing communication with the families involved. It is a shame that communications with other stakeholders regarding education issues have not always received that same attention.

Increasing the capacity at Duffy primary school, through the use of relocatable buildings to meet increased demand within the Weston Creek area, is a temporary measure that will have to be looked at in the longer term to ensure that students' needs are being met in the newly developed areas of Molonglo and Coombs. It was disappointing to learn that many in the local school community had not been properly consulted about the exact nature of these temporary classrooms, and I hope that the minister's recent discussions have provided greater information to the P&C and the school board.

The funding to enable the ACT Teacher Quality Institute to fully develop its business system to comply with national and local legislative requirements for the teaching profession in the ACT is welcome, and the Greens also support anything that can be done to further maintain the quality of teaching in the territory.

Moving on now to some significant budget line items that respond to students and students' needs, there are some positive initiatives for students with disability in this budget but it does remain to be seen whether the implementation of these programs will answer the real and daily concerns of students, parents and carers. I hope they do.

The Greens have held a range of consultations with families this year, and we know there is always more that can be done to provide socially inclusive and supportive programs. I hope that the federally funded disability education coordination officers will be actively engaged in our 84 schools and provide the early planning support many families having been saying they need and want for some time now.

The one-off grant to support existing students with disabilities in non-government schools has been welcomed by the Independent Schools Association and by the Catholic Education Office, and I support this funding as well. I am disappointed that it is a one-off payment at this stage. The Greens are supportive of this funding being recurrent until the implementation of the Gonski review. Of course the funds for this come from the unallocated funds from the closed interest subsidy scheme.

Outside this budget, there have been announcements that have not had targeted funding allocated, such as the surprising but welcome announcement regarding an independent review of the school autonomy trials, the creation of two new task forces, one looking at dyslexia and other learning difficulties and another looking at school canteens.

We have had a review of the needs of students with English as a second language or dialect, which completely sidestepped the needs of students and failed to accurately reflect the views of those who were consulted. The Greens will continue to pursue this issue to ensure a satisfactory outcome and that English language proficiency levels are raised so that students have a level of English that will give them a chance to thrive when they move into their mainstream school.

We are also keenly awaiting the tabling of research into alternative education settings in the ACT and, of course, we are all waiting to see the implementation of the Gonski review and the outcome of the work that has been done at the federal level that some of our officers have been heavily involved in.

While we have great schools today, there is still work to do to ensure we have even better schools tomorrow, and the Greens are here to get the job done. The next year will hold just as many challenges and opportunities, if not more than this year. It is critical that teachers are supported to bed down the many reforms and changes that are being rolled out across the school sector and that support management in schools.

We are strong supporters of those whose voices can sometimes be lost in the debates, and we feel that there is a lot more that can be done to support vulnerable and disadvantaged students and their parents and carers to maintain positive engagement with education. We believe that everyone should have equitable access to an education that meets their needs and aspirations and gives them the skills and capacity to participate in society and that it is the responsibility of government to ensure the provision of high-quality, well-resourced and safe learning environments that are open to all students.

The Greens want an end to the gap in academic achievement associated with students' socioeconomic status, disability and cultural background and will work collaboratively with stakeholders to ensure we do have a properly funded education system that continues to engage and provide a world-class education for all our children and young people.

In regard to Gonski, this is a significant report that has come out. What we have seen over many years is an ad hoc, piecemeal, patchwork approach to the funding of education in this country. I think it is great to have had that review and for the review to have come out with a series of recommendations about how we can put some transparency, some accountability, some logic into the funding of education right across the country. Yes, there are some issues that need close and careful attention, and we are going to need a minister and an ACT government that champions the ACT and ensures that the ACT does well out of any implementation of changes to funding.

We have had the Prime Minister's guarantee that no school will lose any funding. We need to make sure that that is absolutely the case, regardless of whether it is a government school or a non-government school. But it is time; we have to get on; we have to reform the system. What has been in place has not been satisfactory, and I look forward to seeing the outcome of that. (*Time expired.*)

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (3.22): It is quite clear that Mr Doszpot does not get Gonski. He continues the scaremongering, he continues the spread of disinformation and he continues this because he has been to the Tony Abbott school of politics and he has taken those lessons as a completely uncritical student, and he keeps repeating them. It is a wonder he did not actually repeat the line spouted by Abbott that government schools were overfunded. We have not heard that line yet but I am sure we will. Goodness me!

Mr Doszpot clearly did not hear what Mr Piccoli, the New South Wales education minister and a fellow conservative, said yesterday, that the essence of Gonski is great,

that fairness in funding, transparency in funding, that funding to those most in need are what we need to deal with the complex, opaque and completely unfair system that we have now. But, of course, Mr Piccoli is a Nat, so he probably did not go to the Tony Abbott school of politics.

Let me reiterate what the Prime Minister said most recently. She said, “No school will lose money.” Let me repeat that: “No school will lose money.” She said, in fact, that funding for every school, government, independent and Catholic, will continue to rise under the federal plan for school improvement. And she said, “We have always said no school will lose a dollar for funding per student,” and that is what they will deliver. And not only that, she has also committed that there will be more funding for schools, more funding for ACT schools, more funding for ACT government schools, more funding for ACT independent schools, more funding for ACT Catholic schools.

Mr Doszpot cannot listen, does not listen, does not want to listen, does not want to know because it does not fit within his political paradigm that he has learned at the chalkboard of the Tony Abbott school of politics.

Let me return to the portfolio. The ACT has the highest levels of educational attainment in Australia, and we continue to commit to record levels of funding. This budget invests \$909 million in education and training. It continues our investment in state-of-the-art school facilities. We will fund the operations of the Bonner primary and Franklin early childhood schools, at a cost of almost \$12 million. The government has also committed \$12.9 million towards the restoration of Taylor primary school, and I thank the Greens for their kind words endorsing the actions of the government and the Education and Training Directorate in the communication provided to the Taylor school community in regard to this matter.

Also, \$2.8 million over the next two years has been allocated to provide classrooms at Duffy primary school for the new residents of Molonglo and North Weston, and \$500,000 has been provided to coordinate and deliver further maintenance and repair work in public schools. In the 2012-13 ACT budget we are continuing to support ACT public schools to move towards carbon neutrality, with \$3.5 million committed to stage 1 of the carbon neutral schools project.

We will continue to implement excellence and enterprise, our blueprint for high school education. Under the excellence and enterprise initiative, \$125,000 will be provided over four years to engage students in challenging learning opportunities which draw on the latest interactive technologies and digital media. The government continue to promote a culture of excellence in teaching so that we can deliver the highest possible standards in our schools and attract and retain the very best teachers in the country.

The government believe that quality teaching is the single most important thing affecting a child’s education and that our teachers should be rewarded. In 2011, the government established the Teacher Quality Institute, and this budget commits \$2.9 million in additional funding to support the role the institute plays in ensuring that we have quality teachers in schools, both government and non-government.

The budget continues the reform of the teaching profession set out in the recent enterprise bargaining round. The new agreement supports the ACT government's commitment to ensure that the ACT has the highest quality teachers, with an overall increase of more than 15 per cent over the life of the agreement. The agreement is a significant investment in education that values the professional status of teachers and principals in ACT public schools.

The government remains committed to ensuring that there are the necessary resources to assist special needs students to get the best possible start in life. On the recommendation of the Non-Government Schools Education Council, this budget provides a funding boost of \$2 million to support students with a disability in non-government schools; \$1.54 million has also been allocated to assist in meeting increased costs of providing transport for students with a disability who attend ACT public schools.

The budget provides \$400,000 over four years to support the increased number of students completing the ACT scaling test, which measures individual aptitude for tertiary study and is integral to determining university entrance scores.

The ACT outperforms other states and territories in the areas of vocational education and training. This budget invests an additional \$3.2 million over four years in CIT's year 12 program, strengthening links between secondary and vocational education and providing additional support for CIT students with disabilities. In addition, \$28 million has already been secured from the Australian government for skills training that will create an additional 4,000 vocational education and training opportunities over the next five years.

Canberra's tertiary education institutions are some of the best in Australia. We will continue to work cooperatively with the tertiary sector and seek partnership opportunities. We will continue to leverage our educational strength and ensure that innovation, research and development remain at the forefront of our community. The initiatives contained in this budget will ensure the ACT has a well-educated and highly skilled population capable of meeting the challenges of the future.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.17—ACT Gambling and Racing Commission—\$4,408,000 (net cost of outputs), totalling \$4,408,000.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (3.31): I thank the staff at the commission. They have continued to do a good job again this year, headed up by Greg Jones. Of course I am pleased to see the fund that was set up to assist people with problem gambling issues and also that funding of some world-class research over at the ANU is continuing. That is something I am very pleased we were able to do during this Assembly.

I am pleased to see some improvements in the accountability indicators that relate to the functions and activities of the commission and to hear progress regarding the two



completed projects that look at help-seeking behaviours. That is the research I was talking about, that world-class research that is being undertaken at the ANU.

It was also encouraging to see that the Auditor-General's report which looked into the commission's harm minimisation policies and programs was quite positive. I am glad that the government's response to the recommendations will be out and we can see where it goes from there.

There are still some concerns in the community about the territory's high maximum bets available on gaming machines. I know that this is a federal issue that is being discussed at the moment. But for us it is about continuing to be very vigilant about the negative impacts that can happen from problem gambling. Therefore I go back to my initial comments—that I am pleased to see that the commission is playing a very positive role by administering that problem gambling assistance fund. That positive role is giving fantastic benefits across the community to individuals and to their families.

**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) (3.33): I too want to thank the commissioner and the staff over at the commission for the work that they do, and also the board, headed up by Malcolm Gray as chair, who will be finishing his time at the end of the year. He has put in a number of good years to the commission's work and I wish him well in future years.

Very briefly, the main focus of the commission is on the regulation and monitoring of gambling activities in the ACT; namely, casino, gaming machines, lotteries, racing and wagering, and interactive gambling. They have a very strong role in regulation and monitoring—which is absolutely right for them to do, and they do a very good job in that—and in performance and functions. The commission must also promote the public interest by protecting consumers and reducing the risks and cost of problem gambling to individuals and the community. The commission has additional functions relating to the conduct of research on the social effects of gambling and problem gambling as well as community education relating to gambling activity.

Whilst this is about the commission, we know that gaming and racing enterprises here in the ACT, whether it be the pacers or the harness races, the thoroughbred parks, the greyhound dogs or all of our community clubs, are good, strong employers across the community and they provide much valued entertainment and activities across our community.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.18—ACT Public Cemeteries Authority—\$369,000 (capital injection), totalling \$369,000.

**MS LE COUTEUR** (Molonglo) (3.36): We are pleased to see that the new southern cemetery is going to include natural burial. As members will know, I have been a strong advocate for natural burials, representing a natural and significantly more

environmentally friendly alternative to cremation or traditional burial practices. Natural burials also represent a more affordable burial option and reduce pressure on traditional burial services. The practice has not been available in the ACT until now, so I am heartened to see this is an area where the government has taken notice of ACT Greens initiatives.

These cemeteries can also become natural preserves for native vegetation and wildlife. As an identified wildlife corridor, the Tuggeranong site is an ideal location for a nature reserve. Because they are natural spaces, they do not usually require the heavy maintenance and watering required in conventional cemeteries. Now that natural burials are to be part of the new southern cemetery, we would also like to see the government expand natural burials to other cemeteries.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.19—Actew Corporation—\$10,587,000 (net cost of outputs), totalling \$10,587,000.

**MRS DUNNE** (Ginninderra) (3.37): Over the past 11 years this ACT Labor government has presided over water prices that have increased by more than 200 per cent. The ACT's water prices are set to rise further because of two factors. Firstly, the cost of the major water security projects will add \$220 to the yearly water bills of Canberra residents.

This ACT Labor government has presided over cost blow-outs on the project to enlarge Cotter Dam, to the tune of almost 240 per cent since the original cost estimates made in 2005. At that time the Cotter Dam enlargement was estimated at \$120 million. Currently the cost is standing at \$405 million.

The ACT government has similarly presided over cost blow-outs on the Murrumbidgee to Googong pipeline, which coincidentally is being opened as we speak, or has just been opened. In 2005 the estimated cost was around \$45 million. The estimated cost at the time of building was \$150 million, but today we are told that it may come in a little under that; perhaps \$12 million lower than that, if we are lucky. So the best-case scenario is that the Murrumbidgee to Googong pipeline will have a 200 per cent blow-out.

Secondly, sales of water in the ACT have declined because of two factors. One relates to water restrictions during the drought period and the other relates to an abundance of rain in the past two years. This means that sales revenue for Actew Corporation has fallen, impacting on Actew's bottom line and therefore the dividend that Actew pays to the ACT government. So now Actew wants to recover those lost revenues. But is it Actew or the government driving this recovery plan?

I suggest to you, Madam Deputy Speaker, that this recovery of lost revenue is not for Actew. It is to create a higher dividend flow for the ACT Labor government. So, because water consumption has been lower, primarily because the people of Canberra have responded well to the government's call for water conservation, those same

people now will pay dearly for their commitment to conserving water. They will pay dearly for sacrificing their gardens, their sporting ovals and their schools.

The plot of the ACT Labor government for retrospective revenue recovery amounts to a retrospective tax on the people of Canberra. Actew Corporation do not need this retrospective revenue recovery. The government simply want Actew to take this revenue recovery straight to their bottom line so that they can pay a higher dividend.

Madam Deputy Speaker, here is something for you to watch: in foisting this retrospective tax onto the people of Canberra, this ACT Labor government will hide behind the regulator. The ACT Labor government will hide behind Actew. It will level all the blame against Actew and the ICRC. The ACT Labor government will say it has no control over how Actew runs its business or how the ICRC sets its prices. It has done that in the past. But you watch the dividends it collects—all at the expense of the people of the ACT, all as a result of a retrospective tax.

Budget paper 4 tells the story. Actew's forecast profit for 2011-12 is just over \$101 million. By 2015-16, this profit is forecast to increase to almost \$184 million. All of this will be paid to the ACT government either by income tax equivalent payments or by dividend payments. That is an increase of 82 per cent over five years—82 per cent. As Ms Burch would say, it is not 100 per cent, but it is still a pretty significant increase.

Once again this ACT Labor government is emptying the wallets of the people of Canberra. Furthermore, if you will pardon my cynicism, if the ICRC allows this retrospective revenue recovery tax through higher water prices, here is another prediction: that retrospective tax will not be a one-off. It will become part of the base price for water and will continue to be included in the future price of water, which will have an ongoing effect. All of this is just another hit to the cost of living in this town, perpetrated and perpetuated by a government of waste, wrong priorities and economic mismanagement.

While we are on the subject of water pricing, and to save time later, I will touch on the five-year price pass set down by the ICRC. I consider Actew Corporation has made a point of some merit in terms of smoothing out the pricing process so that it is done annually. We are expecting an 82 per cent increase in profits for Actew over the next five years. Part of this relates to the recovery of the major water security projects. Even though these costs in total have blown out by nearly 230 per cent, it is quite reasonable as long as it is done across multiple generations so as to spread the recovery over the life of the assets, which are long-lived assets.

The other issue that I want to touch on, which also relates to water, is the issue concerning secondary water use and the ICRC's report on secondary water use. It is interesting to note that the government has become, lately, an advocate for cost-benefit analyses when we look at secondary water use. The ICRC's draft report on secondary water use said:

... the Inner North pilot stormwater reticulation trial needs to be fully evaluated.

I say hear, hear to that. I have been calling for this for some time, but the minister for water at various times has said we do not need to do that. This government spent tens of millions of dollars on urban waterways and stormwater reticulation projects without a proper cost-benefit analysis or even a business case. When I asked Mr Corbell what he intended to charge for water utilisation from urban waterways, he did not have an answer and he still does not.

We do not know what the government is proposing to charge and the government has not made any forecast of water consumption levels from urban waterway assets. The government and Mr Corbell do not know what revenue streams are likely to be generated. All of this was done based on a decision to spend tens of millions of dollars on a project which, in the words of the ICRC, was “unclear, disjointed and unresponsive”.

I noticed last night that Mr Corbell has latterly become an advocate for cost-benefit analysis in urban water projects. It will be a test of the relationship between the Labor Party and the Greens if Mr Corbell intends to stick to that policy. I hope he does not have an opportunity to do so; rather, that a sensible Canberra Liberal government will implement the policies with the ICRC in relation to secondary water use.

**MR RATTENBURY** (Molonglo) (3.45): The sustainable management of water resources is of critical importance and I am grateful to have the opportunity to comment briefly on the operations of Actew Corporation. I want to touch first on Actew’s new corporate structure, secondly on the challenging issue of water pricing in the ACT and, lastly, on some of the strategies that Actew has developed to improve its environmental performance.

From our discussions with Actew during estimates, we are confident that the recent restructure of Actew into Actew Water will enable improved outcomes for shareholders and, most importantly, for the territory, by removing obstacles to the achievement of important social and environmental outcomes. It appears that by reincorporating water and sewerage assets into Actew whilst continuing to source corporate and retail services from ActewAGL, Actew have already begun to witness improved outcomes.

As we understand it, last year’s internal review revealed competing demands in balancing profit with community objectives—for example, the promotion of water conservation as outlined in the Territory-owned Corporations Act. This is an issue faced by utilities worldwide; namely, how to transition away from being providers of resources to becoming providers of services—services which include energy efficiency and water conservation, services which will lead to a fundamental change in how utilities do business, from perpetuating resource over-consumption to becoming proponents of sustainable consumption.

This issue leads directly to the question of how we price water. There has been considerable debate about this here in the Assembly and throughout the community. We have seen the ACT community go to impressive lengths to conserve water. Meanwhile prices are set to increase, and this is a real dilemma. On the one hand, we

are using less water, yet on the other, our water resources face growing pressures, such as population growth and climate change.

These pressures have prompted investment in water security projects such as the Cotter Dam enlargement, but such investment certainly is not cheap and so the community is faced with rising bills. How do we avoid this paradox where the community is not reaping the financial rewards of saving water? I think this is a really challenging issue which does not present an obvious answer, although it does link back to my point about utilities developing strategies to become service providers rather than resource providers.

The more that Actew does to shift its business model away from profiting from the sale of water towards providing services to encourage sustainable water consumption, the more likely it is that the current pricing conundrums we face will dissipate. And we need to see this issue in perspective. We are at a difficult crossroads, where we have to front up large money today so that we can meet the challenges of tomorrow. Over time these investments will pay off, in the form of savings on our water bills from using water smartly, a safe environment for our children and water security.

Turning to how we can soften the blow of the price rises forecast for 2012-13, I do believe that the current five-year pricing model has a lot to answer for. The ACT's climate has shown itself to be highly variable in recent years, from above-average rainfall to serious drought. Such fluctuations should signal to regulators that the ACT needs a much more responsive approach to water pricing. It is no wonder that, at the end of these past five years of drought and heavy rains, we are about to see a water price shock, which is certainly compounded by the capital investment. If we had a price-setting model that made more appropriate adjustments on an annual basis then these shocks could be minimised.

Finally, I want to touch briefly on the encouraging steps that Actew are taking as a company to minimise the environmental impact of their operations. These include efforts to reduce the carbon footprint of Actew's operations—for example, the preparation of greenhouse gas inventories, the use of biodiesel for construction vehicles, construction of a mini hydro generator for the Murrumbidgee to Googong transfer, and the purchase of contracts to deliver 900,000 tonnes of carbon sink forestry over the next 30 years, requiring the planting of over 80 hectares of native forest in New South Wales and 2,600 hectares in Western Australia.

Actew has also been implementing strategies to ensure optimal water quality and biodiversity outcomes. Some of these are quite well known, such as the fish management plan as part of the Cotter reservoir enlargement, monitoring of environmental flows, efforts to reduce nutrient loading from the lower Molonglo treatment works discharge, and ecological monitoring in the Queanbeyan, Cotter and Murrumbidgee rivers and Burra Creek. Indeed, we understand that Actew plans to spend an additional \$3.5 million in the coming year to meet specific environmental objectives. This will be money well spent, an investment in the protection of the ACT's environment and an investment that will ensure our children and their children will have access to clean and secure water resources.

I commend Actew for these important changes and encourage them to continue their efforts to manage the territory's water resources more sustainably.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (3.50): There is no doubt that Actew will have a full agenda in the 2012-13 fiscal year. In addition to the completion of the enlarged Cotter Dam, the partnership with the Bulk Water Alliance project that will provide water security for the territory for decades to come, there are a number of other water security projects, such as the Murrumbidgee to Googong transfer pipeline, which has in fact, I understand, been commissioned today. It is worth acknowledging that these projects have come in under budget and so will provide savings back to Actew.

There is, as speakers have observed, the return into the Actew fold of the water and sewerage asset business, transferred back from ActewAGL, who were managing those assets on contract. The efficiencies made from this return should provide for a more efficient organisation overall, through economies of scale and expertise in asset management.

Under the watchful eye of the shareholders who represent the interests of territory citizens, Actew will continue the work of providing water and sewerage services and, with ActewAGL, energy services to the Canberra community. I thank members for their support of this appropriation line and commend it to the Assembly.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.20—Canberra Institute of Technology \$69,592,000 (net cost of outputs) and \$4,843,000 (capital injection), totalling \$74,435,000.

**MR DOSZPOT** (Brindabella) (3.52): The Canberra Institute of Technology, as Canberra's premium provider of vocational education in the ACT, has an enviable history of achievement. There are many successful businesses that owe their start in life to the excellent training their owners and staff received through the CIT, and there is much to be proud of in the courses they have provided and the students that have graduated from the CIT.

But the last 12 months have not been the best of times for this institution. We first had the very careless, totally fiscally irresponsible effort by the Labor government to engineer a takeover or shutdown of CIT, wrapped in such warm words as "collaborations", "mergers" and so on. I think Mr Barr even called it a marriage. Well, like many marriages, it had a stormy ride, and the wedding was off before anything was signed, but only after much scrutiny in this place and much agitation by staff, students and the general public. In the interim, it did a lot of damage. It brought into question staff and course security, and it impacted on current and future students at the University of Canberra and the CIT.

It also deflected efforts and attention by CIT administrators to increase the institution's revenue base. One of the CIT's priorities in 2012-13 was to expand and

diversify its revenue base. CIT said in estimates that they expected to expand their revenue by competitively targeting funding from the workforce development agency and chasing additional contracts with the commonwealth government. I note the estimates committee report highlights that they are concerned that such efforts will not be enough and has made a recommendation reflecting that.

It is important that CIT operate with efficiency and effectiveness. They need to seriously consider how they can expand and enhance their role in delivering training. Of course, one of the key elements in delivering on their strategy is a well-credentialed, well-supported and totally engaged staff. Over several years ranging over several departments, operating under two chief executives and around three education ministers, there has been a very serious culture of workplace harassment, bullying, inertia and cover-ups. It took the brave persistence and determination of a couple of staff and former staff to bring the extent and seriousness of the allegations to light. It took the intervention of the ACT Work Safety Commissioner to get the government to take the issues seriously.

To CIT's disgrace and shame, it has taken far more than a damning WorkSafe report and an education ministerial direction to start the road to reform. We now have the ACT Commissioner for Public Administration working through the many cases that have come to light. We are not just talking about one or two staff who felt aggrieved, whose careers were compromised and whose health, both mental and physical, was put into jeopardy; they now number in the dozens, and the list at one time was growing daily.

But even when the Work Safety Commissioner was finalising his report, he said that CIT still did not get it, that they were still not prepared to recognise the mistakes they had made. I have a lot of respect for the current CIT chief executive, Mr Marron, but I am disappointed that it took so long to see just how serious these matters were. Denial is never a strong or sensible strategy, especially for someone in such a responsible position.

There was what could be called almost wilful blindness by the previous minister, who responded to questions about reports of harassment with a diffidence that did not become him. In this place last September, when pressed on this issue, he said:

... there are processes available to staff members of the Canberra Institute of Technology who may feel aggrieved by a variety of particular issues.

The word "bullying" seemed to come very hard to Mr Barr's lips, but the fact that so many people were talking about it and the fact that so many people wanted to talk directly to him about it did not seem to cut much ice. They were not exactly words of comfort for the staff and ex-staff who had hoped that government would support them.

The Work Safety Commissioner says in his report that he expects CIT to have in place robust mechanisms to eliminate or reduce the risk of workplace bullying and harassment. I have made no secret of the fact that I am sceptical of the ability of CIT to deliver on that expectation, and I have stated publicly and often that, whether in government or opposition after the election, I intend to follow the progress of the CIT

improvement action group, the Commissioner for Public Administration's investigations and the ministerial improvement directions that have been given.

I am encouraged by the support I have received on this issue from many, many staff—current and former—who are very, very keen to have their day in court, so to speak. It has been a disgrace that they have had to face these issues on their own. Only a couple of weeks ago I received an email from a former CIT member of staff—someone I do not know and have never spoken to—who said:

It is with much joy that many of us bullied by CIT read the article by Anne Morozow ABC ... Please keep the pressure up on CIT because I personally know 10 people are cheering in the sidelines.

That is a sad reflection on what many of us have had to do to bring this matter to the attention of the ministers for education that have been in place, and it is now up to Dr Bourke to deliver on that, of course.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (3.58): Similar to the broader education and training directorate budget, CIT has received very little increased resources, and questions remain as to the government's commitments to ensure its viability and competitiveness in responding to national reforms. In fact, the CIT is facing \$9 million less due to efficiency dividends. The Greens will ensure that the CIT is able to meet these cuts without losing its focus on student outcomes and ability to deliver quality courses, and that is through keeping an eye on and monitoring what the government is up to.

The CIT has also had to endure a time of great uncertainty as a result of the “now you see it, now you don't” collaborative venture with the University of Canberra. While this issue has now been resolved, it was an unnecessary period of confusion for all stakeholders involved. I hope we do not see similar rash and incomplete policy announcements regarding the skills reforms in the near future. It sets up a lot of uncertainty and takes up a lot of time and energy.

There have been some fantastic results from CIT this year in terms of enrolments and student outcomes, and it is clear that we have the right ingredients for success. We need to build on this strong foundation and move on from the instability caused by the proposed mergers and new institution debate.

The issue of widespread bullying and harassment over many years, of course, was a large part of the discussion this year. It should not have been allowed to go on for as long as it did. It is unfortunate that it was not tackled and that complaints and issues that were taken up were not properly dealt with by management. I sincerely hope the processes put in place will ensure that all those people who found themselves in the position of being bullied or harassed in their workplaces have been able to take their issues up and are having them properly addressed. We simply have no room in our workplaces—as we do not in our schoolyards or our homes or anywhere in our communities—for bullying.



However, I must acknowledge the good that has been part of the CIT story and the good that has come from this particularly dark part of CIT's history. It is my hope that the CIT will emerge as a model workplace as a result of the WorkSafe improvement notice. I am glad to hear from both staff and management that that cultural shift has started, because a cultural shift is needed for lasting positive change to take place. Of course, part of that cultural shift is not to ignore or brush aside complaints of this nature.

The Greens are focused on improving workplace culture in the ACT to try to address problems with workplace psycho-social issues. We introduced the work health and safety bill, legislation that would have ensured that WorkSafe employed inspectors with expertise in workplace bullying to be part of the WorkSafe team. It was unfortunate that both the Canberra Liberals and the government did not support that move. We think it is a priority to address workplace bullying, and we remain committed to clear procedures that support staff to take up issues of bullying or any other OH&S issues in their workplaces.

It is positive to see an increased focus on supporting students with a disability to engage with further education, a move which echoes the Greens' calls recently, and I put out a discussion paper on post-school options. CIT is part of the picture and the solution in this area. It is also my understanding that the government is responding to a budget submission from CIT management, and I acknowledge the minister for prioritising this funding in the midst of what was quite a constrained ACT budget. However, it is only a small step, and the ACT Greens see an opportunity for much greater student support services and education integration.

As always, it remains to be seen if the \$3.2 million allocation will increase the participation of people with disability and answer the significant increase in demand we are seeing for year 12 programs at CIT. I hope the two additional positions are able to work in a collaborative way with various programs, and I hope also that the government will undertake some genuine consultation with existing disability support and advocacy groups to best identify the types of equipment, ICT upgrades and specialist materials that will make a real, practical and positive difference for students.

The national partnership on skills reforms represents some fundamental changes to the vocational and higher education sectors. These reforms, if properly considered in light of the unique circumstances of the ACT, will offer increased opportunities for all students, but particularly those students from a lower socioeconomic background. However, we need to approach these opportunities with some caution, and the ACT Greens will ensure that the government engages in proper consultation around these matters.

It is vital for the future of CIT that there is collaboration and partnership with all relevant stakeholders—that is, schools and universities, private registered training organisations, government and non-government services and local businesses. We cannot afford to ignore the role we have to play in the capital region or the possibilities of the international education market. The Greens know that when agencies in the ACT take advantage of existing relationships, everybody wins. The

CIT is a prime example of the benefits provided to the community when diverse sectors work together.

The ACT needs a range of accessible education and training programs offering new opportunities to adults at all stages of their life, including those re-entering the workforce and those adjusting to changed circumstances, as well as those who may come straight from school and those who have been engaged in vocational education programs within schools. That has been a great development that has been occurring over some years now where many students are able to do a certificate I or II or whatever it is in the schools and then are able to move on to further training.

Further work needs to be done to improve transitions between the primary, secondary, tertiary and higher education systems and to support greater planning and coordination of education and training programs across the sectors. But, as I have said, I have given an example where I think some good work has been done in that vocational, education and training area. Having been, along with Ms Porter, to a number of graduation nights for colleges in our electorate of Ginninderra, I know many of those students are taking up that opportunity to be able to come out with some sort of vocational certificate along with their year 12 certificate. That has given so many further options and pathways they can follow in their life beyond school.

I think there is a lot of opportunity with CIT. There are, as I said, some issues that still need to be fixed as far as the bullying claims and so forth are concerned. I think that is well underway, but we want to make it a safe workplace. We want to make it a workplace of choice for people to have a long and satisfying career in our CIT, because it is such an important part of our education offerings here in the ACT along with the University of Canberra, the Australian Catholic University, the Australian National University and so on. It really is key.

We are also seeing some great partnerships between CIT and, for instance, the University of Canberra. I would like to see further collaboration between all of these organisations. I congratulate the hardworking staff over at the CIT. Of course, the Greens are very happy to support this budget allocation.

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (4.08): The Gallagher government has a vision of a fully integrated system of independent, excellent institutions that collectively offer world-standard vocational and higher education. Improving the capacity of training providers, the quality of skills programs, the information available to consumers on transitions between school, training and tertiary sectors remain a top priority for this government. Over the past few years, the ACT has pursued a deliberate and targeted agenda in the VET sector which has been backed by considerable investment beyond commonwealth funding agreements.

The ACT government also continues to fund guaranteed training places for 15 to 24-year-olds at the Canberra Institute of Technology. This investment has paid off. The ACT has a strong performing VET sector which ensures ACT residents can get the skills they require for employment. For example, the ACT has the highest proportion

in the nation of VET graduates, vocational education and training graduates, employed after completing training. In fact, 94 per cent of ACT students are employed and/or in further study after completing a vocational education and training course. The ACT also has the highest proportion in the nation of vocational education and training course completions at certificate III or higher.

The Canberra Institute of Technology is the largest registered training organisation and public provider of vocational education and training in the ACT and our region, offering over 400 courses, ranging from certificates, traineeships and apprenticeships through to diplomas and degrees. In 2011 CIT trained 22,981 people from 86 countries, with a team of just over 1,000 staff. A well-educated community is the basis of Canberra's social and economic prosperity.

The government is committed to the public provision of vocational education and training and provides CIT with close to \$70 million annually for agreed outputs as detailed in the statement of intent. The provision of vocational education and training through CIT is a central element in the ACT government's commitment to provide the opportunity for Canberrans, regardless of their background, to gain the skills and knowledge to join the workforce and take part in our growing local economy.

CIT contributes to the public good by providing job-ready graduates to join the Canberra workforce. CIT also partners with the ACT government to address skill shortages in a range of programs and provides additional support to disadvantaged people in the community, through its year 12 program and its support to people with a disability. This is reflected in this year's budget, with an additional \$3.2 million over four years to fund the CIT year 12 program for students with a disability—two areas the government believes strongly in.

Recognising the complex needs of the ACT community, CIT runs a year 12 program that provides people with the opportunity to gain their full ACT year 12 certificate in an adult environment. The ACT government will support CIT to continue this important initiative by providing additional funds to support the ACT year 12 program. This forms part of the ACT youth commitment to increase the number of young people achieving year 12 and helps in ensuring no young person is lost from education, training or employment.

The program delivers both accredited and tertiary packages to younger and older students who have not achieved year 12 through traditional schooling. CIT is the only provider in the ACT offering an abridged year 12 program, programs for students beyond the normal college age or a program that can be completed in the evening. CIT is committed to providing open and excellent access to education to all those who need it, including people with a disability.

The Council of Australian Governments' targets for participation require a focused effort on supporting people with disabilities to undertake training to equip them to be productive members of the ACT community. In the ACT approximately one-third of those working do not have a post-school qualification, and many of these people are people with disabilities.

CIT provides high-level support for students with a disability and welcomes the growth in the number of students with a disability studying at CIT over the last five years. To continue to support people with a disability to achieve their educational goals, CIT will receive additional funding from the ACT government for these services.

CIT is a significant contributor to the gains in the ACT's employment performance over time in vocational education and training. This improvement includes the number of higher qualification completions, which have increased by 22 per cent between 2008 and 2009. Students' employment outcomes are a priority for CIT and are used to measure the success of CIT.

National Centre for Vocational Education Research figures for 2011 show that 92 per cent of CIT graduates were employed or in further study after training, compared with 87 per cent nationally. CIT graduates also exceeded the national benchmark on all other measures.

The national partnership on skills reform implementation will fund increases to skill and qualification levels in the ACT. Through this reform, the government will deliver a new VET system that stresses quality through enhanced validation of RTO funding and assessment, transparency for consumers and policymakers through better information sharing, a more effective public system through structural support for CIT and better access for equity groups by building on the ACT government's own entitlement measures with a national entitlement. As Canberra's public VET provider, the CIT will be front and centre of these reforms. I want Canberra to be recognised as the nation's learning capital, providing lifelong learning opportunities for all and ensuring a sustainable workforce and economy.

Finally, I would like to say a few words about workplace bullying. The ACT government provides a positive work environment for staff across all directorates, free from discrimination, harassment and bullying. If work bullying does occur, it needs to be recognised and appropriately responded to. Since the release of the WorkSafe report, the CIT improvement action group has overseen the development of a detailed scope of works for each element of the improvement notice.

CIT has also taken a systematic approach to implementing a ministerial direction, including the development of a master plan designed to optimise the potential for improvement of CIT's policies, practices, systems and cultures. The plan focuses on the core elements of the ministerial direction and consolidates the 10 directives into four bodies of work: firstly, concluding the implementation of the action plan within the Centre for Tourism and Hotel Management, reviewing the policies and procedures in relation to the prevention of bullying and harassment, delivering training in bullying awareness and prevention across the organisation and building staff confidence in the complaints process.

CIT has invested significantly in meeting the requirements of the improvement notice and has complied with my direction in a comprehensive and timely manner, submitting 18 reports to date.

Some of the features of the work CIT has conducted include a comprehensive internal communication strategy, a comprehensive consultant process to revise the anti-bullying and complaints policies—and staff training in bullying awareness has now been delivered to over 80 per cent of staff and 98 per cent of supervisors and managers—increasing staff capability in key areas and increasing staff confidence in CIT culture and values. I tabled a detailed report in the Assembly the other day.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.21—Cultural Facilities Corporation—\$7,835,000 (net cost of outputs) and \$1,445,000 (capital injection), totalling \$9,280,000.

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): Ms Le Couteur, you can start the 30 minutes.

**MS LE COUTEUR** (Molonglo) (4.10): I do not think I am quite up to 30 minutes on the Cultural Facilities Corporation, although I do very much appreciate the contribution they do make to our cultural life, particularly as I work in this building. Obviously, on the other side of Civic Square is CMAG, the gallery, and that is a great place to go at lunch time or any other time when you have got a spare moment. It is nice to know they have got the coffee shop, but there have been great exhibitions there for a long time.

I am also very pleased that there has been money put aside for renovation of the Canberra Theatre. I think I am old enough to remember that being built. It is an asset to Canberra but it has been getting a little tired. I am glad that finally the issue with the Nolan Gallery appears to be resolved and that this has not been an issue that has come up as an issue of conflict still in the estimates report.

I am also very pleased to see that the revenue that the Cultural Facilities Corporation is getting is slowly increasing. It is good to see that the things that the Cultural Facilities Corporation is doing are appreciated by the people of Canberra.

I might briefly talk about some other cultural issues as I was not able to speak on the arts section, basically just to comment that it is good to see how well this is going, in contrast, unfortunately, to the lack of clarity still with the Fitters Workshop. I note that the new arts policy, which relates to the Cultural Facilities Corporation and of course the wider arts environment, has come out. This very much seems to be business as usual.

In summary, I think this is a worthy part of our cultural landscape and I urge everybody here to go and enjoy the many activities the Cultural Facilities Corporation puts on.

**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) (4.21): The Cultural Facilities Corporation manages a number of ACT assets. They include the Canberra Theatre Centre, the Canberra

Museum and Gallery or CMAG, including the Nolan Gallery, and historic places at Lanyon, Calthorpes' House and Mugga-Mugga. In managing these facilities, we provide a range of cultural services to the community, including performing arts presentations, exhibitions, educational centres, community programs and other events.

In this budget there is funding for upgrades to the Canberra Theatre Centre, and I am very pleased to see the funding for projects at Lanyon homestead.

I thank the executive and the staff of the CFC for the work they have done over the year. I acknowledge the retiring members who finished their terms over a number of years, including those who finished their terms in August, a couple of weeks ago. Glenys Roper, the deputy chair, and Pamille Berg and Crispin Hull have finished their time on the board, and their years of service are to be commended. In December last year, we did have a new chair. John Hindmarsh has come in as the chair of the CFC and has been steering the organisation in good stead and has significant aspirations for the future of CFC.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.22—Exhibition Park Corporation—\$412,000 (net cost of outputs) and \$1,826,000 (capital injection), totalling \$2,238,000.

**MR RATTENBURY** (Molonglo) (4.23): I will make a couple of very quick remarks on Exhibition Park. I thought that in the estimates report there was a very interesting reference—and this discussion took place in the committee—about the Gungahlin-Civic transit corridor when it comes to Exhibition Park. Paragraph 7.36 notes:

EPC does not have any specific transport plans at present; however, it was of the general view that it is important to have high-frequency transport running past the venue to encourage more patrons to utilise public transport rather than private vehicles.

I thought this was a very interesting paragraph in the broader context of transport across the city. We have now got, of course, the park and ride available just across the road from Exhibition Park. The anecdotal evidence I hear is that it is taking a little while to become popular. It is probably less utilised than we might have ideally hoped, but I am sure it will catch on over time. But I think Exhibition Park have identified a very good point here around the value of having regular, high-frequency public transport down that corridor.

The other observation I would make is that I am pleased to see that the redevelopment of the petrol station site has finally taken place. I am not sure that Canberra needs another multinational fast-food outlet on that site but I am sure it will be immensely popular and no doubt will have a booming time across many weekends when Exhibition Park is being used. But given there is another 24-hour one just down the road, who knew that we needed another on Northbourne Avenue? But there you go.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (4.25): EPIC is a leading event draw card for the territory and the surrounding region and is responsible

for bringing a diverse range of tourism activity to the city, everything from Summernats to the Folk Festival to the Canberra show. Through this year's budget, the government is delivering \$605,000 in capital funding for the refurbishment of the conference centre and the Parkes room at Exhibition Park, and these works will significantly upgrade existing facilities and help attract more events and exhibitions to EPIC. The conference centre and the Parkes room are crucial to hosting larger events as they link the Budawang and Currong pavilions, EPIC's two major pavilions.

The works will include new, automated entry doors, an acoustic dividing wall and acoustic ceiling tiles in the parks room. And this work, alongside the low-cost accommodation being built on site, will further enhance EPIC's ability to attract more events to the city. I commend this appropriation line to the Assembly.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.23—Independent Competition and Regulatory Commission—\$527,000 (net cost of outputs), totalling \$527,000.

**MR RATTENBURY** (Molonglo) (4.27): I wish to make some remarks on a number of areas that the ICRC have been involved in, firstly, their *Secondary water use* report and, secondly, the preparation of the territory's greenhouse gas inventories.

On the *Secondary water use* report, the Greens welcome this report, particularly the clarification around funding for urban wetlands. The draft report appeared to call for an end to further funding for urban wetlands. However, through our submission, we were able to clarify that the commission was in fact recommending that investment in wetlands for stormwater harvesting purposes alone not be made.

Given the many water quality, biodiversity and aesthetic benefits provided by Canberra's urban wetlands, we appreciate that the commission has clarified this point. It is important to note that other recommendations made in this report are based upon how they measure up economically as a secondary water use strategy and may have a range of other benefits that are not acknowledged in this economic analysis.

We were impressed by the commission's proposed analytical framework for water supply and demand planning in the ACT. We hope that the government will engage with this useful tool, particularly in light of the uncertainty that climate change poses for managing water security.

We look forward to the government's response to the report, particularly its recommendations on the introduction of a residential grey-water accreditation system, an approval pathway for multi-dwelling secondary water schemes and a third-party water infrastructure access regime. Each of these recommendations has an important role to play in delivering sustainable water management across Canberra's homes and suburbs.

In light of the rainwater tank rebate having been cut in this year's budget, we also await with interest the government's response to the report's finding that unplumbed rainwater tanks are in fact cost competitive with Actew primary water prices.

Moving from water to energy, I would like briefly to touch upon the commission's preparation of the territory's greenhouse gas inventories. Questions asked during the estimates process indicated that the current service level agreement between the commission and the Environment and Sustainable Development Directorate locks in an ACT greenhouse gas inventory which costs far more than was previously achieved with consultants.

The ACT greenhouse gas inventory provides an agreed measure of the territory's greenhouse emissions. It collects data from a range of sources and is a hybrid of the emissions produced in the ACT along with the emissions attributable to the ACT's energy use—that is, associated with electricity used in the territory but produced outside the territory.

The first inventories in 2007 and 2008 were prepared by consultants for \$9,000 each. However, the ICRC is currently charging the government approximately \$208,000 per inventory. This is despite the inventories using essentially the same methodology.

We encourage the government to revoke the existing service level agreement as a matter of urgency. There is simply no evidence that the additional money has resulted in a higher precision or accuracy in calculating emissions. In the absence of further explanation from the government and the commission as to why the fee is so high, we can only conclude that this is an unjustified use of ACT taxpayers' money.

In calling for this change, we do not propose a reduction in the quality of the inventory; indeed, over the coming years, as we work towards meeting the 40 per cent reduction target, accurate and detailed emissions data will be more crucial than ever before. As such we encourage the government to seek out new and improved strategies for preparing the inventory.

It has been suggested that the inventory might be better prepared by the commonwealth, given that they already undertake this work. We understand that they have previously indicated a willingness to do this. However, the specific methodology would need to be agreed upon before proceeding with this option. In seeking out alternatives for the inventory's preparation, focus should be given not only on saving costs but also on providing greater granularity and, ideally, reducing the current two-year time lag for inventory preparation.

The current price being paid for the work is simply irreconcilable, so we look forward to this being corrected.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (4.31): I will be brief. The ICRC do have a full plate in the 2012-13 fiscal year of providing advice to the government, to me and to my colleague Mr Corbell. The ICRC play an important role in ensuring non-discriminatory access to monopoly or near-monopoly infrastructure whilst also advising about price-regulated industries. One area that the government intends to monitor is the implementation of our insurance tax reforms. The ICRC may have a monitoring role to ensure that the benefits of this reform flow to consumers.



The ICRC is an organisation that helps to ensure access to utilities through the application of reasonable pricing. Independent pricing is something that often escapes those opposite, but it is an important function of the commission. The ICRC is also an organisation that looks after the interests of consumers. This is a point again that often escapes certain members in this place—that an efficiently operating market operates to the benefit of consumers through lower prices and better products.

Responsible economic policy consists of not only providing a sweetheart deal for particular businesses or a multitude of government plans for a particular industry; in fact it should be about promoting efficient markets so that consumers get the benefits of competition. That is why it is important to get the policy settings right and that is why having information is important. That is where the ICRC plays a very important role. For this reason I commend the appropriation to the Assembly.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.24—Legal Aid Commission (ACT)—\$9,680,000 (net cost of outputs), totalling \$9,680,000.

**MR RATTENBURY** (Molonglo) (4.33): The legal aid budget line is a very important one. The money directed towards legal aid goes to help people who need legal assistance but who of course cannot afford a private lawyer. This really is one very important place where governments around Australia act to uphold important justice principles such as a citizen's right to a fair trial, equality before the law and access to justice.

The Greens believe that a three-pronged approach to increasing access to justice is the best and delivers the most comprehensive investment from government. The three prongs are, firstly, working with private lawyers to remove any barriers to more pro bono work being carried out; secondly, funding legal aid commissions to provide advice and representation to those who cannot afford a private lawyer; and, thirdly, supporting community legal centres to help them catch those people who risk falling through the cracks because they cannot afford a private lawyer and do not qualify for legal aid.

This budget line item and its funding of legal aid forms one of the key planks of the approach to delivering access to justice.

The ACT commitment to legal aid is significant. In the financial year 2012-13 the ACT government payment for output from the Legal Aid Commission of the ACT is \$9.6 million. So it is a substantial investment which the Greens support.

However, across Australia, funding for legal aid is a point of quite some contention within legal circles, and indeed between the commonwealth and state governments. Funding of legal aid commissions is a joint exercise between the commonwealth and the states and territories. The Greens are concerned at the apparent slowing trend of commonwealth funding for legal aid commissions.

We support the proposal from the Law Council of Australia for the commonwealth to return to funding at least 50 per cent of the legal aid commissions. Since 1997, when it funded 55 per cent, this has dropped in recent years to below 50 per cent. The Greens nationally and at state and territory levels see this as a concerning downward trend that the commonwealth needs to address. For a small jurisdiction like the ACT, even a small change in the funding allocation from the commonwealth would make a significant impact and enable more legal aid services to be provided to people in need in Canberra. That is one issue that I would encourage the attorney to prioritise during the current financial year and before the next federal budget.

Another issue I would like to discuss relates to the much anticipated survey of unmet legal need in Australia. This was a joint exercise by the legal aid commissions around Australia. It promises to deliver important information about the number of people who are slipping between the gaps and missing out on legal advice. This has had a number of planned release dates in recent years but each one has slipped. We are hopeful of seeing the results sooner rather than later.

I am sure all members in this place and probably around Australia will have anecdotal evidence of those people who come up against legal issues but cannot get access to a lawyer. A politician's office is generally one of their ports of call, to either seek advice or suggest improvements to the law they are entangled in. This anecdotal evidence comes by way of phone calls and correspondence from constituents, and it confirms the existence of unmet legal need. But we need the results of the survey to give us the next level of information about where the particularly large gaps are and what kind of issues people cannot get advice on. It is only with this kind of evidence that we can then determine with the most precision where the best investment of the legal dollar should be.

To conclude, the legal aid budget line item is an important one, and we support it. With that said, there is more to be done to lobby the commonwealth to get it to return to funding 50 per cent of the resource needs of the legal aid commissions as a minimum.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.25—Public Trustee for the ACT—\$695,000 (net cost of outputs), totalling \$695,000.

Proposed expenditure agreed to.

Total appropriated to agencies—\$2,512,195,000 (net cost of outputs), \$1,158,691,000 (capital injection), and \$489,351,000 (payments on behalf of the territory), totalling \$4,160,237,000—agreed to.

Part 1.26—Treasurer's advance—\$31,300,000.

Proposed expenditure agreed to.

Total appropriations—\$2,512,195,000 (net cost of outputs), \$1,158,691,000 (capital injection), \$489,351,000 (payments on behalf of territory), totalling \$4,191,537,000.

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): The question is that the total appropriations be agreed to.

The Assembly voted—

Ayes 11

Noes 6

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

Question so resolved in the affirmative.

Clauses 1 to 11, by leave, taken together and agreed to.

Schedule 2 agreed to.

Title.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (4.44): Since this is the final opportunity to speak on the bill, I would like to take this opportunity to thank all of the staff at the Treasury who have done a sterling job in putting together all of the detailed elements of this budget. I would like to also thank my own personal staff. Your first budget as Treasurer is always a challenging one and I have been very ably supported by my staff through this process. So I would like to thank them.

Overall, this is an economically and socially responsible budget that supports the Canberra economy and, importantly, supports local jobs. The budget boosts front-line services, provides the infrastructure that our community deserves and expects, and it supports our economy at a time when federal spending in our city will be contracting. Importantly, it lays out a measured and responsible plan to return to surplus in the 2015-16 fiscal year.

The budget also contains nation-leading tax reforms. It has been known for some time that the territory's taxes, like those of other states and territories, are inefficient, unsustainable and in need of reform. In this budget the government have acted. A five-year reform plan makes our tax system fairer, simpler and more efficient. The budget has maintained strong spending to support economic growth and jobs and we have rejected the approach of slash and burn to cut spending in a knee-jerk and dogmatic pursuit of austerity that would needlessly harm the territory economy.

The budget boosts spending on front-line services, with \$1.3 billion allocated to Health and \$909 million for Education. There is also support for the most vulnerable

in our community. We have allocated record spending on infrastructure, with \$900 million in this fiscal year and \$1.7 billion over the four years of the forward estimates. The budget contains no new taxes and lightens the tax burden on low and middle income households. It has also sought to make responsible savings of \$180 million over four years, with these savings to be reinvested in front-line services.

This budget ensures our community is well placed to prosper and to meet the challenges of our city's second century. I, as Treasurer, as part of a Labor government, am very proud to have delivered a responsible budget that supports our economy and our community and that has delivered historic taxation reform. I thank Assembly members for their support of this budget.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.47): Some final words on the budget from the Canberra Liberals: we do not share the government's view of this budget or their approach to governing and budgeting. This is a budget that entrenches the world view of ACT Labor, which is that they have never seen a tax that they do not like. They continue to increase the burden on Canberra families. They can dress that up however they like, but they are going to put the biggest cost of living slug on Canberra families that we have ever seen.

The cost of living statement alone in this budget sees an average family facing a \$600 increase just for the privilege of being governed by ACT Labor. And that is quite a high price to pay, in our opinion—\$9,000 on average per family per year for the privilege of being governed by ACT Labor.

We take a different approach. We take an approach of prudent budgeting, responsible economic management, looking to lower charges and taxes and deliver local services. That is what a government should be doing here in the ACT. That is what, as a government, we will do here in the ACT. We look forward to the opportunity post October to implement responsible budgeting so that we can lift the cost pressures from Canberra families and deliver them the local government that they deserve.

Title agreed to.

Question put:

That this bill be agreed to.

The Assembly voted—

Ayes 11

Noes 6

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

Question so resolved in the affirmative.

Bill agreed to.

## **Appropriation (Office of the Legislative Assembly) Bill 2012-2013**

Debate resumed from 23 August 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.

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

Debate resumed from 14 August 2012, on motion by **Ms Bresnan**:

That the report be noted.

Question resolved in the affirmative.

### **Report—government response**

Debate resumed from 14 August 2012, on motion by **Mr Barr**:

That the report be noted.

Question resolved in the affirmative.

## **Election Commitments Costing Bill 2012**

Debate resumed from 14 August 2012, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR SMYTH** (Brindabella) (4.52): The opposition will be supporting this bill. First, however, I need to thank the Treasurer and his advisers for arranging a joint briefing with the Greens on the bill at rather short notice, so thank you for that. The briefing was most useful in clarifying a number of aspects of the bill as well as the guidelines. The main point I want to make is that we had two fundamental concerns with the exposure draft of this proposal. These were that the draft of the guidelines contained

matters of principle as well as matters of process. The regime would have required Treasury to make public knowledge of a policy proposal before the proponent of that policy proposal had released the policy.

In relation to the guidelines which have been presented with this bill, I note they now contain matters of administration based on the provisions in the bill. This is as it should be with respect to these or any other guidelines. These guidelines can be amended at a moment's notice by the director-general of Treasury and, as we saw in the draft guidelines, there could be essential matters of principle set out in the guidelines.

It is the responsibility of the parliament to make laws, and the executive can then administer those laws as appropriate, including making guidelines dealing with the administration of those laws. I note one concern with the current guidelines, however, and that is the inclusion of principles in the introduction from the current director-general. I would ask the Treasurer to make sure that the word "principle" is removed from the guidelines so as to avoid any situation such as we saw with the initial draft guidelines.

The second matter relates to a fundamental concern with the exposure draft of the bill and guidelines. These guidelines provided that as soon as Treasury received a costing request, the details of that request would be made public—that is, the knowledge of the proposed policy would be made public not by a person who was developing the policy but by the government through Treasury. This was a totally unacceptable situation. The government has seen the merits of that argument, and the situation now is that costing requests will only be made for policies which have been publicly released. This means that the person or party which is developing the policy will retain control over the release of the policy. That is how the situation should be. There can be no assumption of power by the executive over someone else's policy.

The only other matter on which I propose to comment is the proposed amendments of Mr Rattenbury. The opposition will be supporting the amendments, which extend the period from which costing requests can be made to as close as possible to the rising of the Assembly prior to the election. I note that I had considered that the costing period could begin as early as the day the ACT budget is presented or even earlier, and that is similar to as it is in New South Wales. I am aware of the comment that this could create difficulties and might require that costings which have already been released be revised because of more up-to-date data becoming available.

Nevertheless, as the select committee found, the costing regime in New South Wales seems to work satisfactorily, and the New South Wales regime starts from the day of the budget immediately preceding the state election. If this approach is possible in New South Wales, presumably there is no impediment to it happening in the ACT. As there is a review clause for report after the election, no doubt these issues can be canvassed then. With that, the opposition will be supporting the bill and the amendments.

**MR RATTENBURY** (Molonglo) (4.55): The Greens are pleased to see this bill debated today, and we will be supporting it. The bill will allow the leader of each political party to request Treasury to cost an election commitment made by their party.

This will add a new level of transparency and robustness to the dollar figures that are inevitably thrown about at election time. More transparency and robustness is good for democracy and it is in the public interest because voters have a right to know what the cost is of election promises. Taxpayers' money will be used to fulfil election commitments, and taxpayers have a right to know what the cost of each commitment will be.

In past elections there has been an informal process where Treasury has costed the election commitments of the various parties. In that informality lies a risk of misunderstanding and costings being released by Treasury that are less than 100 per cent accurate. Of course, that has also been done at the request of the Treasurer of the day, which has laid a level of political controversy over it.

The Greens certainly know the risks of the previous informal system, as I am sure the Canberra Liberals may also attest to. In the 2008 election Treasury attempted to cost a number of the Greens' election policies, but, with all respect to the official involved, the intent of our policy was misunderstood and the cost was miscalculated, in some cases quite substantially. This is a reflection on the informal nature of the previous arrangements.

I think the other opportunity this process presents is to make it harder for incoming ministers to make false claims about other parties' costings, such as Simon Corbell did earlier this week. We believe it is important to see an end to ministers making incorrect claims about the costs of other parties' commitments. Simon Corbell was caught out on Monday, saying that the Greens' election commitments so far are more than those of other parties. The unfortunate fact for the Attorney-General is that this simply wrong.

When you look at the released policies thus far, the ALP have promised \$47 million in spending, the Greens \$27 million and the Canberra Liberals \$10 million. So while Mr Corbell was claiming others were big spenders, the ALP's promises total more than the Greens and the Liberals combined at this stage. This is the exactly the kind of misinformation that these new laws will assist to set straight, and ACT voters will be able to get the truth from Treasury rather than the spin from Simon.

This bill will formalise the arrangement and ensure very clear communication between the leader of the party and Treasury officials. This is a very important step forward, which the Greens support. The leader will be able to make a formal request for a costing and include with that request detailed information about the commitment and the precise details of what is proposed.

I will comment briefly on the process that has led to the debate today, because I think it has been a good one. Three members of the Assembly—Mr Barr, Mr Smyth and I—formed a collaborative committee to examine a draft version of the bill. This was a new style of committee where we met with public servants and talked about aspects of the bill. Of course, the participation of the responsible minister in the committee was another new aspect and one that was particularly helpful. I believe the collaborative committee process was a good one. The results are here today where many of the issues have been fleshed out during the committee and addressed.

The committee environment enabled us to sort details and share understanding in quite an effective way. The point that perhaps illustrates that best is that, as we went through the conversation, we realised that, in some regards, we had come from some quite different places where perhaps we were looking at two different models. The model we ultimately adopted was one where Treasury verifies costings that parties have already made, whereas the other alternative was a parliamentary budget office style approach where Treasury worked up the costings for us in advance of the policy being released.

Whilst both of those are valid models—and I think we will continue to discuss the latter—through the process we were able to come to a clear understanding of which of them we were talking about and therefore iron out the details in the legislation with a clear understanding of what we were aspiring to and not being at cross-purposes. If we had been doing the usual legislation at 20 paces, it might have been much harder to sort out and we could well have come into the chamber with literally reams of amendments. As it turns out, only two amendments to this bill need to be discussed, and that demonstrates the worth of the committee. For a bill that impacts so directly on the political campaign of each of the three parties, to have only two amendments speaks volumes.

I encourage Assemblies in the future to consider more collaborative committees for issues like this where there is an exposure draft of legislation to focus on. A corollary of that is that I would encourage governments of the future to consider using the exposure draft of legislation process more fully or more frequently, because that will enable the Assembly to take a process like this and work with it. If we think about something like the Nature Conservation Act—which one day eventually might be brought in here for an update—that is an immensely complex piece of legislation. It certainly will be by the time it comes on with very substantial amendments, and that may be the sort of thing that would benefit from this process as well. I am sure there are others, but that is one that springs to mind.

I will speak very briefly to my two amendments. They relate to the day on which leaders will be able to request Treasury to cost a commitment. The committee examined this issue and recommended that it would be sensible for the start date to take place immediately after the last sitting day of the Assembly. This was proposed on the basis that there is much work to be done in costing commitments and that it would be sensible and fair on everyone involved, including the political parties, the voters and, to be honest, the staff at Treasury, to run the process for longer.

In response, the government raised some concerns, particularly around the pre-election budget update and proposed that the start date align with the start of the caretaker period. Having looked at the issues the government raised about the pre-election budget update, I think the issues arising are very much about macro trends and speak more of the fiscal strategies of the parties. There is potentially some detail around a few of the parameters where costings may be involved. But we have proposed a compromise position of starting the process on Monday, 3 September. I



think this effectively meets both of the positions in the middle and is a fair outcome.

It may mean the need for an update, but the parties will measure their tactics in a way that will see that the costings that are submitted before the PBU comes out will be the ones that will not be affected by that update. I think that will meet that requirement of getting on with some of the work whilst perhaps, through the tactical approach, not necessarily seeing ones that need to go back. If it does not quite work this time—I think it will—as Mr Smyth mentioned, we will have a review process and that is something we can consider later.

I will move the amendments later in the debate but, in conclusion, the Greens support this bill and the added transparency and robustness that it will deliver to the ACT election process.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (5.03), in reply: I thank the shadow treasurer and Mr Rattenbury for their contributions. I recognise that in the Election Commitments Costing Bill we seek to put in place legislation to govern the process of costing election commitments. This bill makes that process more open and more transparent. It is a fit-for-purpose addition to the robust financial management framework that we have in the territory.

The bill will be accompanied by guidelines for costing election commitments. These guidelines provide further details on the costing principles and administrative processes that will be followed by Treasury when costing election commitments. Given the importance of this bill, the government has consulted widely in its development and, as previous speakers have alluded, it was informed by recommendations of the trial collaborative select committee on election commitments that looked at the exposure draft.

The bill will both complement and strengthen the frameworks that already exist in the territory during an election period. These frameworks include the guideline on caretaker conventions which prescribe arrangements and behaviours that are accepted practice up to the formation of a new government, and the Financial Management Act 1996, which requires a pre-election budget update be issued to inform all interested parties on the current financial position of the territory prior to an election.

The government is committed to providing the territory with a transparent framework that, if used to its full potential, will provide the community with assurance that election commitment costings are materially correct. I think all members would acknowledge how important it is in our system of government that the community can rely on the information that is produced by political parties and that there are processes capable of verifying this information. I stress the point that this will only be the case if it is used to its full potential because, of course, it is left to each party or independent member to participate in this process.

However, I think most of us would like to think that if you are running for public office, you understand and accept the need for high levels of openness and transparency to maintain voter confidence. In the discussion in the collaborative

committee we all recognised the political imperatives of participating in this process. I think everyone agreed that that was important and they would be doing so. After much discussion in the committee on this bill, I believe that we have got the framework right, but it will of course be up to others in this campaign and into the future to determine how they wish to participate. An important part of this bill is the guidance it provides to both members of the Assembly and public servants about the practices of election commitment costing.

The departure from the normal course of government and politics can cause challenges. This bill seeks to address these challenges by providing clarity on the respective roles and responsibilities of all parties concerned during the period. Therefore, in formulating this bill, the government has taken into careful consideration the obligation of public servants to continue to serve the government of the day whilst at the same time meeting their legal obligations that are imposed under this bill.

Finally, Mr Assistant Speaker, it is important that any new process be reviewed to assess its success, its achievement against its stated objectives, and to examine any possible improvements. For this reason it is a very sensible measure that the bill requires a review to be undertaken after this October 2012 election and that that report be presented to the Assembly in October 2013 or soon after. The government is committed to improving the territory's financial frameworks, and the bill provides a robust model for enhancing the costing of election commitments in the territory.

Before wrapping up debate in the in-principle stage, I will signal that the government will not oppose the amendment being put forward by Mr Rattenbury. I did seek advice from Treasury officials in relation to the issues that were brought forward about the commencement of this particular piece of legislation. Their view was that if the intent of the amendment was to spread the workload and make it easier for Treasury officials to undertake the costing of election commitments then not actually having to cost them twice, once before PEBU and once after, would in fact be a better way for the Assembly to assist in reducing their workload.

Nonetheless, for the sake of, what, 11 or 12 days, and given the likelihood of there not being a flood of election commitments lodged in that period, I think in the end it is not worth quibbling over 11 days. Nonetheless, the amendments that have been moved by Mr Rattenbury are not really, on balance, a significant improvement but, frankly, at this stage of the Assembly I do not think it is worth calling a division on them. So the government will not be opposing those.

Before I conclude, I would just make one observation. The press release that was issued by the Greens—and Mr Rattenbury commented on it in his statement—amused me for two reasons. The first was that in counting up the costs, or the alleged costs, of election commitments to date, there was the collecting of both capital and recurrent expenditure together. An important trick for new players in this process is that you cannot combine recurrent and capital expenditure commitments. They have differing impacts on the budget bottom line.

The other point I would make is that it is also important to observe what might have already been appropriated, Mr Rattenbury. It might be expenditure that is already there in the outyears. We can have an argument—and I am sure we will—about which parties have already announced more expenditure, but I think you will find that, when Treasury undertook their analysis, Labor’s commitments will not impact on the budget bottom line as much as those announced by other parties. That will, of course, be publicly released in due course.

*Mr Seselja interjecting—*

**MR BARR:** Having got the Leader of the Opposition a little excited now, I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR RATTENBURY** (Molonglo) (5.11), by leave: I move amendments Nos 1 and 2 circulated in my name together [*see schedule 3 at page 3685*].

Amendments agreed to.

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

Bill, as amended, agreed to.

## **Climate Change, Environment and Water—Standing Committee Report 7—corrigendum**

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.12) by leave: I present the following paper:

*Climate Change, Environment and Water—Standing Committee—Report 7—  
Report on Annual and Financial Reports 2010-11—Corrigendum.*

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

Leave granted.

Due to some formatting issues in the tabled report, recommendation 1 on page 5 erroneously replicates recommendation 2. Recommendation 1 on page 5 should read as recommendation 1 does in the body of the tabled report at paragraph 2.12 on page 8 of the report.

## **Road Transport (Third-Party Insurance) Amendment Bill 2011** **Detail stage**

Clause 1 agreed to.

Clause 2.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (5.13): I move amendment No 1 circulated in my name [*see schedule 1 at page 3683*].

I also table a supplementary explanatory statement to the government amendments.

This amendment alters the commencement date of the act to 1 January 2013. It will allow time for the necessary administrative arrangements to be made prior to the commencement.

**MR RATTENBURY** (Molonglo) (5.14): Mr Assistant Speaker, I ask that the Assembly might suspend for five minutes. I understand that work is still being done on the last few amendments. They are currently with the secretariat. I believe it might be the will of the house that we just take a brief pause to enable that administrative process to be finalised.

*At 5.14 pm, the sitting was suspended until the ringing of the bells.*

*The bells having been rung, Mr Speaker resumed the chair at 5.28 pm.*

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.29): I move amendment No 1 circulated in my name [*see schedule 4 at page 3686*].

Greens amendments Nos 1, 7, 8 and 14 to 28 all relate to the effective omission of clause 22. Clause 22 is a controversial part of the bill. It is a clause that covers the proposed new discount rate at the 15 per cent whole person impairment threshold. For convenience I will speak to that issue now and hopefully that will facilitate the easier debate of that issue and we can get through the consequential amendments a bit more easily.

As I said in the in-principle debate, the Greens cannot agree with those changes because we think they unfairly limit injured persons' rights to compensation. We do not agree that there should be essentially an arbitrary threshold that a person either falls above or below, and that happenstance has an enormous impact on the amount of damages they can receive. I do not believe that, if the proposed scheme were in place and you asked anyone who had been in an accident if they could go back in time and

pay an extra \$20 or \$30 on their premium and be compensated for their non-economic loss, they would decline that opportunity.

In relation to the discount rate, again, the only reason this level has been chosen is that it is the same as in New South Wales and, of course, because increasing the discount rate will reduce the size of payouts and therefore the cost of the scheme. Again, I would say that the public policy that we have to come up with is what the right level of cover is. We do not agree that the community would want the modest saving when the potential impact, should they be involved in an accident, could be so great.

At this point I would also like to say that we have had extensive discussions both with the government and with the opposition about the bill and the various amendments. I would like to thank the minister and his office, who, even though they knew that we would not support the major components of their bill, continued to negotiate with us in good faith and work through all the issues in a constructive manner. Similarly, I have to disagree with Mr Smyth about some of his proposals but his office remained very constructive in our discussions.

I do have to apologise that we were not able to circulate our amendments to parties sooner, but we have been negotiating for some time now, late last night and early this morning. We did attempt to provide as much information as we could as we considered the different options, but certainly that is not the same as the actual amendments themselves. So I do apologise for that delay. Again I would like to thank the government and the opposition and their staff for the good discussions and negotiations that have been going on, particularly in the last 24 hours.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (5.32): The government can support Greens amendment No 1, as I am advised it is a minor technical amendment. I will perhaps go to the discussion on clause 22 and those further Greens amendments when we get further into the debate, recognising that there are a number of amendments that do go to clause 22 and we will perhaps have that debate once, so as to streamline the passage of the remainder of the bill. So, in relation to Greens amendment 1 that amends clause 3, the government can support that.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clauses 4 to 6, by leave, taken together and agreed to.

Proposed new clauses 6A and 6B.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (5.33): I move amendment No 2 circulated in my name which inserts new clauses 6A and 6B [*see schedule 1 at page 3683*].

These clauses amend section 72 of the act relating to early payment of medical expenses. This will provide flexibility around the 28-day notification period for access to early payment. Chapter 4 of the act already extends the time limit for a compensation claim while a claimant is under a legal disability. Therefore it is appropriate that the notification time limit is also extended in the same circumstances for receiving the early payment for medical expenses.

Accordingly, this amendment allows an extension of the 28-day notification time frame where the injured person is under a legal disability. The intention of this provision aligns with the objectives of the act by providing an added incentive for injured people to access medical treatment and rehabilitation services as soon as possible to facilitate quicker return to health.

This amendment is made in response to the public accounts committee inquiry into the bill, which expressed the view that section 72 should be amended to provide some discretionary extension to the 28-day time frame for an injured person to notify their insurer.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.35): We will not be supporting this amendment. We have an alternative way of dealing with the time frame for application for early payment.

**MR SMYTH** (Brindabella) (5.35): We will be supporting the amendment.

Proposed new clauses 6A and 6B agreed to.

Clause 7.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.35): I move amendment No 2 circulated in my name [*see schedule 4 at page 3686*].

Amendments 2 to 6 deal with the early payment of medical expenses. The Greens very strongly support the early payment provisions, and this is an attempt to further strengthen those provisions. Currently not enough people take up this option and anything we can do to improve that is a good thing.

The amendments will extend the period in which the early payment forms can be submitted. Currently this is limited to 28 days and the amendment proposes to extend it to 30 working days. This should ensure that fewer people miss out on the early payment option. Changing the requirement to working days recognises that an injured person is dependent on other parties and professional certificates which may be delayed because of public holidays. Effectively we are changing the requirement from four to six weeks, which we think is quite a reasonable change.

We have also received a number of concerns about the way the NRMA is administering the scheme and managing the early payments like an ordinary claim rather than just reimbursing the expenses incurred. To deal with this issue we are

proposing to create an explicit guideline-making power so that the minister can set out the rules under which the process works.

I had contemplated an explicit clause restricting the insurer's behaviour, but, as the government have indicated to me that they share the same concerns and that they will include such a clause in the guidelines themselves, there is no need for such a provision in the act itself.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.37): I move amendment No 3 circulated in my name [*see schedule 4 at page 3686*].

I have just spoken to this. I am happy to stay with those remarks that I made about clauses 2 to 6.

Amendment agreed to.

Clause 8, as amended, agreed to.

Proposed new clause 8A.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.38): I move amendment No 4 circulated in my name which inserts a new clause 8A [*see schedule 4 at page 3686*].

Once again, I have spoken on this matter, Mr Speaker.

Proposed new clause 8A agreed to.

Proposed new clauses 8B and 8C.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.38): I move amendment No 5 circulated in my name which inserts new clauses 8B and 8C [*see schedule 4 at page 3686*].

Proposed new clauses 8B and 8C agreed to.

Proposed new clause 8D.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.39): I move amendment No 6 circulated in my name which inserts a new clause 8D [*see schedule 4 at page 3687*].

Proposed new clause 8D agreed to.

Clause 9 agreed to.

Clause 10.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.40): We will be opposing this clause.

Clause 10 negatived.

Clauses 11 and 12, by leave, taken together and agreed to.

Clause 13.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.40): We will be opposing this clause.

Clause 13 negatived.

Proposed new clause 14A.

**MR SMYTH** (Brindabella) (5.41): I move amendment No 1 circulated in my name which inserts a new clause 14A [*see schedule 2 at page 3683*].

This amendment is about preparations for compulsory conferences. There is an anomaly in the act in relation to the way in which matters are prepared for conferences and for trial. Section 139(3)(a) at present requires a certificate of readiness that the matter is ready for trial. In reality, however, it is more than likely that at that point there are various matters that still cannot be confirmed. Hence, while the logic of the process is to facilitate a compulsory conference to see if the matter can be resolved before going to trial, the act requires that the matter be ready for trial at the point before the conference can be held. At present, therefore, if parties wish to dispense with a compulsory conference, they have to incur a cost by applying to the court to exempt the matter.

I am told that you could expect costs for such an action to be somewhere in the range of \$5,000 or more, and if there are hundreds of such actions a year obviously the cost builds up, and that adds to the cost of the CTP premiums. My amendment proposes the removal of the reference to the party being ready for trial. This will remove a potential unnecessary cost for parties, inconvenience to all involved and, of course, court time.

I need to comment about the government's response to the report from PAC on section 139(3). The ACT Treasurer, Mr Barr, says that an equivalent provision requiring parties to be ready for trial has been obtained in Queensland. This is not the case. If the Treasurer, with all the resources at his disposal, had undertaken effective research into this matter, he would have discovered that on 7 October 2009 the then Queensland Attorney-General introduced a bill to remove a similar provision from the Personal Injuries Proceedings Act, or PIPA. The attorney said in his second reading speech:



Other amendments to the Personal Injuries Proceedings Act ... will remove the requirement that parties must sign a certificate of readiness for trial prior to the compulsory conference.

That amendment removes the requirement from section 37 of the so-called PIPA. Section 37(2)(a) provided that “the party is in all respects ready for the conference and the trial”. The bill was assented to on 17 March 2010 and section 37(2)(a) now reads that “the party is in all respects ready for the conference”.

The legal advice I have received from both the ACT and Queensland is that the amendment to the PIPA was meant to also have been made to section 51B of the Motor Accident Insurance Act. The fact that it was not made to the act was an oversight. Section 51B as it stands has never been tested in Queensland. If it was tested, legal opinion is that a court would make the appropriate declarations.

Irrespective of the situation in Queensland, I see absolutely no reason why the ACT should retain the provision for such a certificate to be provided. It is an unnecessary cost impost on the CTP insurance scheme and it is an unnecessary delay to achieving progress in resolving claims.

Various parties have provided advice to the ACT government that this section should be amended, as I am proposing. This advice has been provided for a number of years, including prior to the CTP reform bill of 2008. But the ACT government did not listen to this advice, and by their action they have imposed higher costs on the CTP insurance regime than would otherwise have been the case, and have caused there to be a delay in the finalisation of claims. This is a flawed section that was put into a flawed act by a then flawed and sloppy Treasurer in a flawed and tired government.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (5.45): The government will not be supporting this amendment. We see this as a wind-back of the 2008 reforms. I am advised that Greens amendment 13 does provide an alternative approach to dealing with these matters and is an outcome that the government could support.

More broadly in relation to the series of amendments that Mr Smyth is moving, the government cannot support these amendments because they effectively remove the substantive reform provisions in the bill around lump sum claims for economic and non-economic loss. They do not provide an incentive for quick claim settlement. They do not provide an incentive for early treatment. They do not address the main areas of uncertainty that are driving up premiums, such as lump sum claims for economic and non-economic loss. They do little to protect the interests of lower income groups and do little to further the entitlements of claimants for early treatment and rehabilitation. They in fact represent a backwards step in the process of CTP scheme reform. Rather than focusing on treatment and rehabilitation of injured people, they focus the scheme even further around legal costs. They undermine the reforms implemented as part of the 2008 act by weakening provisions intended to manage claim costs and elements of a claims process.

This is an outcome that the government simply cannot support. We have not gone through this exercise in order to wind back reforms from 2008. Although we will not get out of this process the reforms that we want, we certainly do not wish to be party to an exercise that unwinds the reforms that have already taken place.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.47): The Greens will agree to Mr Smyth's amendment No 1. We think that this is an unnecessary requirement that slows down the compulsory conference provisions and adds costs to that process. We want people to have the compulsory conference as quickly as is reasonably possible, while ensuring that parties can actually settle their claims at that conference, and that they do have all the information before them.

In supporting this provision, we do believe that it is necessary to have a provision allowing courts to penalise parties who do not properly fulfil their obligations to fully disclose the information they intend to rely on.

Proposed new clause 14A agreed to.

Clause 15.

**MR SMYTH** (Brindabella) (5.48): I move amendment No 2 circulated in my name [*see schedule 2 at page 3684*].

The amendment concerns non-economic loss. Section 141(5) requires a mandatory final offer from a respondent to specify how much of an offer comprises recognition for non-economic loss—that is, general damages. In this section and in two associated sections—155(5) and 156(7)—damages are defined to exclude any provision for pain and suffering or, in the latest approach, non-economic loss. Apparently this exclusion applies only in the ACT, and it unfairly discriminates against a number of groups of people: children, mothers and disabled people who are not in the workforce, the elderly, and any other people who are injured and who are not in the paid workforce. My amendment will remove the discrimination against these people.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.49): We will not be supporting Mr Smyth's amendment No 2, nor we will be supporting amendments Nos 3 and 4. All deal with the issue of deemed settlements. I can certainly see the argument that if the offers are sufficiently close, it makes sense to deem them, include them and be done with the matter. There certainly is logic to that proposition.

The concern the government has raised is that this type of provision could potentially encourage parties to inflate their claims slightly, knowing that, so long as they are within a band, they will get a settlement. This argument could equally apply to both sides, and perhaps that negates the concern. Equally, given that the offers have to be quite close, common sense would suggest that the parties will settle at the figure instead of going to court anyway. The Greens are certainly open to this type of arrangement and will be happy to revisit it at a later stage. But, on balance, for the reasons I have explained, we will not be supporting the amendments today.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (5.50): Again, Mr Speaker, the government will not be supporting these amendments for the reasons I outlined earlier.

Amendment negatived.

Clause 15 agreed to.

Proposed new clause 15A.

**MR SMYTH** (Brindabella) (5.50): I move amendment No 3 circulated in my name [*see schedule 2 at page 3684*].

The amendment inserts new clause 15A and simply increases the threshold on mandatory final offers from \$50,000 to \$100,000 in accordance with the increase in this threshold that I proposed for what are considered to be small claims.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.51): As I have just said, we will not be supporting this amendment.

Proposed new clause 15A negatived.

Proposed new clause 15B.

**MR SMYTH** (Brindabella) (5.51): I move amendment No 4 circulated in my name [*see schedule 2 at page 3684*].

The amendment inserts new clause 15B. Amendments 4, 5 and 6 are closely linked, so if one goes down it will not be necessary to move the next two. This amendment is intended to speed up the resolution of matters. There will be situations where final mandatory offers have been made by claimants and the respondents. Where these offers are both less than \$70,000 and they are less than \$20,000 apart, the amendment proposes that the mid-point between the offers will be the settlement. Where offers are between \$70,000 and \$100,000 and they are less than \$30,000 apart, the amendment proposes that the mid-point between the offers will be the settlement.

I believe this approach of deeming a settlement will minimise argument about relatively minor amounts and should not unduly disadvantage any of the parties. I also add that an offer of zero dollars by the respondent is precluded as an offer, as zero implies that the respondent denies any liability in the matter.

Proposed new clause 15B negatived.

Clause 16 agreed to.

Proposed new clause 16A.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.52): I move amendment No 9 circulated in my name [*see schedule 4 at page 3687*].

The amendment inserts new clause 16A and, as well as amendments 10 through to 13, responds to the concerns raised by the Human Rights Commission that the exclusion of costs for claims below \$30,000 where the \$30,000 excludes non-economic loss potentially operates as an indirect discrimination against certain groups in the community who are more likely to have lower incomes. The amendments propose to do this by excluding children and those on commonwealth concession cards and provide that they can receive up to \$5,000 in legal costs. I again reiterate the complexity of legal costs and the need for a more considered valuation of how best we can address the issue.

I will say also that this group of amendments covers what has become known as the Furler amendment. In a policy sense, let me say that the Greens would prefer that we did not have a scheme that distinguished between the different heads of damage, but at this point in time we are not able to comprehensively deal with the question of costs. To avoid a significant cost increase in the scheme—the information we have from the government is that it would add about \$45 a year to premiums—we will be agreeing to the Furler amendment and ensuring that we look after the particular groups in the community at the same time. These are the groups that are most likely to be impacted by that change, and excluding concession card holders and children will ensure they are not impacted.

As I said in the in-principle debate, the Greens do not want to add any costs to the scheme, but we believe that it can work better. Amendment No 13 also covers the issue raised earlier in the Liberals' amendment No 1. The amendment places a higher obligation on parties to ensure they do the right thing during the negotiation process.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (5.55): The government will support this amendment. This is a fairly important element within the legislation and one that I understand has been the subject of considerable negotiation over many hours. We believe this is a workable outcome, and we will be supporting this amendment.

Proposed new clause 16A agreed to.

Clause 17.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.55): I move amendment No 10 circulated in my name [*see schedule 4 at page 3687*].

As I said in my speech to the previous amendment, this responds to concerns raised by the Human Rights Commission about exclusion of costs for claims below \$30,000

where that \$30,000 excludes non-economic loss, potentially operating as an indirect discrimination against certain groups. Of course, this amendment fixes that up.

Amendment agreed to.

Clause 17, as amended, agreed to.

Clauses 18 to 20, by leave, taken together and agreed to.

Clause 21.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.56): I move amendment No 11 circulated in my name [*see schedule 4 at page 3688*].

Amendment agreed to.

Clause 21, as amended, agreed to.

Proposed new clauses 21A, 21B and 21C.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (5.57): I move amendment No 12 circulated in my name [*see schedule 4 at page 3688*].

The amendment inserts new clauses 21A, 21B and 21C.

Proposed new clauses 21A, 21B and 21C agreed to.

*At approximately 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.*

Proposed new clause 21C.

**MR SMYTH** (Brindabella) (6.00): I move amendment No 9 circulated in my name [*see schedule 2 at page 3684*].

This amendment relates to costs for expert reports. This amendment would permit the court to exercise a discretion in relation to recovering the cost of preparing any supplementary expert report for a claim. These reports may be required to take account of any changes in the medical condition of an injured person prior to a trial.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (6.00): As Mr Smyth has outlined, this amendment follows on from the proposed changes to the cost provisions, and the Greens will not be supporting it.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (6.00): As I have outlined earlier, the government is not supporting any of Mr Smyth's amendments, except when we get to amendment 10.

Proposed new clause 21C negatived.

Proposed new clause 21D.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (6.01): I move amendment No 13 circulated in my name which inserts a new clause 21D [*see schedule 4 at page 3688*].

Amendment agreed to.

Clause 22.

**MR SMYTH** (Brindabella) (6.01): We will be opposing this clause. Ms Hunter's amendment to this clause will omit the proposed parts 4.9A to 4.9D. These provisions set out the incredibly complex array of processes for dealing with people who have been injured in a road crash. Apart from questioning the complexity of these proposals, there are two issues in particular that require critical comment.

First, there is the question of the discount rate in section 155A. This is the rate at which damages are discounted to take account of the time value of money. Because of the effect of inflation, \$100,000 today clearly has more purchasing power than \$100,000 in 20 years time. The application of a discount rate attempts to bring the future value of damages back to present day values. If the discount rate is increased as the government proposes in this bill, this will reduce the present day value of any damages which are awarded. In the UK, for instance, the rate is currently 2.6 per cent and currently the government is asking for five per cent here. We do not accept this very significant reduction in the quantum of damages, should they be agreed to at least at this time.

Secondly, there is the matter of the 15 per cent threshold in section 155F. The proposal for this threshold is associated with the proposed application of the American Medical Association's *Guides to the Evaluation of Permanent Impairment, Fifth Edition*, particularly referred to in section 155P. Many of us are now aware that these guides are inappropriate for the use of determining damages in personal injury matters. In particular, this was made apparent to the public accounts committee. Let me quote from chapter 1 of the guides headed "Impairment Evaluation":

It must be emphasised and clearly understood that impairment percentages derived according to Guides criteria should not be used to make direct financial awards.

Let me read that again. The guide that the minister wishes to use says:

It must be emphasised and clearly understood that impairment percentages derived according to Guides criteria should not be used to make direct financial awards.

I emphasise that this is the only paragraph in this chapter which is in bold print. The American Medical Association is trying to make a very clear point.

The ACT government is planning to use this document for a purpose for which it was not intended. Given that it is not appropriate to use this guide in this way, this casts doubts on the approach proposed by the government in dealing with people who have been injured in crashes. I do not want to see this parliament make what could be considered a silly decision.

It was made very clear to the public accounts committee that, when these guides were put together, they were guides for doctors to talk to each other about the degree of impairment that a patient had suffered in an accident. What we have done, perhaps in the absence of a guideline that tells us what the impairment may relate to in terms of financial loss, is adopt something that clearly the American Medical Association says not to. Particularly we should not do this when there are possible alternative approaches.

Again in the public accounts committee it was brought to our attention that there is an English document, *Guidelines for the assessment of general damages in personal injury cases*. This was actually designed to detail what the compensation should be in terms of personal injury cases. We are using a document that says, "Do not use this document for the purpose," when we know there are other documents that exist. The *Guidelines for the assessment of general damage in personal injury cases* was prepared by the Judicial Studies Board in the United Kingdom. Possibly, with appropriate changes to take account of the Australian and ACT context, it could be used here in the ACT. The *Guidelines for the assessment of general damage in personal injury cases* in England is in its 10th edition. There are 10 editions over 20 years. So it is obviously a very current document. And my understanding is that it is well regarded in English legal circles. As to whether it is appropriate to use here or not, I have not got the time or the skills to go through and work out whether it is applicable here.

But the question is: do we pass a law today that encompasses the use of a document that was expressly written not to be used for this purpose or do we look at something in the future which is probably the better thing to do? And that was the recommendation of the public accounts committee.

An associated issue concerns prescribing a threshold for the determination of non-economic loss. Thresholds create complexity, they are arbitrary and they can create injustice. They should be avoided wherever possible.

I suggest that there are inappropriate or ill-thought-out provisions contained in clause 22 and that it would be premature to agree to this clause without much more careful consideration. There are questions about the discount rate. There are serious issues about the proposed threshold. There is increased bureaucracy involved in the medical assessment process. There will inevitably be increased costs flowing from these proposals for the ACT's CTP insurance scheme. I propose therefore that clause 22 be omitted.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (6.07): The attempt to

delete clause 22 from the bill has the effect of gutting the substantive reforms contained within the legislation. Without movement on the discount rate or the threshold, there is no real prospect of significant reform occurring. I understand, and can count, that there will not be nine votes in favour of this change today.

I reiterate the points that I have made previously in relation to the substantive reforms within this bill. A future Assembly will undoubtedly have to revisit this issue. Problems delayed are not problems overcome. I think we can anticipate a compounding of the issues that we are not addressing tonight.

However, given the lateness of the hour and, I think, the desire for people to progress through the rest of the bill so that at least something can be salvaged from this exercise and there can be some improvement, however marginal, in the administration of the scheme and at least one or two of the loopholes closed, then, with great regret, I accept what will be the inevitable outcome of a vote on this clause.

**MR SPEAKER:** I understand Ms Hunter has an amendment to this clause. I intend to take Ms Hunter's amendment, which we will then vote on, and then come back to clause 22 after that, as a whole.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (6.09): I move amendment No 14 circulated in my name [*see schedule 4 at page 3689*].

This amendment effectively omits the current clause 22, and I have discussed the reasons for that already. This amendment does retain the guideline-making provision, giving the CTP regulator the power to make guidelines for the award of damages for non-economic loss. There is one slight change. The bill proposes that a court may have regard to these guidelines. We think that the court should always have regard to these guidelines but that the court should have a discretion about the actual application of the guidelines as proposed in this bill.

Amendment agreed to.

Clause 22, as amended, agreed to

Clauses 23 to 26, by leave, taken together.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (6.10): We will be opposing these clauses.

Clauses 23 to 26 agreed to.

Clause 27.

**MR SMYTH** (Brindabella) (6.10): I move amendment No 10 circulated in my name [*see schedule 2 at page 3685*].

I think it is imperative that regular reviews be made of the progress of these reforms. I recall the critical importance of the review provision I put into the act when it was



debated in 2008. That review process was an important component of the review of the act which was then conducted by the public accounts committee. Looking beyond this point, it again will be important to see how the reforms are playing out. I think we need to take the time to consider claims as they flow through the system, the allocation of damages between various heads of costs and even the potential to slow the increase in premiums.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (6.12): I move the amendment to Mr Smyth's amendment, which is amendment No 1 circulated in my name [*see schedule 5 at page 3690*].

The Greens have an amendment. This is to make the review every three years rather than every two years. We agree that there should be a continuous review provision. As I have said, we certainly have not come to the end of the road on this issue and there will still be issues that should be further considered.

In terms of whether it should be two years or three, the Greens do not believe that two years is a sufficient period to get enough claims through to understand how the scheme is operating. There should be at least a full cohort of claims through between each review. Given the average time it takes claims to be resolved, there would not be a complete picture in two years of the information required and therefore we are making an amendment here to three years.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (6.12): The government will support the Greens amendment. Three years is, we think, a reasonable provision to have in terms of reviews. It is not necessarily actuarially significant but it is no major issue. I cannot let Ms Hunter's, I hope, intended pun go past about coming to the end of the road on this issue without making an observation.

**Ms Hunter's** amendment to **Mr Smyth's** proposed amendment agreed to.

**Mr Smyth's** amendment, as amended, agreed to.

Clause 27, as amended, agreed to.

Clause 28.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (6.13): We will be opposing this clause.

Clause 28 negatived.

**Mr Smyth**: Mr Speaker, if I may inform the chamber, all my amendments will now lapse. They were dependent on previous amendments. Anywhere in the running sheet that I have an amendment, they are no longer relevant.

**MR SPEAKER**: Thank you, Mr Smyth, that clarifies things.

Clauses 29 to 34, by leave, taken together.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (6.15): We will be opposing these clauses.

Clauses 29 to 34 negatived.

*At 6.16 pm, the sitting was suspended until the ringing of the bells.*

*The bells having been rung, Mr Speaker resumed the chair at 6.27 pm.*

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

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (6.28), by leave: I move amendments Nos 26 to 28 circulated in my name [*see schedule 4 at page 3690*].

Amendments agreed to.

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

That clauses 23 to 26 be reconsidered.

Clauses 23 to 26 negatived.

Clause 27, as amended—reconsideration.

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

That clause 27, as amended, be reconsidered.

Clause 27, as amended.

**MR SMYTH** (Brindabella) (6.30): I move:

That subsection 275(3) be deleted.

We amended the review period from two years to three years. Subsection 275(3) of the amending bill has the section expiring after six years after the date commences. If we do not delete this, there will only be one review.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (6.30): That is the government's understanding, so we support that change.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (6.30): We will also be supporting that change.

Question resolved in the affirmative.

Clause 27, as amended, agreed to.

Clause 14, by leave, agreed to.

Remainder of bill, as a whole, as amended.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (6.31): It is unfortunate that the most significant elements of the bill have now been removed. The government is disappointed that this is the case.

We need to be very clear that there has been no genuine progress tonight in tackling elements of our outdated and unsustainable CTP scheme. The 2008 reforms, though, are still intact and will continue to operate, notwithstanding the efforts of Mr Smyth to seek to unwind them tonight. I am pleased to the extent that those amendments have been defeated and we have not gone backwards tonight, but let us be clear that there are very few minor improvements from what we have managed to achieve through the various amendments to the bill.

I will take the opportunity in my final remarks on this tonight to thank Bernard Philbrick in my office and the officials from the Treasury Directorate who have assisted the government in negotiating the various elements of the bill that we have been able to secure support of members of the Assembly for this evening. I thank them very much for that. It has been a long and difficult task that I am afraid has not borne all of the fruit that we perhaps would have liked to have seen.

I would like to flag that this will be an issue that will undoubtedly need to be considered again by the next Assembly. We will have to come back and address this issue. It is my expectation that premiums will continue to rise until we address the fundamental issues of thresholds and discount rates. While we have made a small advancement tonight—we have closed a loophole and we have put some downward pressure on the legal costs associated with the scheme—we have gone nowhere near far enough. It continues to be a lawyers' bonanza. We must address these issues if we are to achieve substantive reform and achieve what I believe 263,000 Canberra motorists want—that is, a sustainable CTP scheme in the long term.

**MR SMYTH** (Brindabella) (6.34): I think there has been genuine progress here tonight. It is great that all three parties could work together. I would particularly like to thank the staff from the secretariat. Their support was invaluable. As the politicians worked their amendments out on each other the staff had to pick up the mess and bring us back together, so thank you for that.

I think there is reform here tonight. Simply by removing the certificate from the act we bring ourselves into line with Queensland, which the minister was lauding as a good thing. It is just one example of how you can smooth the process to make it work better for all involved. If it means one less trip to court, that is one less fee that a client will have to pay, and that is a good thing.

Mr Speaker, we said when this bill was tabled that we thought it was too early. We thought it was too early because the 2008 reforms were still in their infancy in terms of the process of claims. The report that we finally got hold of said that the 2008 reforms have in fact put some downward pressure on legal costs. That is a good thing.

Despite some of the inflammatory comments of the minister this morning on the radio, if he reads his own report, the 2008 reforms are having some of the effect that the government desired.

This has not been significant to date, but the problem with dealing with insurance and claims issues is that it is often the tail that wags the dog. The easy ones are fixed quite quickly. In a reform of the significance that we had in 2008 it will take a much longer period as the more difficult cases come through the final negotiations, hopefully outside of the court but if they get to court then inside the court.

The reforms that I have put in place and that the Assembly has agreed to this evening will make that process smoother; it will make that process simpler. It will align us with a jurisdiction like Queensland, which was one of the minister's desires, and it will have better outcomes for the people of the ACT, whether that be cheaper premiums in the long term or fair outcomes for those who are injured in motor vehicle crashes.

I thank members for the way we all worked together tonight. It is probably a nice way to finish the Assembly, in an odd way, that on such a difficult issue it was done quite amicably. I thank the minister, I thank Ms Hunter and I thank you, Mr Speaker, for your forbearance. I would ask that you pass on our thanks to your staff.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (6.36): I will be brief in my remarks. This is a complex area. The reality is that we have a certain pool of money. This is about how it gets divided up for those who find themselves in a car accident. We also, of course, have many who, each year, are taken aback by the amount that is being paid in CTP premiums. It really is a balancing act about how we can improve the system and at the same time ensure that we are not stripping away people's rights to proper compensation. It is a very complex task. I think we have made a bit of progress here today. I would agree that it is not all of what everybody would have hoped for. It is always going to be a balancing act about how much people are prepared to pay versus access to compensation.

I would like to thank my staff for the work that they have done on this issue. I also thank the stakeholders out there in the community that we have spoken to and also directorate officials who have given their time freely to work through these matters. I also thank Mr Smyth's staff and Mr Barr's staff. I know that there will be some disappointment all round, but we have made some progress. I think we will be coming back to this issue. Hopefully we will be able to continue to progress this matter.

It is always going to be a balancing act. That is at the heart of this issue. We need to make sure that we give it proper consideration so we do not have the pendulum swing too far one way or the other so that we strip away people's rights to proper compensation. It is around the issue of how much money we have in the pool and how much people are prepared to pay.

Remainder of bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

## **Adjournment Valedictory**

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (6.39): I move:

That the Assembly do now adjourn.

Tonight marks the last sitting of this Assembly before the forthcoming ACT election. Whilst it is not my common practice to speak on the adjournment debate, this evening I wish to make a number of comments and thank a number of people who have assisted me and my colleagues more broadly in the performance of our duties over the past four years.

First of all, I express my thanks to my Labor colleagues for what has been an outstanding and very rewarding term as a Labor government. In particular to my leader and Chief Minister, Katy Gallagher, thank you for your support and your ongoing leadership. I look forward to working with you in the forthcoming election, which I am sure will be another successful campaign for the Labor team.

I also acknowledge, of course, the efforts and outstanding contribution of our previous leader and Chief Minister, Jon Stanhope. I wish him all the best in his future appointment in his new role as administrator of Christmas and Cocos (Keeling) Islands. We look forward to receiving his postcards.

I also express my thanks to my Assembly colleagues. It is great to be a member of a Labor caucus which works so collegiately and in such a productive manner. I express my thanks to them all for their support of me and for the ability to contribute with them.

Of course, our efforts in this place are not without the work of many others, and tonight is a suitable location to put on the record my own thanks. To my own personal office, I express my very sincere thanks for their ongoing dedication, loyalty and hard work. The work of the staff of a ministerial office is highly varied and often extremely stressful, and that is before they have to deal with constituents or public service departments. Dealing with the minister alone is well and truly worthy of their pay packets.

I therefore express my sincere thanks first of all to my chief of staff, Monika Boogs. Monika has been an outstanding confidante and ally at every turn, and I thank her for her advice, her counsel and her leadership of the rest of the staff in my office. I express my thanks to Katie Bourke, my executive officer. She is always an outstanding front-desk meeter, greeter and organiser of all things to do with where I have to be most times of the day or night.

To my advisers, Kim Hosking, Lesley Cameron, and Steve Blume; my media advisers, Pat Cronan and Kristen Zotti; my current departmental liaison officers, Joshua Ceramidas and Clare Guest; and my community policing liaison officer, Sergeant

Andrew Bailey, thank you to you all. I cannot do this job without you. Whilst I may not always show it on a day-to-day basis, I am always eternally grateful for the work that you do on my behalf. I look forward to the campaign with you and I look forward to continuing to work with you.

I would also like to place on the record my thanks to the staff of the Assembly and the executive who assist me in my role as manager of government business. First of all in the Clerk's office, I give particular mention to Janice Rafferty. Janice has been a very effective adviser to me in all matters relating to Assembly procedure, as, indeed, has everyone in the Clerk's office. But I particularly thank Janice in her ongoing role of advising me as manager of government business.

In the Chief Minister and Cabinet Directorate I thank Laurel Coyles and Ash Balaretnaraja. Ash has recently joined the Assembly team in the context of liaison support during sitting days. Ash, thank you for your ongoing efforts, and welcome to this role. I hope you continue in it.

Can I also mention again the efforts of Kas Paul. Kas, of course, has retired from the ACT public service, but he has been an outstanding support to me in my role as manager of government business since 2006, and I appreciate his efforts. Finally, to Jasmina Jonceski and to my directors-general, past and present—Ms Kathy Leigh, Mr David Papps and Mr Gary Byles—thank you for your ongoing support of me in my role in this place.

Finally, my thanks go to voters of the Molonglo electorate. It is always a privilege to try and represent the interests of the Molonglo community. It is something I will always endeavour to do, and I look forward to winning their support for another term in this place.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (6.45): I thank members for the opportunity to follow on from Mr Corbell. I would like to begin by acknowledging the only voluntarily retiring member of this house, Mr Hargreaves, whom we did acknowledge this morning, and who I am sure will join us during this debate.

I would also like to thank my colleagues Andrew Barr, Simon Corbell, Joy Burch, Chris Bourke, Mary Porter and, of course, Johnno, for working with me over the last four years, except for Chris, who joined us in 2011, and for the support that they provide me in the job that I do here. Each and every one of them works incredibly hard every day. The support they have provided to me and their loyalty to me since I took on the top job have greatly assisted me to do the job I need to do.

I would like to acknowledge Jon Stanhope. He is a mentor, a colleague and a friend of mine. I would like to repeat what Simon said and wish him all the best. He did make it clear that he wanted another career following his time in the Assembly. There are probably a few arboretum staff that might be quite happy to see him move overseas—even though he has really well gained skills in how to manage his iPhone these days, so he is very able to send text messages and emails, which is significant progress for him.

I would like to acknowledge my personal staff for their professionalism and commitment to the job that we do. Again they work incredibly long hours. They are a great team. A good sense of humour is an essential part of working in my office. The DLOs that work with me for a period of time over the course of the four years, again, really exemplify the professionalism of the ACT public service.

The staff of the Legislative Assembly are another very professional outfit that support all 17 of us in the jobs that we do, and do it so well. I would also like to acknowledge very much the ACT public service in general—the Head of Service, the directors-general and all the staff. It is an incredibly diverse public service. When you look at the range of jobs that are performed every day, some of them are 24 hours a day, seven days a week; others are more traditional policy work. So there is an incredible range of skills in our ACT public service. To a large extent, while there is always room for improvement, I have always been impressed by their commitment to the Canberra community—the people that they serve.

The last four years have been ones of achievement for this government, despite some very challenging conditions. As a government we have worked hard and we have worked hand in hand with the community and the business sector to ensure good government for the people of the ACT. We have not taken our eye off for one second the things that matter to Canberrans, whether it be health, education or local government services.

We have supported jobs when we have needed to and we have sought to respond to Canberrans who need a helping hand and provide that. The Labor team in the Assembly has always worked with one thing in mind—to make this place that we live in a better place, and a stronger place for all our citizens, every single one of them. This is very much in line with our Labor values and our platform.

Mr Speaker, we live in a wonderful city and we have much to be proud of as citizens. We are a young city and I am sure that our best years are ahead of us. In 57 days the people of Canberra will vote for the membership of the Eighth Assembly. To members who are candidates in that upcoming election, I wish you all the best. For my part, the campaign I run will be clean, fair and positive, and I look forward to putting forward our vision on our Labor record and our vision to the people of the ACT.

Finally, to the people of the ACT, thank you very much for the honour and privilege of representing you in this place and I look forward to continuing in that role following the October election.

Members, in conclusion, I would like to stay to listen to all of the valedictories. My apologies; I do not want to look disrespectful or rude but one of the lovely aspects of my life is that I have three children, two of whom are upstairs without adequate parental supervision—they are with probably adequate teenage supervision—but I will be listening to your speeches. Again I wish you all the best come October. Thank you.

**MR SESELJA** (Molonglo—Leader of the Opposition) (6.50): I would like to start by paying tribute to Lainie and wishing her all the best. She has been a wonderful part of the team here in the Assembly. I would like to extend my warmest wishes to her for everything she does in the future. She is a wonderful person.

I would like to particularly thank the people of Molonglo. I have had the great honour for the last eight years of representing the people of Molonglo and it has been a great privilege. I will not be representing the people of Molonglo in the future. I am hoping very much to have the opportunity to represent the people of Brindabella. I take nothing for granted, Mr Speaker, but I will be working very hard to convince people in Tuggeranong and south Woden to make me their representative for the next four years. I look forward hopefully to that opportunity.

I have always been someone who has a particular affinity, I think, with the outer suburbs, having grown up in Tuggeranong. In representing the people of Molonglo I did focus a lot on issues for people in Gungahlin in particular, not to the exclusion of any of the other parts of Molonglo but because I know that because of the issues in the outer suburbs they need their government to step up often. That is what we need to do in places like Gungahlin, in places like Belconnen and in places like Tuggeranong in particular, but all over Canberra, to serve the families and the individuals in our city.

I would like briefly to thank my family. I did not get to acknowledge them yesterday when they were here in the gallery. Ros was here with Michael, Tommy, William and Olivia. It was wonderful to have them here and I am just so grateful for their wonderful support and their love. I wish I could see them more. I look forward, after the election, whatever the result, to having more time to spend with them.

I would like to pay tribute to my team here—both the MLAs and the staff in the Liberal Party here in the opposition. I think it has been an extraordinary four years. I think that the team of MLAs in the Liberal Party in the Assembly have, individually and collectively, done an outstanding job.

I could not be better served with a deputy than Brendan Smyth. Brendan has been loyal and hardworking; he has brought his experience and talent. He is a wonderful representative of the people of Brindabella, but, more broadly, a wonderful representative of all Canberrans. He has been one of the mainstays of this Assembly and I pay tribute to the work that he has done.

I say to each one of my team, to Jeremy and to Vicki, to Steve and to Alistair, I think collectively we have done an outstanding job. I think we have been a very effective opposition and I think we are ready to govern. That is what the last four years have been about and I am just so pleased with the progress.

We have fought hard for people who cannot fight for themselves. We have fought hard for the real needs of Canberrans. Whether it is their cost pressures, whether it is their local services, whether it is their health system or their education system, we have fought hard. What we would like to do is have that opportunity in government to really deliver for them in a different way, and that is what we will be asking the community over the next few weeks.



I think we are privileged to live in such a wonderful place as Canberra. It is, I believe, the best city in the world. It is an honour to represent it, but we need to work hard to make sure it continues to be a great place. We want to see affordable housing, we want to see a health system we can all be proud of, we want to continue to improve on our education system and have genuine choice for families in our education system. We want to support those who cannot support themselves, our most vulnerable. We want to have better roads and infrastructure. Importantly, we believe we have a really important role to deliver better local services and lower costs for families and individuals in Canberra.

It is a great privilege. It has been a great privilege for the last few years. I say to each of my colleagues that I am quietly confident, although we take nothing for granted, that each of you will be returned after the election. I am quietly confident that there will be more Liberals who will be joining you in our team. We look forward to the opportunity of representing the people and doing our best, and we look forward to the next couple of months as we battle it out for the future of this wonderful city.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (6.55): It seems like only yesterday that the four Greens found themselves elected to this Assembly. What a wonderful privilege it has been. It has been a privilege to represent the people of Ginninderra, a privilege to represent the many views and interests of people right across the territory. I have been so proud of the team of MLAs that I have worked with—Shane, Caroline and Amanda; we have made a great team.

I think that we have made a real difference in four years. The amount of legislation, discussion papers and the motions that we have put up have all made a real difference in so many areas. I think that many people see the Greens as only focusing on the environment. That is one part of our work, and an important part of our work, but the legislation, motions and issues that we have campaigned and pushed for while we have been in go right across the spectrum. I do not know what the last count was, but we have had many pieces of legislation passed.

That goes also to the hard work of our team. We have had about 13 staff members between us. I would like to thank each and every one of them for their fantastic effort—the skills they bring and the commitment and energy. I would like to thank my staff—Mel Greenhalgh, Tom Warne-Smith, Jarrah Robbins, Tom Burmester and Fiona Walls. Thank you for your support of me. I would not have been able to do what I have achieved without that over the last four years.

Of course, I would also like to go to the many staff in this Assembly. It has been a pleasure to have worked with people right across the Office of the Legislative Assembly—those in HR through to the committee office and even through to maintenance of the building—thanks Rick; the shelf in my kitchen is much appreciated—Hansard and the Library.

As to the final bill that we debated today, I have to say I am not quite sure how I got to be the one that was on debating the two most complicated bills in this Assembly, but it certainly has been a fantastic way to learn about amendments on amendments

and the process of all of that. But that would not have been able to happen without the fantastic support that we have provided to us. Thank you so much, Janice. Thank you to Celeste, to Tom, to Max—to all of those in the office who provide that support and the sheets and guides and help us through these processes. Thank you.

As I said, I am very proud of the work that we have done during this Assembly. We have also done it through the parliamentary agreement. It has been an interesting Assembly. As we know, it is usual in the ACT to have a minority government. We did support Labor. We put together an agreement and 80 to 90 per cent of that agreement was delivered. That is quite a considerable achievement and it should be recognised.

I am very pleased about the other achievements, as I said. You may have noticed that we put out, at 100 days to go before the election, 100 achievements. What a fantastic document that is. We have had a lot of feedback of people who have been able to see the range and depth of things that we have been involved in, what we have pushed and what we have got. That is what we will be taking out there during this election.

There are 57 days to go. We will be taking out that list of successes and achievements and our vision for Canberra—a vision for Canberra that is about a city that supports all of its citizens, that takes into account the environment and looks after the natural beauty of this city, as well as ensuring that we have prosperity. All of those things together are really the Greens' approach. I wish you all the best. We will be running a positive campaign. I am looking forward to being back here after the election with Shane, Caroline and Amanda.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (7.01): It is an opportune moment at the end of four years of hard work to thank the constituents of Molonglo, in particular, for giving me the great honour of representing them in this place. I think all of us, when we run for office, have a very strong conviction about how we would like to see our city and our society operate. The challenge in this place is to see those convictions find their way into the laws, the services and, I suppose, the way that our city operates. I am reflecting on the last four years. There have been highs and lows and a number of significant achievements through that time.

I am very lucky to be supported by my partner, Anthony, who I do not see anywhere near enough of as a result of too much time spent in this place. The last week is possibly a fair reflection of just how difficult it can be to maintain your family bonds with your commitments to work. I particularly value his support, encouragement and his criticism from time to time of things that I say and do.

I am also very lucky to have outstanding staff. I would like to take this opportunity tonight to put on the record my thanks to Liz Lopa, my chief of staff. Liz will not be with us after this election. She is having another baby. Liz will be sorely missed by all in this place. She adds no end of humour to the way that we work and is someone whom I have worked with for more than a decade. She is someone whose opinion I value very highly, and I will certainly miss having Liz around.

I also thank Bernard, Kurt and Brooke, who form the policy unit within my office; Dan and Tracey, who look after media and communications; Gayle, who runs the entire office; and my DLOs, Heidi and Shonella, who work incredibly hard to process all of the paperwork associated with the Treasury and Economic Development portfolios, and who I think provide wonderful service to all members in this place.

Over the course of this Assembly I have had the opportunity to work with a number of other staffers who have gone on to bigger and better things. I would also like to acknowledge Michael, Phil, Paul, Pierre, Lorna, David, Amanda, Miriam, Jack and Edward, and particularly thank other DLOs whom I have had the opportunity to work with, Ashleigh King, Emma and Ellis.

**Mr Hargreaves:** It sounds like an org chart.

**MR BARR:** It is starting to sound like an org chart. My office helpfully thought I could have a little bit of visual comedy. The note was that the media team thought I might need this for the adjournment debate, but I will resist that temptation, other than—

*Members interjecting—*

**MR BARR:** Yes, you are not allowed to use props, are you, Mr Speaker? Seriously, I would also like to put on the record my thanks to the Under Treasurer, Megan Smithies, David Dawes in the Economic Development Directorate, and all of the staff that work in those areas.

I also thank the Education and Training Directorate. I particularly enjoyed my time as education minister. For a period there I think I was the old man of the education ministerial council, with just over six years in that role. It is one of the most important portfolios and anyone who has the opportunity to serve as education minister will see just how important that portfolio and how important education and training are to our city.

In the 30 seconds remaining to me, I would like to conclude by saying I am particularly pleased by the level of law reform that has occurred in this Assembly. I will always seek to ensure that Canberra's gay, lesbian, transgender and intersex community are represented in this place, that their rights are advanced and that we achieve a more equal society. I will continue to dedicate myself to that cause.

**MR SMYTH (Brindabella) (7.06):** I might start by saying that the departure of Mr Hargreaves as the sole survivor of the class of 98—it is interesting that Mr Stanhope, Mr Quinlan and Mr Rugendyke have gone and Mr Hargreaves is on the way—means they are all gone. I just need to outlast Mr Corbell, and I will do everything to make sure that that happens.

Mr Speaker, if I can start by thanking you and your staff. Parliaments are interesting places. You do not always get on with everybody all the time, but they do work. I think a large part of that is particularly the Assembly staff. So to you, Mr Duncan, the

Clerk, thank you for all that you and your staff do through the various elements. Here in the chamber it is really important, but beyond the chamber, in the committees, in the Library, in the recording studio, in Hansard, and to all of the attendants, to the people that keep the building going, thank you very much on behalf of us all.

To my colleagues in the Liberal Party here in the Assembly, thank you very much—Zed for your leadership; it has been great. I have been here for 14 years now and I have never seen the Liberal Party look as good. The team is tight, the effort is good and it particularly comes down to the approach under Zed's leadership of putting everything together and pooling. We do work as a team. To be a team, you have got to be the team.

So to Ian, Hannah, Emily, Maria, Keith, Merlin, Juliette, Kate, Ruth, Sue, Albert, Jess, Bridgette, Clinton, George, Lyle, Haidee and Tim, who are all my staff courtesy of our arrangements, it is nice to have so much staff at my disposal. The good thing is with all of those staff members—and I hope I got them all—there is so much experience, so much generosity of time and spirit and so much dedication to the purpose that it is great to work with you, to be part of this team, along with you, Zed, Jeremy, Vicki, Steve and Alastair. It is a great experience and it really does make it worth while coming to work every single day.

To the staff of the division, Tio, Danielle, Sarwat, Katie, Chris, Steve and all the volunteers, thank you for all you do. I often say to people, "If you want to make a difference, join a political party." My preference would be the Liberals, but really you need good people in good parties. The staff that we have and the way the division is running is just sensational. To my own branches, the southern electorate branch and the Long Gully branch, thank you to all those people in those areas for the work that they do.

To my office in particular, to Amy, who was a holdover from the last election to the start of this term, and to Haidee, thank you very much, and particularly to Tim McGhie. A lot of people would not know it but Tim was in the House of Assembly in the 1970s. He has lots of experience and oddly enough one of his firm memories is of debates on the CTP in the late 1970s, when the insurance company of the day actually threatened to leave the territory. If you want to know the history of CTP, go see Tim McGhie. He is a great soul, he is a great spirit and he is very much dedicated to making Canberra a better place, and that helps me do my job.

To all in the ACT community, particularly the interest groups—again we do not always agree with you eye to eye but I do like the way Canberrans stand up for each other and advocate, particularly those in the business groups that I deal with—thank you for all your support in wanting to make Canberra a better place. To the people of Brindabella who put me in this job, and so far have kept me here, 56 days, I hope I have done enough to get through the job interview. It is great to serve you and I love being down in the valley. I love the bits of the Woden Valley too that fall within Brindabella. People often think we forget them, but we do not. To the broader Canberra community, thank you.

To my friends, whom I do not see enough of, Christmas will be here after the election. Maybe we will see each other then. To my family, Dad and Elizabeth, his wife, thanks for all your support, Dad. It is great to have you there. He is 86 this year and he is going strong, and that is great. To all my brothers and sisters, whom I will not name because there is not enough time, and to my kids, particularly Amy and Lorena, who now live in Sydney but are always on the phone to say hello and to see that Facebook and Twitter work, that is great.

To little Dave—little Dave is having a great time the last couple of years. He is six now. He thinks he would like a job here somewhere in this building. He is most intrigued by the fact that if you work here you can have a government car. It is great when you pull up in the queue at Holy Family to drop him off or pick him, he winds down his window and he looks at his friends and says, “This is my dad’s government car.” So for the government car, I thank you very much. For Dave, the humour, the laughter, the fun, he is just great. He loves coming in and watching what is going on.

To Robyn, my wife, the goddess, she is just fantastic, and to all our spouses—I think John said it most eloquently, although I do have an objection to Jenny and her influence on having kept him here for so long; I will be talking to her about that later—to all our spouses, our partners, our loved ones, we cannot do the job without them. I suspect most of us do the job because of them and because we want to make a better place for them. Goddess, I want to make this a better place for you.

**MS LE COUTEUR** (Molonglo) (7.11): As we move towards the election I would like to pay my respects to the electors of Molonglo who put me here, and I look forward to their decision on 20 October, whatever it may be. I am privileged to be part of the Green team, which has made a real green difference to the ACT, as Ms Hunter has said. I will not go through all of that, but I will talk a little bit about some of the things I have been privileged to deal with in my portfolio areas as the ACT Greens spokesperson for planning, TAMS, business and economic development, and arts and heritage.

I went out on a limb first on trees. I was very pleased that my motion in 2009 led to an investigation into urban tree management in the ACT. The Greens will continue to pursue good outcomes in this neck of the woods, and community support shows that we are not barking up the wrong tree.

As TAMS spokesperson I have followed my path with pedestrians and cyclists, although sometimes it was a bit cracked or crooked or even a dead end. I have kept up the pressure on the government as it has “pedalled” its wares, but now we see it dropping gears. We need to pick up the pace to avoid a less than pedestrian effort on active transport.

And one can never waste enough words on waste. Although I find myself recycling ideas over and over again, I look forward to the government to stop refusing and start recycling.

And batteries and fluorescent light bulbs—I mean, really, how many governments does it take to change—sorry, I mean “recycle”—a light bulb? I hope I am here for the next term to continue to shed light on this matter.

Along the way I have fallen into hot water. I am very pleased that new houses must be fitted with energy-efficient hot water systems. I still think the government should have done more on existing houses, but I was given a very tepid response. I thought they would have told me they supported the bill, but there was no tap on the door. I did not get steamed up, because I know that they will eventually do it when they realise that everyone else has, and then the ACT will go with the flow.

Naturally I found I was buried in cemeteries. I had grave concerns that the government was not going to take natural burials seriously, but my heart started beating again when I saw they were going to be part of the southern cemetery.

Animal welfare has always been my “eggs” factor. I have learned not to put all my eggs in one basket, but I hoped the Assembly would have found time to deal with my bill on factory farming. But, as they say, pigs will fly before that happens.

I used to be an IT nerd, but now I have gone to the dizzying heights of being a planning nerd where you have to be high to look at it all. But, as we all know, being a green, I have been into consultation and process and meetings and more meetings, and I think this has given me a special affinity and suitability for being part of the planning system.

I would like to acknowledge all my fellow members of the Legislative Assembly. I know we all work hard to serve the ACT community in different ways and we all have the best interests of the ACT community at heart, and I respect you all for that.

I would like to say thank you for making my time in the Speaker’s chair so straightforward, but, as has been pointed out to me, it would not be true, so I will not.

In the brief time left I will get down to the people who actually make it happen. I, too, thank all the Assembly staff and especially Dr Andrea Cullen as the PAC secretary. I thank my fellow Greens MLAs in particular and all the staff in the “Green Mile”. As Meredith, mentioned there are 13 of them, but I would like to thank my staff—Indra, Sky, Narelle, Ashlin and Matt—all of whom had the good sense to leave my office, and the final team—Larry, Logan, Jaqui and Tom, for whom words cannot express my appreciation, so, therefore, I mostly use gestures. I also very much thank my partner, Guy.

Goodbye, and thanks for all the fish.

**MRS DUNNE** (Ginninderra) (7.16): Mr Speaker, as all of us are taking this opportunity to contemplate the last four years, I will spend some time thanking you and your staff across the Assembly—the Committee Office, the Library, Hansard, the attendants, Rick and Ray—everywhere. These are the people who make us look good

and make us look like we know what we are doing. Sometimes that is pretty hard. A particular thanks to Janice, who was above and beyond today.

To my Assembly colleagues and our staff, it has been an honour and a privilege to work with you this past year. I thank our staff like Adam, who has moved on; Hannah, who keeps us on the ball; Steve and Ian; and my own personal staff, including Clinton. I would like to reflect on the fact that this time four years ago Bill Stefaniak said in this place when he was talking about Clinton that it would be a wise person who took up Clinton as a staff member. I have received great benefit and great support and friendship from Clinton over the past four years. I thank Amanda and Belinda and George. George we thank particularly because he bears the brunt of all of our George of the Jungle jokes: George, just lucky, I guess.

To my family—Lyle and Olivia and Tom and Julia and Bella and Connor—I give my particular thanks. I want to pay particular tribute to my mum and dad. Despite their Labor backgrounds, they are very proud of the fact that they have a member of parliament in their daughter. I want to share a small anecdote, because members would know that my mother is gravely ill at the moment. The last time I visited her for her 92nd birthday she said, “Haven’t you got an election coming up fairly soon?” I said, “Yes, mum; it’s in October,” and she said, “Why are you here and not at home electioneering?”

To the people of Ginninderra—from Aranda to Hall, from Weetangera to Nicholls—I thank you for your confidence in me at three elections. I am looking forward to the service that I hope I may give to the residents of Palmerston and Crace if I have the honour of returning in the Eighth Assembly.

I work with numerous community groups, but some require particular acknowledgement here today—the ACT Bar Association and the ACT Law Society, the judges and the magistrates on the bench, the foster parents and carers, grandparents and kinship carers, ACTCOSS, and the people at organisations like Communities@Work and Marymead. I need to thank you all for contributing to our thinking and my thinking on the serious issues that confront us.

In the rural and conservation sector I thank the Rural Landholders Association, the Conservation Council and the Limestone Plains Group. To the area I see as a bonus in the areas of responsibility I have,

I thank organisations like the Canberra Symphony Orchestra, the Childers Group, the Street Theatre, the Cultural Facilities Corporation ably led by Harriett Elvin, MusicACT, Free Rain Theatre Company, Canberra Repertory Society, M16 Artspace, Megalo and many other arts organisations that make this city great. I thank ArtSound, which supports all those arts organisations and tells their stories. I thank people like those involved in Neighbourhood Watch in suburbs across my electorate and elsewhere who make a great contribution to our city.

I want to pay special tribute to the men and women of the Canberra Liberals: my own branch—the NEB—Robert Gunning and his executive, and the staff of the division and the division organisation. It is extraordinarily professional for an amateur

organisation, if you understand what I mean. We have to remember that “amateur” is not a pejorative term; “amateur” comes from the words “to love”. They do this work because they love what they do. I thank them and I pay tribute to them, and I thank you all for your friendship.

**MR DOSZPOT** (Brindabella) (7.21): Mr Speaker, I thank my constituents in the electorate of Brindabella for the support I have received in being elected as a member for Brindabella for the ACT Assembly in 2008. But my thanks and memories of Tuggeranong and the Tuggeranong community also go back over the past 20 years—the friends Maureen and I made through school committees, sporting associations, neighbours and the people we would bump into shopping at the Calwell shopping centre each weekend. So it was obviously a very emotional decision for us to leave the area as we downsized and moved to the inner south.

I thank community groups like the Tuggeranong Community Council; Calwell Neighbourhood Watch; Brindabella Blues football club; Tuggeranong Vikings; our parish of Corpus Christi in Gowrie and Father John Armstrong; the Gartside Street traders; our O’Connor Street neighbours, especially Ian and Susan and Barry and Mary; the Calwell shopping centre, which became quite a community hub through Con Tsoulias and Nick Tsoulias who initiated a doves of peace ceremony in the quadrangle before the shops to coincide with every Olympic Games since 2004; the Maddies netball club and Louise Bilston; Calwell primary and high schools, St Mary McKillop College, Lanyon high, Erindale College; St Francis of Assisi primary school; the Towart family; the Hillier family; Trinity College; former president Rosemary Lissimore and David Lissimore who served Tuggeranong Community Council for so long as well as Darryl Johnston, the current president, Albert Orszaczky, Eric Traise, Dug Holmes, Colin and Janice Petrie, and Alison Ryan; Communities@Work with Maureen Cane and Lyn Harwood; Anne’s Legacy members, Dianne Cutting, Sandra Orszaczky and Lyn Bauer-Williams; and the many other individuals and community groups that I represented as shadow minister for education, disability, sport and multicultural affairs. It has been a privilege to have served them over the past four years.

I thank them all for their friendship and support, and Maureen and I are going to miss them all as I embark on a new chapter as a candidate for Molonglo in the coming ACT Assembly election. But I also say to them that this is not goodbye, as I hope to be elected as a member for Molonglo in the new ACT Seselja Liberal government. As a minister in such a government, I would continue to serve all of Canberra—Brindabella, Molonglo and Ginninderra.

The last four years have gone remarkably quickly, and I have enjoyed every minute of it. There are many people I would like to thank for their support: Sue White, Merlin Kong, Kate Davis; all my Liberal parliamentary colleagues—Zed, Brendan, Jeremy, Vicki and Alistair; Steve Doyle, Ian Hagan, Tio Faulkner, Hannah Passfield, Juliet Toohey, Keith Old, Tim McGhie, Bridgette Morton, Clinton White, Haidee, Emily, Maria, Jess and George.

As chair of the Standing Committee on Health, Community and Social Services I thank all members, but particularly the deputy chair, Ms Amanda Bresnan, and the



secretary, Ms Grace Concannon, for their great contribution over the four years. A special thanks to Ms Kate Harkins for her superb contribution since May this year.

To all our parliamentary colleagues in government and on the crossbench, the Assembly secretariat, Tom and Max and all the staff—Rick and Ray, the attendants Rod, Andrew, Dick, Peter and Peter, Dennis, Paul, Lainie, Sam—I have enjoyed working with all of you. Finally, to my family—Maureen, Adam, Amy, Nettie, Ed, Isabella, Noah, Kasia and Andrew—thank you for your support, love and understanding.

**MS PORTER** (Ginninderra) (7.24): Mr Speaker. I will speak briefly to mark this last day of our sitting for the Assembly. In doing so, I recognise those whom I worked with in this place all year round for the last number of years. I thank my colleagues, especially, of course, the Chief Minister for all her support, and each of my other terrific Labor colleagues who have always been there for me. Farewell to Johnno, of course; I will miss you. I also add my best wishes to Jon and Robyn in their new venture.

I thank my current staff: Mirinie, or Charles as most of you know him as and who has had a new addition to his family since he has been working for me; Jamie, who came home this week from hospital; Jack, my retirement village guru; Murielle; Janet; and Guy. I thank my former staff this term: Andrew, Frank and Monica, who I hope is still doing well and recovering from her bad car accident.

Of course I would like to thank everyone who keeps this place going and provides us with such valuable support and advice, particularly the Clerk and his team. He is always there for me to help me work through some of the difficult questions, as are the rest of his office. I thank corporate, the education office, the Library, Hansard and those tireless workers in the Committee Office, particularly those I have had most to do with: my own secretary, Veronica, and also Sam and Andrew. Of course, I thank the attendants who are definitely our mainstay. Dick always wants to know how my horse is going. I am afraid it has not come up with much for him of late, but it did come third last run, so that was not too bad. I hope he had some money on her. I do not think it paid very much actually, but never mind. I thank Rick, who is always there for us as well. I am so glad I managed to find out that Meredith had a shelf, because now I have a shelf, too, in my kitchen. I recommend a shelf; it is very good. A number of people have served us in the IT area over the time. Being quite an IT luddite I really do need them. To other members in this place, sometimes we agree and sometimes we do not, but I hope I have treated you all with respect for the last few years.

My deep thanks go to my community—the people of Ginninderra that trust me with their concerns and issues, that share some of their most personal experiences with me and trust me to work with them to make a difference. My thanks also go to the many community, business and arts organisations. I thank my Landcare groups that I belong to and my CFU. Thanks to all the different directorate staff, too, who are on the receiving end of my constant stream of representations on behalf of my constituents, the people I am here to serve. I give my heartfelt thanks to my volunteers who have always been there and are so supportive.

Saving the best to last, as the song goes, thanks to my partner—my husband, Ian—who says he has a hard time keeping up with me. However, without him and his constant support and patience I would not be able to do what I do. I must not forget that the rest of my family deserve thanks, too, as they certainly do not get as much of my time and attention as they could reasonably expect. I thank them for their forbearance and their faith in me, as it is very important. Thank you.

**MS BRESNAN** (Brindabella) (7.28): First off—hopefully my voice will hold out—I thank my colleagues, Meredith Hunter, Shane Rattenbury and Caroline Le Couteur. It has been an absolute honour to be here in the Assembly with all of you. We all came in here together as first-time members and we have worked wonderfully together as a team. It has been a real privilege to be here with you. I thank the entire Greens team, in particular my staff: Kate Taylor, Matt Georgeson, Will Macleod and a special mention to Bianca Elmir, whose strength of character I greatly admire. A special mention goes to Larry O’Loughlin, who I suspect was behind Ms Le Couteur’s speech. Mrs Dunne, you are correct: he is the champion of the dad joke and has had a very bad influence on all the Greens staff. Dad jokes come out all the time now in various meetings and the like.

I thank each and every one of the staff of the Assembly across all offices, from the Clerk’s office, the Committee Office, HR, to everyone. Your help while we have been here I can truly say has been invaluable. I thank you for never saying to me that any of my questions were silly, because I know I have asked some silly questions over the time. It has been wonderful to have you there to assist at any time. As Mr Seselja said, I also send best wishes to Lainie, who is just a lovely person. It has been wonderful to get to know her and I wish her all the best.

I thank all the community groups I and all the Greens officers have worked with over the last four years. You are the people at the forefront and you provide us with invaluable feedback in the work we do. It has been an honour to represent the Brindabella electorate. I echo Mr Hargreaves’s words earlier today and those of others that it is a privileged position to be able to represent the community as an elected representative. I hope to be representing the Brindabella electorate in the next Assembly.

I am happy we are finishing early tonight as I get to go home and watch my Broncos as they battle to stay in the eight tonight. Of course, they are playing Manly, so a special message goes to Rod Campbell who is, unfortunately, a staunch Manly supporter. I would have enjoyed catching the game with him tonight. We had planned to catch glimpses of the game if we were sitting late, but I have no doubt that we will talk about it on Monday, whatever the result is. That is, of course, unless Rod hides from me like he did after the state of origin when Queensland won seven series in a row. So we will see what happens on Monday.

I also thank the ACT Greens. Our party is based on the strength of our volunteers, and they are already out there working hard as a part of the election. A special thanks to the ACT Greens convener, Simon Copland, and all the office bearers of the party. I particularly thank Chris Le Mesurier who is providing me with invaluable help for the

election in the electorate of Brindabella and who has also been a staff member across the Greens offices for the past few months. I know all my Greens colleagues would agree that we could not have done without Chris over the past few months. Best wishes also to my fellow candidates in Brindabella, Ben Murphy and Jonathan Davis.

I will apologise; I am actually going to leave to go home and catch the game and see the Broncos. I just have to say to Mr Barr: I am just ahead of you in your tipping competition, so we will see what happens in the next two weeks. I am not confident; I have been dropping steadily over the last two weeks.

**Mrs Dunne:** That's because you back the Broncos.

**MS BRESNAN:** No, it is because I have been backing all the wrong teams, Mrs Dunne; my tipping has gone off. Best wishes to everyone in the electorate; I genuinely mean that. Everyone, go well in the election. Thank you.

**MR COE (Ginninderra) (7.32):** As unaccustomed as I am to speaking in adjournment debates, I will buck the trend and say a few words tonight.

**Mr Barr:** Do you have a telephone book to read out?

**MR COE:** It must be about 130-odd adjournment speeches I have done, and in spite of the jokes about going through the phone book, believe it or not, I am not up to Z yet! I have mentioned hundreds of organisations and thousands of people, but that is just a drop in the ocean of the organisations in our community that are punching well above their weight. Of course, in doing all those adjournment speeches there have been some tricky spellings and some tricky pronunciations, so I send a very special thanks to Hansard for their cooperation late in the day on 42 sitting days each year.

Tonight I acknowledge the hard work and significant contribution made to the ACT Assembly by Lainie Lowe. As we all know, today is Lainie's last day as she embarks on a well-earned retirement. Lainie Lowe has been an attendant here at the Assembly since February 2003. I am sure everyone in this place will agree that it has always been a delight to be greeted by Lainie as she goes about her business in the Assembly.

Lainie has always been helpful and she has contributed greatly to the fabric of the Assembly during her time here. Many will be familiar with Lainie's love of trains, and I acknowledge the contribution she has made to the ACT division of the Railway Historical Society. I understand Lainie has volunteered with the society for 18 years. I have had many conversations with Lainie about trains and her love of them, and I am sure now in her retirement she will be able to spend more time dedicated to this passion. Well done, Lainie, and I wish you the best of health and happiness in your retirement.

I too would like to join my Assembly colleagues and thank the staff of the Assembly. In particular, I thank two senior advisers that I have had in my office—Sandy Tanner and Kate Davis. I have been very fortunate to have very committed, capable, ethical and hardworking staff, as have all members of the opposition. We really are blessed to have such people working with us for a better Canberra. I also acknowledge the

opposition's staff leadership team, in particular Steve, Ian and Tio. They have done a superb job in the strategy and the overall direction the opposition has taken to date and will go in the future.

Steve and Tio have copped a lot of flak this year and they have been so resilient and so committed. They really have been absolutely superb. There are so many things Tio does for our community which go unnoticed. We know about the party work; we know about the work he does for the opposition; we know about the work he does for his family. But what we do not always see is all the mentoring he does for kids that are doing it tough, the work he does with his tribe, the work he does with his church, the work he does at the university college he has an association with, the work he does for his friends, and much, much more. He is a real servant.

It is a very special responsibility to be a member of the Assembly and one that I have never taken lightly. I am extremely honoured to have been able to carry out this role over the last few years. Regardless of what happens in October, I will always look back at the last four years as a tremendous privilege. Part of that privilege has been the support I have received from my colleagues and also my family and friends, who have been superb and steadfast throughout that period.

I am proud of the Liberal Party. I have been a member of the party for over 12 years now. I support our philosophy and I think we have a great future in the ACT and federally. I am very grateful for the work the volunteers do on a day-to-day basis to help us get the result we need in October. I extend my thanks to Robert at the northern branch and the rest of the executive, as well as the management committee of the party for the selfless work they do. I wish you all the best for the coming weeks in the campaign.

## Visitors

**Mr ASSISTANT SPEAKER** (Mr Hargreaves): Before I call the next speaker, it is not very often, members, that we have anybody in the gallery in the adjournment debate, and I would like to acknowledge the presence in the gallery of Abby and her friend and also Evie, a future Chief Minister of the ACT. I think we need to recognise their presence in the gallery.

## Adjournment

### Valedictory

**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) (7.38): As we come to the end of the Assembly, it has been an interesting time for the class of 2008, which saw seven new members come into this Assembly. If we knew now what we thought we knew then, we would all be taking ourselves off for a very long lunch, and reflecting on the growth over that time.

I also want to thank the Assembly team who have supported us in any aspect—anyone who works in this building who has supported us from day one. From those early days

of telling us “this is what happens in the chamber” to now, when I know what happens in the chamber, it has been an interesting exercise. I want to thank you for that.

I also take the opportunity to thank my staff, as we do at this time of year. This is a tough job and we really are quite dependent on the calibre but more so on the goodwill, patience and tolerance of our staff.

I thank my chief of staff, Phil Tardif, for the work that he has done since he has come into my office. He followed Joel Lyneham as chief of staff, the fellow who has been with me from my first day in this building, who left for South Australia. Good luck to him and his family in South Australia. But to Phil Tardif I say thanks for coming on board. I say thanks to Victor Violante; Chris Steel, who has now joined up on the hill; Mark Emerson; Erin Bennet; Michael Hiscox; Neil Finch, who has moved on to another position; Melinda Small; and Emma Clarke, who keeps us all very organised in our office. I thank our DLOs. Many ministers realise the fabulous work our DLOs do. The current DLOs in my office are Leanne Maher and Ian Bottcher.

It has been an absolute privilege, Madam—I will get it right eventually. It is the Collingwood tie; that is what is doing it. Mr Assistant Speaker, it has been a—

**MR ASSISTANT SPEAKER:** You are warned, Ms Burch!

**MS BURCH:** It has been an honour to be the minister with responsibility for the Community Services Directorate and for the Gambling and Racing Commission, through the economic directorate—

**Mr Hanson:** About time a Labor member got warned in this place.

**MR ASSISTANT SPEAKER:** You are warned too, Mr Hanson!

**MS BURCH:** I did threaten today that I was going to be the honorary new Collingwood supporter in caucus, so we will see how we go with that.

Each and every day Canberra, to me, is a better place for the work that the Community Services Directorate does. I thank the staff in the executive—Martin Hehir, who is now with the commonwealth, and my current director-general, Natalie Howson. I say thank you to Christine Nolan and the team, Maureen Sheehan and her team, and Lois Ford, who is retiring in August this year, not too far away, and of course everybody across the directorate.

I want to thank my family, Cam, Kain and his partner Bianca—and when I come back to this place I will be a grandmother; I am going to be a grandmother for the first time in about two weeks and I am quite excited about that—my other son Tom and Wilma, his partner, and my youngest son Lloyd. Of course you have to include the staffy, Charlie, because he also tolerates me and provides me with support and patience.

I want to acknowledge the guidance and support of my colleagues. I say to the Chief Minister, Katy Gallagher, that you have stepped up and astounded—well, you have not astounded us; you have done what we expected you to do. You have absolutely

shone in your new role. I acknowledge the former Chief Minister and my caucus colleagues one and all, for the great work that you do.

Finally, I thank the people of Canberra, and particularly the electorate of Brindabella, for allowing me the honour of being elected in 2008. I hope that I have served you well and I look forward in many ways to this election when the community does have its chance to have their say. As has been said, it is a privilege to be in this place and I thank the community for that privilege. I know that the Labor team will be doing all it can for the community.

Rather than going back to the Dolly Gray quote that I raised this morning, and given that we have all made reference to the campaign, for those that have been out over the last couple of weeks, I will quote Richard Bach:

May the road rise up to meet you.  
May the wind be ever at your back.  
May the sun shine warm upon your face and the rain fall softly on your fields.  
Until we meet again, may God hold you in the hollow of his hand.

**MR HANSON** (Molonglo) (7.43): I would like to start by thanking the people of Molonglo. It has been an honour to represent them for the last four years. I know that all members here feel the same way about their constituents. I would like to make mention of the staff tonight who are working so hard in health, police and corrections, which are my shadow portfolios. It would be difficult to say which is the hardest area to be working in tonight—in a hospital, out on the beat with the police or in the jail. They are all equally difficult. I will spare you the org chart tonight, though.

To the ALP and Greens members, it is interesting, as I hear your speeches tonight, as I have on many other valedictory nights or adjournment speeches at the end of the year, that there is as much that unites us as divides us. I think it is worth reflecting, as I did earlier today with the tabling of the review into self-government, that we all strive for a better Canberra here. It is, at times, a rough-and-tumble place and it is a rough-and-tumble profession. I wish you all well. For those of you that return, I look forward to seeing you again in this place. For those of you that do not, I wish you all the best with your future careers.

To the Legislative Assembly staff—to Tom Duncan and all of the staff—thank you very much for the support that you provide to everybody here. I would also like to share in making a special mention of Lainie.

To the Liberal members of the Assembly, we have become more than just a great team over the last four years; we have become great mates. I think we will look back on this place in the way that Simon Corbell reflected today in John Hargreaves's valedictory; that it was a special time when they first formed opposition and got the Labor Party back on track. I think you can see that that is what happened to the Liberal Party. I think that whatever happens after October, the six of us will look back on these four years as a very special time. It was a difficult time often, but a time when we lifted and rose to that adversity. We overcame it and we have produced some great results for our party and for the people of Canberra.

I would like to pay particular mention of my colleague Steve Dospot. Steve has taken a gamble. It is no small thing to move electorates—as he has done, from Brindabella to Molonglo. He has done it for the right reasons and I acknowledge that. I really look forward to campaigning hard with you, Steve, and I look forward to rejoining you in this place later in October.

We have some great staff in the Liberal Party; they are smart, dedicated and hardworking. I would like to mention a few of them. Steve Doyle, I think, is probably one of the best political minds in Australia across a whole range of facets. He is very clever, very dedicated and a magnificent asset to this party. Tio Faulkner has been through hell this year. He has been put through hell, and we all understand why that was, but he has risen to the challenge. There was a stage there when he was getting more media than I, which you can imagine was a problem for me. But I would like to say to Tio: well done on riding out the storm that you did.

To Ian Hagan, who is our creative genius, well done on the work that you do in supporting us. To Hannah Passfield in particular, her enthusiasm is spectacular. But there are a lot of other staff that work in the central area for all of the other MLAs; and well done to them.

I would like now to turn to my staff. Jessica gets through a mountain of work. I said I would take them out to lunch at a place of their choosing when she got through 1,000 letters and, unfortunately, I had to do that pretty early this year. The amount of work that Jessica does is enormous. I only hear the most positive feedback about her from constituents.

I was thinking about what words I could use to describe Brigitte Morten. I came up with a range of words that were quite extensive and I have decided on just one. She is awesome.

Finally, to my family, we all miss our families, but this is a sacrifice that they make to allow us the privilege of serving in this place. So to Fleur, to Robbie and to Will, I love you very much and I look forward to spending more time with you at some stage.

**MR RATTENBURY** (Molonglo) (7.48): Being the Speaker, of course, I do not often get to participate in the adjournment debate, so members will have to bear with me as I have some catching up to do tonight. It has been suggested to me that I seek to congratulate once again some Canberrans who have made it into print this year.

*Members interjecting—*

**MR ASSISTANT SPEAKER** (Mr Hargreaves): You are warned, Mr Speaker.

**Mr Coe**: I haven't even tried the *Yellow Pages*. That's next term.

**MR ASSISTANT SPEAKER**: But I will unwarn you if you stick to the *White Pages* only.

**MR RATTENBURY**: Thank you, Mr Assistant Speaker, for your kindness. On a more serious note, of course, as we come to the end of the term it is a point where I

think we all sit back and reflect on the journey since we were elected in 2008. It seems like yesterday and it also seems like a lifetime ago. It seems hard to imagine that I ever did anything else, yet it has also gone incredibly quickly. It certainly has been a journey and, as many people have said tonight, it has also been a tremendous privilege.

One of the things is we have been able to make a difference, and I think we all do that when helping constituents with the very real and individual problems they face at times. The advantage we have in our role is that sometimes we can cut through where an individual cannot through the access we have to ministers, departments, agencies and the like.

Whether it is the day-to-day issues of keeping this city ticking over which, again, we all play a part in, or whether it is dealing with the big picture issues such as tackling climate change, we all in this place make a contribution. That is something I feel very privileged to get to do. Particularly as so many of my friends and family live here in this city, there is a very personal side to it as well as that general desire to make this city as good a place as it can be.

I thank members for the privilege of voting me in as the Speaker. It is a fascinating and, of course, at times very challenging role. I have a deeper respect for sports referees everywhere as a result of having gone through the last three years and 10 months sitting in the chair up the front. I particularly thank the Clerk, Tom Duncan, for his outstanding support of me in the role as Speaker and, of course, Max Kiermaier, during his time as Acting Clerk, and all of the staff in the freshly minted Office of the Legislative Assembly. They are very professional to work with and a great bunch of people.

I particularly acknowledge my Greens colleagues—Meredith, Amanda and Caroline. It has been a lot of fun. Someone said it earlier; we have been a great team, and coming here all together at once has given us a special bond that has been very important to me. We have, of course, all the staff down the “Green Mile”. I would particularly like to thank my own staff. You have all been fabulous and fun in various ways through the course of the term. Some have left, but among those who are still with us, I particularly acknowledge Helen Oakey, who at the moment is off learning to be a parent. Whilst I am rather unqualified to judge it, she does seem to be doing a rather excellent job of it.

**Mr Barr:** We miss her in the netball team.

**MR RATTENBURY:** Yes, I have heard she is a fierce netball player. Having just played my first ever game of netball, and now spending a lot of time at the physio, I can guarantee it is not something I plan to continue to play.

I would particularly like to acknowledge Richard Griggs, who took a punt and moved up from Tasmania to join the team and has been an absolute star in my office. I would also acknowledge Tom Burmester, Andrew Collins, Anna Landon, Laura Stuart, Charlotte Wood, MyLinh Li and Maiy Azize.



I am dismayed that the Assembly still continues to sit. Not being originally from Canberra, I follow the Bulldogs in the National Rugby League, so my one trip to Canberra Stadium a year that is guaranteed is when the Bulldogs come to town. That started 22 minutes ago at Canberra Stadium.

**Mr Hanson:** They are 12 nil down.

**MR RATTENBURY:** Well, they seem to have done a good job of coming back in the second half in recent weeks. But it is not all bad, because 25 August is my birthday. I feared I was going to see it in sitting in the Speaker's chair listening to somebody talking about some component of the budget. But we have done well and it did not take that long. So I thank members for their brevity through the last few days. I wish you luck in the coming months, and we will see how it goes.

**DR BOURKE** (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (7.53): It has been both a privilege and personally satisfying to represent the people of Ginninderra in this Assembly. The final adjournment debate of the year is an opportunity for me to thank the many people who have assisted me in the Assembly since I became a member last year.

I acknowledge the help given to me by you, Mr Speaker, and your office; the Clerk, Tom Duncan, his deputy, Max Kiermaier, and their staff who ensure that the Assembly operates smoothly; the staff of the Committee Office who do so much research and report writing on behalf of committee members; the Assembly Library staff; the attendants who always greet me with a friendly smile every morning; Hansard and support staff who record most of the words we say; Chamber Support, the Strategy and Parliamentary Education Office, Corporate Services and, of course, executive support.

I thank my Labor colleagues for their support and advice. I value our conversations and the willingness to share ideas, as well as your warmth and care. As a minister, I also acknowledge the work of the offices in the four directorates and the CIT with whom I work. They do provide me with frank and fearless advice, and I appreciate the professional and thorough approach they bring to their work. These are people who work with the aim of providing the best services to the people of the ACT whom they serve.

I also thank my wife for her encouragement, her help and her forbearance.

Finally, I wish to thank my staff for their hard work and their loyalty. And I wish you, Mr Assistant Speaker, and the opposition and crossbench members all the best in the coming election. Of course you, Mr Assistant Speaker, will probably be handing out how-to-vote cards for someone.

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Thank you, members. I think that concludes the debate and satisfies the standing orders. Everybody has had a chance to speak. Before actually putting the question, I would like to say thank you very much, it has been a ball. I had a great time. I wish to put on the record my thanks to the

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Speaker for allowing me the opportunity to draw the curtain on the Seventh Assembly. And with that, members, I now put the question that the Assembly do now adjourn.

Question resolved in the affirmative.

**The Assembly adjourned at 7.56 pm until a date and time to be fixed.**

## Schedules of amendments

### Schedule 1

#### Road Transport (Third-Party Insurance) Amendment Bill 2012

##### Amendments moved by the Treasurer

1

##### Clause 2

Page 2, line 5—

*omit*

the 7th day after its notification day

*substitute*

1 January 2013

2

##### Proposed new clauses 6A and 6B

Page 3, line 14—

*insert*

**6A Entitlement to early payment—injured person to give forms to insurer within 28 days  
Section 72 (1) (c)**

*omit*

28 days after the motor accident

*substitute*

the end of the relevant period

**6B New section 72 (3)**

*insert*

(3) In this section:

***legal disability***—see section 98 (5).

***relevant period*** means—

(a) if the person is under a legal disability—28 days after the person's legal disability ends; or

(b) in any other case—28 days after the motor accident.

### Schedule 2

#### Road Transport (Third-Party Insurance) Amendment Bill 2012

##### Amendments moved by Mr Smyth

1

##### Proposed new clause 14A

Page 5, line 17—

*insert*

**14A Section 139 (3), definition of *certificate of readiness*, paragraph (a)**

*substitute*

- (a) the party is in all respects ready for the compulsory conference; and

**2**

**Clause 15**

**Page 5, line 18—**

*omit clause 15, substitute*

**15 Mandatory final offers  
Section 141 (5), except notes**

*omit*

**3**

**Proposed new clause 15A**

**Page 5, line 23—**

*insert*

**15A Section 141, note 2**

*substitute*

*Note 2* A mandatory final offer for \$100 000 or less must be exclusive of any amount for costs (see s 144 (1)).

**4**

**Proposed new clause 15B**

**Page 5, line 23—**

*insert*

**15B New section 141A**

*insert*

**141A Mandatory final offers—deemed settlement**

- (1) This section applies if the claimant and the respondent for a motor accident claim exchange mandatory final offers for more than \$0.
- (2) The motor accident claim is taken to be settled for the amount that is midway between the claimant's mandatory final offer and the respondent's mandatory final offer (the *midpoint*) if—
  - (a) the highest mandatory final offer is for not more than \$70 000, and the mandatory final offers are not more than \$20 000 apart; or
  - (b) the highest mandatory final offer is for more than \$70 000 but not more than \$100 000, and the mandatory final offers are not more than \$30 000 apart.
- (3) For working out costs, the midpoint is taken to be a mandatory final offer that is accepted.

**9**

**Proposed new clause 21C**

**Page 7, line 2—**

*insert*

**21C Section 156 (6) and (7)**

*substitute*

- (6) Subsection (5) does not apply to the costs related to obtaining a supplementary expert report.

- (7) If an award of damages is affected by factors that were not reasonably foreseeable by a party at the time of making the party's mandatory final offer, the court may, if satisfied that it is just to do so, make an order for costs under section 155, section 155A or section 155B as if the reference to a mandatory final offer in the relevant section were a reference to a later offer made in the light of the factors that became apparent after the parties completed the exchange of mandatory final offers.

**Example**

If a claimant's medical condition suddenly and unexpectedly deteriorates after the date of the mandatory final offers and the court makes a much higher award of damages than would have been reasonably expected at that date, the court may ignore the mandatory final offers and award costs on the basis of later offers of settlement.

**10**

**Clause 27**

**Proposed new section 275 (1)**

**Page 27, line 7—**

*omit*

as soon as practicable after the end of 5 years

*substitute*

every 2 years

**Schedule 3**

**Election Commitments Costing Bill 2011**

Amendments moved by Mr Rattenbury

**1**

**Dictionary, definition of *costing period***

**Page 10, line 10—**

*omit the definition, substitute*

***costing period***, for an election of the Legislative Assembly, means the period—

- (a) starting—
  - (i) for an election held in 2012—on Monday 3 September 2012; or
  - (ii) for an election held in a later year—1 week after the last sitting day of the Legislative Assembly before the election; and
- (b) ending when the Chief Minister is elected on the first sitting day of the Legislative Assembly after the election.

**2**

**Dictionary, definition of *pre-election period***

**Page 10, line 18—**

*omit*

**Schedule 4****Road Transport (Third-Party Insurance) Amendment Bill 2012**Amendments moved by Ms Hunter**1****Clause 3, note****Page 2, line 11—***omit the note, substitute**Note* This Act also amends the *Civil Law (Wrongs) Act 2002* (see sch 1).**2****Clause 7****Page 3, line 15—***omit clause 7, substitute***7****Section 72 heading***substitute***72****Entitlement to early payment—injured person to give forms to insurer within 30 working days****3****Clause 8****Page 4, line 1—***omit clause 8, substitute***8****Section 72 (1) (c)***omit*

28 days

*substitute*

30 working days

**4****Proposed new clause 8A****Page 4, line 6—***insert***8A****Section 72 (1) (c) (ii)***omit***5****Proposed new clauses 8B and 8C****Page 4, line 6—***insert***8B****New section 72 (1A)***insert*

(1A) However, the documents mentioned in subsection (1) (c) may be given to the insurer of a person identified in the police report mentioned in subsection (1) (c) (iii) as being at fault in the motor accident within 30 working days if the injured person—

- (a) is not insured; and
- (b) is not wholly or mainly at fault in the motor accident.

**8C What kinds of expenses must be paid by insurer?  
Section 73 (1)**

*omit*  
person's

**6  
Proposed new clause 8D  
Page 4, line 6—**

*insert*

**8D New section 75A**

*in part 3.2, insert*

**75A Early payment guidelines**

- (1) The CTP regulator may make guidelines (the *early payment guidelines*) for an insurer to comply with in relation to making early payments for medical expenses under this chapter.
- (2) A guideline is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

**9  
Proposed new clause 16A  
Page 6, line 5—**

*insert*

**16A Working out costs for mandatory final offers  
Section 144 (3)**

*substitute*

- (3) If a mandatory final offer is for \$30 000 or less, and is accepted—
  - (a) for a claimant who was a child at the time of the motor accident or holds a Commonwealth concession card when the offer is accepted—costs (including disbursements) must not exceed \$5 000; or
  - (b) in any other case—costs must be \$0.

**10  
Clause 17  
Proposed new section 144 (5)  
Page 6, line 10—**

*insert*

- (5) In this section:
 

***Commonwealth concession card*** means any of the following cards:

  - (a) a current health care card issued under the *Social Security Act 1991* (Cwlth);
  - (b) a current pensioner concession card issued under the *Social Security Act 1991* (Cwlth);

- (c) a current pensioner concession card issued in relation to a pension under the *Veterans' Entitlements Act 1986* (Cwlth) or the *Military Rehabilitation and Compensation Act 2004* (Cwlth);
- (d) a current gold card;
- (e) a card prescribed by regulation.

**gold card** means a card known as the Repatriation Health Card—For All Conditions that evidences a person's eligibility, under the *Veterans' Entitlements Act 1986* (Cwlth) or the *Military Rehabilitation and Compensation Act 2004* (Cwlth), to be provided with treatment for all injuries or diseases.

11

**Clause 21**

Page 7, line 1—

*omit clause 21, substitute*

**21 Sections 155 and 156**

*omit*

pain and suffering

*substitute*

non-economic loss

12

**Proposed new clauses 21A to 21C**

Page 7, line 2—

*insert*

**21A Section 155 (2) (a)**

*before*

if the amount

*insert*

for a claimant other than a claimant mentioned in paragraph (aa)—

**21B New section 155 (2) (aa)**

*insert*

(aa) for a claimant who was a child at the time of the motor accident or holds a Commonwealth concession card when the damages are awarded—costs not exceeding \$5 000 may be awarded;

**21C Section 155 (5), new definition of *Commonwealth concession card***

*insert*

***Commonwealth concession card***—see section 144 (5).

13

**Proposed new clause 21D**

Page 7, line 2—

*insert*

**21D New section 156A**

*in part 4.9, insert*



**156A Costs—awards of damages over \$50 000**

- (1) This section applies if a court awards more than \$50 000 in damages in a proceeding (other than an appellate proceeding) based on a motor accident claim.

*Note* **Damages** does not include damages for non-economic loss (see s (5)).

- (2) If the amount of damages is equal to or more than a mandatory final offer made by the claimant, the claimant may apply to the court for an order that the respondent pay the claimant's costs on a party and party basis up to the day the offer was made, and on an indemnity basis from that day.
- (3) If the amount of damages is less than a mandatory final offer made by the respondent, the respondent may apply to the court for an order that—
- (a) the respondent pay the claimant's costs on a party and party basis up to the day the offer was made; and
  - (b) the claimant pay the respondent's costs on an indemnity basis from that day.
- (4) Also, the court may make an award of costs on an indemnity basis to compensate a party for costs resulting from a failure by another party to comply with a procedural obligation under this part.
- (5) In this section:  
**damages** does not include an amount for non-economic loss.

14

Clause 22

Page 7, line 3—

*omit clause 22, substitute***22 New part 4.9A***insert***Part 4.9A Damages for non economic loss**

*Note* The *Civil Law (Wrongs) Act 2002*, pt 7.1 also applies to the award of damages for motor accident claims (see that Act, s 93).

**156B Meaning of non-economic loss**

In this Act:

**non-economic** loss includes the following:

- (a) pain and suffering;
- (b) loss of amenities of life;
- (c) loss of expectation of life;
- (d) disfigurement.

**156C Guidelines to assist determining non-economic loss**

- (1) The CTP regulator may make guidelines (***the non-economic loss guidelines***) setting out information to assist courts in deciding the appropriate level of damages for non-economic loss in motor accident claims.
- (2) A court must have regard to the non-economic loss guidelines when awarding damages, but is not bound by the guidelines.

- (3) A guideline is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

**26**

**Clause 36**

**Page 30, line 2—**

*[oppose the clause]*

**27**

**Clause 37**

**Page 30, line 7—**

*[oppose the clause]*

**28**

**Schedule 1, part 1.2**

**Page 31, line 14—**

*omit*

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## **Schedule 5**

### **Road Transport (Third-Party Insurance) Amendment Bill 2012**

#### Amendment moved by Ms Hunter to Mr Smyth's amendment No. 10

**1**

**Amendment 10**

**Proposed new section 275 (1)**

*omit*

2

*substitute*

3

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## Answers to questions

### Government—printing costs (Question No 2128)

**Mr Coe** asked the Minister for the Environment and Sustainable Development, upon notice, on 21 March 2012:

- (1) What printing has been authorised and undertaken by the Minister's office since he became Minister by (a) name of publication and (b) month published.
- (2) What was the total cost of the printed material referred to in part (1).
- (3) Who approved the content of the printed material referred to in part (1).
- (4) Who was the invoice made out to for each item referred to in part (1).

**Mr Corbell:** The answer to the member's question is as follows:

- (1) No publications have been produced under the executive budget of this Office in the period since I became Minister.
- (2) Nil
- (3) Not relevant
- (4) Not relevant

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### Labor Party—meetings (Question No 2144)

**Mrs Dunne** asked the Minister for the Environment and Sustainable Development, upon notice, on 22 March 2012:

- (1) Has any Labor Party meeting or Labor faction meeting of any description been held in the Minister's ministerial office suite; if so, (a) how many times, (b) on what dates and (c) was payment made at the time.
- (2) If payment was made (a) can the Minister detail the date of each meeting, (b) what were the amounts paid for each meeting and (c) what is the date that the payment was made for each meeting.
- (3) Has any Labor Party meeting or Labor faction meeting of any description been held in the Assembly that was sponsored and or facilitated by the Minister or any of his employees; if so, (a) how many times, (b) on what dates and (c) was payment made at the time.
- (4) If payment was made (a) can the Minister detail the date of each meeting, (b) what were the amounts paid for each meeting and (c) what is the date that the payment was made for each meeting.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) I undertake a wide range of activities to fulfil my duties as the Member for Molonglo, a number of which involve use of my office facilities. This is consistent with long-established practice, as set out for example by the Clerk of the Assembly in a letter to the then Speaker on 27 June 2008.
- (2) See answer to (1) above.
- (3) See answer to (1) above.
- (4) See answer to (1) above.

### **Labor Party—meetings (Question No 2159)**

**Mr Hanson** asked the Minister for Gaming and Racing, upon notice, on 22 March 2012:

- (1) Has any Labor Party meeting or Labor faction meeting of any description been held in the Minister's ministerial office suite; if so, (a) how many times, (b) on what dates and (c) was payment made at the time.
- (2) If payment was made (a) can the Minister detail the date of each meeting, (b) what were the amounts paid for each meeting and (c) what is the date that the payment was made for each meeting.
- (3) Has any Labor Party meeting or Labor faction meeting of any description been held in the Assembly that was sponsored and or facilitated by the Minister or any of her employees; if so, (a) how many times, (b) on what dates and (c) was payment made at the time.
- (4) If payment was made (a) can the Minister detail the date of each meeting, (b) what were the amounts paid for each meeting and (c) what is the date that the payment was made for each meeting.

**Ms Burch:** The answer to the member's question is as follows:

I undertake a wide range of activities to fulfil my duties as Member for Brindabella, a number of which involve use of my office facilities. This is consistent with long-established practice, as set out for example by the Clerk of the Assembly in a letter to the then Speaker on 27 June 2008.

### **Roads—accidents (Question No 2184)**

**Ms Bresnan** asked the Attorney-General, upon notice, on 29 March 2012 (*redirected to the Minister for Territory and Municipal Services*):

- (1) In relation to ACT road crash statistics for the years 2000-2012, how many motor vehicle crashes occurred in each year.
- (2) How many road fatalities occurred in each year referred to in part (1) and which types of road users were involved.
- (3) Can the Minister provide a breakdown of crash numbers for each of these years based on the age of motor vehicle drivers including a breakdown of the number of (a) learner drivers, (b) provisional licence holders and (c) drivers aged 75 or over.
- (4) Can the Minister provide a list of the roads/intersections in Canberra where there are the most crashes and the number of crashes at these sites.

**Ms Gallagher:** The answer to the member's question is as follows:

Crashes are either reported online by the ACT Policing/the public or received as hard copies at police stations. Roads ACT collects/receives these reports and enter them in a database before undertaking the analysis. There is therefore always a time difference between when crashes occur and when the analysis is undertaken. Analysis of the 2012 data is not undertaken until February 2013 when all crash reports are available. Details of fatal crashes are however always available.

- (1) On-road traffic crashes:

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Total	8640	8624	8247	8287	7271	7002	7290	8175	7780	7843	7761	8484

- (2) Road fatalities by road users:

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Pedestrian	3	3	1	1	2	5	2	1	3	2	0	0
Car driver	8	9	6	4	5	8	6	8	3	4	10	3
Passenger	6	3	2	4	0	4	1	2	4	4	2	0
Motorcyclist	1	1	1	1	2	8	3	3	4	2	5	3
Cyclist	0	0	0	0	0	1	1	0	0	0	2	0
Total	18	16	10	10	9	26	13	14	14	12	19	6

- (3) Information by age group is only available for casualties (ie people who have sustained an injury or where killed as a result of a traffic crash. The table below presents vehicle controllers (ie motor vehicle drivers; motorcyclist riders and cyclists) casualties by age group:

Year	0-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	>75	Unknown	Total
2000	2	37	54	42	33	31	17	17	29	9	8	4	5	15	161	464
2001	2	18	55	34	36	36	30	31	14	8	5	7	5	12	120	411
2002	19	28	47	27	33	22	15	23	20	15	11	12	2	19	7	300
2003	3	15	42	30	33	21	12	15	19	9	3	3	8	14	58	285
2004	3	31	47	28	22	22	20	11	32	11	11	7	4	13	86	348
2005	1	47	62	32	39	28	41	34	11	20	6	10	4	17	55	407
2006	6	31	55	36	24	28	25	15	15	10	11	10	13	9	79	367
2007	3	45	79	60	49	40	41	42	31	25	13	5	1	12	29	475
2008	5	33	55	47	17	22	19	32	24	13	11	4	2	13	12	309
2009	1	57	85	55	48	49	41	38	37	26	15	5	9	28	12	506
2010	8	78	95	75	69	60	44	41	46	39	25	14	4	37	3	638
2011	8	72	100	77	68	48	63	47	41	26	19	13	8	31	2	623

(a) & (b) The type of licence (provisional and learner) is not always available. Information regarding the age group 17 to 19 presents a reasonable picture of people carrying such licences. The following table presents vehicle controllers casualties of that age group:

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Total	32	15	27	14	28	41	29	42	30	55	70	71

- (4) Roads ACT produces an annual report presenting roads/intersections with the most crashes and their details. A copy of the latest report is available on the TAMS internet at [http://www.tams.act.gov.au/move/roads/road\\_safety/crash\\_information](http://www.tams.act.gov.au/move/roads/road_safety/crash_information).

### Roads—accidents (Question No 2220)

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 29 March 2012:

- (1) For each year from 2010 to 2012 to date, how many (a) non-fatal and (b) fatal accidents occurred at the (i) Tuggeranong Parkway, at the Cotter Rd underpass, both directions, (ii) Federal Highway, approaching the Antill Street roundabout, city bound, (iii) Barton Highway, between Curran Drive and Gold Creek Road, both directions, (iv) Barton Highway, between Gungahlin Drive and Ellenborough Street, both directions, (v) Monaro Highway, between Lanyon Drive and Sheppard Street, northbound, (vi) Monaro Highway, between Mugga Lane and Isabella Drive, southbound, (vii) Monaro Highway, at the Hindmarsh Drive overpass, both directions and (viii) Tuggeranong Parkway, at the Hindmarsh Drive overpass, both directions.
- (2) For each year from 2002 to 2012 to-date, how many (a) non-fatal and (b) fatal accidents occurred at the Federal Highway, between Antill Street roundabout and Zelling Road, NSW bound.

**Ms Gallagher:** The answer to the member's question is as follows:

1)

Year	Accidents - fatal	Accidents - non-fatal - injury	Accidents - non-fatal - PDO*	Total accidents
(i) Tuggeranong Parkway, at the Cotter Rd underpass, both directions				
2010	0	0	10	10
2011	0	1	17	18
2012	0	0	1	1
(ii) Federal Highway, approaching the Antill Street roundabout, city bound				
2010	0	0	2	2
2011	0	0	6	6
2012	0	0	0	0
(iii) Barton Highway, between Curran Drive and Gold Creek Road, both directions				
2010	0	1	2	3
2011	0	0	0	0
2012	0	0	0	0

(iv)	Barton Highway, between Gungahlin Drive and Ellenborough Street, both directions				
	2010	0	0	9	9
	2011	0	0	10	10
	2012	0	0	0	0
(v)	Monaro Highway, between Lanyon Drive and Sheppard Street, northbound				
	2010	0	1	13	14
	2011	0	1	10	11
	2012	0	0	1	1
(vi)	Monaro Highway, between Mugga Lane and Isabella Drive, southbound				
	2010	0	1	15	16
	2011	0	0	15	15
	2012	0	0	0	0
(vii)	Monaro Highway, at the Hindmarsh Drive overpass, both directions				
	2010	0	0	0	0
	2011	0	0	3	3
	2012	0	0	1	1
(viii)	Tuggeranong Parkway, at the Hindmarsh Drive overpass, both directions				
	2010	0	0	2	2
	2011	0	0	0	0
	2012	0	0	0	0

\* PDO: property damage only

2) (a) Non-fatal and fatal accidents occurred at the Federal Highway, between Antill Street roundabout and Zelling Road, NSW bound

Year	Accidents - fatal	Accidents - non-fatal - injury	Accidents - non-fatal - PDO*	Total accidents
2002	0	0	0	0
2003	0	0	0	0
2004	0	0	0	0
2005	0	0	0	0
2006	0	0	1	1
2007	0	0	1	1
2008	0	1	1	2
2009	0	0	2	2
2010	0	2	1	3
2011	0	0	0	0
2012	0	0	0	0

\* PDO: property damage only

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**Alexander Maconochie Centre—detainee remuneration  
(Question No 2229)**

Mr Hanson asked the Minister for Corrections, upon notice, on 1 May 2012:

- (1) In relation to the answer to question on notice No 1614, can the Minister give examples of what work constitutes the categories of Level (a) 1, (b) 2 and (c) 3, for the purposes of remuneration.
- (2) What is the total number of detainees currently classified as unemployment.
- (3) What is the average number of hours a detainee undertakes in the categories of Level (a) 1, (b) 2 and (c) 3.
- (4) Is there a maximum weekly amount that a detainee may earn; if so, what is that maximum amount.

**Dr Bourke:** The answer to the member's question is as follows:

- (1) Examples of work at each level (1, 2, 3) for the purpose of remuneration include the following:

	<b>Asset Maintenance</b>	<b>Grounds Maintenance</b>	<b>Kitchen</b>
<b>Level 1</b>	Cell block, floor and window washing under direct supervision.	Weeding, raking, use of the whipper snipper, pruning under direct supervision.	Basic kitchen operation under direct supervision.
<b>Level 2</b>	Cell block, floor, inside and outside window cleaning with limited supervision and more direction.	Weeding, raking, use of the whipper snipper, pruning with less supervision.	Appointment to a kitchen station e.g. vegetable preparation and food packaging.
<b>Level 3</b>	Directed to undertake a maintenance task with no supervision. E.g. Plant harvesting and propagation with horticulture related qualifications.	Supervision of a small team or independent maintenance work e.g. general gardening and mowing.	Cook or leading section hand with appropriate kitchen related qualifications.

- (2) A detainee on remand is not required to work. However, some remandees work and attend programs and education.

As of 9 May 2012, 31 or 19% of sentenced detainees at the AMC have the classification '*unemployment*'.

- (3) Detainees receive remuneration for participating in approved programs, education and employment. The average number of hours a detainee undertakes across categories Level 1, 2 and 3 is dependent on a detainee's individual program and is between 30 and 42 hours per week.
- (4) The maximum weekly amount that a detainee may earn is \$70.14 for a total of 42 hours work at Level 3.



**ACT Health—dental services  
(Question No 2236)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

- (1) What is/was the total cost to ACT Health for providing dental services in (a) 2011-12, (b) 2010-11, (c) 2009-10 and (d) 2008-09.
- (2) What is the projected cost to ACT Health for providing dental services in (a) 2012-13, (b) 2013-14 and (c) 2014-15.
- (3) How many full-time equivalent (FTE) dentists does ACT Health dental services employ and what is the approximate cost per dentist.
- (4) How many FTE dental hygienists does ACT Health dental services employ and what is the approximate cost per dental hygienist.
- (5) What other staff does the dental service employ.
- (6) In relation to children and young people under the age of 14 who are eligible for ACT Health's children and young people dental services, (a) approximately how many children and young people are eligible in total, (b) how many children and young people access that service per annum, (c) what are the fees attached to the service, (d) to what extent does those fees differ from fees charged in private dental practices and (e) what is the average waiting time for a child or young person for that service.
- (7) In relation to young people between 14 and 17 years of age who are eligible for ACT Health's child and youth dental service, (a) approximately how many young people are eligible in total, (b) how many of those young people access that service per annum, (c) what are the fees attached to the service and (d) what is the average waiting time for those young people.
- (8) In relation to adults who are eligible for ACT Health's adult dental service, (a) approximately how many adults are eligible in total, (b) how many of those adults access that service per annum, (c) what are the fees attached to the service and (d) what is the average waiting time for those adults.
- (9) What ACT Health funded dental services can people who are not of the above eligibility criteria access.
- (10) In what manner does ACT Health advise parents that their children are eligible for the children and young people dental services.
- (11) Are eligible patients reminded annually that they should have a check up; if so, which eligible patients are reminded and how are they reminded.
- (12) Has the ACT Government identified any impediments to improving the average waiting times; if so, what are they.
- (13) Have any reviews or audits been conducted of the dental services in the last five years; if so, can copies of those reports and audits be provided.

**Ms Gallagher:** I am advised that the answer to the answer to the member's question is as follows:

- (1) The cost to the Health Directorate for providing dental services is/was:
  - (a) 2011-12 - As at the end of April 2012, the YTD operating expense is \$7,394 million;
  - (b) 2010-11 - \$9,177 million;
  - (c) 2009-10 - \$8,602 million; and
  - (d) 2008-09 - \$8,688 million.
- (2) The projected cost to the Health Directorate for providing dental services assuming a 3% CPI:
  - (a) 2012-13 - \$9,139 million (this is less than the expenditure for 2010-11 due to the inability to recruit dental officers. In order to meet the mean waiting time, clients were referred out to the private restorative scheme);
  - (b) 2013-14 - \$9,413 million - this does not yet include the projected cost for the new Gungahlin and Belconnen Community Health Centres; and
  - (c) 2014-15 - \$9,704 million - this does not include the projected cost for the new Gungahlin and Belconnen Community Health Centres.
- (3) As at 30 April 2012, the Health Directorate employs 10.43 full-time equivalent (FTE) dentists. Based on the ACT Health Clerical, Health Professional, Technical, Health Service Officers Union Collective Agreement 2007-2010, the average cost per dentist is \$87,769 (salary ranges from \$59,075 to \$120,462).
- (4) As at 30 April 2012, the Health Directorate employs 0.6 FTE hygienists. Based on the ACT Health Clerical, Health Professional, Technical, Health Service Officers Union Collective Agreement 2007-2010 the average cost per hygienist is \$67,262 (salary ranges from \$46,356 to \$88,168).
- (5) In addition to Dentists and Dental Hygienists, the Health Directorate also employs Dental Therapists/ Oral Health Therapists, Prosthetists, Dental Assistants, Orthodontists, Oral Surgeons and administrative staff.
- (6) In relation to children and young people under the age of 14 who are eligible for the Health Directorate's child and youth dental program:
  - (a) Centrelink data on eligible children and young people in total is not available;
  - (b) In 2010-11, 5878 children and young people accessed the service;
  - (c) Children and young people up to 18 years of age with a Centrelink issued card are eligible for free dental treatment. Children up to the age of five years receive free examinations and preventative treatment. Children up to the age of 14 years of age who do not have a Centrelink card are eligible for treatment with a co-payment of \$55.00 which covers their entire course of care;
  - (d) Private dental costs for children and young people incur item based fees and vary at each practice. The Department of Health and Ageing publicly released the Average dental charges for privately insured services in 2010 which is attached for your reference (Attachment A); and

- (e) For routine treatment, there is no waiting lists for children and youth with appointments generally available within four – five weeks of contacting the clinic. All emergencies are triaged and appointments available within 24 hours to 21 days depending on the triaged outcome.
- (7) In relation to young people between 14 and 17 years of age who are eligible for the Health Directorate's child and youth dental service:
- (a) Centrelink data on eligible young people aged between 14 and 17 years of age is not available;
  - (b) In 2010-11, 2512 young people accessed the service;
  - (c) There are no fees attached to the service; and
  - (d) For routine treatment, there are no waiting lists for young people with appointments generally available within four – five weeks of contacting the clinic. All emergencies are triaged and appointments available within 24 hours to 21 days depending on the triaged outcome.
- (8) In relation to adults who are eligible for the Health Directorate's adult dental program:
- (a) Centrelink data on eligible adults is not available;
  - (b) In 2010-11, 6082 adults accessed the service;
  - (c) The dental health program charges the notified Fees and Charges (Attachment B);
  - (d) The mean waiting time for adults waiting for restorative dental treatment as at the end of April 2012 is 11.91 months. All clients experiencing dental pain or concerns are triaged and appointments are available within 24 hours for those classed as emergencies (those with facial swelling and/or trauma). Clients triaged as a priority class 1 are seen within 5 days, and those as a priority class 2 are seen within 5 – 21 days. All other clients are placed on the restorative waiting list.
- (9) For clients who do not meet the eligibility criteria, the Health Directorate does not fund additional routine dental services for children, young people and adults. The Health Directorate funds an after-hours emergency dental service and an oral and maxillofacial surgery unit at the Canberra Hospital.
- (10) The Health Directorate advises parents that their children are eligible for dental services via outlets such as the Maternal and Child Health Personal Health Record (blue book) and information on websites such as the ACT Health Directorate, ACT Government Concessions and some school websites.
- (11) All children and young people are placed on a recall system based on clinical need and advised at their last appointment when they are due to return. An information sheet is provided to all adult clients placing their name on the waiting list advising of contact numbers for an emergency and to check their waiting list status. Adult clients on the waiting list are audited annually by letter or telephone to check their eligibility, contact details and review their clinical needs or priorities.
- (12) There are a range of reasons which impact on average waiting times for dental care. These include workforce, infrastructure and budget.

- (13) Internal audits have been conducted within the Dental Health Program – these are used for internal purposes only and are not for public release. Existing internal audits include:
- a) Mean waiting time for restorative dental treatment – annually;
  - b) Centrelink compliance audit – annually;
  - c) Clinical record audits – annually;
  - d) Dental Safety Audit – Workplace Safety Management System 2011;
  - e) Administration and dental health laboratory audit 2010;
  - f) Audit of VMO payments 2010; and
  - g) Review of the management of scheduled drugs 2010.

*(Copies of the attachments are available at the Chamber Support Office).*

### **ACT Health—social workers (Question No 2248)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 2 May 2012:

- (1) How many full-time equivalent (FTE) social workers are employed through the Community Health Services Social Workers program, as referred to at <http://health.act.gov.au/health-services/community-health/community-health-services/home-support/>.
- (2) What is the total cost of this program per annum to ACT Health.
- (3) What is the average cost per social worker per annum for this program to ACT Health.
- (4) What other areas of ACT Health employ social workers and how many are employed FTE in each area.

**Ms Gallagher:** I am advised that the answer to the member's question is:

- (1) The Community Care Program (CCP) within the Division of Rehabilitation Aged and Community Care (RACC) employed 3 full-time equivalent (FTE) Social Workers, in the 2011-12 period. The Division of Women, Youth and Children (WYC) has a total of 6.57 FTE community based social workers.
- (2) The total cost of the CCP for the 2011-12 period is \$342, 900. The total cost for WYC per annum is \$746,000.
- (3) The average cost per social worker per annum is \$114, 300.
- (4) Other social work services within the Health Directorate are:
  - RACC Rehabilitation Social Work employs 5.8 FTE;
  - Capital Region Cancer Service (CRCS) Community Based Social Work Services employ 1.4 FTE and CRCS Hospital based Social Work Services employ 4 FTE;

- Child at Risk Health Unit (CARHU) currently has 4.8 FTE social work positions. These are health professional classified positions and can be filled either by a social worker, psychologist or counsellor.
- Acute Support (across Canberra Hospital Inpatient Wards) employs 22.07 FTE social workers; and
- Mental Health, Justice Health and Alcohol and Drug Services employ 35.47 FTE social workers.

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**Women—disabled  
(Question No 2266)**

**Ms Bresnan** asked the Minister for Community Services, upon notice, on 2 May 2012:

- (1) What is the number of women and girls with disabilities residing in institutions in the ACT, including institutional categories of (a) domestic-scale supported living facility, for example, group homes, (b) supported accommodation living facility, for example, hostels, supported residential services/facilities, (c) boarding houses, (d) psychiatric/mental health community care facility, (e) independent living unit within a retirement village, (f) residential aged care facility (nursing home or aged care facility and (g) prisons.
- (2) What is the percentage of women with disabilities in prison in the ACT compared to non-disabled women.
- (3) What is the number of incidents involving violence, abuse and neglect of women and girls with disabilities in institutions, including those that (a) resulted in investigations and (b) resulted in convictions.
- (4) What are the rates of restraints (chemical, mechanical and/or seclusion) on women and girls with disabilities in government and non-government institutions.

**Ms Burch:** The answer to the member's question is as follows:

- 1a. There are 58 women currently living in supported accommodation arrangements provided by Disability ACT. A further 88 women and girls are accommodated in supported accommodation funded by Disability ACT and managed by a community provider.
- 1b. Nil.
- 1c. Nil.
- 1d. Health Directorate advises that there are currently 36 women with disability residing in psychiatric or mental health care facilities.
- 1e. The Community Services Directorate does not collect data relating to retirement villages.

- 1f. Six women with disabilities aged under 65 are living in residential aged care facilities.
- 1g. ACT Corrective Services advise that there are two women with disability in custody at the Alexander Maconochie Centre.
2. See above.
3. Disability ACT collects data on incidents involving individuals supported in its accommodation support services. For the year 2011-12, 47 incidents of verbal or physical abuse involving women either in their home or in the community, were recorded for the 58 women mentioned at 1a.

An incident is any event or circumstance from which could or did lead to unintended and/or unnecessary harm to a person and/or a compliant, loss or damage. Incidents are rated from one to five.

In all instances of alleged abuse, Disability ACT assesses and responds to incidents in accordance with its policies and procedures. Incidents are referred for independent investigation or to the Australian Federal Police, as required.

- 3a. Seven incidents resulted in an investigation with two cases referred to the Australian Federal Police.
- 3b. Disability ACT is not aware of any convictions.
4. The information sought is not in an easily retrievable form. To collect and assemble the information would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

### **Women—sterilisation (Question No 2268)**

**Ms Bresnan** asked the Attorney-General, upon notice, on 2 May 2012:

- (1) What is the incidence of forced sterilisation of women and girls with disabilities in the ACT, including the number of (a) applications sought for sterilisation and (b) procedures performed for the period 1997-2011 broken down year by year.
- (2) Can the Attorney-General identify the current protocols and legal avenues dealing with the issue of sterilisation, including (a) processes to authorise sterilisation procedures and (b) processes and mechanisms used to determine that a person is incapable of giving informed consent and (c) processes used to collect data on the sterilisation of women and girls with disabilities in the ACT.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The Government is not aware of any '*forced sterilisations*' of women or girls in the ACT.

A procedure that leads to reproductive sterilisation can be performed by a medical practitioner with the consent of the patient or, where the patient is unable to consent because of a legal disability or an impairment of their capacity to consent, with the consent of a relevant court or the ACT Civil and Administrative Tribunal. Procedures may be performed without consent in situations of medical emergency or necessity.

It is assumed that the question seeks information about applications for consent to medical procedures that lead to reproductive sterilisation of women and girls who are not themselves competent to give the required consent.

Girls may not be able to give the required consent because they are not competent minors and therefore under a legal disability. The existence of an intellectual or physical disability is not necessarily relevant.

- (a) Information about the number of applications for consent to medical procedures that lead to reproductive sterilisation of children and young people under 18 years of age is not available to the ACT Government because such applications are usually made to the Family Court of Australia. While in theory applications can be made to ACT courts, the Government is not aware of such applications being made to ACT courts in practice.

Information about the number of applications for consent to medical procedures that lead to reproductive sterilisation of female adults who are not competent to give the required consent, is not available. Such applications are made to the ACT Civil and Administrative Tribunal under the *Guardianship and Management of Property Act 1991* (GMP Act). They are recorded by the ACAT as applications for consent to a “*prescribed medical procedure*”. The data collection does not distinguish between prescribed medical procedures for reproductive sterilisation or a hysterectomy and other prescribed medical procedures.

- (b) The Health Directorate does not collect specific data on the number of women/girls with disabilities who undergo sterilisation procedures.

- (2) The answer to parts (a) & (b) is as follows:

Sterilisation can be performed at any time by a medical practitioner with the consent of a competent minor or adult and without consent in cases of medical emergency or necessity. These are established common law principles. Medical professionals who seek to perform the procedure must assess and satisfy themselves of the capacity of the patient to consent, or that it is necessary to immediately carry out the procedure to preserve the life or health of the patient.

### **Children and Young People**

Applications to authorise sterilisation and other ‘special medical procedures’, such as gender re-assignment for minors who lack capacity to consent, are made to the Family Court of Australia. The Family Court considers such applications in accordance with its Rules and procedures and determines capacity to consent in accordance with common law principles relating to the capacity of minors to consent to medical treatment.

When a request is made of a health professional to carry out a procedure leading to reproductive sterilisation of an adult, and the health professional assesses that the patient is not competent to consent, the procedure can only be carried out in the ACT with the consent of the ACAT.

Reproductive sterilisation and a hysterectomy are defined as prescribed medical procedures under the GMP Act. Sterilisation is defined as a special health care matter under the *Powers of Attorney Act 2006*. Those Acts prohibit a guardian or an attorney from providing substitute consent to such a procedure for a protected person or principal who is not competent to consent to the procedure.

Sections 69 and 70 of the GMP Act deal with the ACAT's power to consent to a prescribed medical procedure. Applications to the ACAT are public hearings, but may be closed at the discretion of the Tribunal. The ACAT is required to give notice of the hearing to the subject person, family members, any carer, any guardian and the public advocate.

The ACAT is required to appoint the person's guardian, the Public Advocate or some other independent person, to represent the person in relation to the hearing. I am advised that the Public Advocate is most commonly appointed to represent the person.

The Tribunal is required to be satisfied that:

- the procedure is otherwise lawful;
- the person is not competent to give consent and is not likely to become competent in the foreseeable future;
- the procedure would be in the person's best interests; and
- the person, the guardian and any other person whom the ACAT considers should have notice of the proposed procedure are aware of the application for consent.

The ACAT is required to take into account:

- the wishes of the person, so far as they can be ascertained;
- what would happen if the procedure were not carried out;
- what alternative treatments are available; and
- whether the procedure can be postponed because better treatments may become available.

The views and wishes of the person are obtained by the ACAT members speaking to the person if they are able and willing to participate in the hearing and, otherwise, by means of a report provided to the ACAT by the Public Advocate. Other information is obtained from health professionals.

The ACAT determines the capacity of person to consent to the procedure by considering medical and other relevant information in light of the applicable principles of law.

- (c) There are no specific data collection processes undertaken by either the ACAT or the Health Directorate in relation to the sterilisation of women and girls with disabilities in the ACT.
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**Enlighten Festival—power use  
(Question No 2285)**

**Ms Le Couteur** asked the Minister for Economic Development, upon notice, on 2 May 2012 (*redirected to the Minister for Tourism, Sport and Recreation*):

- (1) What was the total power consumption (KwH) of the projections associated with the Enlighten Festival in March 2012.
- (2) How much of this electricity was sourced from accredited green power generation.
- (3) What were the total greenhouse gas emissions resulting from the projectors' electricity consumption.
- (4) How were these emissions accounted for under the ACT's 40 percent emissions reduction target.
- (5) What was the economic impact of the Enlighten Festival to (a) direct expenditure and (b) Gross Territory Product.
- (6) What economic and attendance targets were set for the festival and (a) were these targets met or exceeded and (b) will reporting on these targets be shown in indicators in the budget papers.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The ENLIGHTEN 2012 projections were predominantly powered via diesel generators due to the limited supply and availability of electricity within the Parliamentary Zone. The total diesel consumption was 2423 litres.
- (2) As stated in Question 1.
- (3) The total greenhouse gas emissions resulting from the ENLIGHTEN 2012 projectors fuel consumption as estimated by ACT Government Environment and Sustainability Development Directorate is 7.0 tonnes CO<sub>2</sub>-e (carbon dioxide equivalent).

Specifically the 7.0 tonnes CO<sub>2</sub>-e is made up of:

- 6.5 tonnes of scope 1 emissions (emissions that resulted directly from burning the fuel); and
  - 0.5 tonnes of scope 3 emissions (indirect emissions attributable to the extraction, production and transport of the fuels).
- (4) Fuels including diesel that are purchased in the ACT are captured and reported annually in the ACT Greenhouse Gas inventory prepared by the Independent Competition and Regulatory Commission.
  - (5) The final economic impact including direct expenditure and Gross Territory Product for ENLIGHTEN 2012 are pending the final event report from Ernst & Young which is expected in June.
  - (6) (a) The economic target (direct expenditure) for ENLIGHTEN 2012 is \$1.0 million. The attendance target for ENLIGHTEN 2012 was 18,618 attendees across indoor and outdoor venues. Outcomes against these targets will be reported as part of the final event report noted above.

(b) Due to the immature nature and revised concept for ENLIGHTEN 2012, economic and attendance targets will not appear in the current budget papers. It is expected that after some benchmarking, appropriate indicators will be introduced for future years.

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**Environment—accreditation programs  
(Question No 2288)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 2 May 2012:

- (1) In relation to the ACTSmart Office and ACTSmart Business programs, what is the recurring cost for these programs.
- (2) How many businesses and offices have signed up and how many have been accredited under each program.
- (3) How much waste have these programs diverted from landfill and how were these figures obtained.
- (4) For the current financial year, (a) what has been the cost and staff requirement of running the programs and (b) how many offices and businesses have signed up to each program and how many of each were accredited.
- (5) Has every office and business that has signed up to the program been audited by ACTSmart staff.
- (6) What are the standards for accreditation.
- (7) What further contact is there with accredited workplaces once they are accredited.
- (8) Why is the number of businesses and offices that have joined the programs much larger than the number that have been accredited.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) Program expenditure in 2010-11 was \$282,265.85 and the budget for 2011-12 is \$323,000.
- (2) Since launch of the program in August 2009 and as at 30<sup>th</sup> April 2012:

<b>Signups</b>	<b>Accredited sites</b>
Business 283	Business 49
Office 186	Office 28

- (3) The amount of waste that has been diverted from landfill through the program is 15,137 cubic metres. This figure is calculated from comparing the first and second audit of waste streams provided by clients using their waste bills. This reduction in waste to landfill is a combination of redirecting waste to recycling streams and implementing smart purchasing policies to reduce the total waste generated by an office or business.

- (4) (a) In 2011-12 the staffing requirements are 1 x SOG C (part time 0.8, with 60% of workload dedicated to the program), 1 x ASO6 and 1 x ASO5. The staffing cost for the current financial year to 30<sup>th</sup> April has been \$153,765.03.
- (b) There have been 188 new sign ups to the programs with 25 new accreditations and 52 reaccreditations (completed annually).
- (5) Every signatory to the program is required to complete a first and second waste audit, which is verified by ACTSmart staff.
- (6) To reach accreditation signatories must:
- Implement the program as directed in the Best Practice Guide;
  - have a reduction of waste to landfill;
  - have 75% of staff attend a ACTSmart training session;
  - Implement mixed recycling, paper, cardboard and organic collection systems; and
  - Install ACTSmart stickers and signage to provide consistency across sites.
- (7) Contact is made to accredited sites via quarterly newsletter, regularly emails, annual awards event and reaccreditation after twelve months.
- (8) The process from the initial sign-up through to achieving accreditation takes six to twelve months. This is a voluntary program for our signatories, with the work completed whilst achieving other business priorities, and therefore it can take some time to implement the program. Accreditation is not automatic, as it requires achievement of measurable waste reduction outcomes.

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**ACT public service—agency waste management  
(Question No 2289)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 2 May 2012:

- (1) In relation to ACT Government agency waste management, which ACT agencies (a) have a current Resource Management Plan that includes waste management and sustainable procurement, (b) have a dedicated environment officer or team, (c) are signed up to ACTSmart Office or ACTSmart Business and (d) are fully accredited under ACTSmart Office or ACTSmart Business.
- (2) For agencies not yet accredited, why has there been a delay.
- (3) For agencies which do not have a current Resource Management Plan, why do they not have a plan and when will they be completed.
- (4) When ACT agencies participate in the ACTSmart Office and ACTSmart Business programs, is this funded through funds allocated to ACTSmart Office and ACTSmart Business.
- (5) Is it appropriate for ACT agencies to be included on the list of ACTSmart programs when there is already a requirement for these agencies to have a Resource Management Plan and waste reduction plan.

**Mr Corbell:** The answer to the member's question is as follows:

(1) (a) The Chief Minister and Cabinet Directorate as well as the Treasury Directorate have active Resource Management Plans. The Environment and Sustainable Development Directorate (ESDD) has an active interim Resource Management Plan. This reflects the progressive consolidation of ESDD elements following the ACT Public Service (ACTPS) restructure in 2011 still under way. Other Directorates are in a similar process of revising original Resource Management Plans developed prior to the ACTPS restructure to address changing structural and accommodation arrangements;

(b) Both the Justice and Community Safety Directorate and the Health Directorate have dedicated environment or sustainability officers; the Canberra Institute of Technology and the Legislative Assembly have Committees in place that deal with a range of issues relating to sustainability. ESDD draws on the expertise of its wider policy groups to inform its own domestic practices;

(c) and (d) refer the following table:

<b>ACT Government Sites Signed and Accredited to the ACTSmart Program as at 3 May 2012</b>		
<b>Name</b>	<b>Sites</b>	<b>Accredited</b>
Calvary Health Care	15	15
Canberra and Region Visitors Centre	1	1
CIT	4	0
Exhibition Park Corporation	1	0
Manuka Oval	1	0
ACT Auditor General's Office	1	0
ACT Chief Minister's Department	1	0
ACT Department of Territory and Municipal Services	1	1
ACT Department of Treasury	1	0
ACT Gambling and Racing Commission - EDD	1	0
ACT Health	42	0
ACT Insurance Authority	1	0
ACT Legislative Assembly	1	1
Community Services Directorate	8	0
Economic Development Directorate	1	1
Education & Training Directorate	1	1
Elections ACT	1	1
Environment & Sustainable Development Directorate	3	2
Hedley Beare Centre for Teaching and Learning	1	0
Justice & Community Safety Directorate	27	1
Land Development Agency	1	1
Office of the Commissioner for Sustainability and the Environment	1	1
Shared Services	5	0

(2) Delays in accreditation can be attributed to agencies having a limited number of resources to roll out the program while achieving other business priorities. ACT Government agencies are not required to participate in the ACTSmart program.

- (3) The ACTPS restructure meant that many of the Resource Management Plans then in existence were no longer wholly applicable. ESDD is working actively across the ACTPS to support the completion of 2012-13 Resource Management Plans which will reflect the new structural arrangements where this has not yet occurred.
  - (4) There is no charge for participation in an ACTSmart program.
  - (5) Yes. Resource Management Plans identify and plan to minimise a Directorate's impact on the environment (including energy, water, waste and other focus areas). Participation in an ACTSmart program may be chosen as one of the means by which to track and achieve progress against resource management commitments.
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### **Government—procurement regulation exemptions (Question No 2315)**

**Ms Hunter** asked the Minister for Community Services, upon notice, on 3 May 2012:

- (1) Given that within the ACT Government Contracts Register the procurement process for the contract 2011.17274.210 – Project Management Services – Execution Date 8/8/2011 – Contract Value \$70,470.40 (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 Community Services 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 regulation 6 of the *Government Procurement Regulation 2007* with respect to the procurement process.
- (3) Did the Director-General of the Directorate, in writing, exempt the organisation from complying with the requirements of subsection 6 of Part 2 of the *Government Procurement Regulation 2007*; if so, what were the reasons for doing so.

**Ms Burch:** The answer to the member's question is as follows:

- (1) The Children's Policy and Regulation Unit in the Community Services Directorate engaged the services of a consultant in 2011 to ensure the ACT was well placed to meet the National Quality Framework requirements for implementation on 1 January 2012. The consultant developed a project management system for the implementation and delivery of the National Quality Framework. The Directorate assured itself that it was obtaining value for money by obtaining up to date information at the time on the market rate applicable for this type of work.
- (2) *Regulation 6 of the Government Procurement Regulation 2007* requires a territory entity to seek at least three written quotes for the procurement of services if the total estimated value of the procurement is \$25,000 or more and less than \$200,000. However, *Regulation 10 of the Government Procurement Regulation 2007* allows the responsible Chief Executive to exempt the requirement if they are satisfied on reasonable grounds that the benefit of the exemption outweighs the benefit of

compliance with the requirement. The relevant regulation was complied with. A single select procurement was undertaken because of the urgency of the task and confidence that the contractor had the necessary experience and expertise to deliver the product required in the timeframe.

- (3) Yes, the Director General approved a written exemption on the following grounds:
- that the time within which this particular procurement activity was to be completed prevented public tenders being called; and
  - a single select procurement acknowledged the role and expertise of the preferred consultant and was the most efficient and effective way to complete the required project.
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### **Housing—first homeowner grants (Question No 2318)**

**Mr Seselja** asked the Treasurer, upon notice, on 3 May 2012:

What was the number of first home owner grants paid for the purchase of (a) an established home and (b) a newly constructed home, for the years (i) 2008-09, (ii) 2009-10 and (iii) 2010-11.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The number of first home owner grants paid are as follows:

a) Established home:

(i) 2008-09: 2,466

(ii) 2009-10: 2,076

(iii) 2010-11: 1,700

b) Newly constructed home:

(i) 2008-09: 492

(ii) 2009-10: 1,492

(iii) 2010-11: 1,116

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### **Schools—active transport programs (Question No 2332)**

**Ms Le Couteur** asked the Minister for Health, upon notice, on 3 May 2012:

- (1) 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:** I am advised that the answer to the member's question is as follows:

- (1) Over the last three years, the following organisations have been successful in receiving funding through the ACT Health Promotion Grants Program (ACTHPGP) for targeted active transport programs in schools:

Organisation	Project	2009/10	2010/11	2011/12
Pedal Power ACT	Pedal Pod Project	\$17,600		
Pedal Power ACT	Ride2School		\$18,973	\$38,564
Pedal Power ACT	TravelSmart to School ACT			\$29,610
YWCA	ACT Walking School Bus Program	\$87,530	\$90,156	N/A

A number of other grants have supported in-school activities encouraging cycling programs which complement active transport.

- (2) In 2011 an Active Travel to School Coordinator was employed to develop a program to promote active travel in schools as one initiative under the National Partnership Agreement on Preventive Health. Extensive consultation with stakeholders has informed the approach to the new Ride or Walk to School Program. This entailed working with partners across Government and NGOs to assess priorities and agree on a way forward. The program is collaborative and evidence based with a strategy document currently being drafted. The program will be piloted in a small number of schools in 2012 and rolled out over the next three years.

In recent school consultations, ACT students were asked how they would like to get to school. The results show that most students are driven, however, the majority of students would prefer to get to school using an active mode of transport; riding a bike is the most appealing mode of transport for students. This aligns with findings from the Walk21 Benchmarking Survey undertaken in the ACT in 2010. In addition, car parking and traffic congestion is a major concern for many school communities for both economic and safety reasons.

In the past Australian active travel to school programs have had more success in increasing walking rather than cycling. In order to see more students riding bikes to school, targeted cycling programs are needed<sup>i</sup>. Cycling is about twice the intensity of walking. Several recent studies suggest that students who ride to school have significantly higher cardiovascular fitness<sup>ii</sup> and higher aerobic power<sup>iii</sup> than those who walk or are driven to school.

The Walking School Bus (WSB), previously trialed in the ACT, reached a small number of children in ACT schools. The final evaluation from the YWCA identified increasing difficulty attracting and retaining volunteers and school participation. Volunteers are fundamental to ensure the implementation of the WSB. To ensure those schools choosing to continue or implement a WSB program receive ongoing support, a web based resource was developed, which can be found at the YWCA website.

<sup>i</sup>Garrard, J. 2011, *Active Travel to School Literature Review*, ACT Government Health Directorate

<sup>i</sup>Cooper, A, Wedderkopp, N, Jago, R, Kristensen, P, Moller, N, Froberg, K, Page, A, Andersen, L (2008). *Longitudinal associations of cycling to school with adolescent fitness*. Preventive Medicine 47(3): 342-328.

<sup>iii</sup>Andersen, L, Lawlor, D, Cooper, A, Froberg, K, Anderssen, S (2009). *Physical fitness in relation to transport to school in adolescents: the Danish youth and sports study*. Scandinavian Journal of Medicine and Science in Sports 19(3): 406-411.

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## Work safety (Question No 2340)

**Ms Hunter** asked the Chief Minister, upon notice, on 8 May 2012:

- (1) Does page 9 of the *ACTPS Workers' Compensation and Work Safety Improvement Plan* state that details of resources and associated case loads of injury management staff were sought from all directorates and that in some instances directorates were unable to quantify the portion of time some of their resources spent on injury management; if so, how has the CMCD modelled the cost efficiencies of moving injury management staff from within directorates to Shared Services, particularly given that some directorates were unable to provide reliable data and what were the cost savings identified.
- (2) How will CMCD model and assess over time whether relocating injury management staff from within directorates to Shared Services has achieved its outcomes, in terms of cost and efficiency, effectiveness and economy.
- (3) Does page 20 of the *ACTPS Workers' Compensation and Work Safety Improvement Plan* set out the targeted savings to be achieved in claim payments and claim liabilities; if so, what (a) were the claim payments made, by directorate, for the last three financial years to date, (b) what are the expected dollar savings to be made in claim payments, by directorate, for the financial years ending 30 June 2012 and three forward estimate years and (c) what is the expected dollar reduction in workers' compensation premiums, by directorate, for the financial years ending 30 June 2012 and three forward estimates years.
- (4) If directorates fail to meet expected target savings in claims liabilities and claim payments, what action will CMCD take given its role in ensuring all parties to the Plan meet their key obligations and will this include reductions in annual appropriations or other financial penalties.
- (5) Does the Charter of Partnership between Comcare and the ACTPS 2011-2013 set out the services that will be provided to the ACTPS by Comcare and are there no qualitative or quantitative key performance measures or key performance indicators provided in the Charter of Partnership; if so, how will CMCD manage the relationship with Comcare given the lack performance measures and indicators, including assessing whether Comcare is providing value for money to Government.
- (6) Were the *ACTPS Workers Compensation and Work Safety Improvement Plan* and the ACT Public Sector, *Managing Injury and Illness in the Workplace* issued subsequent to the Charter of Partnership between Comcare and the ACTPS; if so, given that the relevant responsibilities of Comcare and directorates as stated in the Charter of Partnership are now out of date (for example, the Charter of Partnership states that



directorates are responsible for working with Comcare with respect to Administrative Appeals Tribunal (AAT) appeals, whereas the *Managing Injury and Illness in the Workplace* policy states that AAT matters will be oversighted by the ACTPS Workers' Compensation Dispute and Review Committee), will CMCD renegotiate the Charter of Partnership to ensure that it is reflective of current government processes.

- (7) Does section 11 of the Charter state, "this agreement does not bind the ACT Government to the SRC Act scheme or restrict the ACT Government from pursuing a revocation of the declaration of the ACT to be a Commonwealth Authority for the purposes of the SRC Act in accordance with Section 4a"; if so, what is the purpose of this clause and does this mean that CMCD is giving consideration to exiting the SRC Act scheme.
- (8) If CMCD is considering exiting the SRC Act scheme, what (a) modelling has been undertaken with respect to alternatives, (b) are the likely costs that will be incurred with respect to such a strategy and (c) consultation will be undertaken with Government employees.

**Ms Gallagher:** The answer to the member's question is as follows:

- 1) The primary focus and objective of the ACTPS workers' compensation and work safety improvement plan (the Plan) is to improve the health and return to work outcomes of ACTPS injured workers, which will, if successful, also have an impact on future workers' compensation premium costs. The plan is not a fiscal efficiency measure or cost containment strategy.

Relocation of Directorate based injury management staff to Shared Services was undertaken to:

- centralise expertise from across the service;
- build capacity and capability in case management;
- more effectively match the needs of injured workers with the appropriate skills and expertise of individual case managers; and
- ensure a one service approach to the management of injured workers' return to work.

As outlined in the Plan, some Directorates were unable to quantify the time some resources were allocated to injury management where performance of this work was integrated with other human resources, people management or corporate functions.

- 2) As explained in answer to the member's first question, the primary purpose of the Plan is to improve the health and return to work outcomes of ACTPS injured workers.

The central mechanisms used to evaluate the Plan's delivery of this objective focus on a reduction in the number of workplace injuries and associated workers' compensation claims, improved return to work outcomes, a reduction in the time injured workers are absent from the workplace and improved capability and capacity to prevent or manage workplace injuries.

The performance measures embedded in the Plan consist of a number of lead and lag indicators which are monitored and reported to the People and Performance Council on a quarterly basis.

3) Claim payments made by Directorate for the last 3 financial years are as follows:

<b>Directorate</b>	<b>Payments made in Financial Year</b>		
	2009-10	2010-11	2011-12
Chief Minister and Cabinet Directorate	\$49,298	\$87,913	\$73,198
Community Services Directorate	\$2,583,134	\$3,611,273	\$3,204,950
Economic Development Directorate	\$160,237	\$147,940	\$65,215
Environment and Sustainable Development Directorate	\$143,053	\$160,261	\$71,798
Education and Training Directorate	\$5,474,768	\$5,791,327	\$4,903,005
Health Directorate	\$9,644,185	\$10,899,018	\$8,340,939
Justice and Community Safety Directorate	\$3,849,951	\$4,055,211	\$3,411,588
Territory and Municipal Services Directorate	\$6,856,190	\$8,968,623	\$6,563,752
Treasury Directorate	\$735,626	\$667,215	\$786,202

While the Plan identifies a target reduction of 10% in payments for claims that are 18 months or older (over the previously reported period), this measure cannot be taken in isolation of the qualitative performance measures underpinning the Plan that focus on:

- improved return to work and health outcomes for injured workers;
- building a strong, capable ACTPS workforce; and
- building stronger people management skills in case managers, line managers and supervisors.

Success against the qualitative performance measures that underpin the Plan will produce significant improvements to the health and return to work outcomes of injured ACTPS workers and by extension lead to a reduction in the Territory's workers' compensation premium.

The dollar impact on premiums by Directorate cannot be known until the annual whole-of-Government premium is determined by Comcare and the actuary engaged by the Chief Minister and Cabinet Directorate has determined the proportion of that amount payable by individual Directorates.

- 4) The People and Performance Council oversees the implementation of the Plan. Where performance or outcomes are not as expected, the Plan allows for a number of interventions, including the development and implementation of targeted improvement plans which will be overseen by the Commissioner for Public Administration and the People and Performance Council and intervention by the Head of Service where necessary.
- 5) The Charter of Partnership 2011-2013 (the Charter) is not used as a means of measuring the monetary value that the Territory is to derive from Comcare as its insurer.

The Charter details the cooperative approach to be modelled by Comcare and the ACTPS in effectively managing work-related injuries and details the Territory's service delivery expectations of Comcare. It provides a clear articulation of how the Territory's insurance arrangement will be managed and ensures a shared understanding of obligations and responsibilities

CMCD and Comcare regularly review Comcare's service delivery performance against the service level standards and timeframes within the Charter. CMCD manages the relationship with Comcare and monitoring of the agreement through:

- regular fortnightly meetings with Comcare's allocated ACTPS Relationship Manager; and
- quarterly meetings with Comcare's senior management responsible for the provision of claims management services.

- 6) The Plan and the ACT Whole of Government *Managing Injury and Illness in the Workplace* policy were issued subsequent to the establishment of the Charter. CMCD is currently in process of renegotiating the Charter to ensure that it is reflective of current ACT Government policies and processes.
- 7) The purpose of section 11 of the Charter is to ensure that, in signing a partnership agreement with Comcare, the Territory was not precluded from giving appropriate consideration to its future workers' compensation insurance arrangements. The clause recognises the obligations on the ACT Government to administer its financial commitments and obligations based on the principles of responsible fiscal management.
- 8) There are no current plans for the ACTPS to exit the Comcare scheme. As part of the Territory's responsibility for periodic review of its insurance arrangements, a number of alternative insurance options for the Territory have been identified:
  - maintaining the Territory's workers' compensation insurance coverage under the SRC Act;
  - establishing coverage for ACTPS workers under the *Workers Compensation Act 1951* (the WC Act) (either as self-insurer or standard employer); or
  - establishing an ACTPS specific workers' compensation scheme.

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### **ACT public service—information technology staff (Question No 2342)**

**Ms Hunter** asked the Treasurer, upon notice, on 8 May 2012:

- (1) How many staff are employed in an information technology role within each directorate and what are the annualised costs for these staff, by directorate.
- (2) What are the roles and functions of the in house staff referred to in part (1).
- (3) What modelling has the Treasury Directorate undertaken to determine whether the current approach to the delivery of information technology services for Government is efficient and effective and whether services are duplicated between those provided by in house information technology resources within directorates and those provided by Shared Services ICT.
- (4) How many staff are employed in human resources roles within each directorate and what are the annualised costs for these staff, by directorate.
- (5) What are the roles and functions of the in house staff referred to in part (4).

- (6) What modelling has the Treasury Directorate undertaken to determine whether the current approach to the delivery of human resources for Government is efficient and effective and whether services are duplicated between those provided by in house resources within directorates and those provided by Shared Services.
- (7) How many staff are employed in finance roles within each directorate and what are the annualised costs for these staff, by directorate.
- (8) What are the roles and functions of the in house staff referred to in part (7).
- (9) What modelling has the Treasury Directorate undertaken to determine whether the current approach to the delivery of finance services for Government is efficient and effective and whether services are duplicated between those provided by in house resources within directorates and those provided by Shared Services.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Treasury does not maintain detailed information on agency staffing profiles. Under the Territory's financial management framework, agencies are responsible for managing their workforce and expenses within their budgets.
- (2) Directorate staff undertake roles relating to strategic planning and asset management. This extends to ensuring ICT is appropriately managed and strategically planned to meet agency service delivery requirements.
- (3) Treasury continually strives to provide the Shared Services functions as effectively and efficiently as possible. Significant savings have been realised and returned to Budget since 2006-07, relating to IT and other Shared Services functions.

Shared Services has an ongoing program of improvement which has, over the last 12 months, included:

- a. Enhancement of the Engagement Office which now incorporates a range of business analysis expertise and aims to provide early advice to Directorates on the development of business solutions, by providing targeted assistance up to Project Brief stage;
- b. Development and trialling of Strategic Relationship Managers to provide a 'single point of contact' for Directorates in their dealings with Shared Services, and especially aimed at reducing multiple contact points within ICT;
- c. Significant business process re-engineering to better streamline workflows and resourcing requirements between the ICT Operations Branch and the Program Management Office, to enhance directorate outcomes for project delivery;
- d. Detailed investigation (prior to an approach to market), to determine requirements for a new workflow management tool to increase performance in relation to case logging and case resolution; and
- e. Detailed investigation (prior to an approach to market), to determine requirements for an enterprise management system, especially related to Health Directorate critical systems and whole-of-government email and internet systems, to provide enhanced lifecycle management of systems and enable ICT to systematically move from a "break/fix" operating model.

- (4) See response to 1.
- (5) Strategic Human Resource Directorate staff, undertake a range of functions including scheduling and rostering, workforce planning and employee relations. The roles of these staff are primarily to provide contextually based support and advice to staff and to assist managers particularly regarding employee management issues. This is in contrast to the many transactional functions undertaken in Shared Services HR.
- (6) In 2010-11 the Expenditure Review and Evaluation Committee undertook a review of business process in Shared Services HR. The review undertook an initial analysis of business practices which was followed by a more detailed four month focus which was completed in late 2011. The review identified further areas of reform and savings of \$4.5 million over two years covering Shared Services Finance and HR. The efficiencies sought in 2011-12 have been achieved and the 2012-13 targets are well on track.
- (7) See response to 1.
- (8) All directorates have a CFO function specifically responsible for the strategic financial performance of the directorate, including involvement in inter-governmental relationships. Key accountabilities may vary between directorates but typically would include budgeting & forecasting (including capital budgeting), management reporting, annual reporting, governance (risk management, internal audit, insurance, policy development), business analysis, strategic management and debt management. In some instances, directorates have retained responsibility for financial reporting and revenue collection.
- (9) In 2010-11 the Expenditure Review and Evaluation Committee undertook a review of business process in Shared Services Finance. The review undertook an initial analysis of business practices which was followed by a more detailed four month focus which was completed in late 2011. The review identified further areas of reform and savings of \$4.5 million over two years covering Shared Services Finance and HR. The efficiencies sought in 2011-12 have been achieved and the 2012-13 targets are on track.

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### **Housing—first homeowner grants (Question No 2344)**

**Ms Hunter** asked the Treasurer, upon notice, on 8 May 2012:

- (1) What was the number of, and total amount paid in, grants during the last three financial years, under the *First Home Owner Grant Scheme Act 2000*.
- (2) What was the number of audits conducted by the Treasury Directorate, during the last three financial years, with respect to grants paid under the *First Home Owner Grant Scheme Act 2000*.
- (3) What was the total amount recovered by the Directorate, either through repayment of grants or in fines and penalties as a result of these audits, for the last three financial years.

- (4) What modelling or analysis has the Directorate undertaken to determine the economic benefits to the Territory as a result of the First Home Owner Grant Scheme and what have been the results of this analysis.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The number and total amount paid in grants are as follows:
- 2008-09: 2,958 - \$20.5 million
  - 2009-10: 3,568 - \$23.3 million
  - 2010-11: 2,816 - \$17.9 million
- (2) The number of audits conducted by the Treasury Directorate is as follows:
- 2008-09: 32 cases
  - 2009-10: 24 cases
  - 2010-11: 35 cases

Note: The Treasury Directorate checks all First Home Owner Grant applications but only those cases that went to a full audit have been included in the answer above.

- (3) The total amount recovered by the Treasury Directorate as a result of the audits in question 2:
- 2008-09: \$0.3 million
  - 2009-10: \$0.8 million
  - 2010-11: \$0.2 million
- (4) While Treasury has not undertaken any analysis quantifying the total economic benefits to the Territory as a result of the first home owners grant, the economic impacts of such demand side stimulatory measures are well documented.

However, due to the large number of factors impacting on the housing market, it is difficult to quantify the overall benefit.

### **Taxation—payroll (Question No 2350)**

**Mr Seselja** asked the Treasurer, upon notice, on 9 May 2012:

Can the Treasurer provide a list of all companies that have been given a payroll concession or exemption by the ACT Government and the estimated revenue foregone from each concession.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Due to the privacy provisions of the Taxation Administration Act 1999 (S 96), I cannot provide a list of companies that have been given a payroll tax concession or exemption as it would involve identifying and disclosing taxpayer information.

**Treasury Directorate—expenditure  
(Question No 2351)**

**Mr Smyth** asked the Treasurer, upon notice, on 9 May 2012:

- (1) What has been the Directorate's expenditure in 2011-12 on (a) travel, (b) consultancy, (c) advertising and 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.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Treasury Directorate's expenditure for 2011-12, on items specified in part (1), will be reported in the Directorate's annual financial statements.
- (2) See the above answer.
- (3) Treasury Directorate's (including Shared Services, Home Loan Portfolio, ACT Insurance Authority, Superannuation Provision Account and Territory Banking Account) expenditure on hospitality was as follows:

Year	\$000s
2008-09	28
2009-10	27
2010-11	29

In the annual financial statements this expenditure was included in the 'other' line item of the supplies and services note.

**Taxation—Quinlan review  
(Question No 2352)**

**Mr Smyth** asked the Treasurer, upon notice, on 9 May 2012:

- (1) What is the total cost paid by the ACT Government for the Quinlan Taxation Review.
- (2) Was any modelling commissioned by the Quinlan Taxation Review; if so, which organisations or individuals were commissioned to perform this work.
- (3) When will the results of the modelling referred to in part (2) be released and what was the cost of this modelling.
- (4) Were any reports, analyses or any other work commissioned by the Quinlan Taxation Review; if so, which organisations or individuals were commissioned to perform these projects.
- (5) Will the documents or other results from the projects referred to in part (4) be made public; if not, why not.

- (6) What was the cost of each of the commissioned projects referred to in part (4).

**Mr Barr:** The answer to the member's question is as follows:

- (1) The total cost as at 16 May 2012 for the ACT Taxation Review is \$0.612 million (GST inclusive).
- (2) Macroeconomics and NATSEM were engaged to undertake economic modelling.
- (3) The Macroeconomics modelling is available on the ACT Treasury Directorate website. The NATSEM modelling results have not been made publically available.

	\$ (GST Inclusive)
Macroeconomics	0.234 million
NATSEM	0.062 million
TOTAL:	0.296 million

- (4) Consultants were engaged to provide expert advice on specific areas, undertake external peer review and validation, and professional editing and graphic design services.

Further work was commissioned from Mr David Trebeck of CBRE, KPMG, Macroeconomics, Professor Des Nicholls and professional editing and graphic design services.

- (5) The reports are available on the ACT Treasury Directorate website.

- (6)

	\$ (GST Inclusive)
Professional editing and graphic design services	69,750.00
Provision of specific expert advice	105,500.00
External peer review and validation	72,421.50

### **Sport and recreation—ovals (Question No 2355)**

**Mr Rattenbury** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012 (*redirected to the Minister for Tourism, Sport and Recreation*):

- (1) What was the annual amount spent on maintaining ACT sporting fields for the past three financial years and how is this expenditure broken down by the differing classifications of sporting field, for example, district sporting field.
- (2) What was the number of public liability claims made by members of the community as a result of injuries they sustained due to the condition of ACT sporting fields over the past three financial years and what are the estimated total claim costs and increases in annual premiums as a result of these claims.



- (3) What modelling has been undertaken by the Directorate to determine the most appropriate level of maintenance spend on an annual basis on ACT sporting fields and what are the potential savings in public liability claims and costs that could be achieved if the amount spent on maintaining ACT sporting fields was increased.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The annual amount spent on maintaining ACT sporting fields for the past three financial years is as follows:

YEAR	AMOUNT
2008/2009	\$9,083,846
2009/2010	\$8,796,291
2010/2011	\$8,099,408

The apparent ongoing decline in the sportsground budget spent from 2008-09 to 2010-11 is directly related to the consumption of water. Rainfall and evaporation vary greatly from year to year and this can have a significant effect on the annual kilolitre consumption of water for irrigation purposes and the overall budget spent. The kilolitre consumption spreadsheet (attached) clearly demonstrates this variability and in particular highlights the low consumption in 2010-11 and the subsequent significant reduction in spend. Repairs and maintenance activities associated with damage and vandalism is also a variable that changes from year to year.

In addition the Water Demand Management (WDM) capital upgrades program, where aging irrigation systems are progressively being replaced, has resulted in a decrease in the amount of plumbing maintenance required at those sportsgrounds. These improvements have reduced the cost of plumbing maintenance through a reduced frequency of repair. The WDM program has also funded the conversion of several sportsgrounds to couch surfaces. These surfaces require far less water than a traditional cool season grass surface and achieve a reduction in the consumption, and in turn cost, of water by up to 50%.

The sportsground maintenance budget is not broken down by the different ground classifications (e.g. District Playing Field). All irrigated ACT Government sportsgrounds are maintained to a standard that is considered to be safe and fit for purpose regardless of the classification type.

The 2012-13 budget includes the following initiatives that are aimed at improving the quality of ACT Government sportsgrounds:

- \$6.5 million – Gungahlin Enclosed Oval - Construction of Grandstand
- \$1.15 million – Infrastructure Improvement at Sportsgrounds
- \$1.0 million – Improve the Quality of Sportsgrounds
- \$0.85 million – Capital Upgrades – Facility Improvement Program
- \$4.0 million (over three years) – For the restoration of Bonython, Watson and Weetangera Neighbourhood Ovals

- (2) There has been one public liability claim made in the last three financial years. This claim is yet to proceed to court, therefore it has yet to be determined if the ACT Government is liable for any claim costs.

- (3) No modelling has been undertaken by the Directorate. Given that the one claim made during the last three financial years is yet to be resolved, there is no evidence to suggest that increased spending on maintenance over this period would have achieved any savings in public liability claims.

*(A copy of the attachment is available at the Chamber Support Office).*

### **Sport—football team payments (Question No 2356)**

**Mr Rattenbury** asked the Minister for Tourism, Sport and Recreation, upon notice, on 10 May 2012:

- (1) In relation to the performance fee agreements with the ACT Brumbies and the Canberra Raiders, Budget Paper No. 4, page 76 and Budget Paper No. 3, 2010-2011, page 75, what are the total annual payments made to the ACT Brumbies and the Canberra Raiders by the ACT Government, broken down separately by organisation, for each of the three prior financial years.
- (2) What are the total annual payments, referred to in part (1) for and do they include payments based on meeting performance criteria.
- (3) What is the total expected annual payments to be made to the ACT Brumbies and the Canberra Raiders by the ACT Government, broken down separately by organisation, for the 2011-2012 financial year.
- (4) Is there a contract or other alternative agreement in place between the ACT Government and the respective organisations regarding the expected annual payments referred to in part (3); if so, can the Minister provide copies.
- (5) What were the total non cash benefits provided to the ACT Brumbies and the Canberra Raiders by the ACT Government, broken down separately by organisation, by benefit and operating versus capital, for the last three financial years, for example, the training facilities provided to the Canberra Raiders by the Canberra Institute of Technology at its Bruce premises.
- (6) What is the expected total non cash benefits to be provided to the ACT Brumbies and the Canberra Raiders by the ACT Government, broken down separately by organisation, by benefit and operating versus capital, for the 2011-2012 financial year.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Performance Fee Agreement payments made to the ACT Brumbies and Canberra Raiders for the three financial years prior to 2010-2011 are detailed in Table 1 (below). Amounts exclude GST.

Table 1:

<b>Team</b>	<b>2009-10</b>	<b>2008-09</b>	<b>2007-08</b>
ACT Brumbies	\$0.675m	\$1.145m	\$0.225m
Canberra Raiders	\$1.125m	\$1.125m	\$1.125m

Amounts paid to the Brumbies vary in 2008-09 and 2007-08 given the Deed of Variation (24 April 2008) and advance part-payment for the 2007 PFA which resulted in the amount actually paid in 2007-08 being reduced.

- (2) The Performance Fee payments provide support to each team in return for playing all their home matches at Canberra Stadium, providing Territory sponsor recognition opportunities and undertaking a range of community activities such as school visits and sport development activity. The obligations of each team in return for performance fee payments are set out in their respective agreements.
- (3) The total expected annual payment, excluding GST, to each organisation is detailed in Table 2 (below).

Table 2:

Team	2011-12
ACT Brumbies	\$2,288,689
Canberra Raiders	\$1,442,335

- (4) Yes.

In relation to the expected annual payments to the Brumbies in 2011-12 this amount:

- includes \$60,000 Triennial funding provided to the ACT and Southern NSW Rugby Union (the Brumbies) through the Sport and Recreation Grants Program (**Attachment A**).
- does not include the annual loan repayment (\$34,000) which is reduced from that paid to the Brumbies as per a Deed of Variation dated 24 April 2009 (**Attachment B**); and
- includes advance payment of the Brumbies 2012-13 Performance Fee in accordance with their request (**Attachment C**). This will result in the Brumbies not receiving a performance fee in 2012-13 financial year.

Performance Fee Agreements for the Canberra Raiders and ACT Brumbies are at **Attachment D**.

- (5) Non-cash benefits to the Canberra Raiders and ACT Brumbies are detailed in Table 3 (below).

Table 3:

Team	Operational			Capital		
	2010-11	2009-10	2008-09	2010-11	2009-10	2008-09
ACT Brumbies	\$0.59m	\$0.397m	\$0.5m	-	-	-
Canberra Raiders	\$0.45m	\$0.2m	\$0.2m	\$1.209m	-	-

All operational non-cash benefits are payroll tax waivers under the terms of the Performance Fee Agreement excluding \$147,259.13 waived in 2009-10 for land rent and associated accumulated interest owed to the Territory by the Brumbies. This debt arose from the Brumbies purchase of the Canberra South Bowling and Recreation Club (Block 15 Section 42 Griffith).

In 2010-11 funding was provided to Canberra Institute of Technology for improvements to the Raiders Administrative and Training Facility at Bruce on which the Raiders have a long-term lease.

- (6) Expected non-cash benefits to the Canberra Raiders and ACT Brumbies in 2011-12 are detailed in Table 4 (below).

Table 4:

Team	Operational	Capital
ACT Brumbies	\$0.59m	-
Canberra Raiders	\$0.5m	-

The non-cash benefits detailed in Table 4 are payroll tax waivers in accordance with their Performance Fee Agreements.

*(Copies of the attachments are available at the Chamber Support Office).*

### **ACT Policing—staffing (Question No 2358)**

**Mr Rattenbury** asked the Minister for Police and Emergency Services, upon notice, on 10 May 2012:

- (1) In relation to the ACT Policing annual reports for the financial years 2007-2008 to 2010-2011 and the Purchase Agreement between the Minister for Police and Emergency Services, Commissioner of the Australian Federal Police and the Chief Police Officer for the ACT, for the Provision of Policing Services to the ACT 2011-2012, what was the actual Agency Profile breakdown with respect to operational and non-operational full-time equivalent (FTE) staff, that is, a breakdown of FTE by Branch in the same format as the 2010-2011 ACT Policing annual report at Table C.7.7, page 126, for the (a) 2007-2008 and (b) 2008-2009 financial years.
- (2) What was the budgeted Agency Profile breakdown with respect to operational and non-operational FTE staff, that is, a breakdown of FTE by Branch in the same format as the 2010-2011 ACT Policing Annual Report at Table C.7.7, page 126, for the 2011-2012 financial year.
- (3) What was the actual number of FTE staff applied against each output, that is, crime and safety management, traffic law enforcement and road safety, prosecution and judicial support and crime prevention, for each financial year from 2007-2008 to 2010-2011.
- (4) What was the budgeted number of FTE staff expected to be applied against each output, that is, crime and safety management, traffic law enforcement and road safety, prosecution and judicial support and crime prevention, for the 2011-2012 financial year.
- (5) For all staff classifications within ACT Policing, what (a) are the current remuneration bands for 2011-12 and the three forward estimate years, (b) was the average amount paid in overtime/penalties etc for the 2010-11 financial year and the three prior

financial years for that staff classification, (c) are the average on-costs applied by staff classification for the 2010-11 financial year and the three prior financial years and (d) what was the average budgeted amount estimated to be payable in overtime/penalties etc for the 2011-12 financial year for that staff classification.

- (6) How many liaison officers are employed in the categories of (a) Victims Liaison Officer, (b) Youth Liaison Officer, (c) Multicultural Liaison Officer, (d) Business Liaison Officer, (e) Family Violence Liaison Officer, (f) Gay and Lesbian Liaison Officer and (g) Seniors Liaison Officer, and what is their rank, for example, Sergeant Sworn AFP Band 6-8, Unsworn AFP Band 6-8 etc.
- (7) What are the roles by function of staff engaged within Enabling Services in ACT Policing.
- (8) What are the staff classifications and remuneration bands for staff engaged within Enabling Services and how many staff are engaged in each classification.

**Mr Corbell:** The answer to the member's question is as follows:

The tables and explanatory text below have been provided by ACT Policing in response to the above questions.

- (1) In relation to staffing FTE as set out in the ACT Policing Annual Report 2007-08, p.89:

**Staffing FTE as at 30 June 2008**

<b>ACT Policing Business Unit</b>	<b>ACT Operational</b>	<b>ACT Non-Operational</b>	<b>Total</b>
Executive	4.33	7.53	<b>11.9</b>
Communications	70.00	10.31	<b>80.3</b>
Crime Prevention	23.68	2.97	<b>26.6</b>
North District	153.67	4.93	<b>158.6</b>
South District	138.04	2.96	<b>141.0</b>
Territory Investigations Group	118.76	6.62	<b>125.4</b>
OMIS	54.44	8.70	<b>63.1</b>
Traffic Operations	45.82	3.59	<b>49.4</b>
Specialist Response and Security	46.08	2.43	<b>48.5</b>
Prosecution & Judicial Support	47.79	7.95	<b>55.7</b>
Research & Policy	0.00	13.20	<b>13.2</b>
Financial Services	0.00	11.31	<b>11.3</b>
People Strategies	1.89	16.80	<b>18.7</b>
Media & Public Relations	8.52	1.89	<b>10.4</b>
ACT Inoperative Pool Paid	0.94	3.77	<b>4.7</b>
ACT Exhibits	4.78	16.26	<b>21.0</b>
	<b>718.75</b>	<b>121.21</b>	<b>840.0</b>
Add Enabling Services	17.93	77.07	<b>95.0</b>
<b>Total</b>	<b>736.68</b>	<b>198.28</b>	<b>935.0</b>

**Note: Includes enabling FTE (95) and excludes personnel working on Commonwealth matters and unpaid inoperative employees.**

Numbers are not whole personnel as individuals are attributed on the basis of the percentage of time they spend on ACT Policing activities, recorded as at final pay for the financial year 2007-08.

As set out in the ACT Policing Annual Report 2008-09, p.91:

**Staffing FTE as at 30 June 2009**

<b>ACT Policing Business Unit</b>	<b>ACT Operational</b>	<b>ACT Non-Operational</b>	<b>Total</b>
Executive	4.3	6.6	<b>10.9</b>
Communications	93.8	8.6	<b>102.4</b>
Crime Prevention	33.0	1.0	<b>34.0</b>
North District	168.7	3.7	<b>172.4</b>
South District	124.6	2.7	<b>127.3</b>
Territory Investigations Group	110.9	4.9	<b>115.7</b>
OMIS	57.1	4.8	<b>61.9</b>
Traffic Operations	37.2	1.8	<b>39.0</b>
Specialist Response and Security	52.9	3.5	<b>56.5</b>
Prosecution & Judicial Support	51.6	5.9	<b>57.6</b>
Research & Policy	0.9	12.3	<b>13.3</b>
Financial Services	0.0	10.4	<b>10.4</b>
People Strategies	0.0	18.8	<b>18.8</b>
Media & Public Relations	9.5	0.9	<b>10.4</b>
ACT Inoperative Pool Paid	2.9	3.0	<b>5.9</b>
ACT Exhibits	3.9	16.8	<b>20.6</b>
	<b>751.4</b>	<b>105.8</b>	<b>857.1</b>
Add Enabling Services	17.9	77.1	<b>95.0</b>
<b>Total</b>	<b>769.3</b>	<b>182.8</b>	<b>952.1</b>

**Note: Includes enabling FTE (95) and excludes personnel working on Commonwealth matters and unpaid inoperative employees.**

Numbers are not whole personnel as individuals are attributed on the basis of the percentage of time they spend on ACT Policing activities, recorded as at final pay for the financial year 2008-09.

- (2) In relation to the budgeted Agency Profile breakdown with respect to operational and non-operational FTE staff:

**ACT Policing Staffing FTE Budget 2011-12**

<b>ACT Policing Business Unit</b>	<b>ACT Operational</b>	<b>ACT Non-Operational</b>	<b>Total</b>
Executive	0.0	8.4	<b>8.4</b>
Crime Prevention	38.3	4.5	<b>42.8</b>
Criminal Investigation	114.8	4.6	<b>119.4</b>
Financial Services	0.0	14.0	<b>14.0</b>
Human Resources	0.0	16.6	<b>16.6</b>
Intelligence	59.1	5.7	<b>64.9</b>
Judicial Operations	52.3	6.6	<b>58.9</b>
Media & Marketing	13.4	1.8	<b>15.2</b>
Ministerial & Ops Support	1.9	13.2	<b>15.1</b>
North District	171.3	5.9	<b>177.3</b>
Operations	84.1	8.3	<b>92.4</b>
South District	125.2	2.9	<b>128.1</b>
Specialist Response & Security	44.2	2.5	<b>46.7</b>

Traffic	44.4	2.9	<b>47.3</b>
Emergency Management & Planning	8.5	0.0	<b>8.5</b>
Exhibits	5.6	13.2	<b>18.8</b>
	<b>763.2</b>	<b>111.2</b>	<b>874.4</b>
Add Enabling Services	19.5	80.5	<b>100.0</b>
<b>Total:</b>	<b>782.7</b>	<b>191.7</b>	<b>974.4</b>

**Note: Includes enabling FTE (100) and excludes personnel working on Commonwealth matters and unpaid inoperative employees.**

Numbers are not whole personnel as individuals are attributed on the basis of the estimated percentage of time they spend on ACT Policing activities. These estimates are based on the budgeted establishment at the beginning of the financial year.

- (3) Staff are not allocated to specific outputs. Staff will provide services across the outputs, in some case across all the outputs. For example, general duties members will provide services across crime and safety management, traffic law enforcement and road safety, prosecution and judicial support and crime prevention.
- (4) Staff are not allocated to outputs.
- (5) The answer to question (5) is as follows:
- (a) Refer to the AFP Enterprise Agreement 2012-2016 on the AFP Website [www.afp.gov.au/jobs/pay-and-conditions/afp-enterprise-agreement.aspx](http://www.afp.gov.au/jobs/pay-and-conditions/afp-enterprise-agreement.aspx)
  - (b) Overtime/penalties are not recorded by classification, average overtime/penalties per year end FTE for each year is shown below:
    - 2007-08 \$5,400
    - 2008-09 \$6,500
    - 2009-10 \$8,200
    - 2010-11 \$7,500
  - (c) Average on-costs are based on an average constable's remuneration for each year and include only superannuation, workers compensation, composite and leave entitlements.
    - Average on costs for a constable in 2010-11 was \$33,000
    - Average on costs for a constable in 2009-10 was \$31,000
    - Average on costs for a constable in 2009-08 was \$30,000
    - Average on costs for a constable in 2008-09 was \$29,000
  - (d) Overtime/penalties are not recorded by classification. Average budgeted overtime/penalties per budgeted Average FTE for 2011-12 is \$5,100.

## (6) ACT Policing Liaison Officers:

Category	FTE	Rank
Victims Liaison Officers	7	1x Sergeant (Band 6-7 Sworn) 4 x Constable (Band 2-5 Sworn) 2 x Band 4 Unsworn
Youth Liaison Officer	7	1 x Sergeant (Band 6-7 Sworn) 3 x Constable (Band 2-5 Sworn) 3 x Band 4 Unsworn
Multi Cultural Liaison Officers	1.5	Constable (Band 2-5 Sworn) Band 4 Unsworn
Senior Liaison Officer	1.5	Constable (Band 2-5 Sworn) Band 4 Unsworn

## (7) Roles within enabling areas will vary at any point in time. Notional FTE by function based on the last rebasing of enabling costs are shown below:

Enabling Service	Notional FTE
Legal Services	2.5
Finance and Commercial	5.5
Professional Standards	8.5
People Strategies	3
Learning & Development	11
Forensics and Technical	62.5
Information Technology	7
<b>Total</b>	<b>100</b>

## (8) Classifications in enabling areas will vary at any point in time. Remuneration is as per the agreement referred to in answer (1). Classifications based on the last rebasing of enabling costs are shown below:

**Notional Enabling Classifications**

Rank	Sworn Female	Sworn Male	Unsworn Female	Unsworn Male	Total
Commander/Director	0.0	0.0	0.0	0.3	<b>0.3</b>
Superintendent/Coordinator AFP Band 9	0.0	0.1	4.2	12.0	<b>16.3</b>
Sergeant/AFP Bands 6-8	0.0	10.0	9.8	11.9	<b>31.7</b>
Constable/AFP Bands 2-5	1.9	6.0	29.3	14.5	<b>51.7</b>
<b>Total</b>	<b>1.9</b>	<b>16.1</b>	<b>43.3</b>	<b>38.7</b>	<b>100.0</b>

**Motor vehicles—green vehicle ratings  
(Question No 2360)**

Ms Bresnan asked the Attorney-General, upon notice, on 10 May 2012:

- (1) Is there any legislative or other impediment that would prevent Government from using a source other than the Green Vehicle Guide for determining the green vehicle ratings for cars.



- (2) What is the number of registered vehicles in the ACT that are classified as (a) A, (b) B, (c) C and (d) D rated.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) I am advised that in order to change the source of determining green vehicle ratings (used as a basis for duty payable on cars) away from the Green Vehicle Guide (GVG), amendments would be required to the following instrument:

- DI2010-133 – the disallowable instrument made under section 139 of the *Taxation Administration Act 1999*, which sets the duty rate applied to an application for registration of a motor vehicle as categorised by the GVG.

For completeness, section 208 (3) of the *Duties Act 1999* would also possibly require amendment as this section includes a reference to the GVG in an example of an instrument and this reference would be redundant and could be misleading if a different instrument or guide was used.

It is also anticipated that changes may need to be made to the vehicle registration system, *rego.act*, to enable green vehicle ratings to be obtained from a source other than the GVG.

- (2) As at 1 May 2012 the number of currently registered vehicles with a green vehicle rating were:

A	=	2,472
B	=	9,190
C	=	29,333
D	=	6,352

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**Justice and Community Safety Directorate—staff  
(Question No 2361)**

**Ms Bresnan** asked the Minister for Multicultural Affairs, upon notice, on 10 May 2012 (*redirected to the Attorney-General*):

- (1) In relation to the Justice and Community Safety Directorate annual report 2010-11, Volume 1, pages 207 and 208 and support services provided by Government to members of the community who are from a non-English speaking background (NESB), how many full-time equivalent (FTE) staff are employed within the Justice and Community Safety Directorate to provide or act as (a) interpreters and (b) support services for people from a NESB.
- (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) Can 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.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The Justice and Community Safety Directorate (JACS) does not have staff employed specifically to provide or act as interpreters and support services for people from a non-English speaking background (NESB).

The Emergency Services Agency (ESA) employed a staff member from 1 July 2010 to 25 October 2010 as a Culturally and Linguistically Diverse (CALD) Liaison Officer. The ESA does not currently employ any staff members to provide or act as interpreters and support services for people from a NESB.

- (2) See answer (1).

- (3) See answer (1).

- (4) Business units, including statutory office holders, within the Directorate utilise the Translating and Interpreting Service (TIS) of the Department of Immigration and Citizenship if translation and interpreting services are required. The ESA provide a number of services to people from a NESB including:

- A translation service through the TIS is available upon request for emergency calls to Comcen and for ESA staff when operating in the community;
- All texts on the new ESA website launched in September 2011 can be translated to over 50 different languages using the translation tool on the top right hand side of each page;
- Presentations to local multicultural community groups or at events;
- An annual presentation on community safety to overseas students commencing at CIT;
- Brochures are available on community safety initiatives in other languages including Arabic, Chinese, Spanish and Hindi; and
- A foreign language guide available on all ACT Fire and Rescue trucks to use if required.

- (5) The estimated cost to the Directorate for interpreter services in financial year 2010-11 was approximately \$0.025m. This cost also includes TIS expenses incurred by the courts and statutory office holders such as the Human Rights Commission, Public Advocate and the Director of Public Prosecutions. The Directorate does not specifically provide annual funding to non-government organisations to provide or act as interpreters and support services for people from a NESB.

- (6) See answer (5).

### **Taxation—payroll (Question No 2362)**

**Mr Smyth** asked the Treasurer, upon notice, on 10 May 2012:

- (1) Can the Treasurer provide a list of all Commonwealth Government entities that are subject to payroll tax in the ACT.
- (2) What was the total payroll tax paid in (a) 2009-10, (b) 2010-11 and (c) 2011-12 as at 9 May, for each entity referred to in part (1).

**Mr Barr:** The answer to the member's question is as follows:

- (1) & (2) Due to the privacy provisions of the Taxation Administration Act 1999 (S 96), I cannot provide a list of Commonwealth Government entities subject to payroll tax or the total payroll tax paid by these entities as it would involve identifying and disclosing taxpayer information.

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**Taxation—payroll  
(Question No 2363)**

**Mr Smyth** asked the Treasurer, upon notice, on 10 May 2012:

- (1) How many businesses operating in the ACT are currently exempt from paying payroll tax with the \$1.5 million exemption threshold.
- (2) How many additional businesses will now be exempt when the threshold moves from \$1.5 million to \$1.75 million and can the Treasurer provide a list of the businesses that will be exempt under this move.
- (3) How many businesses paying payroll tax sit within the bracket of \$1.75 million and \$2 million and can the Treasurer provide a list of companies that currently sit within this bracket.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Businesses operating in the ACT that are under the \$1.5 million exemption threshold are not liable to pay payroll tax, and as such there is no requirement for these businesses to lodge payroll tax returns with the ACT Revenue Office. Therefore, the ACT Revenue Office does not hold data on the number of businesses operating in the ACT under the \$1.5 million exemption threshold.
  - (2) The estimated number of businesses that will be exempt from payroll tax when the threshold moves from \$1.5 million to \$1.75 million is 115. Due to the privacy provisions of the Taxation Administration Act 1999 (S 96), I cannot provide a list of these businesses as it would involve identifying and disclosing taxpayer information.
  - (3) There are about 160 businesses paying payroll tax which sit within the bracket of \$1.75 million to \$2.0 million. Due to the privacy provisions of the Taxation Administration Act 1999 (S 96), I cannot provide a list of these businesses as it would involve identifying and disclosing taxpayer information.
-

**Economic Development Directorate—accommodation  
(Question No 2365)**

**Mr Seselja** asked the Minister for Economic 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 Barr:** The answer to the member's question is as follows:

- (1) Implementation of the Hawke Review Accommodation Strategy consolidates a significant portion of the Economic Development Directorate within the Dickson/Braddon precinct. Five fit out and relocation projects have been essentially completed with staff relocated into the consolidated locations, some minor works remain to be completed. Expenditure during 2011-12 is \$1.655m.

The consolidation of accommodation provides a significant annual rental savings particularly with Tourism and Events relocating from Brindabella Park together with downsizing their spatial requirements. The overall annual savings in rent across the Economic Development Directorate and the Land Development Agency is \$211,457 GST Exclusive.

The consolidation of Sport and Recreation together with the ACT Academy of Sport is another example of the benefits and efficiencies of Directorate functions being co located.

EDD is one of the most affected Directorates within the Accommodation Strategy.

- (2) Finalisation of works on the above projects is expected to cost a further \$143,000.

It is anticipated that very little further fit out or relocations will be required for EDD.

This work is part of a program valued at around \$6.5m - \$7m to implement the accommodation changes resulting from the Hawke Review. The budget for the program was sourced from the funds previously appropriated to the Whole of Government Accommodation Strategy.

**QoN 2365 Response**

<b>Location</b>	<b>Estimated costs to date 2011-12</b>	<b>Forecast remainder 2011-12</b>
490 Northbourne Ave Level 2	\$25,555	
470 Northbourne Ave Level 6	\$82,433	
470 Northbourne Ave Grd Fl	\$386,936	
220 Northbourne Ave Level 8	\$810,866	\$19,000

220 Northbourne Ave Grd Fl Annex & Lyneham Hockey Centre	\$349,444	\$64,000
220 Northbourne Ave Events space		\$60,000
	\$1,655,234	\$143,000

### **Economic Development Directorate—expenditure (Question No 2368)**

**Mr Seselja** asked the Minister for Economic Development, 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.

**Mr Barr:** The answer to the member's in relation to Economic Development Directorate (including Land Development Agency) question is as follows:

- (1) The Economic Development Directorate's expenditure for 2011-12, on items specified in part (1), will be reported in the Directorate's annual financial statements.
- (2) See the above answer.
- (3)

	<b>Hospitality Expenditure*</b>
(a) 2008-09	3,346
(b) 2009-10	6,200
(c) 2010-11	20,546

\* The above figures include expenditure for the Land Development Agency in all financial years. Economic Development Directorate expenditure is only included from the commencement of operations on 17 May 2011.

### **Government office building (Question No 2370)**

**Mr Seselja** asked the Minister for Economic Development, upon notice, on 10 May 2012:

- (1) What is the current status of the proposed Government Office Building in Civic.
- (2) What is the total expenditure on the project to date.
- (3) What is the four year budget impact of the project in its current form of delivery.
- (4) Is the Government still proposing to sell the Motor Registry, Macarthur House, Callam Offices, Dame Pattie House and 1 Moore Street; if so, when.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The Government's first priority is to deliver new ACT Government office accommodation in Gungahlin. Further announcements on the process for Civic will be made in due course.
- (2) Since the 2006/07 financial year the Economic Development Directorate has expended \$4.001 million on the Government Office Block project, this has includes work that has informed the Gungahlin office block project.
- (3) At this stage it is not possible to assess the budget impact of the project as the delivery methodology has not been determined.
- (4) Decisions on a sale of existing office buildings will be made as decisions on the development of office accommodation in Gungahlin and Civic are finalised.

### **Roads—parking spaces (Question No 2376)**

**Mr Coe** 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) How many car parks, excluding residential, are provided in (a) Belconnen, (b) City, (c) Woden and (d) Tuggeranong separated by (i) privately provided and (ii) provided by the Government.
- (2) How many of those spaces referred to in part (1) are (a) long stay, (b) short stay and (c) free parking.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The answer to the member's question is set out in Table 1. The information provided is taken from a survey of parking supply and demand in major centres, including the City and town centres, undertaken in June 2009. A new survey is currently being undertaken.
- (2) The answer to the Member's question is set out in Table 2.

Question on Notice No. 2376 – Answer to Part 1

Table 1: 2009 Major Centres Parking Survey - Off-Street and On-Street Parking Spaces by Ownership

<b>Location</b>	<b>Off-street Public</b>	<b>Off-street Private for Public</b>	<b>Off-street Tenant</b>	<b>On-street Public</b>	<b>Total</b>
<b>Belconnen</b>	3130	4330	4000	1420	12880

<b>City</b>	5610	7620	8970	2100	24300
<b>Woden</b>	3890	2200	4480	1510	12080
<b>Tuggeranong</b>	1020	3550	4560	830	9960

Note 1: Numbers rounded to the nearest 10. Numbers included parking for all classes and types of vehicles.

Note 2: 'City' includes Braddon commercial area and Turner office area, as well as parking accessed from Barrine Drive in Acton, Commonwealth Park in Parkes and parking Reid and Parkes within and adjacent to the CIT site in Constitution Avenue. Numbers for town centres include service trades areas.

Question on Notice No. 2376 – Answer to Part 2

Table 2: 2009 Major Centres Parking Survey – Pay Parking and Free Parking in Publicly Available Parking Areas (On-street and Off-Street)

<b>Location</b>	<b>Long-stay Public Parking</b>	<b>Long-stay Tenant Parking</b>	<b>Short-stay Public Parking</b>	<b>Other Restricted</b>	<b>Total</b>	<b>Free Parking</b>
<b>Belconnen</b>	5950	4000	2420	510	12880	2290
<b>City</b>	12510	8970	1400	1420	24300	1210
<b>Woden</b>	5670	4480	1330	600	12080	2140
<b>Tuggeranong</b>	3380	4560	1710	310	9960	2540

Note 1: Tenant parking is treated as long-stay parking and is included as the "Off-street Tenant" Category in Table 1.

Note 2: All publicly available long-stay parking is multi-stay parking, permitting a user to stay for a few minutes to all day.

Note 3: 'Other restricted' includes loading zones, permit zones, bus stops, etc.

Note 4: 'Free parking' is incorporated across the other categories and is included in the total figure for each centre. It includes 'pick up and set down' spaces and spaces for people with disabilities.

## **Trees—management (Question No 2377)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

- (1) How many hazardous trees have been identified for maintenance and/or pruning in the 2011-12 financial year to date, by suburb location.
- (2) What is the average waiting time for trees identified in part (1) to be maintained and/or pruned.
- (3) How many contractors are involved in maintaining and pruning the trees referred to in part (1).

- (4) What was the total cost of the maintenance.
- (5) How many dead, hazardous or trees identified as in irreversible decline have been removed on each day between 1 April 2012 to date.
- (6) How many contractors were involved in the removal of the trees identified in part (5);
- (7) What was the total cost of the removal of trees identified in part (5).
- (8) How many of the trees identified in part (5) have (a) been replaced or (b) will be replaced.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) Generally, trees that are assessed as hazardous are removed or made safe and not pruned. Records indicate that approximately 185 hazardous trees have been removed to date in 2011-12 financial year from streets and parkland areas.

**Attachment A** details the suburbs where trees have been removed to 10 May 2012.

- (2) Trees that are assessed as hazardous are either removed or made safe within 48 hours of notification.
- (3) TAMS does not use contractors to maintain or prune trees. Hazardous trees are generally removed by TAMS tree maintenance teams. Contractors are utilised for tree planting, removal of non hazardous trees and watering activities.
- (4) Maintenance of hazardous trees is undertaken 'in house' by the Urban Treescapes Unit within its allocated budget. The total tree management budget for 2011-12 budget is \$6,377,528 million.
- (5) 770 trees were removed in the period 1 April to 10 May 2012. Of these 161 were removed by TAMS teams and 609 trees were programmed and removed under contract.
- (6) One contractor has been engaged by TAMS to remove non hazardous trees on the 2011-12 tree removal program.
- (7) The cost of removing the 161 trees removed between 1 April and 10 May 2012 by teams from TAMS was \$22,487.

An accurate cost of the work under contract for the removal of trees identified in part (5) is not available as the work undertaken by the contractor is a part of a larger project involving the removal of 952 trees.

- (8) The trees that were removed between 1 April and 10 May 2012 were part of an ongoing works program for the 2011-12 financial year that involves removal of approximately 1,500 trees and replacement of approximately 1,800 trees.

Tree removal and tree planting do not align because of the timing of seasonal planting programs and issues associated with the supply of tree types required for specific locations.



## Attachment A

**Hazardous Trees Removed 2011-12 to Mid May by Suburb**

<b>SUBURB</b>	<b>Total</b>
ACTON	6
AINSLIE	1
ARANDA	3
BARTON	5
BELCONNEN	3
BONYTHON	1
BRUCE	1
CALWELL	1
CAMPBELL	5
CHARNWOOD	1
CHIFLEY	1
CHISHOLM	2
COOK	2
CURTIN	3
DEAKIN	4
DICKSON	2
DOWNER	4
EVATT	4
FARRER	3
FLOREY	4
FLYNN	3
GARRAN	3
GILMORE	2
GIRALANG	3
GORDON	5
GOWRIE	2
GRIFFITH	8
HACKETT	1
HAWKER	3
HIGGINS	3
HOLT	6
HUGHES	1
HUME	2
ISABELLA PLAINS	9
KALEEN	3
KAMBAH	3
LATHAM	6
LYNEHAM	2
LYONS	2
MACQUARIE	2
MAWSON	1
MCKELLAR	3
MITCHELL	2
MONASH	5
NARRABUNDAH	5
NGUNNAWAL	8
OCONNOR	3
PAGE	2

PEARCE	1
RED HILL	2
REID	1
RICHARDSON	1
RIVETT	2
SCULLIN	2
SPENCE	1
STIRLING	2
SYMONSTON	2
TORRENS	2
WANNIASSA	3
WATSON	1
WEETANGERA	1
WESTON	3
YARRALUMLA	7
<b>TOTAL</b>	<b>185</b>

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**Territory and Municipal Services Directorate—mowing expenses  
(Question No 2379)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

- (1) What portion of the overall recurrent budget was/is spent on mowing services for each year since 2002-2003.
- (2) What portion was/is spent on (a) mowing by public servants and (b) external contractors.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) In earlier years the delivery of mowing services was undertaken as part of regional horticultural maintenance and cleaning contracts and service level agreements (SLA). Mowing was not individually identified within the overall contracts/SLA costs.

In 2010-11 the Territory and Municipal Services Directorate budgeted \$6.405m and spent \$7.118m; and in 2011-12 has budgeted \$7.161m.

- (2) A breakdown of costs is provided in the following table:

Portion of overall recurrent budget spent on mowing services	2010-11		2011-12
	Budgeted	Spent	Budgeted
a) Public servants (government employees)	\$4.088m	\$4.271m	\$4.626m
b) External contractors	\$2.317m	\$2.847m	\$2.535m
Total	\$6.405m	\$7.118m	\$7.161m

Note: costs include plant and equipment and operating costs.

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**Finance—credit cards  
(Question No 2380)**

**Mr Coe** asked the Treasurer, upon notice, on 10 May 2012:

- (1) Does the ACT meet the Europay, MasterCard and Visa standard for credit card payments; if so, which service payments meet the standard.
- (2) Does the ACT meet the Payment Card Industry standard for credit card payments.
- (3) In relation to Visa and MasterCard transactions, what fees are charged by the Territory's bank for the deposit of such funds.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Yes
- (2) Yes
- (3) See the response to Question on Notice 1740

**Roads—accidents  
(Question No 2384)**

**Mr Coe** asked the Attorney-General, upon notice, on 10 May 2012 (*redirected to the Minister for Territory and Municipal Services*):

- (1) How many (a) accidents, (b) fatalities and (c) injuries have occurred on ACT roads for each year since 2001.
- (2) How many people have been permanently incapacitated by injuries sustained on ACT roads in each year since 2001.
- (3) How many of those incidents referred to in part (1) were (a) in a car, (b) on a motorbike, (c) pedestrians or (d) cyclists.

**Ms Gallagher:** The answer to the member's question is as follows:

(1)

	(a)	(b)	(c)
Year	Total number of crashes	Fatalities	Injuries
2001	8624	16	592
2002	8247	10	395
2003	8287	10	376
2004	7271	9	476
2005	7002	26	547
2006	7290	13	427
2007	8175	14	567
2008	7780	14	413
2009	7843	12	642
2010	7761	19	781
2011	8484	6	804

- (2) Data on the number of permanent incapacitating injuries is not available.
- (3) It is not possible to analyse traffic crashes to respond to this question as most crashes would involve a combination of these (i.e. car/motorbike; car/pedestrian; car/cyclist; motorbike/cyclist; etc).

A detailed breakdown of crashes for 2007 - 2010 is available via the TAMS website - [http://www.tams.act.gov.au/move/roads/road\\_safety/crash\\_information](http://www.tams.act.gov.au/move/roads/road_safety/crash_information). The most relevant table is 4.2 and copies for 2010 and 2009 are attached.

*(A copy of the attachment is available at the Chamber Support Office).*

### **Health Directorate—publications (Question No 2385)**

**Mr Coe** asked the Minister for Health, 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.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) Nil
- (2) See answer to (1) above
- (3) See answer to (1) above
- (4) See answer to (1) above

### **Justice and Community Safety Directorate—publications (Question No 2386)**

**Mr Coe** asked the Attorney-General, 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.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) Nil
  - (2) See answer to (1) above
  - (3) See answer to (1) above
  - (4) See answer to (1) above
- 

**Community Services Directorate—publications  
(Question No 2387)**

**Mr Coe** asked the Minister for Community Services, 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.

**Ms Burch:** The answer to the member's question is as follows:

- (1) Nil.
  - (2) See answer to (1)
  - (3) See answer to (1)
  - (4) See answer to (1)
- 

**Trees—management  
(Question No 2394)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

- (1) What is the number of urban trees on which the Territory and Municipal Services Directorate (TAMS) performed care or maintenance works and what did these works cost, in (a) 2011-12, (b) 2010-11 and (c) 2009-10.

- (2) How many trees did TAMS remove, and what did these works cost, in (a) 2011-12, (b) 2010-11 and (c) 2009-10.
- (3) How many trees did TAMS plant, and what did this cost, in (a) 2011-12, (b) 2010-11 and (c) 2009-10.
- (4) How many dead or dangerous trees identified for removal in the 2011-12 financial year have been removed to date.
- (5) How many calls has Canberra Connect received in relation to trees in general and what is this as a percentage of calls to Canberra Connect overall.
- (6) How many calls has Canberra Connect received in relation to dead or dangerous trees and how many of those calls resulted in tree inspections, and what was the average time of response to send out inspectors.
- (7) How many of the inspections referred to in part (6) resulted in pruning or removal of trees.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The Territory and Municipal Services (TAMS) Directorate does not collate specific details about the number of trees upon which maintenance work is carried out, as the recording/reporting system is activity based.

The total tree management budget, including the actual results for 2009-10 and 2010-11, and the budget for 2011-12 for all activities, is as follows:

(a) 2009-10	\$6,054,625
(b) 2010-11	\$5,169,118
(c) 2011-12	\$6,377,528

- (2) The Urban Tree Management Section of TAMS removed the following number of trees during the past three financial years at the cost provided below:

Year	Number of trees removed	Total Cost
(a) 2009-10	3,147	\$983,571
(b) 2010-11	2,433	\$939,544
(c) 2011-12*	1,767	\$676,154

\* Figures for 2012 include the number of trees and costs for the current contracted removal program and in house removal and costing figures to the end of April 2012.

- (3) The Urban Tree Management Section planted the following number of trees during the past three financial years at the cost provided below:

Year	Number of trees planted	Total Cost
(a) 2009-10*	4,112	\$1,538,518
(b) 2010-11	1,243	\$287,313
(c) 2011-12**	1,750***	\$342,279

\* Figures provided for 2009-10 include extensive capital works funded tree planting programs.

\*\* A contract variation involving the planting of a further 150 trees (bringing the total to 1,750) was let in May 2012 and attributed to the 2011-12 financial year.

\*\*\* Includes autumn 2012 planting program carried out in May 2012.

(4) 185 hazardous and 115 dead trees have been removed from 1 July 2011 to 10 May 2012.

(5) Canberra Connect received the following tree related calls:

Year	Tree related calls to Canberra Connect	Percentage of overall calls
(a) 2009-10	13,492	1.72%
(b) 2010-11	13,906	1.75%
(c) 2011-12	7,769	1.27%

(6) Canberra Connect records calls under the topic 'trees' and there is therefore no data available regarding the number of calls specifically related to dead or dangerous trees.

All calls to Canberra Connect regarding dead or dangerous trees result in a tree inspection. Requests categorised as urgent are actioned within 48 hours. For general tree related enquiries the Directorate aims to assess and prioritise these jobs within 30 working days.

(7) TAMS is unable to provide an answer to this question as the number of reports does not correlate to the number of trees included in each report.

### **Roads—Ellenborough Street (Question No 2398)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 10 May 2012:

- (1) What public works remain to be completed on Ellenborough Street, Lyneham with regard to kerbing, guttering and footpaths.
- (2) What is the estimated cost of these remaining works.
- (3) Are these works already listed in a schedule of works to be completed; if so, when; if not, why not.
- (4) Has money already been allocated for the purposes of the completion of Ellenborough Street; if so, how much.
- (5) Does the Government have any plans to duplicate Ellenborough Street in the foreseeable future.
- (6) Has the completion of Ellenborough Street been delayed due to storm water issues; if so, can the Minister provide details.
- (7) Is the Government aware of high incidence of illegal U-turns in Ellenborough Street; if so, (a) what plans does the Government have to address this problem and (b) is the area policed regarding this problem; if so, what have been the results.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) The extension of the kerb and guttering on the east side of Ellenborough Street is being considered in the 2012-13 Stormwater Capital Upgrade Program.
- (2) Not known at this stage.
- (3) See response to (1).
- (4) No.
- (5) No.
- (6) No.
- (7) (a) Yes. TAMS is aware of alleged U turning at this location and is investigating these concerns. If the investigation finds there is an issue at this location, it will be referred to the police.  
  
(b) Inquiries with ACT Policing indicate no complaints about u-turns on this section of road have been received. ACT Policing members patrol all areas of the ACT, including Ellenborough Street in Lyneham, and would take appropriate action if this behaviour was observed.

**Community concessions—venue hire  
(Question No 2400)**

**Ms Le Couteur** asked the Treasurer, upon notice, on 10 May 2012 (*redirected to the Minister for the Arts*):

- (1) How much money does the ACT Government spend on subsidising venue hire for community groups in the ACT.
- (2) Which community groups benefit from this subsidy and which directorates provide these subsidies and in what amounts.
- (3) What specific avenues are available to community groups to apply for venue hire subsidies and are these avenues publicised; if so, how are they publicised.
- (4) What criteria are used to determine whether there should be a subsidy.
- (5) What conditions are placed on the applicant for the subsidy.
- (6) How much money does the Government spend administering venue hire subsidies.
- (7) What role, if any, does the Government play in providing or subsidising insurance for community events.
- (8) Which community groups benefit from this insurance and in what amounts.
- (9) What specific avenues are available to community groups to apply for insurance subsidies and are these avenues publicised; if so, how are they publicised.



(10) What conditions are placed on applicants for this insurance.

(11) How much money does the Government spend administering insurance subsidies.

**Ms Burch:** The answer to the member's question is as follows:

After careful consideration of the question, and advice provided by my Directorate, I have determined that the information sought is not in an easily retrievable form across Government, 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.

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### **Information technology—software costs (Question No 2401)**

**Ms Le Couteur** asked the Treasurer, upon notice, on 10 May 2012:

What lobbying to, or involvement has the ACT Government had, or will it have, with regards to the Commonwealth Government's recently announced Federal parliamentary inquiry into costs of software and other digital products in Australia, noting this will include the Microsoft products which ACT Government purchases.

**Mr Barr:** The answer to the member's question is as follows:

The ACT Government to date has had no involvement in the process leading to the announcement by the Minister for Broadband, Communications and the Digital Economy.

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### **Housing—derelict properties (Question No 2408)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 10 May 2012:

- (1) How many derelict houses and properties are the Government aware of in the ACT.
- (2) What is the Government's approach to managing derelict houses and properties.
- (3) What laws, if any, are broken by a person allowing a house or property to become derelict.
- (4) How much money does the Government spend each year managing derelict houses and properties in the ACT.
- (5) Is the Government aware of any increased incidence of crime around derelict houses and properties.

- (6) Is the Government aware of the derelict house located at 38 Bizant Street, Amaroo; if so, (a) how long have they been aware of it, (b) what has the Government done to address this property, (c) has the owner been contacted and (d) what were the outcomes of this contact.
- (7) Is the Government aware of the derelict block located at 60 Torrens Street, Braddon; if so, (a) how long have they been aware of it, (b) what has the Government done to address this property, (c) has the owner been contacted, (d) what were the outcomes of this contact.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The Government would categorise derelict to mean abandoned or run down through general neglect. In this context the Government is not aware of any houses and properties that are derelict in the ACT. However, there are some blocks in the ACT that are in the following categories:
- long term vacant undeveloped leaseholds;
  - properties that had a structure on it that are now vacant and require redevelopment;
  - properties that have an unoccupied building on them; and
  - properties that have an incomplete building on them.

Of these, there are four sites that have structures that have been significantly vandalised. Two of these four have current development approvals and are awaiting commencement of development and are being managed by ESDD officers. The remaining two are also being managed by ESDD officers.

A further 40 sites are currently under investigation for alleged breaches of the *Planning and Development Act 2007*. Due to the current investigations, no further details or the locations of these properties can be provided at this time.

- (2) With respect to the four categories in (1) above the Government's approach is to work with the lessees to achieve a development outcome that is appropriate for the site. Where necessary other measures available under the planning and building laws are being considered. Measures include utilising directions to lessees under Controlled Activity Orders or the ultimate sanction of terminating the Crown Lease.
- (3) Properties in the categories in (1) above may be in breach of relevant planning and building laws.
- (4) The money that the Government spends on the management of these sites is spread across the Territory's annual budget figures and is not one specific allocation of funds. However, with respect to ESDD activity within the current ACT Budget, the Government has allocated three full time inspectors for the 11-12, 12-13 financial years to undertake an intensive program to look at blocks in the categories outlined in (1).

The program is proactively looking at these properties with the aim of resolving the issues on each property which may include various compliance measures available under planning and building laws. The commencement of formal enforcement action during this two year program will see the resultant litigation extend past the program lifetime which indicates a significant investment by Government to resolve these issues.

- (5) No.
- (6) Yes, the Government is aware of the vandalised and incomplete structure at 38 Bizant Street Amaroo.
- (a) The Government has been aware of this block since January 2006;
  - (b) The Government has worked with the lessee to progress the site over a number of years;
  - (c) ESDD has been in contact with the lessee at various times during the period of non-compliance; and
  - (d) The property remains in breach of the crown lease. There is a current investigation over this site which may result in the commencement of formal enforcement action should the lessee fail to comply with ESDD directions.
- (7) Yes, the Government is aware of the incomplete development at 60 Torrens Street, Braddon.
- (a) The Government has been aware of this block since November 2005;
  - (b) The Government has worked with the lessee to progress the site over a number of years;
  - (c) ESDD has been in contact with the lessee at various times during the period of non-compliance; and
  - (d) The property remains in breach of the crown lease. There is a current investigation over this site which may result in the commencement of formal enforcement action should the lessee fail to comply with ESDD directions.
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**Canberra Hospital—ambulance bypass  
(Question No 2409)**

**Mr Hanson** asked the Minister for Health, upon notice, on 5 June 2012:

- (1) What is the total number of times in the last calendar year that The Canberra Hospital (TCH) Emergency Department has declared itself on ambulance bypass.
- (2) If TCH has not declared itself to be on ambulance bypass, what is the total number of times in the last calendar year where they were unable to accept patients arriving by ambulance.
- (3) What was the duration of each of the incidences and the reason why the hospital declared itself on hospital bypass, for all incidences referred to in part (1).
- (4) What was the reason why TCH was unable to accept patients arriving by ambulance, for all incidences referred to in part (2).

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) In 2011, the Canberra Hospital Emergency Department implemented "ambulance bypass" (i.e. stable patient redirection) on thirteen occasions, equating to twenty-five hours and twenty minutes in total.

- (2) Regardless of the “ambulance bypass” status, the Canberra Hospital always accepts patients arriving by ambulance. All patient arrivals are immediately triaged, prioritised and accepted into the Emergency Department. The ACT Ambulance Service (ACTAS) will always bring patients they assess as urgent to the Canberra Hospital if appropriate (e.g. nearest location), regardless of any “bypass” status.
- (3) The Canberra Hospital does not record specific reasons for implementing stable patient redirection. The implementation of stable patient redirection occurs when hospital resources are in very high demand.
- (4) The Canberra Hospital Emergency Department always accepts patients arriving by ambulance.

### **Community Services Directorate—expenditure (Question No 2411)**

**Mrs Dunne** asked the Minister for Community Services, upon notice, on 6 June 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 1 June 2012.
- (2) What is the expected total spend in 2011-12 for each item listed in part (1).
- (3) What was the Directorate’s expenditure on hospitality for (a) 2008-09, (b) 2009-10 and (c) 2010-11.

**Ms Burch:** The answer to the member’s question is as follows:

- 1) The Directorate’s expenditure in 2011-12 as at 1 June 2012 is as follows:
  - (a) travel - \$0.446m;
  - (b) consultancy - \$3.28m;
  - (c) advertising/marketing - \$0.148m; and
  - (d) hospitality - \$0.291m.
- 2) The expected total spend in 2011-12 for each item listed in part (1) is as follows:
  - (a) travel - \$0.473m
  - (b) consultancy - \$3.51m
  - (c) advertising/marketing - \$0.153m
  - (d) hospitality - \$0.317m.
- 3) The Directorate’s expenditure on hospitality is as follows;
  - (a) 2008-09 - \$0.159m
  - (b) 2009-2010 - \$0.176m
  - (c) 2010-11 - \$0.197m

**Justice and Community Safety Directorate—accommodation  
(Question No 2412)**

**Mrs Dunne** asked the Attorney-General, upon notice, on 6 June 2012:

- (1) Can the Minister provide a list and the corresponding cost of fit-outs, of refurbishments and minor capital works that have taken place in 2011-12 in relation to the 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. The Justice and Community Services property portfolio provides a diverse range of mostly specialised accommodation to serve the needs of the Agencies that deliver essential services and support to the community. Accordingly the list below reflects the broad range of fit-outs, refurbishment and minor capital works delivered in 2011-2012:

**Courts and Tribunals**

Court security upgrade (works in progress)	approx. \$344k
Courts workplace safety upgrade	approx. \$52k
Courts kitchen upgrades	approx. \$40k
Staff bathroom upgrades - Registry	approx. \$65k
Courts acoustic panelling	approx. \$67k

**Corporate**

JACS Office Accommodation/OH&S Related Upgrades	approx. \$52k
JACS Energy Saving Upgrades (multiple sites)	approx. \$254k
DPP – Ground and First Floor Shared Work Area Upgrades	approx. \$57k

**ACT Policing – Territorial**

Remedial Capital Improvements for ACT Policing Facilities	approx. \$274k
Tuggeranong Police Station Watchhouse upgrade	approx. \$20k
City Station Fitout Upgrade	approx. \$188k

**Emergency Services Agency**

Southcare Helibase Upgrade	approx. \$191k
Jerrabomberra and Rivers RFS Shed upgrades	approx. \$553k
Jerrabomberra RFS Shed Stage 2 upgrade to accommodation	Approx. \$35k
Hume Training Centre	approx. \$78k

Fyshwick Cache Store upgrade	approx. \$28k
ACT Ambulance – Calwell and Woden air conditioning upgrades	approx. \$8k
Fairbairn HQ – Communication Centre Upgrade	approx. \$40k

2. There are no additional works planned for the remainder of 2011-2012.

### **Community Services Directorate—accommodation (Question No 2413)**

**Mrs Dunne** asked the Minister for Community Services, upon notice, on 6 June 2012:

- (1) Can the Minister provide a list and the corresponding cost of fit-outs, of refurbishments and minor capital works that have taken place in 2011-12 in relation to the Directorate's accommodation.
- (2) What is the scope and cost of any additional accommodation works planned for the remainder of 2011-12.

**Ms Burch:** The answer to the member's question is as follows:

- (1) In relation to the Directorate's accommodation, although no minor capital works were completed in 2011-12, the following refurbishment works were completed under the usual repairs and maintenance activity:
  - 11 Moore Street, Canberra - 4 additional work stations were installed utilising recycled furniture at a cost of \$5000 and a further \$4000 to provide additional power and data cabling;
  - Nature Conservation House at 153 Emu Bank, Belconnen - In the space vacated by Gateway Services, 6 additional meeting rooms, an IT training room, a kitchen and public toilets have been built at a cost of \$710,890;
  - Corner of Weingarh St & Blackwood Terrace, Holder - Therapy ACT have had installed 14 additional work stations. All furniture was recycled at a total cost for installation of approximately \$2000.
- (2) No additional accommodation works are planned for the remainder of 2011-12.

### **Sport and recreation—ovals (Question No 2414)**

**Mr Doszpot** asked the Minister for Economic Development, upon notice, on 7 June 2012 (*redirected to the Minister for Tourism, Sport and Recreation*):

What is the estimated revenue to be received from sportsground and oval fees in each year from 2012-13 to 2015-16.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The estimated revenue from sportsgrounds fees and charges in each year from 2012-13 to 2015-16 is expected to be between \$1.2 million and \$1.6 million per year.

It should be noted that there are challenges with providing exact sportsground revenue figures due to the following:

- the amount of wet weather closures per season, which results in credits and/or refunds of hire fees, varies widely from season to season;
- decisions made by sport in structuring competition and the associated booking of sportsgrounds creates a variance in revenue, either positive or negative; and
- sports vary the way they operate from season to season in terms of how many teams they choose to assign to fields for training and this in turn impacts on revenue, either positive or negative.

It should also be noted that all revenue collected from the hire of sportsgrounds supports the maintenance of sportsgrounds.

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### **Schools—government (Question No 2415)**

**Mr Doszpot** asked the Minister for Education and Training, upon notice, on 7 June 2012:

- (1) What is the budget allocation for Output Class 1: Public School Education for (a) 2013-14, (b) 2014-15 and (c) 2015-16.
- (2) What is the actual and estimated number of students attending public schools for each year from 2011-12 to 2015-16.

**Dr Bourke:** The answer to the member's question is as follows:

- 1) 2012-13 Budget Paper 4 – page 422 provides details of funding for Output Class 1 including revenue and expenditure.
- 2) Data provided is for the calendar year indicated, with results marked as actual taken from the February school census in that year. Please note that data marked as projection are estimates only and are subject to change.
  - a) 2011 - 39,010 (actual)
  - b) 2012 - 40,010 (actual)
  - c) 2013 - 41,672 (projection)
  - d) 2014 - 42,153 (projection)
  - e) 2015 - 42,591 (projection)

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### **Schools—non-government (Question No 2416)**

**Mr Doszpot** asked the Minister for Education and Training, upon notice, on 7 June 2012:

What is the budgeted grants to non-government schools for each year from 2013-14 to 2015-16 from the (a) Commonwealth and (b) ACT Governments.

**Dr Bourke:** The answer to the member's question is as follows:

- a) This data could not be sourced through the Education and Training Directorate.
- b) Grants to non-government schools for each year 2013-2014 and 2015-16 will be considered as part of the Government's annual Budget process.

### **Teachers—professional development (Question No 2417)**

**Mr Doszpot** asked the Minister for Education and Training, upon notice, on 7 June 2012:

- (1) What is the budgeted expenditure for 2012-13 to 2015-16 for The Teacher Professional Learning Fund.
- (2) What is this funding equal to per teaching staff.
- (3) What programs are being funded from this fund in the 2012-13 year.

**Dr Bourke:** The answer to the member's question is as follows:

- (1) The total funding allocated to professional learning under the Teachers' Professional Learning Fund is \$1.25m in each of the financial years 2012-13 and 2013-14, as indicated in the *ACT Public Service Education and Training Directorate (Teaching Staff) Enterprise Agreement 2011-2014*.

The amount allocated for professional learning through the Teachers' Professional Learning Fund for the 2015-16 financial year will be negotiated through a future enterprise bargaining process.

- (2) The funding from the Teacher's Professional Learning Fund is equivalent to \$416.89 per teacher for financial year 2012-13. The Teacher Professional Learning fund represents only a small proportion of the professional learning opportunities available for teachers.
- (3) Programs are funded on a calendar year rather than a financial year.

Programs funded in 2012 include:

Scholarships	Individual Scholarships	\$100,000
	Targeted Scholarships	\$ 15,000
Programs	New Educator Support/Mentor Training	\$ 50,000
	Australian Curriculum – Lead Schools	\$220,000
	ImpACT – critical incident/behaviour management/staff mentoring	\$ 26,000
	cLc – LIFE – learning management system	\$ 40,000
	Leadership Development	\$ 70,000



National Quality Framework for Early Childhood	\$ 40,000
Planning for School Improvement	\$ 15,000
Professional Readings - subscription	\$ 16,400
2012 Leadership Conference	\$ 35,000

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**Motor vehicles—registration  
(Question No 2418)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 7 June 2012 (*redirected to the Attorney-General*):

- (1) What was the number of cars in 2011-12, as at 1 June, that were registered (a) quarterly and (b) half-yearly.
- (2) How many of the cars registered (a) quarterly and (b) half-yearly paid the surcharge of (i) \$25 and (ii) \$10.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) The number of vehicles that were registered for a period of less than 12 months in the period 1 July 2011 to 1 June 2012 are:
    - (a) quarterly = 163,593
    - (b) half-yearly = 54,935
  - (2) During the period 1 July 2011 and 1 June 2012 the following number of vehicles paid a registration surcharge:
    - (a) Quarterly
      - (i) \$25 = 148,513
      - (ii) \$10 = 13,544
    - (b) half-yearly
      - (i) \$25 = 50,206
      - (ii) \$10 = 4,151
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**Canberra Hospital—nurse-led walk-in centre  
(Question No 2419)**

**Mr Hanson** asked the Minister for Health, upon notice, on 7 June 2012:

- (1) What is the budgeted allocation of funding for the walk-in centre at The Canberra Hospital for the years 2012-13 to 2015-16.
- (2) How much of the funding referred to in part (1) is funded by the (a) Commonwealth and (b) ACT Governments.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) It is anticipated that the following funding will be provided for the Canberra Hospital Walk-in Centre, assuming that indexation of salaries and wages (S&W) for nursing staff increases by 3.5% p.a. and indexation of S&W for Administration staff and the operating expenses budget increases by 2.5% p.a. over the four year period.

2012-13 – \$2.281m  
 2013-14 – \$2.354m  
 2014-15 – \$2.430m  
 2015-16 – \$2.508m

(2)

(a) Commonwealth

2012-13 – \$2.281m  
 2013-14 – \$1.145m  
 2014-15 – \$0.000m  
 2015-16 – \$0.000m

(b) ACT Government

2012-13 – \$0.000m  
 2013-14 – \$1.209m  
 2014-15 – \$2.430m  
 2015-16 – \$2.508m

### **ACT Health—projects (Question No 2420)**

**Mr Hanson** asked the Minister for Health, upon notice, on 7 June 2012:

What is the scheduled construction start date, scheduled completion date and estimated total cost for the (a) Adult Secure Mental Health Unit, (b) Enhanced Community Health Centre Backup Power, (c) Replacement of Computer Tomography Scanner at The Canberra Hospital, (d) Additional Air Quality Performance Station, (e) Clinical Services Redevelopment (i) Phase 1, (ii) Phase 2 and (iii) Phase 3, (f) Integrated Cancer Care Centre, (i) Phase 1, (ii) Phase 2 and (iii) Phase 3, (g) Central Sterilising Service, (h) Northside Hospital Specification and Documentation, (i) Tuggeranong Health Centre (i) Stage 1 and (ii) Stage 2, (j) Enhanced Community Health Centre – Belconnen, (k) Mental Health Young Persons Unit, (l) New Gungahlin Health Centre, (m) Women and Children's Hospital, (n) Digital Mammography, (o) Linear Accelerator Procurement, (p) Neonatal Intensive Care Unit – Video Streaming Services and (q) Aboriginal and Torres Strait Islander Residential Alcohol and Other Drug Rehabilitation Facility.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- a) In relation to the Adult Secure Mental Health Unit, the estimated total cost for finalising design is \$3.2m. An estimated scheduled construction start date and completion date cannot be advised as the project is currently in the forward design phase with final design due for completion June 2013. Subsequent to the finalisation of the design, a proposed scope will be developed which will inform the project construction schedule and future Business Case.

- b) In relation to the Enhanced Community Health Centre Backup Power project, please refer to Table 1.
- c) In relation to the replacement of the Computed Tomography Scanner at the Canberra Hospital, the project cost will be tested in the market during the procurement tender process expected to be completed by September 2012. Additionally, please refer to Table 1 for start and completion dates.
- d) In relation to Additional Air Quality Performance Station, please refer to Table 1.
- e) In relation to Clinical Services Redevelopment:
  - (i) Phase 1, please refer to Table 1.
  - (ii) Phase 2, please refer to Table 1.
  - (iii) Phase 3, please refer to Table 1.
- f) In relation to Integrated Cancer Care Centre, the project is jointly funded by the Commonwealth, under the Health and Hospital Fund and the ACT Government with a total project budget of \$46.354m. Please refer to Table 1 for construction start and completion dates.
- g) In relation to Central Sterilising Services, please refer to Table 1.
- h) In relation to Northside Hospital Specification and Documentation, please refer to Table 1.
- i) In relation to Tuggeranong Health Centre:
  - (i) Stage 1 (Refurbishment of Health Centre - Tuggeranong), please refer to Table 1.
  - (ii) Stage 2, please refer to Table 1.
- j) In relation to Enhanced Community Health Centre, Belconnen, please refer to Table 1.
- k) In relation to Mental Health Young Persons Unit, the estimated total cost for forward design is \$1.645m. An estimated scheduled construction start date and completion date cannot be advised as the project is currently within the forward design phase. Subsequent to the finalisation of the design, a proposed scope will be developed which will inform the project construction schedule and future Business Case.
- l) In relation to the New Gungahlin Health Centre, please refer to Table 1.
- m) In relation to Women and Children's Hospital, please refer to Table 1.
- n) In relation to Digital Mammography, the service 'Kick Off' commenced in September 2008. Funding for the project was provided from the Health and Hospitals Fund which supports strategic investment in health infrastructure as part of the Commonwealth's reform agenda to equip Australian's health and hospital system for the future.

The ACT received funding to roll out digital mammography technology to BreastScreen ACT over the 2010-2011 and 2011-2012 financial years.

- Phase 1 –Digital mammography Picture Archival Communication System (PACS) was successfully implemented in May 2010. A total of \$2.6m was expended for the implementation of the digital mammography machines, the PACS and the associated building works.
  - Phase 2 –BreastScreen Information System is currently scheduled for completion by June 2013. Implementation is estimated to cost between \$1.5m-\$2m and will be confirmed during the implementation planning study to commence in the near future.
- o) In relation to the Linear Accelerator Procurement and Replacement, please refer to Table 1.
- p) In relation to the Neonatal Intensive Care Unit, Video Streaming Services (NICUcam), the service was formally launched by the Minister for Health on 11 January 2010.

The NICUcam project has been funded by the ACT Health Directorate since the 2008/09 budget. Funding include \$0.2m for capital and ongoing costs and \$0.086m/yr for a project manager, website management and maintenance. A pilot project with one camera commenced in March 2009 and the full program, consisting of eight cameras launched by the Minister for Health in January 2010.

Of the funding, \$0.1m has been spent on the cameras, software, website development, IT solution, agreement with maintenance company and the ACT Health Directorate Library for website maintenance and camera troubleshooting.

The remaining \$0.1m was used to develop a high tech system using radio frequency ID to ensure the safety of babies and cameras. This project is in the final stages of completion. The recurrent budget has been expended on the project manager, website management and maintenance.

- q) In relation to the Aboriginal and Torres Strait Islander Residential Alcohol and Other Drug Rehabilitation Facility, the total project budget is \$6.883m. Additionally, please refer to Table 1 for information in relation to the start and completion dates.

*(A copy of the attachment is available at the Chamber Support Office).*

### **Members—representations (Question Nos 2421-2440)**

**Mr Hargreaves** asked the Chief Minister, the Minister for Women, the Minister for Territory and Municipal Services, the Deputy Chief Minister, the Treasurer, the Minister for Economic Development, the Minister for Tourism, Sport and Recreation, the Attorney-General, the Minister for Police and Emergency Services, the Minister for the Environment and Sustainable Development, the Minister for Community Services, the Minister for the Arts, the Minister for Multicultural Affairs, the Minister for Ageing, the Minister for Health, the Minister for Gaming and Racing, the Minister for Education and Training, the Minister for Aboriginal and Torres Strait Islander Affairs, the Minister for Industrial Relations and the Minister for Corrections, upon notice, on 14 August 2012 (*redirected to the Chief Minister*):

- (1) Can the Minister advise, for each portfolio responsibility, the number of representations that have been made on behalf of constituents by each non-Executive member for Ginninderra during the current Assembly.

**Ms Gallagher:** The answers to the member's questions are as follows:

QON - Portfolio	Mr Coe	Mrs Dunne	Ms Hunter	Ms Porter	Dr Bourke #
2421 - Chief Minister	72	44	39	120	
2422 - Minister for Women <sup>^</sup>					
2423 - Minister for Territory and Municipal Services	428	45	60	768	
2424 - Deputy Chief Minister	0	0	0	0	
2425 - Treasurer	8	6	8	27	
2426 - Minister for Economic Development*	7	0	2	5	1
2427 - Minister for Tourism, Sport and Recreation**	0	8	3	8	1
2428 - Attorney General	18	39	2	80	1
2429 - Minister for Police and Emergency Services	7	3	2	61	0
2430 - Minister for Environment and Sustainable Development	26	6	8	146	
2431 - Minister for Community Services***	179	20	25	156	3
2432 - Minister for the Arts <sup>^</sup>					
2433 - Minister for Multicultural Affairs <sup>^</sup>					
2434 - Minister for Ageing <sup>^</sup>					
2435 - Minister for Health	4	5	1	72	
2436 - Minister for Gaming and Racing****	0	0	0	2	
2437 - Minister for Education and Training	2	3	26	37	
2438 - Minister for Aboriginal and Torres Strait Islander Affairs <sup>^</sup>					
2439 - Minister for Industrial Relations <sup>@</sup>					
2440 - Minister for Corrections	0	0	0	2	0
Totals by MLA	751	179	176	1484	6
Total Representations					2596

<sup>^</sup> Included in Community Services total Numbers

<sup>@</sup> Included in Chief Minister total numbers

# Until November 2011

#### NOTES

\* These figures represent records available since the formation of the Economic Development Directorate on 17 May 2011. Correspondence prior to this date relating to the Land and Property Services portfolio has been included in the Chief Minister and Cabinet Directorate figures.

\*\* These figures represent records available since the formation of the Economic Development Directorate on 17 May 2011. Correspondence prior to this date for ACT Tourism has been included in the Chief Minister and Cabinet Directorate figures. Sport and Recreation correspondence prior to 17 May 2011 has been included in the Territory and Municipal Services Directorate figures.

\*\*\* In February 2009, the Community Services Directorate upgraded its Records Management System - TRIM. The upgraded system allowed documents to be attached electronically. Records prior to this date were paper based and are not easily retrievable. The Directorate would need to recall a substantial number of boxes from Archives to ascertain if any correspondence falls within the scope of the Question from the commencement of the 6th Government to February 2009.

\*\*\*\* These figures represent records available since the formation of the Economic Development Directorate on 17 May 2011. Correspondence prior to this date has been included in the Treasury Directorate figures.

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### **Members—representations (Question No 2435)**

**Mr Hargreaves** asked the Minister Health, upon notice, on 14 August 2012:

Can the Minister advise, for each portfolio responsibility, the number of representations that have been made on behalf of constituents by each non-Executive member for Ginninderra during the current Assembly

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

From 5 November 2008 through to 31 July 2012 five representations relating to the Health portfolio have been received from Mrs Dunne MLA, four from Mr Coe MLA, one from Ms Hunter MLA and 72 from Ms Mary Porter MLA.

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## Questions without notice taken on notice

### Roads—traffic calming

**Ms Gallagher** (*in reply to a supplementary question by Mr Coe on Wednesday, 9 May 2012*): The provision of traffic signs and their location are to comply with TAMS Design Standard for Urban Infrastructure Part 9 Traffic Control Devices (DS9). DS9 references Australian Standard AS 1742 Manual of Uniform Traffic Control Devices, which is set as an industry standard. AS 1742.4 is the part of this manual covering speed controls.

While AS 1742 is a national standard, it is not a mandatory or legislative requirement for any jurisdiction to adopt its use. Queensland is the only jurisdiction in Australia that has chosen to make the use of this standard a legislative requirement. The practise in the ACT for a number of years has been to try to achieve the requirements of this national standard where practical as it reflects what is considered to be an acceptable standard and promotes consistency in speed limit sign positing across the country.

Traffic signs including speed signs are delivered as part of many ACT road programs. These programs ensure that traffic signs comply with the relevant standards in place at the time of installation. Such standards or some of their requirements may change or be updated over time. In such instances, new signs will be implemented in accordance with current standards while older signs will be changed as part of replacement and maintenance cycles.

A package of works to update speed limit signage on arterial roads is due to be implemented early in 2012-13.

### Parking—Griffith shops

**Ms Gallagher** (*in reply to a supplementary question by Ms Le Couteur on Wednesday, 2 May 2012*): The response to your question is as follows: A development approval was provided last year to demolish five single houses and construct some 31 units on a consolidated site.

There was a development approval condition for the developer to prepare and seek approval for a temporary traffic management plan, from the Territory and Municipal Services Directorate (TAMS), covering activities associated with the construction.

The construction of these units is about to commence and the developer has applied to TAMS for temporary traffic and parking arrangements in the vicinity of the site to accommodate the construction activities.

Roads ACT requested the developer to consult with businesses and residents on parking and traffic options opposite the shops. The period for comment by residents and traders was extended by a further two weeks to ensure adequate time was available to comment on the proposal. The area for consultation was also extended.

This consultation closed on 27 April 2012 and Roads ACT has received a copy of the various comments.

The Director Roads ACT met with representatives of the traders of Griffith Shops, residents in the vicinity of the development and the local Community Council on Friday 4 May 2012 to look at the locations and discuss issues raised.

A temporary traffic management approval has been provided for the demolition and excavation component of the work which has been underway for the last three weeks.

Approval of a temporary traffic plan for the construction activities is currently being assessed by Roads ACT. Associated worker parking will be contained in the site and in a parking area in front of the Griffith depot. While parking will not be restricted on Lindsay Street, the developer has been encouraged not to use this area for worker parking. It should be noted that no temporary parking will be permitted on the adjacent oval as part of the development approval.

### **Parking—Griffith shops**

**Ms Gallagher** (*in reply to a supplementary question by Mr Coe on Wednesday, 2 May 2012*): Temporary traffic management plans are not loaded onto the TAMS website. Some 2000 temporary traffic management plans are received on an annual basis and this would be too resource intensive.

### **Construction industry—sham contracting**

**Dr Bourke** (*in reply to a question by Ms Bresnan on Wednesday, 28 March 2012*):

1. Within the procurement framework, the ACT Government has several mechanisms to encourage compliance with industrial relations (IR) and work health and safety (WHS) requirements on work sites in the Territory.
  - a. All Tenderers for capital works projects are required to make statutory declarations confirming that they comply with all legislated IR, employment and WHS obligations, at the time they submit a tender and at various payment milestones.
  - b. Capital works contracts also require compliance with applicable laws and have provisions for action (such as termination) for serious non-compliance.
  - c. Organisations are required to advise Shared Services Procurement of all subcontractors they intend to use on ACT Government construction sites within 14 days of receiving a Letter of Acceptance as the successful tenderer. The details of proposed subcontractors are then forwarded to the ACT Long Service Leave Authority and other regulatory authorities. This allows these authorities to assess whether each entity is meeting their relevant legal obligations.
2. The ACT has limited regulatory power with respect to some aspects of IR compliance.



- a. Fair Work Building and Construction (FWBC) (formerly the Australian Building and Construction Commissioner), the Fair Work Ombudsman, the Australian Taxation Office and the Department of Immigration and Citizenship each have responsibility for administering differing aspects of the legislative framework.
  - b. WorkSafe ACT administers WHS on building sites and the ACT Revenue Office is responsible for payroll tax compliance. In addition, the Office of Regulatory Services and various other agencies are involved in licensing of contractors etc.
3. The ACT, in its submission to the review of the Commonwealth's Fair Work Act 2009, recommended changes that would provide a tougher prosecution regime on sham contracting.
4. On 2 August 2008 Hon Bill Shorten MP, Minister for Employment and Workplace Relations, released the Fair Work Act Review Panel's final report, entitled *Towards more productive and equitable workplaces: An evaluation of the Fair Work legislation*. In part, the review panel's report deals with suggested changes to provisions that make sham contracting practices an offence. The Commonwealth will consult the ACT Government through the Select Council on Workplace Relations on the findings and recommendations set out in that report.
5. The ACT also continues to work with the Commonwealth through national fora to implement a pilot sham contracting compliance program. This is to be a joint operation between various ACT Government Directorates, relevant unions, FWBC, the Australian Taxation Office and the Department of Immigration and Citizenship. It is anticipated that the program will concentrate on the construction, security and cleaning industries. Consultation with stakeholders on the proposed compliance program is ongoing.