Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

EIGHTH ASSEMBLY

28 FEBRUARY 2013

www.hansard.act.gov.au

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Thursday, 28 February 2013

MADAM SPEAKER (Mrs Dunne) 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.

Justice and Community Safety Legislation Amendment Bill 2013 (No 2)

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.01): I move:

> That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2013 (No 2) is part of a series of legislation within the Justice and Community Safety portfolio. While the amendments in this bill are minor and uncontroversial, I am pleased to say that they will improve the effectiveness of the ACT statute book.

This bill amends a number of acts, including the Agents Act, the Confiscation of Criminal Assets Act, the Crimes Act, the Land Titles Act, the Legal Aid Act, the Legal Profession Act, the Unclaimed Money Act and the Unit Titles (Management) Act.

This bill also makes two minor amendments to the Magistrates Court (Working with Vulnerable People Infringement Notices) Regulation 2012. The regulation establishes a system of infringement notices in relation to certain offences against the Working with Vulnerable People (Background Checking) Act 2011, which is administered by the Commissioner for Fair Trading.

Sections 9 and 11 of the regulation require any infringement notice or reminder notice issued by an inspector to include both the inspector's name and any unique identification number issued to the inspector under the regulation. This requirement is out of step with other infringement notice schemes, which require an inspector to disclose either his or her name or unique identification number but not both. The technical amendment to the relevant sections will ensure consistency with comparable enforcement schemes and ensure the protection of personal information in cases where the identity of the inspector needs to be protected.

The bill makes a number of amendments to unclaimed money provisions in the Unclaimed Money Act 1950, the Legal Profession Act 2006 and the Agents Act 2003. Unclaimed money is received by the Public Trustee on behalf of the territory under these laws. The Unclaimed Money Act 1950 provides for unclaimed money to be paid

to the Public Trustee by companies and liquidators. The Legal Profession Act 2006 provides for unclaimed trust money held by a law practice to be paid to the Public Trustee. The Agents Act 2003 provides for unclaimed money held by licensed agents, former agents and representatives of deceased agents to be paid to the Public Trustee.

There is inconsistency between these acts about how unclaimed money is to be paid by the Public Trustee to the person to whom the money belongs. The processes currently set out are also unnecessarily expensive and burdensome for the person seeking to recover their unclaimed money.

In the case of unclaimed money received by the Public Trustee under the Unclaimed Money Act, a person may apply to the Supreme Court for an order declaring that they are entitled to the money. The Unclaimed Money Act provides that an amount is to be paid to the person if either the minister is satisfied that they are entitled to the amount or if the Supreme Court has declared that they are entitled.

The act also requires liquidators or companies who hold unclaimed money to pay the money to the territory. There is no guidance in the act about how the money is to be paid to the territory. Amendments to the act will clarify that unclaimed money required to be paid by liquidators and companies is to be paid to the Public Trustee.

The Legal Profession Act provides that a person may apply to the Supreme Court for an order declaring that they are entitled to an amount. The Legal Profession Act also provides that the Public Trustee must pay an amount if either the Public Trustee is satisfied that the person is entitled to the amount or if the Supreme Court has made an order declaring the person to be entitled.

The Agents Act provides that a person may apply to the Commissioner for Fair Trading if they claim to be entitled to unclaimed money under that act. The Public Trustee must pay an amount on the direction of the commissioner.

To ensure that claimants of unclaimed money who can prove they are entitled to amounts held by the Public Trustee can receive their money as expeditiously as possible, the bill proposes amendments to these acts to provide for a streamlined, consistent process.

This bill inserts into the Unclaimed Money Act a new part, which will provide that a person who claims to be entitled to an amount received by the Public Trustee under any of the three acts may apply to the Public Trustee for payment of the amount. The Public Trustee may require the person to provide proof that they are entitled to the amount. On receiving an application for unclaimed money, the Public Trustee must decide whether or not to pay the amount claimed to the applicant. The Public Trustee’s decision will be reviewable by the ACAT on the application of the applicant or anyone else whose interests are affected by the Public Trustee’s decision.

This new part is inserted in substitution for existing part 5. Existing part 5 provides a mechanism to deal with unclaimed superannuation money. By agreement between the commonwealth, states and territories, unclaimed superannuation money is now paid to and administered by the commonwealth, and all unclaimed superannuation money

held by the Public Trustee has been paid to the commonwealth Commissioner for Taxation. Accordingly, existing part 5 in this act is no longer necessary.

The stated purposes of the Confiscation of Criminal Assets Act 2003 include to deprive a person of all material advantage derived from the commission of an offence; and to deprive a person of property used or intended to be used in relation to the commission of an offence and to prevent the person using that property to commit other offences.

Fundamental to the operation of the act is the making of restraining orders by a court in order to prevent dealings with property, or to secure a property for payment of a penalty order. To ensure the restraining order is complied with, the act provides for the registration of the restraining order, whether over real and personal property, in the appropriate statutory property register.

In the case of real property, the responsible authority may lodge a copy of the restraining order with the Registrar-General so that a caveat may be issued over the title to the land. This is intended to prevent any dealings with the land until the restraining order is lifted.

The act provides for lodgement of the restraining order for registration under division 10.4 of the Land Titles Act 1925. Division 10.4 of that act provides for caveats to prevent dealings with land on application by a person who claims to have a legal interest in that land. For this reason, section 50(4) of the Confiscation of Criminal Assets Act provides that the responsible authority is, on behalf of the territory, taken to be a person claiming an interest in the land. Division 10.4 caveats are also subject to a lapsing provision within the division.

To give effect to the court's order, it is more appropriate for the Registrar-General to issue a caveat under section 14(1)(g) of the Land Titles Act to prevent a fraud or an improper purpose rather than under division 10.4. A caveat issued under section 14(1)(g) would not be subject to the lapsing provisions in division 10.4 and would not require the responsible authority to claim an interest in the land.

This bill recasts the provision to state that the restraining order or details of the restraining order may be recorded in the register on the responsible authority giving a copy of the restraining order to the Registrar-General. A note is included in the new paragraph which refers to the power that the Registrar-General has under section 14(1)(g) of the Land Titles Act to enter a caveat to prevent any fraud or improper dealing.

This proposed amendment ensures that the objectives of the confiscation of criminal assets scheme are achieved and also gives legislative recognition to the current practice used by the Land Titles Office when registering restraining orders on the title to real property.

Part 20 of the Crimes Act 1900 provides for inquiries into convictions. Section 430, in particular, provides for the action that must be taken by the Full Court when considering a report by the board into an inquiry. The Crimes Legislation Amendment Act 2001 introduced the equivalent of section 430 into the Crimes Act.

The relevant provisions in the bill that became the amendment act provided that, on receiving the report from the board into the inquiry, the Full Court must confirm the conviction, confirm the conviction and recommend to the executive that it pardon the convicted person or remit his or her sentence, or quash the conviction and order a retrial.

The opposition, at the time, moved a motion during debate of the Crimes Legislation Amendment Bill 2001 which would allow the Supreme Court to quash a conviction without ordering a retrial. This amendment was inserted into the equivalent of section 430(2) of the act. A corresponding provision was not inserted into the equivalent of section 430(4). That subsection provides that a recommendation of the board into the inquiry does not bind the Supreme Court's decision. This has the potential to create confusion. The proposed amendment is intended to remove any doubt that a recommendation of the board into the inquiry does not bind the Supreme Court's decision.

Section 124 of the Land Titles Act 1925 prohibits the Registrar-General from making any entry on the register about the existence of an express, implied or constructive trust. This provision prohibits a person or entity being recorded on the land titles register as trustee. This is an important prohibition as it ensures only direct interests in land are recorded on the land titles register and avoids the uncertainty that would come from giving equitable interests status on the register.

On a very strict or narrow interpretation of section 124, any reference to a trust in an instrument must not be registered. The Shopping Centre Council and the ACT Law Society have raised a concern with this provision as it may have the unintended effect of preventing the registration of certain commercial trusts. These commercial leases make references to trusts within their contract terms but do not name either party to the lease agreement as a trustee.

The Shopping Centre Council and the Law Society have therefore sought clarification of the intended operation of section 124 to allow commercial leases to be registered when they refer to trusts in their terms but do not give notice of a trust on the land titles register. This bill therefore recasts section 124(1) to clarify that the Registrar-General must not enter into the register any notice of trust in relation to an interest in land if the trust creates or affects an interest in land. This technical amendment is in keeping with the policy intention of the provision while it prevents an unnecessary impediment to business.

This bill makes minor and uncontroversial amendments to the Legal Aid Act 1977. Most of these amendments are designed to broaden the categories of legal practitioners who may be appointed by the Legal Aid Commission to its panels and review committees. This is achieved, firstly, by amending the definition of "private legal practitioner" in the dictionary to the act to include an Australian legal practitioner employed by a law practice. Secondly, the term "private legal practitioner" in section 37(4) is substituted with "Australian legal practitioner" so that any legal practitioner with a practising certificate can be nominated by the Law Society and appointed by the chief executive officer of the commission. These

amendments will broaden the scope of who can be on panels for legal aid to broaden the pool of people who can take part while recognising the status of legal professionals other than partners in practice.

This bill inserts into the secrecy provisions of the Legal Aid Act a reference to the Auditor-General and any other person acting under the Auditor-General's direction or authority in relation to a performance audit or special financial audit. This amendment ensures the Auditor-General can carry out a performance audit or special financial audit of the commission while also ensuring the protection of personal information. An audit of Legal Aid last year brought to the attention of the government the fact that the provisions of the act could be drafted to better facilitate the audit process.

Finally, this bill makes some minor and uncontroversial amendments to the sinking fund plan provisions in the Unit Titles (Management) Act 2011. These build on the amendments made by the Justice and Community Safety Amendment Act 2012 (No 2), which inserted two examples into the sinking fund plan provisions to illustrate how they are intended to operate.

The purpose of these examples was to prevent unit owners seeking to raise a technical argument based on an incorrect interpretation of the provisions to avoid payment of their contributions. These amendments recast the sinking fund plan provisions and insert a further example to illustrate how they are to operate in practice. The term "total sinking fund amount" is replaced with "total sinking fund contribution" to further remove any uncertainty about the sinking fund plan provisions.

Madam Speaker, the amendments I have just described fall into the minor and technical category, but they have the scope to make the lives of citizens better and easier. It is important to constantly improve the statute book and not be satisfied with things that are not quite right. I commend this bill to the Assembly.

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

Standing orders—amendment

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.17), by leave: I move:

> That standing order 178A be omitted and the following standing order be substituted:
>
> "178A If there is an amendment to be moved at the detail stage, a signed copy of the amendment shall be delivered to the Clerk's office by 12 noon on the day prior to the sitting at which the amendment is proposed to be moved. The Clerk shall arrange for its circulation to Members as soon as practicable.".

Madam Speaker, today I am moving this relatively straightforward proposal to amend the standing orders to clarify the operation of standing order 178A. Standing order 178A, as members would be aware, is the provision that requires prior notice of

amendments proposed to bills during the debate stage of those bills. The provision requires that amendments be presented a day prior, or 24 hours prior, to the sitting day that they are due to be debated.

There has been some confusion in relation to the application of the 24-hour rule and what is the cut-off time for its application. You, Madam Speaker, have indicated that you will interpret the rule as meaning 10 am the day before the sitting that the bill is due to be debated. This is a reasonable interpretation of the standing order given the lack of clarity in the standing orders.

However, it is my view and that of the government that a better time for the cut-off period should be 12 noon on the day prior to the sitting at which the amendment is proposed to be moved. The government takes the view that this is the more practical time insofar as it will allow sufficient time for notice of amendments to be provided to the Clerk's office and then circulated by the Clerk's office to members prior to the next day of sitting.

We have some concerns that the 10 am time frame makes it logistically difficult for the Clerk's office to circulate amendments to members in time. Indeed, it may result in somewhat of a rush of proposals coming in in the starting hours of the day rather than the midday period.

These are matters of interpretation but we argue that this is a more practical application of the rule and one that will allow for its more efficient enforcement. I commend the amendment to members.

MR COE (Ginninderra) (10.20): It is interesting that the manager of government business should be saying this is a more practical application of the rule when, in fact, it is a new rule, an amendment to the rule. The standing order, as put forward by the minister last year, said "24 hours". It did not say a day. It did not say the day before. It did not say the sitting day prior. What it said was 24 hours.

It is for that reason I think, Madam Speaker, that your ruling that it should be before 10 am on the sitting day before is quite reasonable, quite practical and, indeed, is a true reflection of the intent of the standing order. I understand that that may not be practical for the government. In fact the opposition foreshadowed that it would not be practical for the government, that it would not be practical for anybody in this place.

It is for that reason that I said at the time that we did not think it was reasonable or possible. I said:

> If this amendment gets up, we will not be readily granting leave to the government to suspend standing orders because this is unworkable.

I still stand by those comments. I think it is going to be unworkable, albeit with the new time line. However, it is an improvement. At least there is a little bit more certainty. So the opposition will be allowing Mr Corbell's amendment to the standing order to go through. However, we once again highlight that we do not think the standing order is in the best interests of the Assembly.

MR RATTENBURY (Molonglo) (10.21): Madam Speaker, I will also be supporting Mr Corbell's proposed amendment. I think the confusion in the last sitting week, which I have spoken about previously—particularly the advice from the Office of the Legislative Assembly and then the subsequent ruling by yourself as the Speaker—did create an environment of some uncertainty. I think that being clear on the standing orders is beneficial for all members of the Assembly, and on that basis I will be supporting Mr Corbell's amendment.

Question resolved in the affirmative.

Estimates 2013-2014—Select Committee
Establishment

MR SMYTH (Brindabella) (10.22): I move:

That:

(1) a Select Committee on Estimates 2013-14 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2013-14 and any revenue estimates proposed by the government in the 2013-14 Budget and prepare a report to the parliament;

(2) the committee be composed of:

(a) two members to be nominated by the government; and

(b) three members to be nominated by the opposition;

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

(3) an opposition member shall be elected chair of the committee by the committee;

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

(5) the committee is to report by Tuesday, 6 August 2013;

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

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

This is the standard motion that somebody moves at this time of the year every year to establish the estimates committee to look at the budget. The proposal is that there be

five members of the committee, as has been the practice over many years now. We believe an opposition member should be the chair of the committee. Parts 2, 3, 4 and 5 outline exactly how that should work. They are the standard pieces that come with the setting up of a committee so that the committee can operate. I suggest members back the proposal.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (10.23): In large part, the government does support the motion moved by Mr Smyth. I have two minor amendments that I will move shortly that have been circulated in my name.

The first includes the appropriation for the Office of the Legislative Assembly as part of the estimates committee's work. I imagine it was just a cut and paste job from previous times that inadvertently omitted the Office of the Legislative Assembly from estimates committee scrutiny. I presume it was not a deliberate attempt to have that small part of the annual appropriation not subject to the committee's attention.

The second amendment I have moved puts in place the practice that is the case for all committees in this Eighth Assembly; that is, given the equal numbers of the major parties and that the crossbench member is in the executive and so is ineligible to sit on the committees, there be an even number of government and opposition members on the committee. So the amendment seeks to ensure that there are two members from the opposition and two members from the government. And in line with what is an agreed position for this Assembly, the opposition would chair the committee.

MADAM SPEAKER: Mr Barr, before you sit down, you need to seek leave to move the amendments together and then move the amendments.

MR BARR: Sorry, Madam Speaker. I seek leave to move the amendments together.

Leave granted.

MR BARR: I move:

> (1) Omit paragraph (1), substitute:
>
> "(1) a Select Committee on Estimates 2013-2014 be appointed to examine the expenditure proposal contained in the Appropriation Bill 2013-2014, the Appropriation (Office of the Legislative Assembly) Bill 2013-2014 and any revenue estimates proposed by the Government in the 2013-2014 Budget and prepare a report to the Parliament;".
>
> (2) Omit subparagraph (2)(b), substitute:
>
> "(b) two Members to be nominated by the Opposition;".

MR SMYTH (Brindabella) (10.25): Speaking to the amendment, yes, Mr Barr is right. We simply cut and pasted last year's motion. I do apologise for missing the Legislative Assembly. There was no intention to leave that out. We always enjoy having the Speaker before the estimates committee.

As to the second part, it is an interesting trend. We talk about the independence of the committee system and, yet again, here is a move by the government to nobble the committee. Two-all means that virtually nothing will come out of this committee. Two-all means that is impossible, because the parties will divide on party lines. Members of the government will not want to criticise the government, as has been their tradition in the past. Therefore any reasonable scrutiny is watered down by this amendment.

The government suddenly says there are no Greens on the crossbench; therefore a Green cannot be on the committee. Over the years there have been many people sitting on the estimates committee, whether there was a Green on it or not. I think it is reasonable that the committee stays at five. There is a lot of work to get through. It is quite clearly now the government's intention that important committees, indeed all committees now, are staked at two and two, which virtually means that you are taking an approach that says, "We do not want the committees to operate. We do not want critique or criticism of anything the government does to come out of the committee system." And quite frankly, it is somewhat appalling. We will accept amendment 1. We will not be accepting amendment 2.

Mr Barr: What, a new spirit of bipartisanship, Brendan?

MR SMYTH: What we will do is ask, when the motion is put, that they be separated so that we can vote separately. The minister asks am I taking a partisan position. No, I am not taking a partisan position. I speak from the reality of the committee system where the committee I have been sitting on—and I cannot speak for the other committees—is locked because anything that will lead to any closer scrutiny of the government is blocked. And I think that is unfortunate.

The estimates committee is a big job. The tradition has been five members. It does not always have to be five but you actually need something that allows you to make a decision. I think we hide behind the words "you will have to collaborate". "Collaborate" leads to the lowest common denominator. So if you want something to come out of a committee, in my opinion, it will lead to the lowest common denominator simply because government members on committees will do their job to protect the government. They always have. They always will.

Let us not hide behind "we will leave our political leanings at the door". After a few years on committees in this place, I have never seen it happen. It is very rare. A member who is leaving might have a few things to say about his colleagues and his government.

But the reality is that if you want some meaningful analysis of the budget, which clearly the government is afraid of, you would have a five-member committee and you would make sure that it works properly. But this government is clearly afraid of scrutiny. It will be a stain on its record. It will not be a stain on ours.

MR RATTENBURY (Molonglo) (10.28): On this, I thank Mr Smyth for bringing forward the motion to get the estimates committee underway. It is always good to have it done early so that the secretariat can plan around it.

As per my earlier discussions with Mr Seselja late last year, I agree that the opposition should be chairing this committee. I think it is quite appropriate that they do. It is, I think, a well-recognised principle that one of the non-government members chair this committee, and I think that should continue.

In terms of the numbers, I think we do find ourselves in an awkward position in this Assembly where there are eight members of the Labor Party and eight members of the Liberal Party. And we have had this discussion previously. I think that in that circumstance having equal numbers of members on the committee is perhaps the fairest and most appropriate response. And I know the various concerns about that.

If we look back through the history, though, of committees in this place, certainly we have seen a range of combinations, even for the estimates committee. In the Seventh Assembly, the last Assembly, we had a consistent pattern of two, two and one. In the Sixth Assembly when, of course, the Labor Party had a majority we saw the government putting a majority of its own members on the estimates committee, which I think is highly inappropriate. And I think that really was a bad precedent to set.

Mr Smyth has just made a number of comments about there being a lot of work to do for the committee. It is certainly a very busy period for the estimates committee but the practice we see, certainly in the time I have been in the Assembly—I do not know about before that—is that many members participate in the committee, not just the four that will be on the committee in this case or the five that have been on the committee in the past but a range of portfolio holders will also join the committee to assist with the scrutiny process. I think that is a good practice. I think it gives members who are following a particular issue and have some in-depth knowledge about it the ability to participate in the estimates process. That is good. So I think that certainly spreads the workload for the assigned members of the estimates committee, those who are actually recognised as being on the committee.

In terms of the ability to undertake scrutiny of the budget, I think there is still plenty of capacity. I think the committee has all the capability in the world to scrutinise the government and I am sure there will still be plenty of critique of the budget when it comes through from a range of members. In my mind, the important part is the questioning, and certainly when it comes to writing a report, even if not all members can agree, there is plenty of ability to raise concerns. Members have complete freedom, as we saw last year when Mr Seselja and Mr Smyth wrote, I think it was, 150 pages of dissenting comment which was tabled in the Assembly, debated and discussed—all of those things. There is no restriction on that critique being put forward.

Mr Smyth just made some comments about the use of the word “collaborate”. I think it is upon the committees to make an effort to collaborate. I think we have seen in this place at times that people do agree across party lines on important matters and it will be up to the individual members of the committee to, I guess, exercise their own judgement and their conscience when it comes to dealing with those matters that may be contentious.

I hope that members of the estimates committee will be able to work together to ensure that there is a high level of scrutiny of the budget. And I guess if all else fails, the committee has the ability to bring matters back to the chamber, where the numbers are not even, and we can resolve the matters there if that is so required. But I think there is a lot of scope for the committee to make an effort to ensure that they have a good process for all those matters that the committee needs to decide on, the calling of witnesses, the timing of hearings. Frankly, those things should be able to be sorted out without the necessity for a majority on the committee and if the committee cannot sort those things out, I think that reflects poorly on the members of it.

You can make an aim. This is not ideal but this is how it will be for the next four years, where it is an equally split Assembly. For the first time in the Assembly's history, we have a crossbench set up the way it is. Because I have gone into the ministry, I obviously cannot participate in the committee processes. There might be a select committee down the line where that is appropriate but I think, for the bulk of the committees, this is how it is going to be for this Assembly, and we need to make sure we can get that system to work.

Ordered that the question be divided.

Mr Barr's amendment No 1 agreed to.

Question put:

> That **Mr Barr's** amendment No 2 be agreed to.

The Assembly voted—

Ayes 9		Noes 8	
Mr Barr	Ms Gallagher	Mr Coe	Mr Seselja
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Regional development—Select Committee
Establishment

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (10.38): I move:

> That:
>
> (1) this Assembly notes:

(a) that the ACT acts as a regional centre to the surrounding regions of NSW; and

(b) that the ACT Government has an ongoing relationship with the NSW Government and surrounding local governments;

(2) a Select Committee on Regional Development be established;

(3) the select committee shall consist of two members nominated by the Government and two members nominated by the Opposition, to be nominated to the Speaker by 4 pm on this sitting day;

(4) the select committee shall inquire and report into the ACT's relationship with the surrounding region, including, but not limited to:

(a) the identification of opportunities and supporting governance structures to coordinate economic development, including tourism and transport across the region;

(b) the coordination of service planning and service delivery, particularly in the areas of health and education;

(c) the opportunities for collaborative procurement by ACT Government with surrounding local governments;

(d) further cooperation at the local government level on environmental and conservation matters and building community resilience to deal with natural disasters, extreme weather events and climate change; and

(e) any other relevant matter; and

(5) the select committee shall report no later than the last sitting week in September 2013.

The ACT government's relationship with the greater capital region is, in part, reflected through the ACT-New South Wales memorandum of understanding for regional collaboration. The importance that I place in our regional relationships is reflected also in the establishment of the Regional Development portfolio. The terms of reference for the select committee outlined in the motion I table today are a further example of my desire to see a commitment to our engagement and activities with the surrounding region. Examining the opportunities stemming from cooperation and collaboration across the greater capital region is outlined in the terms of reference as underpinning the work of the committee. The ACT government already participates in a number of fora which we use to engage with the region.

I mentioned in the Assembly in the last sitting that I was going to attend the meeting of the South East Regional Organisation of Councils in Yass. I took the opportunity when there to meet individually with the mayors of Palerang, Goulburn-Mulwaree councils, Yass Valley, as well as with the mayor of Queanbeyan City Council in the last week. All the mayors and their respective councils have a direct relationship with

the ACT due to their council boundaries either adjoining or being very close to ours. It is a unique relationship, a cross-jurisdictional relationship, but a relationship where generally people do not consciously recognise the jurisdictional boundary.

The meetings with SEROC and the individual mayors provide an important insight to the issues councils within the region are facing. For the ACT, these meetings also provide an opportunity to examine how we can work more effectively together. I anticipate SEROC and individual councils will contribute to the committee's deliberations, but it will also be important to hear from the broader community of the greater capital region. The region has a population of over 600,000 people and it is a population that continues to grow.

The pressure we are currently experiencing in transport, road networks, service delivery in education and health will continue to emerge. I have previously outlined the concrete examples of cross-border collaboration in the area of health where we are delivering real benefits for patients, including an agreement with Southern New South Wales Local Health District and the ACT that gives New South Wales residents access to specialist renal services as well as dialysis and post-transplant care. New South Wales paramedics transmit electrocardiograms to the Canberra Hospital emergency department ahead of arrival, enabling urgent decisions to be made regarding appropriate treatment for patients with heart attacks while on the way to hospital. The delivery of some elective surgery at Queanbeyan Hospital ensures efficient use of our region's health facilities and gives patients their operations sooner. A new tele-health project links regional emergency departments to the Canberra Hospital emergency department, enabling ACT clinicians to make life-saving decisions more quickly by remotely accessing critically ill patients and also providing clinical support and backup to those health professionals working in those smaller regional hospitals. Collectively discussing how we can work together more effectively and coordinate our efforts across a wide range of activities will be critical over the coming years.

Another area of interest is examining economic development opportunities across the region. One of the ACT's strengths, of course, is our knowledge sector. The broader region has diverse rural and agricultural sectors, along with an emerging renewable energy sector. How can we effectively work together to further enhance the economic and employment opportunities these sectors provide? What opportunities will the rollout of the national broadband network provide across the region?

One industry sector that has the greatest potential across the region is tourism. The tourist experience of the greater capital region includes the nation's capital, the wineries, coastal towns and the Snowy Mountains, just to name a few. I am sure we can coordinate ourselves more effectively across the region to become a recognised tourist destination, even more than we are already.

I did write to members, I think, in the last 10 days or so around the terms of reference, seeking input into them. I had some correspondence back from Mr Rattenbury, who provided some input into the terms of reference. I did write to Mr Hanson. Hopefully this is a committee that we can establish with tripartisan support in this place. The desire for me is to have the Assembly work alongside the government in looking at

the regional opportunities that come. We are in a unique relationship here. Where the region is strong, it is good for Canberra; where Canberra is strong, it is good for the region. I think the select committee will provide an important opportunity for those who live in the region and for interested stakeholders in Canberra to put forward their ideas about things such as economic development, such as the issues around the transport, how we plan for service delivery, who does what across the region—acknowledging that not all the councils and, indeed, even the regional New South Wales services—can provide the range and level of service that the ACT can, and how that works.

Of course, the issue of costs will invariably come up and the committee will be able to look at a cost-benefit analysis. Obviously we want this to be a two-way relationship, not just one where the ACT community provide all the services and do not get any benefit. I do not think that is the case and I do not think, from my discussions with the New South Wales Premier, the New South Wales health minister, the local member, John Barilaro, and the local councils, the mayors, that that is the intention. Everyone would like their own area of jurisdiction to be thriving. I think it is fair to say that local councils are feeling pretty stretched at the moment. They do not have a lot of money; neither do the New South Wales government and the ACT government. It really is incumbent upon us to work out better ways to deliver services to the community and also to look at future opportunities to invest in the region and how that potentially could benefit both people in the ACT and people who live around our borders.

I think this is largely a non-controversial committee. The terms of reference as I have outlined them are in the motion. We would have two members nominated by the government and two by the opposition—that is in line with the way committees have been established during this term of the Assembly—and the committee should report in September this year. It is a big job and it is open to the committee to have a look at that timetable once it is established. My hope would be that it would report within this calendar year so that we can look at the recommendations and if there are any that we can progress we get on and do that within this term of government. I commend the motion to the Assembly.

MR HANSON (Molonglo—Leader of the Opposition) (10.46): I indicate at the outset that the opposition will be supporting the establishment of this committee, but I do want to make a few points. We recognise the importance of regional engagement. We are a commercial, educational and service hub for the area, but the area also provides us with diversity and support. Although we are an island in New South Wales, we are not isolated from it. From roads and transport, taxes and charges, housing and employment, health and education, we share a joint future. In short, we are much stronger and better serviced when we work together than when we go it alone.

I make the point that regional engagement should be the normal role of government. While we will be supporting the motion, it really should have been the business of government for the last 12 years, and it has not been. Throughout the last term, in opposition, my colleagues have been working with their local counterparts in New South Wales on concepts, ideas and consultations. In the last Liberal government here under Kate Carnell, Liberal governments had regular meetings with local mayors and leaders. Kate Carnell set up the regional leaders forum, which met quarterly.

I would like to go back in time to where we were before Labor got into power in 2001 and wrecked the good work that had been done to establish a more powerful region. An article from *Local Government Focus* from 1998—it really is going back a while—entitled “Moving forward in regional cooperation and community planning” states:

> In May 1996 sub-regional partners consisting of the ACT and NSW Governments, NSW councils of Yass, Yarrowlumla, Gunning, Queanbeyan and Cooma-Monaro, and the Commonwealth commenced a strategic planning project to develop a Framework for improved co-ordination of planning and provision of human services in the ACT and Sub-region ….
>
> Kate Carnell, the ACT Chief Minister and Chair of the Forum, said that the Community Planning Framework will assist the Sub-regional Councils in developing their Social or Community Plans.

So Kate was doing this 16 years ago. Again from the *Focus*, but this is now in 1999:

> Chief Minister, Kate Carnell, said that her Government is keen to promote the national capital in the context of the broader region. “We are committed to the sustainable development and management of the Australian Capital Region,” she said.
>
> The Australian Capital Region (ACR) comprises the ACT and the surrounding 17 Councils.

And they are listed. It continues:

> The ACT works closely with the Commonwealth and New South Wales Governments and the 17 local Councils to achieve sustainable development goals.
>
> “It has been interesting to watch the change as the Councils and the ACT Government began working together,” Kate Carnell. “Initial apprehension has now been replaced by mutual trust, with the ACT seen as a regional leader.

Well, we can imagine what has happened to that trust over the intervening 12 years of the Labor government. It continues:

> A key mechanism which enables government leaders in the Australian Capital Region (ACR) to meet regularly to consider issues involving the management and development of the region is the Regional Leaders Forum (RLF).

What happened to that? It continues:

> Meeting three times per year, the Forum provides a means for exchanging ideas and facilitates common decision making in the areas of regional development, resource management and environmental management. Chaired by the ACT Chief Minister, the Forum comprises Mayors of the surrounding seventeen Councils.

We even had Mr Hargreaves asking questions in the Assembly about it. He asked a question about this back on 29 March 2000. Kate Carnell said:

> The regional leaders forum is an initiative of this Government. We started it very shortly after we were first elected. I have to say that it is one of the most successful forums that exist. In fact, in looking at outcomes from that forum, we were the first entity or region in Australia to have a regional environment report, which other parts of Australia are now looking at putting in place.

There was even a submission to the Productivity Commission inquiry into the rural and regional impacts of competition policy by the Australian capital leaders forum. That was in December 1998 and it was put together by Kate Carnell's government.

Madam Speaker, a Liberal government did all this before. It was one of the first things that the Kate Carnell government did. It established it and got it working. It was successful; it was producing things. Labor got into government and got rid of it all. For the last 12 years they have been doing little, if anything, when it comes to regional development.

The Chief Minister has decided that she needs a bit of a vision and she has gone shopping around for one. Jon Stanhope had his human rights agenda and I think what has happened is that Katy Gallagher has decided, "Well, I need a vision. What's my vision going to be?" She has probably looked back through some good ideas that were around way back when the Canberra Liberals were last in and has thought, "Look what Kate Carnell did. That was pretty cool. That worked. That was successful. That achieved outcomes. I know that we wrecked it. I know that we dismantled it. I know that we have done nothing for 12 years, but why don't we go back to what Kate did? It worked well then. Why don't we go back and establish that?"

She sat in her office and went, "Right, I will do this. We'll have this vision. I'll set myself up with a title. We'll have a title and I will become the minister for regional development or something and have this portfolio." She sat there at her desk going, "Right, now what do I do?" There was a bunch of blank faces looking around. She probably looked through what Kate Carnell did and thought, "I know who can give me some ideas because I don't have any. Let's ask the opposition. Let's ask the Canberra Liberals who did this successfully, who rolled it out successfully. Who do I know? I'll tell you what, Brendan. Brendan was around back in those days. He might give me some ideas. I don't have any of my own."

This is the business of government, or it should be. It certainly was under Kate Carnell. It has not been under Jon Stanhope and Katy Gallagher. This is the business of government. "I don't know what I'm doing; I don't really understand this. It sounds good. It sounds like I've got a vision. Let's ask someone that might know. Let's set up a committee because I know they'll put Brendan on it because he does have the enthusiasm for this. He has got the experience as a government minister implementing this. We'll get Brendan to tell us what this vision really means so we'll set up a committee."

Members, we are happy to help Katy out with her vision, which is "Kate Carnell lite". After 12 years of doing nothing, she is going back to what this Liberal Party did back in 1996 when it was first elected and did very successfully. If Katy has problems understanding her vision, if she wants to be—

MADAM SPEAKER: Ms Gallagher.

MR HANSON: Ms Gallagher; my apologies, Madam Speaker. If the Chief Minister wants to be "Kate Carnell lite" and she needs help—I do not think anyone would deny that she does need help—we from the opposition benches are only too glad to assist because we do understand this stuff. We do recognise its importance. You can see in black and white the evidence I have just read into the *Hansard* from various submissions provided to the Productivity Commission, to questions asked and answered in the Assembly, to newspaper articles and so on. There is black and white evidence that we did this before. We did it successfully and the problem is that for the last 12 years that lot over there have not.

We will participate. We can probably go back to Mr Smyth. We will go back to what he did 14 years ago. We will be able to provide you some of those tips. We are happy to participate in the process. I look forward to the results of that committee. Maybe we can get Kate Carnell to appear before that committee as an expert witness to explain what it is that she did and this government has not. I look forward to watching that committee in action.

Question resolved in the affirmative.

Executive business—precedence

Ordered that executive business be called on.

Crimes Legislation Amendment Bill 2012 (No 2)

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

> That this bill be agreed to in principle.

MR SESELJA (Brindabella) (10.55): The Canberra Liberals will be supporting this bill in principle today, but I would flag that we will be moving for its adjournment at the detail stage in order to allow consideration of a particular clause.

This bill was previously introduced in the Seventh Assembly and lapsed in October. It was reintroduced in November 2012.

The Crimes Legislation Amendment Bill 2012 (No 2) will provide amendments to address a number of criminal justice legislation issues that have arisen in the ACT. The bill will amend criminal laws to make key improvements to the criminal justice system. The stated aims of the bill are to:

- provide greater clarity for justice stakeholders in applying a number of pieces of legislation including the offence of affray, appeals for automatic disqualification of driver licences and when property offences can be dealt with summarily;

- provide consistency among similar property offences in the *Crimes Act 1900* and *Criminal Code 2002*;

- improve the ability of the courts to take into account alcohol and drug issues when sentencing;

- ensure that the Children's Court has jurisdiction to hear and decide charges against both an adult and a child or young person where they are jointly charged;

- ensure that possession of a controlled pre-cursor offence is enforceable; and

- create a new offence of possessing a tablet press.

The bill, we are told, will also strengthen a number of amendments in relation to sexual offences and the giving of evidence in violent and/or sexual offences including:

- creating new offences of sexual intercourse and act of indecency with a young person under special care;

- bringing the definition of 'vagina' for sexual offences into line with other jurisdictions;

- ensuring that fellatio is captured in the definition of 'sexual intercourse'; and

- strengthening Sexual Assault Reform Program evidence provisions for giving evidence in sexual and violent offences and the giving of victim impact statements in such cases.

In summary, the opposition believes that this bill does make a number of sensible improvements. We will therefore be supporting it. The Greens have raised an issue in relation to one particular clause. They raised that with us yesterday; I wanted more time to consider that. As a result of that, I understand that other members will be agreeing to adjournment of the detail stage for us to consider that particular clause.

MR RATTENBURY (Molonglo) (10.57): This bill proposes several amendments to ACT legislation with the aim of improving the criminal justice system in the territory. The Greens agree in principle with the majority of these changes. However, as Mr Seselja has touched on, there is one change proposed in the bill that we strongly

oppose. On this point, we hold the contrary view to the government on how we should proceed. I believe that the proposed change breaches the fundamental right to the presumption of innocence. I will oppose this clause, and I call on other members of the Assembly to consider the impact this clause will have on human rights in the ACT. It is a clause that the human rights commissioner has expressed concern with. In fact, I believe there is a good chance that, if passed, a court will declare the law incompatible with our Human Rights Act. I will discuss this matter in detail in a moment.

Let me turn first to the parts of this bill the Greens do agree with. Regarding the sexual offence amendments, one of the key changes made in the bill is the addition of new sexual offences to the Crimes Act. The existing ACT criminal law establishes the age of consent as 16. The change proposed in this bill will extend criminality to people who have sexual contact with a person below the age of 18 who is in their special care. "Special care" essentially covers relationships where there is a significant power imbalance. These relationships are defined in the bill and cover circumstances such as a teacher at the school of a young person; a step-parent, foster carer, or legal guardian of the young person; and the employer of the young person.

This is a difficult area to legislate. This change will increase the age of consent for particular kinds of relationships. After careful reflection, I agree that this is an appropriate change, justified by the need to protect young people from a misuse of authority in relationships where there is a power imbalance. The change has been recommended for inclusion in the Model Criminal Code by the 1999 report of the Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General. It was also recommended in earlier reports, such as the final report of the New South Wales police royal commission in 1997. I note also that there were many submissions on the Model Criminal Code arguing that the potential for power imbalances in relationships is very significant and that a higher age of consent needs to apply.

Abuse of young people, and abuse within positions of trust and special care, is all too common—of course, it is something that should never occur—and I think there is a strong awareness in the community that it is something we need to take strong action against. For an unfortunate reminder of its prevalence, one just needs to look at the support groups that exist all over Australia advocating for the survivors of abuse from all manner of relationships, including with the clergy, doctors and therapists and legal guardians.

I am aware also that the ACT's Director of Public Prosecutions has raised this issue specifically as an area needing reform, with reference to several cases in the ACT involving teachers and step-parents. I also note that other Australian jurisdictions have already introduced similar laws—including Victoria, New South Wales, South Australia, Western Australia, the Northern Territory and the commonwealth. The UK has a similar offence.

I will quickly flag that I had some concern, which I raised with Mr Corbell's office, about the fact that the offence provides a list of positions of authority that is non-exhaustive. I note that the structure of the offence recommended by the Model

Criminal Law Officers Committee uses an exhaustive list of positions of authority. As the committee said, it is preferable that situations where the usual age of consent does not apply are explicitly defined and that citizens are clearly aware of the defining line between what is lawful and what is unlawful.

I have given this some consideration and I accept the way the definition is framed. The listed relationships do not capture all of the relevant relationships of power—a scout and a scoutmaster for example—and it is easy to think of others. So I agree that a non-exhaustive list will allow flexibility to capture all relevant special care relationships, and in this case it outweighs my other concerns.

I also support the remaining amendments proposed in this bill. These achieve a number of practical measures, and I will touch on some of them briefly.

I support the amendments that clarify and strengthen the provision of victim impact statements to a sentencing court. These are, of course, an important element of the sentencing process, as well as being of great benefit to victims and their families, and their experience with the justice system.

The amendments also strengthen the "damaging property" offence in the Crimes Act to ensure it can be used as a viable alternative to the Criminal Code equivalent, allowing these offences to be more often prosecuted and heard in the Magistrates Court as a summary offence. They also ensure the ACT Magistrates Court can, with the consent of an offender, order an assessment by the Court Alcohol and Drug Assessment Service if an offender has a drug and alcohol misuse issue that is relevant to the sentence to be imposed for an offence, so that this assessment and treatment can be taken into account as a pre-sentencing matter. The Court Alcohol and Drug Assessment Service is a good service, operated by the Health Directorate and staffed by health professionals with extensive experience in drug and alcohol treatment. Again, it is an amendment I agree with.

The amendments also expand the jurisdiction of the Children's Court to allow it to jointly hear and decide charges against both an adult and a minor where those two people have been charged jointly. I agree with the government that this will avoid the unnecessary running of duplicate hearings; these, of course, put additional pressure on the courts and could cause unnecessary stress to the various people involved, particularly witnesses who may have had to give their evidence more than once in the previous situation.

I would now like to turn to the aspect of the bill that I have the most concern with. On a cursory reading, clause 23 of the bill appears relatively benign. In reality, I believe this is far from the case. It creates a presumption that anyone who has in their possession a controlled precursor—that is, a chemical such as Sudafed that can be manufactured into a controlled drug—and intends to make a controlled drug out of it, intends to sell it. To reiterate that, if I intended to manufacture some Sudafed into a controlled drug for personal use, I would be deemed to have an intention to sell that drug, a much more serious offence. Contrary to common sense and accepted practice, this new presumption will apply only to the bottom end of the range of the offence—that is, to those found with the lowest quantities of controlled precursor.

There are three categories for this offence. The most serious is for the possession of a large commercial quantity, which has a maximum penalty of 25 years imprisonment; the middle offence is for the possession of a commercial quantity, which has a maximum penalty of 15 years imprisonment; and the lowest is for the possession of any lesser quantity, which has a penalty of seven years of imprisonment.

Ordinarily, for drug offences, there are deeming provisions where certain quantities of drugs or controlled substances are found in the accused person's possession. There is a sound and manifestly evident logic to this, and some level of connection with the facts that must be proved. If someone has a larger quantity, or the capacity to make a larger quantity, in the case of a precursor, whilst it is possible that they will take them all themselves, it is unlikely. It is therefore safer to presume that the person intends to sell at least some, and more justifiable that they be made to explain why they had such a quantity. Indeed, the explanatory statement says:

> The inclusion of a legal presumption on an accused is consistent with the approach at section 604 (presumption if trafficable quantity possessed) and section 608 (presumption if trafficable quantity manufactured) of the *Criminal Code 2002*. The presumption at section 604 applies to the five offences at section 603 for trafficking in a controlled drug. If the accused prepared a trafficable quantity of a controlled drug for supply, transported a trafficable quantity of a controlled drug, guarded or concealed a trafficable quantity of a controlled drug or possessed a trafficable quantity of a controlled drug, then it is presumed, unless the contrary is proved, that the defendant had the intention or belief about the sale of the drug required for the offence.

So, contrary to the assertion in the explanatory statement that the clause in the bill is consistent with these provisions, it is in fact manifestly inconsistent with these provisions, because they will all require that a certain trafficable quantity be in the accused's possession, because that gives rise to a logical connection with the sale.

In the case of a small amount, there is no logical link to say that the accused will necessarily be intending to sell it. To create such a presumption is a serious derogation from the right to the presumption of innocence, and to do so when there is no logical or necessary link to the conduct that the clause presumes is not only unreasonable and unnecessary, but simply unfair.

Drug trafficking is a serious offence and it should be treated as such. The penalties available are very serious, and appropriately so. What we should not be doing is presuming that someone is intending to commit a serious indictable offence when there may well be no evidence whatsoever that they intend to do so.

There is an accepted view in the community that selling drugs is significantly more serious than a person using drugs themselves, and the drug laws across the country, and indeed across the world, reflect this. In other circumstances we would not presume someone to commit another more serious offence simply because they have committed a less serious offence. For example, if a person is caught having committed a minor theft like shoplifting, we do not then impose on them a presumption that they

intended to go on and commit an aggravated burglary, or engage in a criminal enterprise selling stolen goods, so that they can be convicted of a far more serious offence simply because they could not prove that they did not intend to.

Just imagine the quite foreseeable scenario where a naive and foolish young person, perhaps simply wanting to experiment, finds some instructions on the internet about—this is what I understand from briefings with JACS officials—a relatively straightforward process of making particular drugs with materials that are reasonably readily available at about half the cost of purchasing the final product. They have no intention about selling it, and quite possibly there is no evidence one way or the other about an intention to sell it. It is fundamentally wrong for this place, on behalf of the community, to deem that foolish and naive young person to be a drug dealer unless they can prove that they are not.

I think this is quite an important point, because we know that young people will do these sorts of things. For better or worse, the information is available on the internet, and to presume that someone is now a drug dealer because of that naive experiment is simply wrong.

What is at stake here is a very important principle, a principle we inherited as part of the British common law that has existed for centuries. Further, it is a principle that we recognise as a basic human right protected by our Human Rights Act. I will return to the particular application of the Human Rights Act in a moment.

The right to a fair trial has been lauded by the High Court as "the central thesis of the administration of criminal justice" and "the central prescript of our criminal law". Part of the right to a fair trial includes a right to the presumption of innocence. The classic statement to describe the right was by Lord Sankey in Woolmington against the DPP in 1935. He said:

> Throughout the web of English Criminal Law one golden thread is always to be seen—that it is the duty of a prosecution to prove the prisoner's guilt …

John Nader QC wrote in the *New South Wales Bar Review* last year:

> The Digest of the Roman Emperor Justinian contains an early statement of the maxim concerning the presumption of innocence. It states … proof falls on the person who alleges, not (on him) who denies.

The maxim of innocent until proven guilty also carries justification since, by the nature of things, negating a fact may not be possible. In the context of this clause it is particularly important to emphasise that reason again: "since, by the nature of things, negating a fact may not be possible".

Additionally, it is accepted as axiomatic that it is better for a guilty person to go free than for an innocent person to be deprived of their liberty.

In this case, where a person has a small quantity of a controlled precursor, it may well be the case that there is simply no evidence one way or the other of their intentions. In such circumstances, it may be very difficult to prove that in fact it is more likely that

they did not intend to sell it, because there is simply no evidence one way or the other. The effect of the provision will be to make the person guilty of intending to sell drugs when there is a likelihood that that is simply not the case. In the Human Rights Act we have codified the commonwealth protection of this principle in section 22(1), which is taken from article 14 of the International Covenant on Civil and Political Rights.

The sole justification advanced and the single aim of the clause is to make it easier to convict people of the offence. That is it. Certainly we want to make laws that can be enforced, and it follows logically that if you create a presumption that an element of the offence is presumed to have been committed, and make the defendant prove their innocence, that will make it easier to convict somebody. However, it should be noted that in the Momcilovic case, which I will return to later, three judges of the Victorian Court of Appeal unanimously found, when considering the issue of the justification at paragraphs 145 and 146 of their judgement:

> The second obstacle lay in the submissions made by senior counsel for the Crown, who holds the position of Chief Crown Prosecutor. Far from submitting that the imposition of a reverse legal onus was essential to the task of successfully prosecuting trafficking offences, senior counsel candidly acknowledged that a change from a persuasive onus to an evidentiary onus would make little difference. Pressed by the court, counsel eschewed any suggestion that a change of the onus from persuasive to evidentiary would make a major or demonstrable difference to drug trafficking prosecutions. As to the need for evidence, he submitted that empirical evidence of the efficacy of the persuasive onus would have been virtually impossible to obtain. It was mere speculation, he said, whether the outcome in a particular trial would have been different had the prosecution not been able to rely on a reverse legal onus.
>
> … In our view, this was a case where evidence was required. The mere assertion that the reverse onus was essential to the effective prosecution of trafficking offences could never have been sufficient by itself to establish that fact.

Reflecting on those remarks, the question for us here in the Assembly is: is that justifiable? Is that a legitimate end for which we are prepared to derogate from the most central right in the criminal legal system? Surely the appropriate question to ask, if it is difficult to show that people intend to sell the substance they produce when they only have a small quantity, is: why is it an element of the offence in the first place? A more logical step would be to create distinct offences with proportionate penalties rather than using the subversive way of deeming them to have done something there may well be no evidence for.

In Paul Rodney Hansen and the Queen, the Chief Justice of the Supreme Court of New Zealand found the following, also in the context of a deemed drug offence:

> The practicalities of proof, the risk of conviction of the innocent, and the penalties applicable on conviction are likely to be key when assessing whether a reverse onus of proof is justified. Such onus may perhaps be justified where an accused is well-placed to prove a licence or formal qualification … especially if significant criminality is not in issue. It may also be more readily justified where the accused has assumed a particular risk … If an unrebutted presumption

> compels a verdict of significant criminal culpability … however, the better view may be that the prosecution must always bear the onus of proof and a reverse onus is not justified.

In this case we are talking about an indictable offence with a maximum penalty of seven years imprisonment. The fact that some elements of the offence are required to be proved does not detract from the fact that the major element of culpability for which more serious penalties are applied is deemed to have occurred. I agree with the comments of the Chief Justice that a reverse onus simply is not justified and a person should not be found guilty of such an offence simply because of an unrebutted presumption.

In a developed mature democracy the change proposed in clause 23 is exactly the type of law that the Human Rights Act is designed to protect. This is where we get to see how strongly those who profess certain values really hold on to them. In looking at this provision, we have had significant discussions with the Justice and Community Safety Directorate, and we are unpersuaded by their justification for this provision. On that basis, I wrote to the human rights commissioner here in the ACT seeking her view on the proposed amendments. The human rights commissioner has sent me back quite a significant letter. She also copied it to Mr Corbell, and I provided a copy to Mr Seselja so that he could see the comments.

The human rights commissioner has expressed concerns at the proposed offence. I do note that the human rights commissioner has also said that she would like to have more time to consider this matter, and I think that, given the extent of her letter, it is worth taking time to consider this issue. Certainly when I raised it with Mr Seselja yesterday, he indicated that, given the complexity of the matter, it would be wise to take more time to consider this.

On that basis I can indicate that I will be voting to support the bill in principle today; however, when we come back to the in-detail stage I will be looking to either make amendments or strike out the provision that I have spent some time discussing today—and certainly taking time to further consider the advice from the human rights commissioner and consider whether a more appropriate way through can be found for this particular provision of the bill.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.17), in reply: I thank members for their support of this bill in principle. The Crimes Legislation Amendment Bill 2012 (No 2) will provide greater access to justice and protections for victims of sexual offences. The bill will also improve key areas of criminal justice law, benefiting both justice stakeholders and the broader community.

The amendments in the bill result from issues brought to my attention by justice stakeholders, including the Director of Public Prosecutions, ACT Policing and the Supreme Court. The bill enhances many different areas of criminal justice law, but focuses particularly on the rights and protections of sexual offence victims. I note that there would appear to be commonality of agreement in relation to those provisions.

I note the comments made by Mr Rattenbury in relation to clause 23 of the bill, and I will spend the rest of my time dealing with these provisions. In the area of drug offences, the bill creates a new drug offence prohibiting the possession of a tablet press. A tablet press is an instrument or machine that may be used to manufacture a controlled drug in tablet form. The offence will criminalise the possession of a tablet press where a person intends to possess a press or where they are reckless about the fact that the item is in their possession. Such an offence will contribute towards preventing the manufacture and sale of illicit drugs.

The bill also amends the offence of possessing a controlled precursor with intent to manufacture and sell, and these are the matters that Mr Rattenbury has outlined in his comments this morning. The bill creates a presumption that the defendant intended to sell the controlled precursor. This presumption will only operate where the prosecution has shown the defendant intended to manufacture the controlled precursor substance.

As a serious drug offence in the Criminal Code, it is important that this offence is actually enforceable. This amendment will address concerns about the enforceability of the possession of controlled precursor offences in the Criminal Code, and it will support the overarching purpose of the ACT's serious drug offences and bring the offence closer into line with other jurisdictions.

The bill provides clarity around the offences for the supply or possession of a substance, equipment, plant material or instructions for manufacturing a controlled drug or cultivating a controlled plant. This will provide clarity for courts, defence and prosecution as to the elements of this offence as they were originally intended by the legislature.

The government is strongly committed to responding to illegal drugs through strategies designed to disrupt their production and supply. This needs to happen together with strategies designed to prevent people taking up harmful drug use and improve access to treatments to reduce and treat drug addiction. Controlled precursors are chemicals that can be used to make controlled drugs. The serious drug offences in the Criminal Code are aimed at disrupting the manufacture and supply of controlled drugs.

The use of precursor chemicals to manufacture controlled drugs is a significant concern for law enforcement and health authorities. All Australian jurisdictions have adopted robust measures aimed at addressing these concerns. The government's stated view is that the amendment in clause 23 is important for the proper enforcement of the offence of possessing a controlled precursor.

The explanatory statement for the bill notes that the amendment limits the presumption of innocence at section 221 of the Human Rights Act and goes on to provide a detailed justification for that limitation. The explanatory statement refers to the High Court case of Momcilovic v The Queen in discussing the nature of the presumption of innocence.

The offence considered by the High Court and the Victorian Court of Appeal, and mentioned by Mr Rattenbury in his comments, is distinguishable from the offence to be modified by clause 23 of the bill. The offence in Momcilovic provided two presumptions which, taken together, established prima facie evidence of drug trafficking without the prosecution having to prove anything beyond the fact that a sufficient quantity of a substance was on the premises occupied by the defendant.

The offence as amended by clause 23 of this bill in contrast requires the prosecution to prove beyond reasonable doubt that the defendant intentionally possessed a controlled precursor and that the defendant did so with the intention of using it to manufacture a controlled drug. Only after the intentional possession and the intention to manufacture are established will a presumption arise that the defendant intended to sell the controlled drug.

I note that this proposed amendment has been the subject of comments by the Standing Committee on Justice and Community Safety exercising its legislative scrutiny role—twice. I have provided responses to questions raised by the committee on each of those occasions, and I will set out some of the context for the amendment now.

Clause 23 modifies the offence at section 612(5) of the Criminal Code to apply a statutory presumption in relation to the sale of a controlled drug. This offence at section 612(5) occurs where a person is in possession of a controlled precursor with an intention to manufacture a controlled drug and with an intention to sell the controlled drug. This offence carries a penalty of seven years imprisonment, 700 penalty units or both. It is a serious offence.

When the first two of these elements are proved, the presumption will apply and the defendant will be taken to have possessed the controlled precursor with the intention of selling any of the manufactured drug or believing that someone else intends to sell any of the manufactured drug unless the defendant proves otherwise on the balance of probabilities.

Let me stress again that the prosecution must first prove beyond reasonable doubt that the person intentionally possessed the controlled precursor and they must also prove beyond reasonable doubt that the person had an intention to manufacture a controlled drug before this presumption will apply. This is the same approach taken by the commonwealth in relation to the same offence. This reverse onus will require a defendant to raise evidence to displace the presumption. Normally, this evidence would relate to an intention to use the controlled drug for their own personal use. This is evidence that is peculiarly within the knowledge of the defendant. It is not unreasonable to expect that a defendant will be in a good position to prove their intention.

We are talking about those who, to face this presumption, have controlled precursors and a proven intention to manufacture. In case we are in any doubt, manufacturing illegal drugs is illegal. These are not persons innocently coming up against a

draconian provision; they are people who have put themselves in a position where a provision designed to attack organised crime and disrupt the manufacture and supply of drugs applies to them.

In cases where small quantities of a precursor are found, it will be easier to raise sufficient evidence to establish on the balance of probabilities that the drugs are for personal use and that the person has no intention of selling them. However, the quantity of the precursor a person is found with is not the only consideration a court will take into account. Evidence about a defendant's drug use patterns will also be relevant. Much of this information will only be available to the defendant, so it is appropriate to require them to present this evidence. This strikes, in the government's view, the right balance between the need to support the enforceability of the offence where a person is dealing with even small quantities of a controlled precursor for the purposes of drug trafficking and a defendant's ability to exonerate themselves.

The recent scrutiny of bills committee in its report No 2 asked whether the less restrictive option of placing only an evidential burden of proof on a defendant instead of a legal burden of proof would serve the same purpose without the same limitation on the presumption of innocence. I refer members to my response to this question, which was published in report No 3 of the scrutiny of bills committee on 25 February this year. The essence of my response was that placing an evidential burden would not satisfy the purpose of the proposed amendment, which is to require the defendant to establish something peculiarly within his or her knowledge to facilitate in order to attack organised crime and disrupt the supply and manufacture of illegal drugs.

An evidential burden would allow a defendant to simply state under oath that they intended to use the controlled drugs themselves—end of question. While oaths might be taken seriously by many of us, unfortunately, it is not always the case. With the simple act of making a false oath, the evidential presumption would be rebutted, leaving the prosecution to prove the intention to sell. This is not a satisfactory position and it is not an improvement on the position we currently face.

Again, limiting the application of the presumption to instances where the precursor would yield a trafficable quantity of the controlled drug has also been suggested. This option, although attractive on its face, presents a number of technical and legal difficulties. While it is theoretically possible to calculate the yield of controlled drugs from a controlled precursor, the variables that apply in the real world would undermine any evidence on the question. This approach of limiting the offence to cases where precursors will yield a trafficable amount would have the undesirable effect of significantly complicating an already complex offence. It also fails to recognise that some dealings with precursors for the purpose of drug trafficking will involve small quantities for sale.

Members need to be aware in considering this amendment that there is an increasing trend for organised crime to spread its risk by using a large number of people to each produce small amounts of illegal drugs rather than getting one person to manufacture a large quantity. Members must consider and satisfy themselves that this proposal represents a reasonable and demonstrably justified limitation on the right to be presumed innocent. The government's view is that it is justified, and for those reasons the government will be asking members to consider that proposal further.

That said, Madam Deputy Speaker, this bill makes important changes to a range of other provisions. It deals with issues around sexual offences, it deals with issues around protections for sexual offence victims, and it deals particularly with vulnerable victims under the age of 18.

I thank members for their support of the bill in principle and urge members to consider carefully the issues raised in the detail stage of the debate.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Disability Services Amendment Bill 2012 (No 2)

Debate resumed from 29 November 2012, on motion by **Ms Burch**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (11.30): I rise today in support of this bill. The Canberra Liberals have long been advocates of those with a disability and the disability sector, thus recognising the importance of receiving quality care and services. As such, moves that will enhance and protect the standard and quality of disability services will have our in-principle support.

The Disability Services Amendment Bill 2012 legislates disability service standards, which are currently dealt with through contracts and policy. It will allow ministerial approval of standards and establish regulations relating to compliance, performance and enforcement of these standards. We have been advised that a legislative platform is the key as we move towards the rollout of the national disability insurance scheme and new national disability service standards that are in draft form and undergoing consultation.

Madam Deputy Speaker, while I repeat that we will be supporting this bill, I do caution that we will be watching the minister closely and will be closely monitoring any regulations that the minister puts forward. As with any bill that seeks to give a minister additional power, this will be monitored closely by the opposition, particularly given the record of this particular minister.

DR BOURKE (Ginninderra) (11.32): I am pleased to voice my support for the Disability Services Amendment Bill. The Disability Services Amendment Bill 2012 (No 2) amends the Disability Services Act 1991 and will allow the minister to approve disability service standards and establish regulation-making powers for this

act. The ACT government requires funded services to comply with the national standards for disability services as part of all funding agreements with disability service providers.

Funding agreements also include a clause acknowledging that the national standards are currently being revised and that service providers agree to comply with the requirements of any revised national standards. Lifting the requirement of compliance with disability service standards from a contractual obligation and entrenching it as a legislated regulation is an important step in improving the quality of services for people with disability.

This amendment will confer regulation-making power on the minister, which means that provisions can be made in relation to the standards. More specifically, this includes which entities must comply, how to measure compliance, enforcement and monitoring of compliance, as well as the consequences of failure to comply with the disability service standards approved by the minister.

The amendment provides a process to implement the national standards for disability services, once their review is finalised. The revised national standards are seen as a foundation reform for the national disability insurance scheme to enable consistent quality standards for the disability services sector. They focus on rights and outcomes for people with disability. A draft version of the revised national standards was tested nationally in 2012 and a final version is expected to be released mid-year.

People with disabilities, families, friends and carers, service providers, advocacy organisations and quality bodies informed the development of the revised national standards. The amendment will strengthen quality standards and contribute to the work the ACT government is doing to achieve the best possible outcomes for people with disability.

The announcement that the ACT is to be one of the launch sites for the rollout of the national disability insurance scheme is one of the most exciting developments for the ACT that occurred last year. The NDIS is a very significant development for the disability sector. While it will provide significant benefits for people with disability, it will be a major transition for the ACT government, the disability sector and individuals. Being involved in the scheme early is important for the ACT and the ACT will continue to contribute to the design of the NDIS and to shape the future model that is rolled out nationally.

The Disability Services Amendment Bill is important for the ACT government to transition to the NDIS. Entrenching disability service standards in legislation is crucial. The government's bill contributes to the ACT government commitment in developing a best practice model of supports for people with disability in the ACT. I commend the government's bill to the Assembly.

MR RATTENBURY (Molonglo) (11.35): The Disability Services Amendment Bill effectively adds the capacity for the minister for disability to legislate standards for the provision of services to people with a disability, with immediate commencement. It also adds a regulation-making power for the executive to make regulations in regard

to compliance with the standards. The act also amends the Human Rights Commission Act 2005 to include a breach of these standards as cause for complaint to the commissioner about a disability service.

Disability service standards have already, in fact, been legislated through the Official Visitor Act that was tabled in this place by my colleague Amanda Bresnan last year, though the commencement date for this provision in the Official Visitor Act is March 2014 and some of the other provisions are slightly different.

Legislated disability standards are important as they strengthen the commitment that government has to ensure that people with a disability receive services in a professional and appropriate manner. The standards become particularly important in light of the rollout of the national disability insurance scheme. Service standards have existed for some time. Indeed, the national disability service standards are currently being updated and are due for imminent release. This is, I understand, the intent of this bill—to ensure that there is a legislative framework for the ACT government to adopt the national disability service standards as law.

Until now, disability service providers have, in general, had service standards linked to funding agreements. This has been the mechanism by which implementation of standards has been monitored. Obviously, with the rollout of the NDIS, service providers will not necessarily be subject to funding agreements with governments, and so a legislative framework becomes even more important. The capacity to set standards effectively gives the government a clearer ability to regulate the disability service sector.

The bill makes it clear that a service that has to comply with guidelines in a service agreement is also required to comply with any legislated standards. One would assume that the legislated standards would assume priority should there be any contradiction, but my understanding is that there has been an attempt to align service agreement standards with the national disability service standards as they are being developed.

This bill obviously allows for other standards besides the national disability service standards to be adopted—for example, the provision of local standards as well. One would assume that these would be implemented with the full consultation of the disability service sector and disability advocacy groups.

The Greens were also reassured to find out from the minister's office that the intent of the new section 11—clause 2—did not mean that if standards adopted from other jurisdictions were updated or changed, the new versions were not put through the Assembly as a new disallowable instrument.

The phrase "from time to time" left that a little unclear and we would not want the situation to arise where an updated version of what was effectively the same standard did not pass through the Assembly as a disallowable instrument. Madam Deputy Speaker, the Greens will be supporting this bill today.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (11.39), in reply: I am pleased today to see that the bill appears to have the support of the chamber. This bill was introduced in May of last year and then reintroduced in November 2013. The purpose of the bill is to amend the Disability Services Act 1991 to allow the minister to approve disability service standards and establish regulation-making power for the act.

The ACT Disability Services Act 1991 was established as part of the first commonwealth and state and territory disability agreement in 1991 when the commonwealth transferred responsibility for the administration of specialist disability accommodation and community support services to state and territory governments. Each jurisdiction was required to establish disability service legislation as part of that transfer. The amendment builds on the work the ACT government is doing to achieve better outcomes for people with a disability in line with *Future directions: towards challenge 2014* and the transition, of course, to the national disability insurance scheme.

The ACT government is responsible for regulating specialist disability services, excluding employment services, under the terms of the national disability agreement or the NDA.

This agreement between the Australian and state and territory governments sets the national framework to fund, monitor and support quality services for people with a disability. As part of the NDA, the Australian government and the states and territories agreed to develop a national quality framework for disability services in Australia. The national standards for disability services are part of this framework. Jurisdictions can retain operational autonomy for how the standards will be implemented and will continue to tailor quality systems to respond to local contexts.

In February 2011, the Community and Disability Services Ministers Advisory Council endorsed work to be carried out to revise the national standards. A draft version of the revised standards was released for consultation last year and I would expect that this process will soon be completed.

The ACT government requires funded services to comply with the national standards as part of all funding agreements with disability service providers. Funding agreements also include a clause acknowledging that the national standards are currently being revised and that service providers agree to comply with the requirements of any of the revised national standards. The amendment will embed service standards for people with a disability in law. It is significant for government to develop a best practice model of service for people with a disability in the ACT.

I will now go to some of the key provisions of the bill. Clause 4—section 6(2)(b)—deals with financial assistance for providers of services and sets out that the minister must not approve a grant unless the minister is satisfied that compliance with the standards will be met. Clause 5—section 7(4)—deals with the conditions of grants

and states that an agreement about a grant includes a condition that the person receiving the grant must comply with the standards.

Clause 6—section 11—deals with the disability service standards. Section 11 relates to disability service standards and states that the minister may approve standards about the provision of services for people with a disability and that approval may apply, adopt or incorporate an instrument as in force from time to time. That approval will be a disallowable instrument. Clause 6—section 12—provides a regulation-making power and states that the executive may make regulations for the act.

A regulation may make provisions in relation to standards including the following: entities that must comply with standards, performance measures for measuring compliance, monitoring of compliance with the standards, the enforcement of compliance with the standards and the consequences of failing to comply with those standards.

The status of standards will be strengthened by this bill by moving compliance from a contract to law. The proposed amendments do not add any additional regulatory obligations or administrative requirements for service providers and the existence of standards in legislation will support the delivery of quality services. The amendment will explicitly require service providers to comply with service standards.

In December of last year at the Council of Australian Governments meeting, the ACT, along with South Australia, Tasmania, New South Wales and Victoria, signed a multilateral agreement with the commonwealth government to become a launch site for the national disability insurance scheme. The NDIS is a major development for the disability sector and while it will provide significant benefits to people with a disability, it will be a major transition for the ACT government, the disability sector and for people with a disability.

The ACT government is committed to strong relationships with community partners and to engaging with the sector and individuals that are central to this scheme. Entrenching disability service standards in legislation is important to assist the ACT community sector to transition through to the full implementation of the NDIS in 2016. The absence of contractual arrangements with disability service providers makes the regulation-making powers of this amendment even more important to ensure that providers are operating within the national standards.

The transition to the full scheme of the NDIS will work to achieve national consistency in disability services and these amendments will support the effort by providing quality disability services in the ACT. The ACT government is committed to working with the community sector to ensure compliance with the standards and we will work with them once this is passed today.

The government's bill builds on the work being undertaken in developing a best practice model of support for people with a disability. Finally, I would like to thank the officials for their work on these amendments and members for their comments and contributions here today. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Regional Development—Select Committee
Amendment to resolution

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education): I seek leave to move a motion that is circulated in my name.

Leave not granted.

Standing orders—suspension

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.45): I move:

> That so much of the standing orders be suspended as would prevent Ms Gallagher from moving a motion to amend the resolution passed earlier today relating to the establishment of the Select Committee on Regional Development.

This motion that the Chief Minister is seeking to move today is to address issues arising from the passage of the earlier resolution of the Assembly today to establish a select committee on regional development and to clarify the process for appointment of chair. I will not go into the specifics of why the resolution is being proposed. That is a matter for the Chief Minister but I would simply say that it is necessary to clarify this matter and it would be timely to do so before the committee met and had to deal with these issues, given the deadlock between Labor and Liberal members in terms of numbers both on the floor of this place and in the committee.

MR HANSON (Molonglo—Leader of the Opposition) (11.47): I have first got a question: who actually sent this around? It is not signed and dated.

Mr Corbell: It has been recirculated.

MR HANSON: We have not seen that. I have not seen that anyway. The point is that we had the debate in this place. The government sought the agreement of the opposition, which we gave in good faith. The debate we had in this place was based on the correspondence that was provided. Then what we have is, based on that debate, the government rushing in and retrospectively changing what was agreed to as part of that debate and what we agreed to with the vote of this Assembly, which was unanimous.

If there is going to be a decision about who is the chair of that committee, it should be a decision taken by the committee, based on who is the appropriate member to do that, based on experience and other qualifications. At no stage during any of the debate that we had on this matter was the chair of the committee mentioned. Now this is being forced upon the opposition retrospectively, without the appropriate debate.

I think it is best, based on the spirit of the debate that we had, the way it has been put forward by the minister both in correspondence and in debate on the original motion, that the discussion about who is the chair of the committee be left to that committee. Otherwise I think it is an admission from this government that the imposition of four-member committees, as we have seen with the estimates committee today—and we had an argument about that—is simply unworkable. And what has happened is that the Assembly—

Mr Corbell: On a point of order, we are debating a procedural motion as to whether or not standing orders should be suspended, not the questions around chair of the committee and so on. So I would ask you, Madam Deputy Speaker, to ask Mr Hanson to remain relevant on the procedural motion.

MADAM DEPUTY SPEAKER: Thank you, Mr Corbell.

MR HANSON: On the point of order, that is exactly what I am doing. I am explaining why it is that we do not support the granting of leave for this motion, because it is inconsistent with the debate that we had earlier in this place. I am sticking to points which relate to why this opposition is not going to grant leave.

MADAM DEPUTY SPEAKER: Mr Hanson, I think you were straying into other matters that you would necessarily prosecute later when we are actually discussing the motion. So I think that you need to stay relevant or complete the debate.

MR HANSON: Madam Deputy Speaker, thanks. I think I have made my point anyway. The opposition will not be supporting the granting of leave.

Question put:

> That the motion be agreed to.

The Assembly voted—

Ayes 9		Noes 8	
Mr Barr	Ms Gallagher	Mr Coe	Mr Seselja
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

Question so resolved in the affirmative, with the concurrence of an absolute majority.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (11.53): I move:

> That the resolution passed earlier today establishing a Select Committee on Regional Development be amended by inserting a new paragraph (3A):
>
> "(3A) that a Government Member shall be elected chair of the committee;".

Mr Smyth: On a point of order, Madam Deputy Speaker, is this the correct procedure to enable this to happen? Surely one should either reopen the previous vote or a whole new motion needs to be put forward rather than an amendment to the resolution.

Mrs Dunne: Further to the point of order, if I may, I would ask for your guidance, Madam Deputy Speaker, about whether this piece of paper that is circulated is an amendment or a motion in a form that can be accepted for debate.

MADAM DEPUTY SPEAKER: Thank you very much, Mrs Dunne. Members, this is simply a motion to amend a resolution that was passed earlier today. It clearly says that. Yes, it is in order.

Mrs Dunne: Madam Deputy Speaker, I am actually asking about the form because the words say "I move a motion to amend". I would think that normally a member of this place would move that certain words be added or something like that. I am just asking whether the form is of a sort that can be accepted.

MADAM DEPUTY SPEAKER: Mrs Dunne, it says to insert a new section. So I think that does clearly indicate what is intended by the motion before us. Ms Gallagher.

MS GALLAGHER: Thank you, Madam Deputy Speaker. The reason I am moving this motion today is that the previous resolution was silent on the issue of a chair and it was clear from the speech given by the Leader of the Opposition in relation to the establishment of the select committee that the Liberal Party were going to treat it as a joke. In his speech, he made a lot of jokes about whether or not I had a vision in that I had to copy Kate Carnell's vision. He also made—

Mr Hanson: I do not think that is a joke.

MS GALLAGHER: You are a joke, Mr Hanson. And he made a joke about Kate Carnell appearing as an expert witness.

Mr Coe: On a point of order.

MADAM DEPUTY SPEAKER: Will you stop the clock, please, Clerk. Yes, Mr Coe.

Mr Coe: Madam Deputy Speaker, I wonder whether the Chief Minister's derogatory comment that Mr Hanson is a joke is parliamentary.

MADAM DEPUTY SPEAKER: Ms Gallagher, will you withdraw that statement, please?

MS GALLAGHER: I will withdraw that, Madam Deputy Speaker, but it is clear that the—

Mrs Dunne: On a point of order, Madam Deputy Speaker, could I ask you to reflect on the comments that were made by the Chief Minister and whether or not they reflect on the vote that was taken earlier today.

MADAM DEPUTY SPEAKER: I do not think they did. I am not clear what you are actually referring to, Mrs Dunne, but I do not think there is any problem. Ms Gallagher has withdrawn her comment about Mr Hanson being a joke. That has already been withdrawn. I would ask Ms Gallagher to continue in that vein and not be tempted to get into that kind of discussion in future. Thank you very much.

MS GALLAGHER: Thank you, Madam Deputy Speaker, and I certainly was not reflecting on a vote of the Assembly. I was referring to a speech that was made in the debate. And it is clear from that speech and indeed it is clear from the Speaker's comments when she walked into this chamber and said, "So what, the Chief Minister, without a vision, could not get it done this morning," that is the attitude that they bring to this chamber. The approach that the Liberal Party are going to take to the establishment of this select committee, without guidance from the Assembly about who should manage this select committee in the role of chair, is clear. I think it is very important that the Assembly provide that direction very early on.

It was not in the original motion but it clearly needs to be addressed now because I think the establishment of the committee provides an opportunity to provide a very valuable input into the discussions about regional development, and that is clearly not going to be the case. The Liberal Party will want to play politics with it. I imagine they will have fun not electing a chair. I think in this instance it is very important that the Assembly provides that guidance, and that is simply what this motion seeks to do.

MR HANSON (Molonglo—Leader of the Opposition) (11.59): I share some of the concerns of Mrs Dunne about the process that is unfolding here where we can amend motions retrospectively. That is perhaps for a broader discussion on the standing orders. But it highlights the concerns that are clearly emerging with committees with two members of government and two members of the opposition. Mr Smyth has made some pretty pertinent points about that with the establishment of the estimates committee today. We are getting to a point where it would appear committees are starting to become unworkable as a result, and this is an issue that we will need to further consider in the Assembly.

With regard to Ms Gallagher's motion to amend the establishment of the select committee, it became pretty obvious as the debate unfolded that her vision collapsed. What she put forward as a new and exciting vision from Katy Gallagher was exposed as something that Kate Carnell had done 15 years ago. The new and exciting opportunity here for regional development was something Labor had ignored for 12 years—in fact, they wrecked the good work that had been done.

We saw it dawn on the Chief Minister: "Oh my God, this committee is not going to go the way I thought it would, which is an opportunity to expose what a visionary I am. It is actually going to expose the fact that I and the Labor Party are anything but and that Kate Carnell and the previous Liberal government have done this in spades before." She is now trying to retrospectively say, "Oops, we'd better make sure that we do not have a chair that actually knows what he's talking about." If we were to have a chair who was the right person to provide the sorts of answers Katy Gallagher wants, it is quite clear that person is Brendan Smyth. He was a member of Kate Carnell's government. He has the experience, the knowledge, the background, the enthusiasm and the energy to do this. So if anyone is playing politics—

Members interjecting—

MADAM DEPUTY SPEAKER: Sit down, Mr Hanson. Stop the clock, please. Mr Hanson will be heard in silence, please. Both sides of the house are yelling across the chamber. We will listen to what Mr Hanson has to say.

MR HANSON: The concern Ms Gallagher has—we can see her playing politics now—is that Brendan Smyth has done this before and that he has more vision in his fingernail than Katy Gallagher has in her whole cabinet. So what she wants to do is appoint somebody else to be the chair to try and stop the fact that people like Kate Carnell may appear before the committee and Brendan Smyth as the chair—

Members interjecting—

MADAM DEPUTY SPEAKER: Members! I am going to start warning people if you do not be quiet.

MR HANSON: Thank you, Madam Deputy Speaker. What are we going to get? We are going to get another member. I look forward to seeing who the chair is with this wealth of experience and background in regional development. Maybe it is Dr Bourke, because we know he does not have a great deal to do these days.

Madam Deputy Speaker, this is an entirely politically motivated exercise from Katy Gallagher to try and demonstrate that she has some vision, which has been lacking in this government for 12 years. It has backfired on her. She has realised that in the debate today and she is trying to retrofit the committee to make sure that the damage is limited.

That is what is occurring today. It should be left for the committee to decide who is best qualified to be the chair. It is my intention that Mr Smyth be appointed to that committee, and I am pretty sure that if the members of that committee looked around at the Dr Bourkes or the Ms Berrys or the Mick Gentlemans and asked, "Who's best qualified to be the chair of this committee," the resounding resolution of that committee, if they were doing it on merit, would be Mr Smyth. But this is not being done on merit; this is being done on the basis of, "Let's try and promote Katy Gallagher's vision," which it turns out is a facade. At the very best Katy Gallagher's vision is Kate Carnell's vision lite.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (12.03): What we have just heard from the Leader of the Opposition is the fallout he has to deal with now in his party room because Brendan Smyth got dumped. We know what happened when Mr Smyth got dumped—he took a pay cut. So what Mr Hanson is now doing is saying, "Don't worry, Brendan, I'll find you a job where you get a bit of an increase in your salary." That is what Mr Hanson is saying today. This is not about merit; this is not about who has got the best ideas around chairing a committee; this is about giving Mr Smyth a little sinecure because he lost 7-1 in the party room vote.

Mr Coe: A point of order.

MADAM DEPUTY SPEAKER: Stop the clock, please. Mr Coe.

Mr Coe: I ask for your ruling as to whether it is appropriate for Mr Corbell to, in effect, insinuate financial gain as a motivation.

MADAM DEPUTY SPEAKER: Mr Corbell, I think the point has been made and you need to get back to the motion, please.

MR CORBELL: I have made my point.

Mrs Dunne: Madam Deputy Speaker, has Mr Corbell finished?

MADAM DEPUTY SPEAKER: No, he has not.

Mrs Dunne: Sorry, I thought he had finished.

MADAM DEPUTY SPEAKER: Mr Corbell, are you finished?

MR CORBELL: Yes, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Terrific. Yes, Mrs Dunne.

MRS DUNNE (Ginninderra) (12.05): It is interesting that Mr Corbell should stand and make the sorts of comments he did when it is quite clear that Chief Minister Gallagher should have thought about who her captain's pick might have been before she finished drafting this motion in the first instance. Without revealing secrets about what happens in the Liberal Party party room, I do not think there were members of the Liberal Party party room who had not thought that the Chief Minister might have wanted to have made a captain's pick.

And Mr Corbell talks about sinecures for backbenchers on standing committees. The standout sinecure is the preferment that was given to Mr Gentleman in 2004 when he chaired the select committee on family and work responsibilities. In the first year it met for 11 hours and in the second year it met for 10 hours. Mr Gentleman was earning—

Members interjecting—

MADAM DEPUTY SPEAKER: Please stop the clock. Mrs Dunne, sit down, please. This motion can be very quickly dealt with if we stop yelling across the chamber at one another. I do not think this is a joke. This is a serious matter, and it needs to be dealt with seriously. Mrs Dunne will be heard in silence and then we can get on with the motion. Mrs Dunne, just as I asked Mr Corbell not to keep on talking about that particular subject, I ask you, too, not to refer to the salary of the chair and drawing conclusions from that. We are not going to be talking about that.

MRS DUNNE: I think the point has been made, Madam Deputy Speaker, that when it comes to providing sinecures the Labor Party across the board have gold medal status. It is clear that we have here today another captain's pick, but one that has been handled even worse than the famous captain's pick in relation to the Northern Territory Senate preselection.

MADAM DEPUTY SPEAKER: The question is that the motion be agreed to.

Members interjecting—

MADAM DEPUTY SPEAKER: Do we want to conclude this matter or do we want to just descend into a rabble?

Question put:

> That the motion be agreed to.

The Assembly voted—

Ayes 9		Noes 8	
Mr Barr	Ms Gallagher	Mr Coe	Mr Seselja
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

Question so resolved in the affirmative.

Sitting suspended from 12.10 to 2.30 pm.

Questions without notice

Canberra Hospital—emergency department

MR HANSON: My question is to the Minister for Health. On Wednesday, the EDIS computer system at the Canberra Hospital failed, causing delays to patients and resulting in patients being advised to seek treatment elsewhere. As we know, the EDIS system was at the centre of the data-doctoring scandal last year that created false records of ED waiting times. Minister, what was the problem on Wednesday, how long did it last and how many patients were affected?

MS GALLAGHER: I thank Mr Hanson for the question. The problem was with the server that the EDIS system operates from. The server crashed. This happened at about 8.50 yesterday morning. I was advised at about 10.30 last night that the problem had been fixed, so it was about 12 or 13 hours that the EDIS system was not operational. It has not had this type of failure before. It was immediately responded to by Shared Services ICT and Health staff. The Canberra Hospital saw 166 patients yesterday, so in that sense that is probably a slightly quieter day than normal. One ambulance was transferred to Calvary during this time.

I take the opportunity to put on the record my thanks to the staff in emergency who continued to provide very high level care and implemented a paper-based system to ensure that patient safety and the quality of care were maintained, and they worked very hard with the workarounds that had to be put in place yesterday. From all accounts the problem as it existed has now been resolved.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, will the records for waiting times for the period of the failure be accurate now, post this failure?

MS GALLAGHER: Yes, they will. All the data was collected by staff. As it normally is entered into the computer system, it was entered into individual patient records. Those patient records will now be updated onto the system over the next few days. I do not think that there is any issue or any concern about waiting times considering that the issue where waiting times that had been changed related to an individual who had changed them who is no longer working in the emergency department.

MADAM SPEAKER: A supplementary question, Mr Seselja.

MR SESELJA: Minister, after what appears to be two serious failures of the system, what processes do you have in place to review or replace the system?

MS GALLAGHER: We are not replacing the EDIS system. In fact, we have just implemented it with some changes at Calvary so that the two emergency departments can speak together. In relation to the failure of the system, I think if you are referring to the unauthorised changes that were made to the system, that was not a failure of the IT system; that was a failure of a staff member to enter the correct data.

In relation to the failure that happened yesterday, this has not happened before. The EDIS system has served the Canberra Hospital very well. It was due for replacement, I understand, in two weeks. I have been advised that the system is up and running. I have not been advised whether further changes need to be implemented or the changes that were planned for in a couple of weeks time need to be done or whether that work has been done by the work that was done yesterday by Shared Services ICT.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, could you inform the Assembly about the electronic systems that we have between the Canberra Hospital and the Calvary Hospital?

MS GALLAGHER: There have, in the past, been issues about different IT systems operating between the two hospitals. The collaboration that has occurred over recent years means we are addressing those particular areas in relation specifically to ICU and through the implementation of EDIS, although that was delayed due to some of the concerns that had been raised with the unauthorised changes to the data that occurred last year.

Increasingly, as we implement new IT systems, we are very mindful of the fact that it is important to make sure that both of our hospitals are connected and are able to speak to each other in the modern health world.

Hospitals—waiting times

MR COE: My question is for the Minister for Health. Yesterday the Institute of Health and Welfare issued their report on Australian hospital statistics. These stats are used to secure funding from the commonwealth government, which we missed entirely last year, and this year it is $800,000. Minister, the results of this are reported as, and I quote:

> … patients in the ACT were the least likely in Australia to be seen and discharged or admitted within 4 hours.

Minister, after 12 years in government and six of those with you as health minister, why are ACT patients still the least likely in the country to be seen on time?

MS GALLAGHER: I thank Mr Coe for the question. I think this is a similar question to the one that was asked last sitting period. It is exactly the same data and the reasons for it and issues around it are exactly as I answered last time.

I would say, in the spirit of the bipartisan support that Mr Hanson indicated during the last sitting week—and I spoke to a couple of emergency department staff when I was out at the hospital at lunchtime—it would be nice occasionally if the focus was actually on all the hard work that is done to achieve targets. The staff are very focused on this. The government has provided the resources that the staff have requested that would allow them to better implement the four-hour rule. They are working away at that now. We have capital works underway. We have new staff being recruited to fill positions and to generate extra capacity.

But the reality is that we have two hospitals that are incredibly busy. When you look at the jurisdictions that are struggling—indeed, New South Wales is struggling under the NEAT report as well—they are hospitals that have very busy emergency departments.

So the work is being done. I am very confident that the NEAT targets will be met. I welcome the opportunity to speak about the elective surgery figure, which was

released in the same report. I think the ACT was the only jurisdiction that met all nine of the targets established under the national partnership.

I would remind members—and I told them last sitting week—the $800,000 reward funding has not been lost to the ACT. The targets have been agreed to be reset by the commonwealth in light of some of the difficulties we had last year in the emergency department data. I am confident that, whilst those targets will be a challenge to meet, we will end up with that $800,000 because everyone, certainly on this side of the chamber, and everyone in the hospital is very focused on achieving them.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, can you absolutely guarantee that the $800,000 will not be put into jeopardy?

MS GALLAGHER: I have been given a guarantee from the federal minister that the money—

Mr Doszpot: That must be true then.

MS GALLAGHER: Thank you, Mr Doszpot; helpful—that the money, as usual, will remain there for the ACT to get. It is a letter from the commonwealth, from the federal Minister for Health. Regardless of how you feel about our politics, Mr Doszpot, I presume that you would respect a letter in writing from the commonwealth that outlines commitments for financial reward.

I would say that I have been the only one going up the hill advocating for the needs of our emergency department and advocating at length about the need not to take reward funding away when our staff are working so hard and doing such an excellent job at providing quality care to the people of the ACT.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, why is it important to look at other options for ACT patients that might affect the emergency department, such as a nurse-led walk-in centre for Tuggeranong?

MS GALLAGHER: If anyone listened to Dr Peggy Brown's interview on the radio this morning, I think she summarised the strategies that have been put in place around the emergency department very well. She talked about the need to divert people from hospital, the need to focus on resources in the emergency department and the need to build up cooperation across the hospital to enable the swift passage of patients who are to be admitted into the other areas of the hospital. One of those strategies is to divert people from the hospital. That means they need access to GPs, access to nurse-led walk-in centres, access to chemists or pharmacy, which provide an excellent source of advice. The call centres can provide advice as well, particularly for those less serious, non-urgent conditions. My hope is that when the walk-in centre in Tuggeranong and in Belconnen is established, that will provide a popular choice for

people in those areas to access free out-of-hours healthcare advice for less urgent conditions and that we will again see easing of pressure in those lower categories in the emergency departments.

MR HANSON: Supplementary.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, why have waiting times for ED become worse and worse year by year under your government when you have been promising that they will get better?

MS GALLAGHER: Again, it is a very simplistic question to what requires a complex answer.

Mr Hanson: Just give us a simple answer.

MS GALLAGHER: It is not an easy answer, Mr Hanson. If anyone could just go in and wave a wand and say, "Meet emergency department waiting times now," don't you think people would have done it? It is actually very complex. When you drill it down, you have to ask the question why are more people than ever before presenting to Canberra's emergency department—way more than ever before? Why are they turning up? That is the first question. Why are the pressures on staff as they are? Why is it a political football? Why does the Assembly try to micromanage the emergency department? All of these questions—

Mr Hanson interjecting—

MS GALLAGHER: What you have to do is stay focused on the job at hand, which is dealing with the presentations as they arrive every morning and every evening and dealing with what you deal with. You build up capacity in the hospital. Yes, sometimes growth far exceeds what was anticipated, but I have full confidence in the hospitals, I have full confidence in the management of those hospitals, and I know, from meeting all of the staff there, that everyone is focused. Don't you think with those staff that the last thing they enjoy seeing is you gloating about the poor performance of ACT hospitals? Don't you think that is what they hate the most? And it is. What they would actually like is the pressure being taken off to allow them to do their job. That is what I will support them to do every single day that I remain health minister, and I will do it every day you remain over there, Mr Hanson, with absolutely no influence over it at all.

Employment—policy

DR BOURKE: My question is to the Treasurer. Can the Treasurer outline how the federal government's industry and innovation statement—"A Plan for Australian jobs"—will benefit the ACT?

MR BARR: I thank Dr Bourke for the question. Members would be aware that the federal government released their industry and innovation statement only recently. The three core strategies in the statement are backing Australian industry to win more

domestic work, support for Australia to win business abroad and measures to help small and medium size enterprises to grow and to create new jobs. There are several key areas within this innovation statement that the ACT will look at with interest.

Firstly, expanding the Australian industry participation framework, requiring major projects worth $500 million or more to develop plans for local procurement. This initiative, which is mainly directed at major infrastructure and resource projects, will provide greater scope for ACT and capital region companies to get full, fair and reasonable access to supply contracts to major projects around the country.

The second key area of focus is the establishment of industry innovation precincts which will use cluster strategies to link businesses and research capability to create globally competitive hubs. Two such precincts have already been announced for Melbourne and Adelaide. Another eight precincts will be established through a competitive selection process with stakeholders, including state and territory governments. So there are excellent opportunities for the ACT to bid for its own precinct as part of this process.

Two particular opportunities present themselves. First, the citywide rollout of the national broadband network by 2015 will certainly help mount a case for a digital innovation precinct, and a further option will be a precinct providing solutions for government, including new growth opportunities and leadership development leveraging from the growth opportunities and leadership and development fund. This fund supports high-growth potential SMEs in areas of finance, business advice, market intelligence, technology and research expertise.

The third key element of the statement is significant measures to help Australian small and medium sized businesses to grow and create new jobs. Venture Australia, which the plan has announced, will provide a valuable new source of support for venture capital to improve SME access to high-risk finance for knowledge-based firms. This measure, together with a $350 million funding boost for the innovation investment fund program and, importantly, reform of the venture capital tax arrangements, should boost the number of domestic and international private company investors. The enterprise connect advisory services will be extended into non-manufacturing sectors, such as professional services, ICT, transport and logistics. This is a very important point. This is significant for the territory as it will open this program to many of the knowledge intensive business service SMEs that are so significant to sustain the growth and development of the territory.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Treasurer, how does the statement fit with the ACT government's support for the private sector and work already underway to support local business and innovation?

MR BARR: Members would be aware that the government issued its business development strategy—growth, diversification and jobs—last year, and it sets out the policy directions, initiatives and programs to encourage, growth, economic diversification and job creation in the territory economy.

This policy has at its core market-based approaches and targeted support and funding to boost employment, business activity, growth, investment and innovation and to help territory firms thrive in global markets. Many of the initiatives in the strategy are aligned and work very well with the commonwealth's programs and policy directions for industry.

A reviewed and renewed Australia industry participation national framework that seeks to align the local industry participation policies of all Australian governments is currently being negotiated, and the new framework will allow jurisdictions to actively support local industry in purchasing decisions. This fits well with our work to give local SMEs a leg up when tendering for ACT government work.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, given that the federal government's innovation statement has been characterised as gutting the research and development tax incentive, what will you do to save R&D undertakings occurring in the ACT when they no longer have the tax incentive to rely on?

MR BARR: It has been described by some that way. I do not necessarily think that that is the consensus view.

MADAM SPEAKER: Supplementary question, Ms Berry.

MS BERRY: How will the industry and innovation statement help small and medium enterprises?

MR BARR: The statement recognises the significant contribution that governments can make in promoting innovation through collaborative SME-focused programs. The Australian government has committed to providing $30 million for a new SME-focused program to expand access to public sector markets.

Based on the US small business innovation research program and the Victorian government's smart SME market validation program, this measure will help SMEs understand and develop capabilities required by government in public procurement processes. It will generate innovative solutions to public sector issues and deliver new IP to SMEs to sell into global markets.

This measure provides strong validation of the emerging work of the—

Mr Smyth interjecting—

MR BARR: Thank you, Madam Speaker. This measure provides strong validation of the emerging work of the ACT's Centre for Exporting Government Solutions, which I am launching early next month. I expect some valuable collaboration between the Australian government and the states and territories that will provide new opportunities for Australian SMEs to work closely with Australian governments to innovate and to develop new global market opportunities.

I thank Mr Smyth for his enthusiastic support of these initiatives.

Planning—Calwell

MR SESELJA: My question is to the planning minister. In the *Chronicle* dated 12 February 2013, it states in regard to a master plan for the Calwell group centre that "the ACT Chief Minister confirmed the area was not a planning priority for the government". Minister, why is the Calwell group centre not a planning priority for the government?

MR CORBELL: I thank Mr Seselja for the question. The government receives a high volume of interest in master planning exercises across a range of local, group and town centres around the city. The government seeks to prioritise those, and those are outlined in a yearly program of master planning work. Calwell is not currently part of that work.

MADAM SPEAKER: A supplementary question, Mr Seselja.

MR SESELJA: Minister, how will community concerns for park-and-ride facilities and improved parking conditions be addressed without proper planning oversight?

MR CORBELL: Those are matters that do not require a master plan for resolution to be achieved, if there are outstanding issues on the part of the community. The resolution of design or construction issues or infrastructure maintenance issues at centres such as Calwell can be resolved through engagement with the relevant government agencies.

I am aware that the owners of the Calwell centre are keen to pursue issues around park-and-ride. This does not require a master plan; this requires discussion with the relevant areas of government. I understand that those discussions have been had and a range of matters have been outlined to those owners as options that can be proceeded with.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, how can you be sure that any future land sales around the Calwell area will ensure the best use of the land, without a master plan offering oversight?

MR CORBELL: The government makes the assessment based on the existing statutory planning framework, and, of course, the territory plan already sets out the requirements and the zonings for land use. At this point in time, the government is satisfied that the existing zonings are adequate.

MR GENTLEMAN: Supplementary.

MADAM SPEAKER: Supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, can you tell us the number and level of requests that the government gets for master planning in the ACT?

MR CORBELL: I thank Mr Gentleman for the question. As members would be aware, there has been considerable interest in master planning at a range of centres across the city. Members would be aware—at least some of us who were here in the last Assembly would be aware—that there was significant interest in the last Assembly as to where master planning should be. As a result of that, the government has established a dedicated master planning program. On a year by year basis we identify those centres that will be subject to master planning work.

Right now we have master planning underway at places like the Weston group centre—Cooleman Court, as it is known. We have master planning ongoing at Pialligo. We have master planning commencing in the Woden area in the near future. So we have some important master planning exercises already underway. In addition to that, in the Tuggeranong valley we have successfully completed master planning exercises at Erindale, Kambah and Tuggeranong town centre.

So the government has not been remiss in focusing its master planning resources in areas of demand, including areas of demand in the Tuggeranong valley. I have to say that we have had a very strong level of endorsement from the community for those master planning outcomes. The master plans that have been developed for Erindale, Kambah and Tuggeranong have received strong community support. That is down to the very dedicated work of the Environment and Sustainable Development Directorate staff, who go out and spend a considerable amount of time with the community, often outside normal working hours, because that is when people are available, to talk these issues through. As a result, we have a strong consensus around future development outcomes at those centres, and those will then be related, as necessary and as needed, into changes to the territory plan or other works that the territory government does. *(Time expired.)*

Municipal services—Yate Gardens

MRS JONES: My question is to the Minister for Territory and Municipal Services, on behalf of constituents of Yate Gardens in Rivett. Off Yate Gardens, there is a long pathway that passes through several blocks and streets to Hindmarsh Drive. Residents are seriously concerned about the lack of maintenance, and in particular mowing, despite repeated requests, of the verges on the side of this path. It has become so bad that residents have now taken to mowing the verges themselves. Minister, can you tell residents why this path is so often neglected and what you can do immediately to assist them?

MR RATTENBURY: I thank Mrs Jones for the question. I have not to my knowledge received any specific representations about the path outside Yate Gardens in Rivett. As I regularly advise members, we get quite a few requests about mowing. There is a regular mowing program across Canberra that varies with the seasons and varies with the location, depending on a range of factors, including the necessity for fuel reduction. I suspect this is not an area that is a fuel reduction priority, but I cannot think of locations off the top of my head.

There is a regular timetable for mowing, and that is available on the TAMS website. At this time of the year, depending on the location, the frequency can be somewhere between four and six weeks for a regular mow. I would have to take some advice on this specific location. I am happy to look into that matter. You said the residents have made numerous representations. I will also check whether those have been recorded by Canberra Connect and, if they have not been acted on, why not.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what assurances can you give those residents that the path will be maintained over the long term, or do you require them to make constant specific requests?

MR RATTENBURY: Thank you, Mrs Jones, for the supplementary question. There, of course, is a regular maintenance program around Canberra, as I have just alluded to. There is a huge volume of mowing that needs to be done across the city, but TAMS has a regular program of maintenance of these facilities. I do not expect the residents to have to make repeated representations.

That said, there is a discussion to be had about the capability of TAMS to provide the service and perhaps a different expectation from the residents of the area. That may be a point of dispute.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, why does it seem to take a media report or a question from us before anything actually gets done on these basic but important city services?

MR RATTENBURY: I reject the very premise of your question, Mr Doszpot. I think that, as I outlined, TAMS has an extensive and active maintenance program across the city. You can go to the website yourself and see the timetable for mowing. I am sure if you looked at that you would see that there is a regular commitment. TAMS has a regular litter picking program across the city. There is a dedicated team for tree maintenance.

That said, we live in a well spread out city. We are very fortunate to have a large amount of open space. So there are matters that do come to residents' attention at times before they come to the directorate's attention. That is why the government has established Canberra Connect. I think it is an excellent service for getting some of these matters sorted out.

My personal view, and this is one I take to the portfolio, is that I would rather have a service where people are able to call Canberra Connect and have something addressed than allocate resources to just having people—TAMS staff—driving around the city looking for maintenance issues.

There are active teams out there all of the time. When they notice a job, they either fix it themselves or they log it for future work. But I do not think it is a good use of

resources simply to have people driving around looking for possible maintenance issues, which is what I think you are implying.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, are so many basic services falling into disrepair in this city because you are saving all your money for light rail?

MR RATTENBURY: No.

MADAM SPEAKER: Minister for Territory and Municipal Services. Wait for the call, Mr Rattenbury.

MR RATTENBURY: Sorry. Now that I have the call—no.

Tuggeranong—dangerous driving

MR WALL: My question is to the Minister for Police and Emergency Services. Minister, there have been a number of recent media reports regarding dangerous driving in Tuggeranong. I have also had contact with a number of constituents in Tuggeranong who have raised concerns about the increasing levels of hoon driving, including burnouts, in their suburbs. Minister, what is being done to address this behaviour, particularly in the Tuggeranong area?

MR CORBELL: I thank Mr Wall for the question. I draw Mr Wall's attention to the most recent 12-monthly purchase agreement between the ACT government and ACT Policing. That outlines priorities for ACT Policing for the current 12-month contract period. That purchase agreement includes some special directions from me, as Minister for Police and Emergency Services. One of my areas of priority that I have given to the Chief Police Officer is for ACT Policing to pay particular attention to antisocial and dangerous driving behaviour.

As a result, ACT Policing have stepped up their efforts in terms of antisocial dangerous driving behaviour, such as burnouts and other hooning behaviour. They are deploying new technologies to assist in detecting this behaviour, including the use of infrared camera technology from time to time. These technologies are being used to target some of the illegal street racing activity that unfortunately does occur from time to time in the city. The police have been successful in shutting down a number of illegal street racing meets that were being staged in different parts of the city and putting in place the appropriate actions to have those matters brought before the court.

These are the types of measures that ACT Policing are putting in place as a result of the directions I have given the Chief Police Officer for the current contract period.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, this issue has been a concern for Tuggeranong residents for some time and I have personally received many complaints from constituents regarding it. Why has more action not been taken sooner?

MR CORBELL: The government has made the issue a priority, and it made the issue a priority well before you were elected to this place, Mr Wall. We will continue to do so. If your constituents have any particular concerns on any particular incidents, my message is always to encourage them to contact ACT Policing. ACT Policing will respond as they deem appropriate in accordance with their priority response model. But importantly, even if they believe that a response is not warranted, that is, because the event has already occurred some time ago and there is no further evidence that can be ascertained at that time, they will retain those intelligence holdings to help build a better picture of where there is a pattern of complaints. If there is a pattern of complaints about certain types of behaviour, that assists our police in targeting their resources to where those complaints are and undertaking the operations they need to undertake to try and address that behaviour. So always the message has to be to residents: please report the matter to police so that the police can build a better picture of what is going on and respond to it accordingly.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, are driving behaviour courses currently offered to serial dangerous drivers?

MR CORBELL: I would have to check the exact range of courses that are available to the courts in relation to serious driving offences but I know that the courts do have the option to order remedial or, if you like, behavioural change courses as part of any sentence. Whether there is a specific package around driving is a matter I would take on notice.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Minister, have any other preventative or penalty measures been considered to address this serious and growing problem?

MR CORBELL: I do not accept the premise of the second part of your question, that it is a growing problem. I have not seen any evidence to suggest that it is a growing problem. But it is, I acknowledge, from time to time a problem for some parts of the city and for some residents. The government and the police always take that very seriously.

We believe that we have an appropriate range of measures in place. There are very significant fines and provisions for seizure of vehicles that can be implemented for people who are caught with that sort of behaviour. There are also other penalties such as suspension or loss of licence. These are very significant penalties, and I am satisfied with the current penalty range.

Canberra—centenary

MS PORTER: Madam Speaker, my question through you is to the Chief Minister. Chief Minister, can you give Canberrans reason to stay in town and forego their trip to the coast this coming Canberra Day long weekend and spend time enjoying our one great big party?

MS GALLAGHER: I thank members for giving me the indulgence on the last sitting day prior to Canberra's 100th birthday just to quickly run through what is on for Canberrans over that centenary birthday weekend. I urge all members and hopefully many, many Canberrans to come out and celebrate this milestone in our city's history.

We are in the second month of the centenary year and I think the celebrations are going just as we had hoped. There is a lot of pride in the city; there is a lot of activity underway. People are getting involved in the activities that have been on already. The sports, particularly, have been very popular.

The long weekend leading up to 12 March is and traditionally has been the time for Canberra families to head down for their last weekend at the coast before the weather cools down. But I think this long weekend will be different and there is so much for people to do.

On the Friday there will be Enlighten in the parliamentary precinct; the short movie competition, Lights! Canberra! Action! is on; the GWS Giants will be playing Essendon at Manuka under lights in the NAB Cup, and the famous Spiegel Garden will be in full swing.

On Saturday the Brumbies take on the Waratahs at Canberra Stadium. Mr Smyth's favourite, the balloon spectacular, will light up the skies in part of the city, our beautiful town hall, the Albert Hall, will host the roaring twenties dance, and Shakespeare's classic *Henry IV* will hit the stage at the Canberra Theatre Centre.

On Sunday the biggest race day in our city's history featuring the Kamberra Wine Company Black Opal Stakes and the ACTAB Canberra Centenary Cup will draw a big crowd at Thoroughbred Park. There will also be the 50th anniversary of the Veteran and Vintage Car Club of the ACT, and the National Film and Sound Archive is preparing a stunning night of film and music which will present the premiere screening of the newly restored footage of the naming ceremony for the national capital on 12 March in 1913.

Monday 11 March is the big day of celebrations and it starts at midday and runs right through until late at night. There will be multiple stages all around the lake providing a great mix of music from folk, jazz and contemporary pop—probably Mr Hanson's favourite—the best local and Indigenous performers and the world premiere of the Centenary Symphony.

Members interjecting—

MS GALLAGHER: Yes, I must say, I like contemporary pop; I am a bit of a top 40 girl. Therefore, I just presumed it would be Jeremy's favourite, too.

MADAM SPEAKER: This is still question time; it is not a conversation on music.

MS GALLAGHER: The only ticketed event is the World's Longest Bubbly Bar, and, for a nominal fee, thousands of people will be able to sample locally produced

tapas and a specially made centenary Canberra bubbly. I think most of the tickets have sold out for that; there are only a few left.

There will be the Church, the Gadflys and the Falling Joys. There will be 20 local multicultural groups decorating the word “home”, and on the lake between 12 noon and 4 there will be novel forms of roving entertainment. Performers on boats will circle the lake and entertain the crowd on the lake edge.

And there will be fireworks to finish. It will be a unique tribute to the Griffins and their winning design for Canberra—lights, flares and fireworks will light up the water and the land.

I hope all members in this place will be able to catch a bus. There is one specially put on for you, Alistair, to go down the bus lane down Belconnen Way—a special request for Mr Coe to get on an ACTION bus and bus into the city and bus home at night.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Apart from the fireworks that you have just mentioned, what other kinds of things can children and young people look forward to?

MS GALLAGHER: I thank Ms Porter for the question. There are loads on for Canberra’s children. They will be spoilt for choice on the day. On Regatta Point stage in the early afternoon, children will be invited to bring their instruments such as recorders and tambourines to join in with the George Ellis interactive rock sessions.

Human-sized ants will invade Commonwealth Park during the afternoon and they are sure to be a hit with all the young audiences. Young people who attend the event will be invited to get a new hairdo. Sienta la Cabeze will present its eccentric hairdressing show, which will have everyone’s hair standing on end. I know a five-year-old who will want to go and see that.

Youngsters will be asked to join a story walk and take a stroll through time without leaving the party to enjoy some fabulous stories from Canberra’s past. Free kite making sessions will be on offer in Kings Park near the carillon. There will be a range of food and drink options for young people. There will also be a delicious array of gourmet food featuring local produce in the marketplace.

For the older children and the young people, there is something for every type of musical taste for 11 non-stop hours. After the fireworks are over at 9 o’clock, the Regatta Point stage will spring into life with a selection of the best Canberra bands of today, with Hancock Basement, Fun Machine, State of Mind and Super Best Friends, which last year were named ACT artists of the year and best live performer of 2012.

But if people do not want to take part in any of the specific events, we are also encouraging families to bring out a picnic rug and watch it all unfold on their favourite stage and catch highlights from other venues on a big screen. It should make for a great day. After all, we only get a chance to do this once every 100 years.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, you mentioned the balloon fiesta. The idea was floated that we would have 100 balloons in 100. Has that been achieved?

MS GALLAGHER: I would like to answer that question for you, Mr Smyth, but I cannot. I do not know the answer to it, so I will take it on notice and get back to you.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Chief Minister, with the one very big party on Monday, 11 March 2013, what is planned for Canberra's actual birthday on 12 March 2013?

MS GALLAGHER: I thank Dr Bourke for the supplementary. As Dr Bourke said, that actual hundredth anniversary is on 12 March, and it will be marked in a special way. It obviously is a working day for all of us, so the party celebrations are being had on the 11th.

On the 12th there will be a celebration, a ceremony, at the foundation stone where the original naming ceremony took place a hundred years ago. I hope that all MLAs are able to attend that event. I believe there are plans for this event to be broadcast nationally on television, and we will be asking everyone with access to TV to join in a synchronised toast to Canberra in their workplaces, in their schools, in clubs and even in shops. Other events include the barbecue on City Walk, close to the shopfront of the centenary principal partner, ActewAGL. There will be a cake, I am told. And also there have been 250 people who celebrate their birthday on 12 March who have registered; they will be sharing that day with all of us, as guests of honour to mark 12 March.

We will also be using that day—the scouts will be working with us—to take up a collection at the birthday party for the centenary charity, Dollars for Dili. And later in the day, of course, all members are invited to attend the naming of the 2013 Canberra citizen of the year and also to be a part of the celebration of the Chief Minister Canberra gold awards, which are also very popular, for people who have lived in Canberra for 50 years or more.

I hope to see plenty of members of this place at the events over the weekend, and indeed on 12 March as well.

Trees—Kingston Foreshore

MR DOSZPOT: My question is to the Minister for Territory and Municipal Services. Minister, following the demise of the large Euphrates poplar at Kingston that I made representations to you about on behalf of constituents, the Chief Executive of the Land Development Agency claimed the watering system was not at fault because it had been turned off prior to the storm and instead blamed the severe winds at the time. Residents who brought this issue to my attention and who live in the adjacent apartment block dispute both those assertions, as the watering system had not been

turned off and there were no severe winds in that part of Kingston on the day in question. Minister, what did happen to this tree, and why is the LDA telling a different story than the one from the residents who witnessed the events?

MR RATTENBURY: I do not have responsibility for the LDA. I am not aware of any comments, other than what I have seen in the media, that the head of the LDA made. So I do not think I can vouch for his comments or otherwise.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, representations were made to you and certain answers were given by you to those representations regarding this tree. Why should residents in that area believe your assurances that the remaining trees will not suffer the same fate, as they have been given a story that does not match what they saw?

MR RATTENBURY: Certainly when we spoke about this a couple of weeks ago in question time, Mr Doszpot, I gave you the information that I have been provided. The tree experts from TAMS went out there and had a look at the trees. If I recall correctly, I indicated to you at the time that a listing was taking place of the remaining trees. I will undertake to seek some further information on the issue around the sprinklers. Clearly there is a level of vagary here around the impact of weather and if a storm comes through I cannot guarantee that the tree will not be damaged. I will certainly undertake to ensure that the issue around the sprinkler has been resolved.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what other trees in the ACT are under the supervision of the Land Development Agency rather than TAMS and are any of them under threat?

MR RATTENBURY: The honest answer is that I have no idea. There are around 700,000 trees under government management in the ACT. I actually do not know which ones are the responsibility of the LDA and which ones are the responsibility of TAMS. TAMS manages the bulk of the 700,000. As we were talking about in an earlier question, there is a dedicated team in TAMS that has both a proactive maintenance program for the trees around the territory and also does reactive work when residents raise specific issues, concerns or queries about specific trees. I do not know that the LDA has responsibility for very many of them at all.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: For the team, minister, can you come back to us about which trees the LDA has responsibility for?

MR RATTENBURY: As I mentioned earlier, the LDA sits within the responsibility of the Treasurer, Mr Barr, but I will coordinate with him to find that information for you.

Schools—Duffy Primary School

MR SMYTH: My question is to the Minister for Education and Training. Minister, in a recent Canberra *Chronicle* article you were promoting the use of modular relocatable buildings for the Duffy Primary School expansion, constructed in Melbourne at a cost of $2.8 million and deliverable in 2014. The project manager was at pains to suggest that, although they were modular and relocatable, these buildings were not demountable. Minister, were any Canberra firms offered the tender to build these relocatable buildings? If so, why was a Melbourne supplier chosen?

MS BURCH: I thank Mr Smyth for his question. I am glad he is interested in Duffy school. I went out there during the holiday period and met with the principal on site at Duffy school and walked through the premises to see where these modular units will be. The decision about those units was very much a decision of the school. The Education and Training Directorate worked very closely with the school, the school community, the school board, and the P&C committee there as well. They are very satisfied with the result that they will have. They are very excited by what this additional resource will bring in to the school. So they are looking forward to the construction in the latter part of this year and to the end of this year—

Mr Hanson: A point of order.

MADAM SPEAKER: Mr Hanson?

Mr Hanson: Maybe the minister is getting to it, but could you call on her to be relevant. The question was whether this tender was offered to a Canberra supplier or not, and if it was, why wasn't a Canberra supplier chosen. That is the nub of the question, rather than whether the P&C of the school or the school are happy with the particular form of buildings that have been provided.

MADAM SPEAKER: I uphold the point of order. Standing order 118(a) does require the minister to be concise and directly relevant. I think that Mr Hanson has a point, that the views of the school community about whether they are happy with the building does not answer the question about whether a Canberra firm was offered the tender.

MS BURCH: I will be concise and say it was a public tender process, Madam Speaker.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, given the classrooms will not be available until 2014, what was the time advantage in buying modular portable buildings from Melbourne?

MS BURCH: I am sorry; can you repeat the latter part of the question?

Mr Smyth: What was the time advantage? Was there any advantage in purchasing these modular portable buildings from Melbourne?

MS BURCH: To be concise, it was part of the result of a public tender process. The time line for 2014 is to accommodate when they expect the influx of students to come.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what is the difference between modular, relocatable buildings and demountable buildings and what does it really mean to students and teachers?

MS BURCH: I would encourage them to have a look at the designs and the information that is available about that. They may want to go out and actually talk to the principal and find that she is very happy with the resources that will come in. If you want the technical expertise and advice, then you go to the technical drawings.

Mr Hanson: Is that a—

MADAM SPEAKER: I am sorry?

Mr Hanson: I was on a point of order, Madam Speaker. The minister has just failed to answer the question.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Minister, what advantages will these particular buildings offer to the students and teachers at Duffy Primary School?

MS BURCH: I thank Dr Bourke for his question. He has an interest about the positive impacts that this will have for the school rather than digging in to the building tender specifications of these particular units. The school community is very pleased to have these additional resources. They were very involved, in looking through the design, in what that school wanted. This matches their needs very closely. They were very keen to have a match to the existing roof line and to the layout of the school—that the school footprint would not be too negatively impacted. That is where there is the effort that we have put in. It is not necessarily for me to understand the building design specifications. Rather, is the school happy with this result? The answer is yes. Are they coming in in an appropriate time? The answer is yes. Is the school principal pleased with the result of her effort and her contribution and input to this process? The answer is yes.

Arts—support

MS BERRY: My question is to the Minister for the Arts. Minister, could you outline what ACT government support is available for Canberra-based art organisations wishing to establish an artist-in-residence program?

MS BURCH: I thank Ms Berry for her question. Recently artsACT announced the artists-in-residence program for 2013. The ACT government has allocated $50,000 each year over the next four years to develop artists-in-residence opportunities. The

artists-in-residence fund supports the delivery of the ACT artists-in-residence policy which, as arts minister, I released last year. The policy outlines the vision of Canberra as a sought-after destination for artists and provides strategies for the ACT government to support artists-in-residence opportunities.

The goal is that the ACT be regarded nationally and internationally as home to a comprehensive program of highly regarded artist residencies. Some of the aims through this are to raise the profile of the ACT, making it a sought-after destination for artists, provide increased opportunities for artistic engagement across Canberra, provide learning, professional development and networking opportunities that inspire local artists and create and cultivate relationships with international, national and local arts and cultural organisations.

ArtsACT owns a number of arts facilities which have artist studios for residencies. These include the Canberra Glassworks, Gorman House Arts Centre, Strathnairn and Watson Arts Centre. A number of funded key arts organisations have also artist residencies in their programs, including the Canberra Glassworks, the Canberra Potters Society, Craft ACT, the Canberra Contemporary Art Space, Megalo Access Arts and Strathnairn Arts Association.

The artist-in-residence grants program closes on 29 March. I would encourage interested arts organisations and artists to apply for the program.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, could you please outline some of the programs that have already been supported through this funding initiative?

MS BURCH: The 2012 round of the arts residencies program supported seven residency projects. There was $5,000 for a heritage of Lanyon artist residency, which is a joint initiative of the ACT Museum and Gallery and the ACT Heritage Unit. There was an artist residencies program at the Canberra Contemporary Art Space, which is a partnership with the ANU School of Art. An Australian Indigenous artist and a visiting international artist undertook residencies in Namadgi national park. That was hosted by Craft ACT in partnership with the ACT Parks and Conservation Service.

A creative fellowships program at the University of New South Wales Canberra ADF campus in conjunction with the ACT Writers Centre hosted three creative writers. The Young Music Society brought international musicians to engage with Canberra musicians and students. Basketry ACT brought an international textile artist to live and work in Canberra.

A residency by an Irish visiting artist Aine Crowley, hosted by the Multicultural Women’s Advocacy group in partnership with ACT community cultural inclusion officers, is inspiring community arts projects. In fact this week, in the *Chronicle*, we saw a profile piece on one of the successful residencies. The story outlined Aine Crowley’s project in which she is “teaching a group of migrant and local women to explore and express their culture and experiences by creating and transforming intimate and everyday objects”. She is quoted as saying:

> There are lovely relationships forming. It is lovely to show that you don't have to have an art background to be an artist, everyone is an artist in their own right, sometimes you just need someone to push it together.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, could you outline some of the initiatives in the centenary program that you just talked about that are directly supporting local artists?

MS BURCH: I thank Mr Gentleman for his question. I know he has a keen interest in arts with his connection through the local arts organisations. As mentioned, we are blessed to have an arts program in 2013 that brings local artists and internationally acclaimed artists together. There are projects for which the Centenary Unit is engaging local artists directly, such as the birthday celebrations, as the Chief Minister has outlined, which will employ many local musicians and Indigenous performers. There are also many projects which the Centenary Unit is funding local organisations and companies to deliver. The assistance provided through the centenary is fostering and deepening the connections that local artists, institutions and companies have with each other, leaving a creative legacy that will extend beyond 2013.

I will name a few of the things that are coming up. You Are Here is a multi-arts festival from 14 to 24 March, with three local and emerging creative producers, three local and emerging curators and many local performers. The Village in Glebe Park is a fringe-style arts event to be held in Glebe Park from 21 to 24 March, including local musicians and performers. City of Trees is a multi-disciplinary project by UK artist Jyll Bradly, exploring treescapes. Made in Canberra is eight new productions of new theatre works by local theatre makers and cast, designers, composers, performers and others. With QL2 Hit the Floor Together, approximately 25 young Indigenous and non-Indigenous dancers will work together under the artistic direction of QL2 artistic director Ruth Osborne, Canberra raised Indigenous choreographer Daniel Riley McKinley and others to make a new work about Indigenous and non-Indigenous youth.

Of course we have seen some great, extraordinary shows and performances already, and I look forward to the year ahead.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Minister, could you outline some of the advantages that will come from the artist-in-residence program that you elucidated before for Canberra artists?

MS BURCH: An artist-in-residence program is a very important part of nurturing and mentoring the local art in the city. It is incredibly important to keep that artistic vibrancy that we have and that is held in such high regard here in Canberra.

But for our local artists, there are opportunities for them to travel overseas for residencies overseas. That is one thing. But there is a bigger ripple effect and benefit when we create residencies here in Canberra and put Canberra clearly on the map nationally and internationally as a place of high artistic integrity.

For example, I was very interested in the heritage of the Lanyon artist residency program. I saw a piece that involved local plant life and grasses that were put through a weaving process. Clearly, again, there was the basketry with an international textile artist who came to live and work in Canberra.

Whether you are at the Canberra Glassworks, Craft ACT or the potters, all of these have new and emerging artists—

Dr Bourke: Point of order, Madam Speaker. I can hardly hear the minister speaking, even though she is standing in front of me, because of the noise coming from the opposition. Obviously, they have no interest in the arts whatsoever.

MADAM SPEAKER: I was about to comment on the level of conversation on both sides of the chamber. Out of respect for members, there should not be that level of conversation. If you need to have a conversation, go outside. Minister Burch.

MS BURCH: I will just go finally to Dr Bourke's question. Clearly, the muttering and uttering over there indicates that they do not have any interest in arts. We have certainly seen that with the activities and positions that the Canberra Liberals have taken last year particularly on one of our local key organisations.

ACT Liberals—complaints

MR GENTLEMAN: My question is to the Attorney-General. Attorney-General, can you please advise of any complaints received by your office about the Liberal Party of Australia ACT Division and its obligations under the Associations Incorporation Act. If you have received any complaints, what is your understanding of the circumstances surrounding these complaints?

MR CORBELL: I thank Mr Gentleman for the question. Yes, I have received a complaint to my office from a concerned member of the Liberal Party, raising concerns—

Members interjecting—

MR CORBELL: He must be part of that disaffected rump, Madam Speaker.

Mr Smyth: Point of order.

MADAM SPEAKER: Order, members! Point of order.

Mr Smyth: I just wonder whether, under ministerial code of conduct section 3.a, the second paragraph, the minister is abusing the code of conduct, which says:

> Ministers must not use their position or information gained in the performance of their duties to gain a direct or indirect advantage for themselves …

MR CORBELL: That is a frivolous point of order, Madam Speaker, as you would know. On the point of order, Madam Speaker—

MADAM SPEAKER: You could assert that it may be.

MR CORBELL: I assert—

MADAM SPEAKER: You might advise me that that could be a point that I would take.

MR CORBELL: The code of conduct refers to financial or other material benefit. It does not—

Members interjecting—

MR CORBELL: What is Mr Smyth suggesting? That is a frivolous and silly point of order.

MADAM SPEAKER: I think that the minister should proceed with answering the question, being mindful of the fact that he should keep within his ministerial responsibilities as the minister for regulatory services.

MR CORBELL: Indeed. I have received a complaint from a concerned member of the Liberal Party ACT Division, raising concerns about the division's obligations under the Associations Incorporation Act, which I am responsible for.

Mr Smyth: Point of order.

MADAM SPEAKER: Stop the clock, please, Clerk.

Mr Smyth: On the point of order, the minister has changed his story. He said that ORS had received a complaint. He has just said he has received a complaint.

MR CORBELL: No; I did not say that.

Mr Smyth: Perhaps he could clarify which it is.

MADAM SPEAKER: I do not think there is a point of order. I heard Mr Corbell say initially that he had received a complaint.

MR CORBELL: Thank you, Madam Speaker. I know that those opposite are unhappy with the disaffected rump in their party, but the fact is that these people are raising complaints with the government and they are raising complaints in relation to the operation of the Associations Incorporation Act. Clearly the circumstances—

Members interjecting—

MR CORBELL: They do not like it, do they, Madam Speaker? They do not like it. The circumstances surrounding these complaints are that a member was denied procedural fairness in terms of the conduct of the Liberal Party and whether or not he was able to vote in the recent preselection, between Mr Seselja and Senator

Humphries. This is a serious matter. It is a matter that I take seriously. It would appear that a constituent—

Members interjecting—

MR CORBELL: They do not like it. It would appear that a constituent has outlined that they believe there are discrepancies in the way the constitution has been applied. They contacted my office seeking further action and asking that further action be taken in relation to the matter. Indeed, this member was so upset that they indicated to my office that they had resigned from the Liberal Party as a result. These are—

MADAM SPEAKER: Point of order, Mr Hanson. Stop the clock, please, Clerk.

Mr Hanson: No point of order.

MADAM SPEAKER: There was not a point of order?

Mr Hanson: I will use it as a supp.

MADAM SPEAKER: Sorry.

MR CORBELL: Thank you, Madam Speaker. They indicated to my office that they had resigned from the Liberal Party as a result of their concerns and they contacted my office asking what action could be taken in relation to the status of the Liberal Party and its obligations under the Associations Incorporation Act.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, what action have you taken in relation to this complaint?

MR CORBELL: My office has referred the complainant to the registrar-general's office. In relation to that complaint, the registrar-general now has powers obviously under the act to investigate breaches of the Associations Incorporation Act. Clearly in this matter he will need to determine if there has been any breach of that act. In relation to allegations of breaches to the rules of an incorporated association, the registrar-general can provide guidance to assist members of that association around how they can resolve those difficulties. Alternatively, the registrar-general can advise those members or former members that they may seek to take a dispute to court and ask that the matter be resolved in that way. I understand that officers from the Office of Regulatory Services met with the concerned individual earlier this week.

MS PORTER: A supplementary?

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, has the Office of Regulatory Services received other complaints relating to the Liberal Party of Australia ACT Division and its obligations under the Associations Incorporation Act? If so, what is the status of and circumstances surrounding those complaints?

MR CORBELL: Again, Madam Speaker, I regret to inform members that, yes, ORS, as members may recall, are dealing with another complaint. That complaint is looking into the circumstances surrounding the possible breach of process in the ACT branch of the Liberal Party as an incorporated association.

That complaint was lodged with the Office of Regulatory Services because they were concerned about the issue of access to the records of the association. It really is quite remarkable that a party that prides itself on its openness and democracy is seeing these types of complaints. Nevertheless, I am encouraged that the appropriate steps are being taken to ascertain whether or not the complaints have merit and whether further steps need to be taken.

The Registrar-General has asked as a result—I remind members about this matter which I was asked about in the last sitting as well—for further particulars from the incorporated association—in this case, the ACT division of the Liberal Party—and will seek to ensure that the association's constitution and rules are being adhered to at all times. This is, of course, an obligation on the part of the Registrar-General, and I am confident that he at all times will take the appropriate steps.

It is, of course, important that incorporated associations at all times abide by their rules and abide by the requirements of their constitutions when it comes to the interests of their members. It is of concern to many in our community that a significant political party in our city is facing these types of complaints and the circumstances surrounding them, but I am confident that the Registrar-General will take all appropriate steps.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, what confidence can complainants to the Office of Regulatory Services have that their views are not going to be canvassed in this place, and have you received complaints about other political parties?

MR CORBELL: If I am asked about these matters, I have an obligation to answer them.

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

Supplementary answer to question without notice
Municipal services—Yate Gardens

MR RATTENBURY: Earlier in question time Mrs Jones asked me about Yate Gardens in Rivett. I have now sought advice from the directorate. Canberra Connect cannot find any complaints about mowing in relation to Yate Gardens and nor do Parks and City Services have any records of matters around Yate Gardens. Having looked at both Google maps and the block and section map, I am not able to identify a path on Yate Gardens. On that basis I would ask Mrs Jones to perhaps contact my office at a later point in time so that we might identify the specific issue she was raising.

Ethics and Integrity Adviser—appointment
Statement by Speaker

MADAM SPEAKER: Members, I wish to make a statement concerning the role of Ethics and Integrity Adviser. The term of the previous Ethics and Integrity Adviser ended in January this year and the role was advertised in December last year. The Deputy Speaker and I undertook a selection process after receiving several expressions of interest. Following that selection process and consultation with the Chief Minister, the Leader of the Opposition and Mr Rattenbury, I wish to advise that Mr Stephen Skehill has been selected to be the Ethics and Integrity Adviser for the Eighth Assembly.

In addition to being the Assembly's inaugural adviser when he was appointed in 2008, Mr Skehill has extensive public sector and legal experience in the Australian public service as well as in private practice. In a long career he has held positions such as the Australian Government Solicitor and secretary of the commonwealth Attorney-General's Department. Members are encouraged to seek the advice of the Ethics and Integrity Adviser when they consider it would assist them in performing their duties as elected representatives of the territory. Mr Skehill can be contacted through the Office of the Clerk.

Regional Development—Select Committee
Membership

MADAM SPEAKER: I have been notified in writing of the following nominations for membership of a Select Committee on Regional Development: Ms Berry, Ms Porter, Mr Smyth and Mr Wall.

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

> That the Members so nominated be appointed as members of the Select Committee on Regional Development.

Estimates 2013-2014—Select Committee
Membership

MADAM SPEAKER: I have been notified in writing of the following nominations for membership of a Select Committee on Estimates 2013-2014: Dr Bourke, Mr Gentleman, Mr Hanson and Mr Smyth.

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

> That the members so nominated be appointed as members of the Select Committee on Estimates 2013-2014.

Education, Training and Youth Affairs—Standing Committee (Seventh Assembly)

Paper and statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education): For the information of members, I present the following paper:

> Education, Training and Youth Affairs—Standing Committee (Seventh Assembly)—Report 10—*Accommodation needs of tertiary education students in the ACT*—Government response.

I seek leave to make a statement.

Leave granted.

MS GALLAGHER: I am pleased to be able to table the government's response to the standing committee's report on the accommodation needs of tertiary education students in the ACT. On 23 August 2012 the committee released its report with 10 recommendations. The government has agreed, or agreed in part, to each of the recommendations. Many of the recommendations align well with priorities already identified by the government. In terms of the government's affordable housing action plan, we are committed to making housing more affordable for all Canberrans, including our student population. The affordable housing action plan has been a key contributor in responding to housing demand, containing house prices and rent increases, and providing a welcome economic boost to the territory.

Phase 3 of the affordable housing action plan released in June 2012 introduces a set of 14 new actions aimed at improving housing affordability in the ACT. The key objectives of the plan are to increase the amount of affordable rentals, improve utilisation of land in established suburbs and expand the mix of affordable properties for sale. These measures will help to cater for the accommodation needs of our students and ease the burden of finding affordable housing in the territory's private rental market.

The committee recommended that the government continue its policy of encouraging student-specific accommodation projects. The government has provided support for a range of student accommodation projects, including the recent campus 1 developments at the University of Canberra and Lena Karmel Lodge at the ANU. Both of these new spaces for students deliver an affordable accommodation option at a discounted rent of at least 20 per cent below the market rate. This has ensured that studying in Canberra remains an attractive option for current and future students.

In March last year I was pleased to open Weeden Lodge in the refurbished Cameron offices in Belconnen. This development is part of a larger plan to provide 1,000 new dwellings for students in Belconnen. I was also present at the opening of the ANU's newest student accommodation, Lena Karmel Lodge, which now provides even more affordable accommodation for Canberra's growing student population. The territory government, working with the commonwealth, is proud to have contributed to these affordable rental units which will also help improve overall rental affordability.

Several of the committee's recommendations seek greater cohesion between the government and the territory's institutions in addressing student accommodation needs. In short, the government is committed to this and more. We are fortunate to have internationally renowned institutions based in Canberra, such as the CSIRO and NICTA, along with a thriving university sector. Our role as an educational centre of excellence will help ensure that Canberra's economic opportunities continue to grow. We will continue to work with tertiary and research institutions to improve student satisfaction, accommodation outcomes and strategic planning for new and emerging initiatives.

Recently we announced our commitment to the studyCanberra initiative, our plan to make Canberra an even smarter city. This represents a partnership between ACT tertiary education providers, the business community and the ACT government. This aligns well with our priorities to be a more open, responsive and innovative government and with our vision for Canberra as the nation's education capital, equipped with a united tertiary sector driving economic and cultural growth.

In responding to the committee's report, the government has reaffirmed the importance of tertiary education for the ACT and our region. The committee's report was timely, given the renewed focus on the place of tertiary education in the territory, and in kind the government has been proactive in its enrichment of our tertiary sector, education services and student amenity. This has been demonstrated through the creation of a ministry of higher education, the announcement of the studyCanberra initiative and the response I table here today.

Finally, I would like to thank the committee—the previous committee of the Assembly—for its consideration of the accommodation needs of tertiary education students in the ACT.

Financial Management Act—instrument
Paper and statement by minister

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

> Financial Management Act, pursuant to section 16—Instrument directing a transfer of appropriations from the Territory and Municipal Services Directorate to the Chief Minister and Treasury Directorate, including a statement of reasons, dated 26 February 2013.

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

Leave granted.

MR BARR: As required by the Financial Management Act 1996, I hereby table an instrument issued under section 16 of that act. Sections 16(1) and (2) of the FMA allow the Treasurer to authorise the transfer of appropriation for a service or a

function to another entity following a change in responsibility for that service or function. Section 16(3) of the FMA requires that within three sitting days after the day the authorisation is given the Treasurer must present a copy of the direction and associated statement of reasons to the Assembly.

This instrument facilitates the transfer of $34,000 of net cost of outputs appropriation from the Territory and Municipal Services Directorate to the Chief Minister and Treasury Directorate for memberships to the Australian Local Government Association and the Council of Capital City Lord Mayors. This transfer is associated with changes to the administrative arrangements 2012 and is budget neutral. I commend this instrument to the Assembly.

Financial Management Act—instrument
Paper and statement by minister

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

> Financial Management Act, pursuant to section 19B—Instrument varying appropriations related to the Natural Disaster Resilience Program—Justice and Community Safety Directorate, including a statement of reasons, dated 26 February 2013.

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

Leave granted.

MR BARR: As required by the Financial Management Act 1996, I table an instrument issued under section 19B of the act. A direction and a statement of reasons for this instrument must, as we are becoming familiar with, be tabled in the Assembly within three sitting days after it is given. Section 19B of the act allows, by direction from the Treasurer, an appropriation to be authorised for any new commonwealth payments where no appropriation has been made in respect of those funds.

The territory received a $652,500 grant from the commonwealth government for the natural disaster resilience program, the NDRP. The increase in appropriation will enable the Justice and Community Safety Directorate to distribute these funds to approved project recipients in accordance with the terms and conditions of the memorandum of understanding or deed of grants. I commend this instrument to the Assembly.

Public Accounts—Standing Committee (Seventh Assembly)
Paper and statement by minister

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

Public Accounts—Standing Committee (Seventh Assembly)—Report 28—*Review of Auditor-General's Report No 5 of 2011: 2010-11 Financial Audits*—Government response.

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

Leave granted.

MR BARR: It gives me very great pleasure to present the government's response to the Standing Committee on Public Accounts review of Auditor-General's report No 5 of 2011 entitled *The 2010-11 financial audits*. I note that the recommendations in the committee's report relate to the compliance of the audit timetable provided by the Chief Minister and Treasury Directorate, the timing of administrative arrangements, assessment of information technology system controls and agency analysis of audit recommendations.

In light of previous audit comments and outcomes, the majority of these recommendations have already been actioned or are currently being actioned by agencies. The government's response agrees to two recommendations, notes one, and notes one on the basis that existing processes and procedures are already in place to address these recommendations.

However, the government does not agree to recommendation 2, that the implementation of major alterations to the responsibilities of directorates be aligned with the end of financial year reporting period. We do not agree with this because this would constrain the Chief Minister's ability to configure portfolio responsibilities to meet the government's priorities in a timely manner. I commend the paper to the Assembly.

Paper

Mr Corbell presented the following paper:

Proposals for reform of double jeopardy laws—Stakeholder submissions to ACT Director of Public Prosecutions—Issues Paper.

Administration and Procedure—Standing Committee
Membership

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

That Mr Coe be discharged from the Standing Committee on Administration and Procedure for its meeting on 19 March 2013 and Mr Seselja be appointed in his place.

Economy—job creation
Discussion of matter of public importance

MR ASSISTANT SPEAKER (Mr Gentleman): Madam Speaker has received letters from Ms Berry, Dr Bourke, Mr Coe, Mr Gentleman, Mr Hanson, Mrs Jones, Ms Porter, Mr Seselja and Mr Wall proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Ms Berry be submitted to the Assembly, namely:

> The benefits to the ACT economy, business and our community of maintaining employment and creating jobs.

MS BERRY (Ginninderra) (3.55): I am very happy to be talking on this matter of public importance today.

The Australian Labor Party will always have the protection of working people as one of its fundamental principles. We are a party that was founded to protect the rights and interests of working people. Job protection is at the heart of these beliefs, and it is a core priority to which the Gallagher government is committed.

Defending jobs is not just a matter of political or economic expediency. In our system, the best way for a person or household to participate fully in our society is to be in work. The best way for a person to live a good life and enjoy the benefits that our society offers is to be in work. And the best way for a society to prosper is to have as many of its citizens as possible contributing to its economic and social benefit. Conversely, joblessness imposes not just an economic cost on the person and their household, and on the economy more broadly, but also has a human and social cost.

The ACT has a strong track record on creating and supporting jobs. According to the latest ABS figures, for January this year, the trend number of ACT residents in work was 209,700, the highest trend figures on record. Our unemployment rate is 4.5 per cent, which is still well below the national average of 5.4 per cent. Only the mining boom economies of Western Australia and the Northern Territory have lower unemployment. And we have the second highest participation rate, at 72.7 per cent, behind only the Northern Territory.

Importantly, our economy is still creating jobs. Year on year to January 2013, employment growth in the ACT was 1.8 per cent in original terms. And in the six months to November 2012, full-time adult average weekly ordinary time earnings in the ACT increased by 2.6 per cent. This built on the figure for the previous 12 months, which showed, in original terms, earnings rising by 6.2 per cent, the largest increase of any jurisdiction. By way of comparison, the unemployment rate in Tasmania is 7.4 per cent. In New South Wales, Victoria and Queensland the rates are 5.1, 5.8 and 5.9 per cent, respectively. Further afield, the unemployment rate is 10.7 per cent in the EU, 7.9 per cent in the USA, and 7.7 per cent in the UK.

This government has a proud record of proactive policies and responsible budgeting to support jobs. First and foremost, we have ensured that the ACT economy has grown strongly. Economic growth in the ACT has remained robust, despite the challenges posed by the commonwealth's contraction. Gross state product in the ACT grew 3.5 per cent in 2011-12 and is forecast to grow by 2.25 per cent this year.

We have done this through maintaining spending on front-line services, responsible budgeting, and record spending on infrastructure, and by targeted support for our private sector. The last ACT budget allocated $1.7 billion for capital works in the territory. This is funding the new facilities such as roads, schools and health infrastructure that our community needs. It is not only creating thousands of construction jobs but also bringing health and education jobs into the suburbs as new schools and health centres are built. This spending has helped maintain employment and economic activity in the face of the commonwealth's contraction.

But it is not only infrastructure and service from this government that is ensuring growth for the territory. We are also supporting other drivers of our economy to grow and create jobs. In the last budget we cut payroll tax. The ACT now has the most competitive taxation regime for small and medium-sized businesses. Due to the cut to payroll tax, the ACT has the highest payroll tax threshold in the nation, and is the lowest taxing jurisdiction for businesses with a payroll of up to $4.7 million. Crucially, businesses can now employ more people before paying tax.

Our business development strategy is helping the private sector to create jobs by providing targeted support, programs and funding to local businesses. The 2012-13 budget included $20 million for innovative programs to further boost our private sector. To outline just a few initiatives, we are expanding InnovationConnect to further support early-stage business innovation; we are building new funding for clean technology and sustainability oriented companies, and for major proposals on new innovation infrastructure; we are creating the GlobalConnect program to act as a single portal for trade development activities; and we are making it easier for business to move through the processes to set up or expand their operations here. All these initiatives will support the ACT private sector and help it to grow and create jobs.

Importantly, we have not opted for the scorched earth approach taken by Liberal governments elsewhere in Australia, notably in Queensland, Victoria and New South Wales, where thousands upon thousands of public servants have been sacked. For those who advocate a slash-and-burn approach to budgeting and the sacking of workers, and for those who cannot wait to see a potential Abbott government slash 20,000 jobs from Canberra, it is worth reflecting on just why maintaining a low unemployment rate is important.

First, keeping people in work always helps alleviate pressure on community services and charity organisations, and on people seeking help from government. Further, a strong employment base helps create a vibrant city. More people in work means more economic activity—more people spending on our local businesses, using services, visiting restaurants and shops. Meanwhile, joblessness imposes a high social cost—on

the person, on their sense of self-worth, their family and their connections to their community. It is disappointing that those opposite do not seem to understand this and cannot be trusted to protect jobs.

Before the 1996 federal election, the then member for Namadgi, Brendan Smyth, promised the Liberals would cut only 2,500 public sector jobs by natural attrition. "There will be a reduction of a maximum of 2,500 jobs over three years," Mr Smyth said in the *Canberra Times* on 24 February 1996; "We will achieve this through natural reductions."

Soon after John Howard came to power he began slashing and burning the public service. More than 30,000 public servants were sacked, driving Canberra into recession. I remember that very clearly, because I was working for the union that was trying to save jobs in early childhood centres that were forced to close as a result of public service jobs being slashed. That is no place that I want to go back to. This did not stop Tony Abbott from saying last year that "Canberra did very well under the Howard government". Not in my memory, and not in the memories of a lot of working people.

While Liberals may trumpet their callous desire to sack 20,000 public servants, it is worth those opposite reflecting on the human and economic toll of such actions. Labor will not fall for such callous disregard for people's lives and livelihoods. We will always support working people in this town.

MR SMYTH (Brindabella) (4.03): It is always a pleasure when Ms Berry brings on one of these MPIs and simply reads the speech that is provided for her. I think it is worth putting it into some perspective, because what she does not tell is the full story. Let us go to the unemployment stats. When Labor came to office in 2007, the unemployment rate in the ACT was 2.5 per cent. After 2007, we had a local Labor government and we had a federal Labor government, and unemployment rose by 80 per cent. It has gone from 2.5 to 4.5 per cent.

Ms Berry conveniently forgot to tell that, I think, very vital statistic, and that is the problem with her case. She never tells the full story, apart from the factual inaccuracy in that the seat of Namadgi only came into being in 1996. So if you are going to start that sort of slur campaign, you must at least get your facts straight. There you go. There is cant. All we get is cant. What we do not get is the truth, and that is the shame of this, because it is a serious thing. I want to agree with her on one thing: employment is a very serious issue.

Before the last federal election, what did the three Labor candidates, Senator Lundy, Gai Brodtmann and Andrew Leigh, tell everybody? There would be no job cuts. There would be no jobs pain. There was no need, because we were on track for surpluses, and nobody gets sacked when you have got a surplus. But we do not have a surplus and what we have is federal Labor's job cuts, aided and abetted by ACT Labor, who has not stood up to them.

The only party in this place to stand up to federal Labor and their job cuts is the Canberra Liberals, and we will stand up to our Liberal colleagues as well, if we need

to. We will do it because we understand the effect. And if you want to be partisan, then be partisan. But you will not get our support for that approach. What we will do is what we always do: stand up for jobs in the ACT.

Ms Berry also did not tell the full story when it came to payroll tax. Of course the thresholds were put in place by the then Liberal government and after a 10-year hiatus, local Labor suddenly decided they needed to do something to payroll tax before the last election. We had a program in place that was to see the threshold rise by a quarter of a million dollars every year, but it did not happen because just before the 2002 budget, the then Treasurer Ted Quinlan canned it. Just days before people expected some relief, it got canned. So after a 10-year hiatus, welcome back to the tax reform field. But like most of your tax reforms over the last 11 years, your tax initiatives have failed. Payroll tax is something that you are behind again on.

Ms Berry also talked about the government programs to assist business. Again, it was a new member's mistake. What happened in 2006? They all got gutted and a large number of the staff of Business ACT lost their jobs. There were no programs for a number of years. Here we were creating the brave new world. We shut 23 schools and we shut down the business programs. Education, everybody agrees, is the future but Mr Barr, the Edward Scissorhands of the ACT Assembly, was over there closing schools. It is curious that we are now building demountables at Duffy because they closed Weston primary.

But what you also did was shut down all the programs. Ms Berry talked about bringing innovative and sustainable industries to the ACT. I mention to her the words "Spark Solar". Spark Solar were a local firm. They set up in the ACT to be close to the ANU because of the world groundbreaking research being done there so that they could potentially build a facility here. Blue-collar workers, semiskilled workers would have got a job if this had gone ahead.

The Greens agreed before the 2008 election to support Spark Solar, the Liberal Party agreed to support Spark Solar, the Labor Party could not do anything because they had killed all the programs. They actually did not have a program to help this firm set up in the ACT because they had got rid of all the programs. I note that since 2008 the Greens-Labor government still could not find a way to assist a firm like Spark Solar set up a manufacturing plant in the ACT—blue-collar jobs, semiskilled jobs in the ACT. They went begging as well, Ms Berry.

So when you get up here and you want to preach and you read the spiel that you are given, then you should make sure of your facts. We gutted the programs. We gutted the programs in 2006. If I remember rightly, that was to set us up for the future. It still has not set us up for the future. We are still chasing that elusive surplus. The Treasurer is looking more and more like his pinup boy Wayne Swan every day. We have got surpluses that never appear, taxes that do not gather what was promised and nothing but continual promises from a government that does not deliver.

Mr Barr: You are going the other way from Joe Hockey, are you?

MR SMYTH: We have already said we do not agree with the cuts. We do not agree with the cuts. But you would not work with us. You would not stand up to your own colleagues. You actually have no credibility when you have done nothing to stop federal Labor's current cuts in pursuit of a surplus that has never appeared and will never appear. There will never be a surplus under federal Labor. Most people in Australia today cannot remember a surplus under federal Labor. Indeed, there are not too many surpluses under local Labor as well. I think in 13 years they have budgeted for a single surplus. They have budgeted for one surplus. That is an outstanding record of mismanagement.

Mr Barr: And achieved 10.

MR SMYTH: Lucked it in, didn't you? You achieved 10 even though you did not budget for them. That goes more to your predictions and your budgets than anything else.

What is the crux of the MPI today? The crux of the MPI today is that only Labor care about jobs. I have never heard such a ridiculous statement in my life. I was in the Assembly when we were creating jobs despite the Howard cuts. And we were quite open about it. Kate Carnell went after Howard the same as she went after Hawke or Keating, whoever it was that was causing damage to the ACT. She did it openly and she did it courageously, and we put in place programs. We know what these effects are.

But if you talk to any federal public servant today in their department, they know of the cuts, they know of the restrictions and they know of the damage that it is doing to the fibre of the Australian public service. And that comes on top of the damage of the Rudd years, where, through arrogance, Mr Rudd treated the public service with contempt. The stories are legion, but I think the most insightful, of course, is when the Chief of the Defence Force Angus Houston was left loitering in Mr Rudd's foyer because for something like three hours the then Prime Minister was too busy to talk to the officer who was in charge of Australians serving overseas. And in the end, to his eternal credit, Angus Houston said, "I have got better things to do than wait for you."

Of course when there were rumours that Kevin Rudd was about to reappear, many in the federal public service, particularly senior officers, said, "We are not hanging around for this. We went through it last time, where people were treated with contempt." And that contempt continues under the current government, where they do not take the advice they are given. We see so many policy failures of federal Labor and the waste of taxpayers' dollars because we have got a Prime Minister who cannot put into place a single coherent policy for the delivery of anything.

If you go back over the five years of federal Labor, the economic and the policy disasters are legion, the waste of taxpayers' money is legion and the effect on the economy is apparent. And you only have to look at the latest industry building policy that they released, that the minister had a dixer on today. I have to say that I was quite surprised that anyone would try to connect themselves to that policy, because it sunk like the stone that it is, the millstone that it is around the neck of industry in this

country. The Labor Party should be supporting industry, because it does create jobs. But instead, they put impediments in industry's way to being productive and to employing Australians.

Yes, if you want to talk about jobs, let us talk about jobs. Let us talk about the growth in jobs federally in the Howard years and the real growth in wages in the Howard years, as opposed to jobs growth, for instance, in the Hawke-Keating years and the real growth in wages in the Hawke-Keating years, which did not happen. Wages went backwards in real terms under Labor. They went forward in real terms under the Liberal Party. The truth is that federally and locally Labor has squandered our wealth, opportunistically taxed families for only one thing, to fuel their uncontrolled spending.

Mr Barr is famous for citing microeconomic reforms, but when I look at them I am not sure there is a great deal of reform there. In the first three years we had the white paper coming. In December 2003, it finally turned up. It was just abandoned. Yes, but at least Ted had some idea—targets and objectives. The 2008 document just disappeared without a trace. In regard to the current document, we have to question whether the keystone is an industry plan for NICTA, not a market plan as the minister tells us that he is so interested in. So what we have is a Labor Party both nationally and locally that is unable to create and sustain jobs in the long term and at the same time delivers budget surpluses.

MR RATTENBURY (Molonglo) (4.14): This is an interesting MPI—the benefits to the ACT economy, business and our community of maintaining employment and creating jobs. We discussed very similar matters of public importance in the last Assembly. The Greens, of course, agree that a strong local economy is an essential part of our local prosperity. A strong economy provides opportunities for all members of the community to make a contribution and provide for themselves and their families. On this we all agree; the challenge for us as community representatives is to provide options and initiatives to maintain our position as a strong economy and support local jobs as we transition to a low emission, green economy.

We all know that significant changes will have to take place if we are to continue to become a sustainable local economy that provides jobs that make a positive contribution to our community. In considering job opportunities for the future it is useful to look at the relatively recent past to see just how quickly economies can change. The second industrial revolution of the 1900s saw the proliferation of new technologies such as electrical communication, the internal combustion engine, new substances such as plastics and alloys, mass production and of course the assembly line. These technologies again revolutionised the way society organised itself, how it consumed and what endeavours it pursued.

These changes delivered many amazing advances for our society and our economy. However, many of these advances have come at a huge and unsustainable cost to our natural environment. There are now seven billion people on the planet consuming vast resources and producing enormous amounts of waste. No longer can we safely run an economy that burns coal for power or throws away plastic consumables only to purchase new ones. Our planet is on the cusp of an environmental tipping point and our economic organisation needs to evolve. We need a third wave of industrial

revolution; a revolution that prioritises green and sustainable solutions to our environmental and economic problems. We need to create new jobs in green energy, we need to shift to smarter design and smarter buildings, we need to shift to new fuels and new distribution methods and we need to transport people from A to B with an eye on the future and not on the past. My colleagues and I often say this, but the economy is a subset of the environment, and not the other way around. When we begin to take sustainability seriously, jobs will be created and society will adapt, just as it always has.

The ACT is arguably Australia's leading jurisdiction when it comes to the provision of education. Not only does education directly generate jobs, it gives us the capacity to generate green jobs second to none. Jobs in the new industries will of course involve learning new skills. Equally, the transition for current industries to new, more sustainable practices will involve a significant up-skilling for many in our community.

We are a knowledge-based economy and we should be investing in our strengths. Improvements to our IT infrastructure and capacity are in the ACT's economic interests and will allow us to participate in the knowledge economy and capitalise on our educational resources.

There are tremendous opportunities for new initiatives and economic creativity and prosperity. Initiatives like the feed-in tariff form an important part of how we respond to climate change. The world over, feed-in tariffs have been the single most effective driver of renewable energy generation. Energy efficiency is the cheapest, most sensible way of reducing our carbon footprint. The institutionalising of action by energy retailers on energy efficiency is the kind of mechanism that drives gradual and sustained industry expansion in a sector that will be of great environmental benefit.

We cannot pretend that green industries have been easy to establish over the past two decades, as without a price on carbon, everything that was "green" was more expensive. Fortunately, we are now past that point. As the playing field on greenhouse emission is levelled through carbon pricing, we are standing on the edge of the expansion of industries that have, at their core, delivery of goods and services that will not only benefit the economy and deliver more jobs but also benefit the environment.

To develop sustainable jobs we cannot as governments stop and start the incentives that drive the development of these industries without risking a loss of jobs and reduction in investment in these sectors. The solar industry in Australia is one such sector that has taken a beating over the years. Federal policy shifts in the early days were frequent, as rebate programs stopped and started. The MRET was discontinued at one stage by the Howard government and then restarted under Labor. Local solar industries have been affected by changes to the small-scale feed-in tariff.

The fact that a federal coalition government would unpick the carbon price—the price signal has gone out to fossil fuel generators and renewable energy generators alike—shows just how out of touch with the needs of business they are and how bad for long-term jobs that sort of decision by an Abbott government would be.

Equally, it was disappointing to hear Julia Gillard's recent statements along the lines of "Labor puts jobs before environment". This of course forgets the fundamental reality that, in the long term, jobs need the environment and there will be far more jobs in living sustainably. I would like to quote the opening paragraph of the ACTU report of 2008 entitled *Green gold rush—how ambitious environmental policy can make Australia a leader in the global race for green jobs*—perhaps not the pithiest title, but one that was very smart nonetheless. It stated:

> In this time of economic uncertainty, one of the few good news stories is the continued prospects for the growth of green industries. Strong action on climate change will promote green jobs and green businesses and help secure Australia's economic prosperity.

The Greens are pleased that the parliamentary agreement includes, at item 3.7, a commitment to establish partnerships with construction industry stakeholders to improve training, education and awareness of energy efficiency to aid the transition to low-carbon commercial and residential construction and retrofitting. This item reflects the commitment of the ACT Greens, supported by ACT Labor, to ensure that the economy is responsive to the need to create jobs for the future.

One other necessary change in terms of creating jobs will be a shift to a more effective public transport system that helps to connect people and communities and contributes to the Canberra economy. Our long-term economic prosperity is inextricably linked to the pressures we are facing with climate change and fuel scarcity. Building a fast, frequent and reliable public transport system—which, of course, will be helped enormously by the light rail project—is a valuable investment in the Canberra economy. The project itself will create jobs in Canberra, including through the construction of the rail and the associated development that it will stimulate.

A well-recognised benefit of light rail is what economists call "agglomeration benefits". Essentially, agglomeration benefits are the productive advantages that arise from the spatial concentration of economic activity, including through benefits such as knowledge sharing and labour market pooling. These are significant. The benefits are now well studied and documented so that they are part of formal benefit-cost ratio analyses of light rail projects done in many other countries. I understand they are not yet included in assessment of Australian transport projects, but hopefully we will get there.

It is worth considering the corollary to this—that is, the fact that building a city with a focus on car use tends to damage the economy. It becomes more spread out, more difficult to service with infrastructure, there is less connection between businesses, less foot traffic to enliven public spaces and encourage small businesses and more valuable land consumed with roads and car parks.

One area the Greens have had a continued interest in, in relation to local job creation, is in social enterprises. Government expenditure is a vital part of our economy. In Canberra this primarily comes from the commonwealth government, but the contribution that ACT government expenditure makes to the local economy should not be overlooked. The social and economic outcomes that can be achieved from

targeted and well-considered government investment in social enterprise can make a real difference to many people's lives. In the area of TAMS, for example, initiatives like the Koomarri and Black Mountain disability programs at Yarralumla Nursery are beneficial to all parties. Areas such as waste management, horticulture, cleaning and catering are all key areas for boosting the level of social employment.

In conclusion, we need businesses and infrastructure to deliver better returns on natural, human and economic capital investments, while at the same time reducing greenhouse gas emissions, extracting and using fewer natural resources, creating less waste and reducing social disparities. We know we can do this, that it is in our economic interest to do so, and that just about every sector of our economy wants this to occur. It will create jobs and ultimately make the ACT more environmentally and economically sustainable.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (4.23): As the territory approaches its second century, Canberrans can be rightly proud of our modern and thriving economy. The territory now has a private sector that is dynamic and innovative and that is playing a large role in our economy. There are now more than 25,000 businesses in the territory with investment exceeding $2 billion per year. Canberra has Australia's highest average incomes and a workforce with the highest average levels of educational attainment.

There is no immutable law of economics that states that an economy or region will continue to grow as our city has done in recent years. Economies and regions that do not adapt to changing economic circumstances risk stagnation, and it is no secret that economies in the Western world are moving inexorably towards focusing on knowledge as the basis for their economic growth. Where once communities relied on agriculture or on manufacturing, nowadays it is creativity and knowledge that are the basis for economic growth. In such times, creating knowledge-intensive jobs is the key to prospering in our globalised and connected 21st century economy, and there are few better examples of where this is happening than right here in Canberra.

It is no secret that the territory's economy is focused around government, government services, but other knowledge-based sectors such as design, legal and accounting services, consulting, information and communications technology, and research and education play a very strong role. Again, to use the language of economics, it is where Canberra's comparative advantage lies. It is our strength. It is a strength that the ACT government is helping the private sector to build upon.

Through our support for education, notably higher education, we are making Canberra a centre of educational excellence and we are helping to create a workforce that is skilled and creative and a workforce that has the tools and knowledge to prosper in the 21st century. Through our support for the private sector and our business development strategy the government is putting in place the conditions in which our firms and entrepreneurs can continue to thrive and continue to create jobs.

Nevertheless, the public sector will, of course, continue to play a vital role in our economy, and, as such, decisions on the level of spending and employment taken by

the ACT government and, most importantly by the federal government, have a significant impact on the territory's economy. You do not just need take just my word for this, though, Mr Assistant Speaker. Our incumbent Liberal Senator, Gary Humphries, said as much earlier this month:

> We need to make sure we look after the national interest, but there is no area more affected by decisions made by federal governments than the national capital.

These are very sensible words. It is a pity that his colleagues do not appear to share his views.

Indeed, there is a significant threat looming to the territory economy, and that is the election of an Abbott government. We hear claims repeatedly from the federal shadow treasurer, Mr Hockey, and the Leader of the Opposition that there are 20,000 more public servants now than when John Howard left office. There are certainly more public servants employed—the economy and the country have grown in that period. Mr Hockey proudly claims he will sack every one of the 20,000 extra public servants. When interviewed by our own Chris Uhlmann, a fairly highly regarded journalist in Canberra, on the *7.30 Report* last May, Mr Hockey said, "We will cut the public service." Mr Uhlmann asked, "By 20,000?" Mr Hockey said, "We've already said that."

Mr Assistant Speaker, to see the importance of supporting jobs look no further than the job cuts of the Howard government and the impact on this city in the period 1996 to 1998. The impact at that time on that economy was to slash $25,000 from the value of the average Canberra home. This, of course, was an era pre-GST, pre-first home owner grant price and when house prices were much lower than they are today, so that was a very significant impact. The increase in the territory's unemployment rate was by one full percentage point and the increase in personal bankruptcies in the territory was over 100 per cent per year. The plans of Mr Abbott and Mr Hockey would similarly devastate this city's economy.

Many Canberrans will remember this pain and will have no desire to see those conditions repeated. There is no desire to see retail trade, housing and construction, hospitality—indeed, all of our thriving services sectors—suffer needlessly. There is no desire to see more Canberrans out of work and more businesses struggling to pay the bills. There is no desire to see people leaving town to look for work and our property market struggling, both of which would certainly impact on the territory's revenues and make it more challenging to continue to provide important services to the community.

This is the reality our city faces under an Abbott government. Such is the extent of the concern about this, even within the Liberal Party itself, that Senator Humphries was touting publicly and frequently to anyone who would listen that only a Senate veteran such as himself could persuade his federal colleagues not to cut this deep and this hard.

This is bad enough, Mr Assistant Speaker, but it does not end there. We hear word now that those public servants left in employment in the territory would be forcibly relocated to other parts of the country. Just a few weeks ago we heard the developing

northern Australia 2030 vision, a coalition party plan to develop northern parts of Queensland, the Northern Territory and Western Australia where there is apparently tremendous potential for economic growth. This policy platform suggested developing key urban zones around Darwin, Cairns, Townsville and Karratha with the aim of boosting populations in those areas through immigration policies, relocation allowances and personal income tax incentives. But the policy also recommended moving substantial numbers of public servants from agencies such as the CSIRO to those areas.

That is the double whammy—sack 20,000 people out of this economy and then relocate thousands of other jobs to other parts of the country. That combination will certainly have an impact on the territory economy. On the other hand, the alternative policy response is to keep on developing this economy with a focus on maintaining employment and creating jobs.

In the time I have remaining I will respond to some of the allegations in Mr Smyth's contribution. He was particularly critical of an alleged current federal Labor government policy of reducing employment in the commonwealth public service.

Mrs Jones: It's called the efficiency dividend.

MR BARR: Apparently it is. One would need to check the facts on this, so I went to the state of the service report, which is annual report on the number of employees within the commonwealth public service. Lo and behold, in the period between June 2011 and June 2012 when efficiency dividends had been in operation, total employment in the Australian public service, in fact, rose by 2,328 to 168,580, and 40 per cent of the employment growth occurred within the territory. That is consistent with what has been a trend over the last 15 or so years where a proportion of commonwealth public sector in the ACT as a percentage of total commonwealth public sector employment has, in fact, been increasing from about a third in 1998 to over 40 per cent now.

So what we have seen in a period towards the end of the Howard government and under the Rudd and Gillard governments is that, in fact, more commonwealth public sector jobs, particularly in areas of growing importance in our economy, have been located in the ACT—jobs in areas like the CSIRO, for example. That has been important for this territory's economy. To see those jobs relocated would be a bad outcome for the ACT

Discussion concluded.

Adjournment

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

> That the Assembly do now adjourn.

The Assembly adjourned at 4.34 pm until Tuesday, 19 March 2013, at 10 am.

Answers to questions

Roads—accidents
(Question No 54)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 29 November 2012:

(1) How many non-fatal accidents occurred each year since 2010, including 2012 to date, at (a) Tuggeranong Parkway, at the Cotter Road underpass, both directions, (b) Federal Highway, approaching the Antill Street roundabout, city bound, (c) Barton Highway, between (i) Curran Drive and Gold Creek Road, both directions and (ii) Gungahlin Drive and Ellenborough Street, both directions, (d) Monaro Highway, (i) between Lanyon Drive and Sheppard Street, northbound, (ii) between Mugga Lane and Isabella Drive, southbound, (iii) at the Hindmarsh Drive overpass, both directions and (e) Tuggeranong Parkway, at the Hindmarsh Drive overpass, both directions.

(2) How many fatal accidents occurred at each location referred to in part (1).

(3) How many non-fatal accidents occurred each year since 2002, including 2012 to date, at Federal Highway, between Antill Street roundabout and Zelling Road, NSW bound.

(4) How many fatal accidents occurred at that location referred to in part (3).

Mr Rattenbury: The answer to the member's question is as follows:

(1) The following information was obtained from the Directorate's Integrated Asset Management System database which is populated with reports of vehicle crashes from ACT Policing.

Results are dependent on the date of the data search request. The data below is at 30 November 2012 and was extracted on 12 December 2012.

a) Tuggeranong Parkway at the Cotter Road overpasses (both directions)

Year	Total
01/01/2010 – 31/12/2010	10
01/01/2011 – 31/12/2011	18
01/01/2012 – to date	12

b) Federal Highway approaching Antill Street roundabout (southbound, towards City)

Year	Total
01/01/2010 – 31/12/2010	1
01/01/2011 – 31/12/2011	2
01/01/2012 – to date	1

c) Barton Highway

i) between Curran Dr and Gold Creek Rd (both directions)

Year	Total
01/01/2010 – 31/12/2010	3
01/01/2011 – 31/12/2011	0
01/01/2012 – to date	3

ii) between Gungahlin Drive and Ellenborough Street (both directions)

Year	Total
01/01/2010 – 31/12/2010	9
01/01/2011 – 31/12/2011	10
01/01/2012 – to date	1

d) Monaro Highway

i) between Lanyon Drive and Sheppard Street (northbound)

Year	Total
01/01/2010 – 31/12/2010	4
01/01/2011 – 31/12/2011	4
01/01/2012 – to date	1

ii) between Mugga Lane and Isabella Drive (southbound)

Year	Total
01/01/2010 – 31/12/2010	3
01/01/2011 – 31/12/2011	4
01/01/2012 – to date	3

iii) at the Hindmarsh Drive overpasses (both directions)

Year	Total
01/01/2010 – 31/12/2010	0
01/01/2011 – 31/12/2011	3
01/01/2012 – to date	5

e) Tuggeranong Parkway at the Hindmarsh Drive overpasses (both directions)

Year	Total
01/01/2010 – 31/12/2010	2
01/01/2011 – 31/12/2011	0
01/01/2012 – to date	4

(2) No fatal crashes at any of the locations referred to in part (1).

(3) Federal Highway between Antill Street and Zellig Road (northbound, towards NSW).

Year	Total
01/01/2002 – 31/12/2002	0
01/01/2003 – 31/12/2003	0
01/01/2004 – 31/12/2004	0
01/01/2005 – 31/12/2005	0
01/01/2006 – 31/12/2006	1
01/01/2007 – 31/12/2007	0
01/01/2008 – 31/12/2008	1
01/01/2009 – 31/12/2009	0
01/01/2010 – 31/12/2010	0
01/01/2011 – 31/12/2011	0
01/01/2012 – to date	0

(4) No fatal crashes at any of the locations referred to in part (3).

Health—fractures (Question No 57)

Mr Smyth asked the Minister for Health, upon notice, on 12 February 2013:

(1) How many fractured neck of femurs were treated by the ACT Health Service in 2011-2012.

(2) What is the average cost per fractured neck of femur for the ACT Health Service.

Ms Gallagher: The answer to the member's question is as follows:

(1) There were 314 fractured neck of femurs treated by the ACT Health Service in 2011-12.

(2) The average cost per fractured neck of femur for the ACT Health Service in 2011-12 was $23,267.

Domestic Animal Services—dogs (Question No 58)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 13 February 2013:

(1) How many dogs from all sources were brought to Domestic Animal Services in 2012.

(2) How many dogs of all types were euthanised in 2012.

(3) How is the re-homing figure quoted in The Canberra Times on 17 January 2013 calculated.

Mr Rattenbury: The answer to the member's question is as follows:

(1) Domestic Animal Services (DAS) took in a total of 1491 dogs in 2012 (including a carryover of 35 dogs from 2011).

(2) In 2012 DAS euthanised a total of 226 dogs.

(3) The re-homing figure provided to *The Canberra Times* was calculated by using the following information:

- 1311 dogs were identified as suitable for re-homing in 2012.
- 66 dogs out of the 1311 dogs identified as suitable for re-homing were unable to be re-homed and were euthanised.
- Therefore 1245 out of 1311 dogs were re-homed in 2012.
- This gives a re-homing rate of 95%.

Note: The remaining 20 dogs were carried over from 2012 to 2013.

Health—renal patients (Question No 65)

Mr Hanson asked the Minister for Health, upon notice, on 14 February 2013:

(1) What is the total payment to be received from the NSW Government under the Renal Services Agreement for (a) 2012-13, (b) 2013-14, (c) 2014-15, (d) 2015-16 and (e) 2016-17.

(2) What was the total number of renal patients treated in the ACT in (a) 2010-11 and (b) 2011-12.

(3) What was the total number of NSW residents treated as renal patients in the ACT in (a) 2010-11 and (b) 2011-12.

(4) What was the total amount received from the NSW Government for the treatment of NSW residents for renal services in (a) 2010-11 and (b) 2011-12.

(5) What is the total number of NSW residents that will be treated each year in the ACT under the Renal Services Agreement.

Ms Gallagher: The answer to the member's question is as follows:

(1) The ACT Government Health Directorate expects to receive approximately $190,000 per annum from Southern New South Wales Local Health District (SNSWLHD) for the provision of clinical over sight of renal patients within SNSWLHD under the current renal agreement.

(a) For the period 24 December 2012 – 30 June 2013, a period of six months $95,000;
(b) (c) (d) and (e) Thereafter $190,000 per annum, based on current staffing levels, however throughout the term of the Agreement increased services will necessitate extra resources that will be negotiated with SNSWLHD as required.

(2) The total number of renal dialysis cases treated in the ACT public hospital system in 2010-11 and 2011-12 was 24,779 and 25,333 respectively. This excludes inpatients and outpatient occasion of service.

(3) The total number of NSW residents treated as renal dialysis patients in the ACT public hospital system in 2010-11 and 2011-12 was 91 and 82 respectively.

(4) The ACT Government Health Directorate expects to receive from the NSW Ministry of Health $3.035 million and $2.514 million in 2010-11 and 2011-12 respectively, for providing renal dialysis services to NSW residents in ACT public hospitals.

(5) There is not a specified number of NSW residents that will be treated under the Agreement and it is not possible to estimate at this time.

Questions without notice taken on notice

Roads—crash database

Mr Rattenbury *(in reply to a question and supplementary questions by Mr Coe and Mr Smyth on Thursday, 14 February 2013)*:

I refer to questions taken on notice during question time on 14 February 2013 regarding the Roads ACT crash database and crashes at fixed speed camera locations.

I also refer to my response to question on notice 54 regarding the same matter.

The response to your questions are outlined below:

Mr Coe: What is the nature of the problems with the database?

Due to a combination of human and system errors, some incorrect data was provided by the Territory and Municipal Services Directorate (TAMS) in QON 2220 during the last Assembly. This data has been corrected in the response to QON 54.

The crash information provided in QON 2220 for four of the questions reflected data for travel in both directions where the request was for one direction only.

Prior to 2011, crash data was entered and analysed by ACT Roads and Maintenance System (ACTRAMS) database. In June 2011, this database was decommissioned and all historic information was transferred to the TAMS Integrated Asset Management System (IAMS) database. Crash data from June 2011 onwards has been entered into the IAMS database.

Due to technical differences between the two systems (for example different boundaries for mid-blocks and intersections and newer spatial mapping technology in IAMS) the transfer of historical data from ACTRAMS to IAMS resulted in errors in the locations of some crashes.

As a result of the errors identified in QON 2220, TAMS undertook an internal audit of the crash reporting system and reviewed its processes to address these concerns.

Mr Coe: Is it true that the database was designed for engineering purposes and has evolved into a crash database?

IAMS incorporates a dedicated module for the recording and analysis of traffic crash data. The use of IAMS allows crash information to be integrated with other road asset information held by TAMS. It is correct to note that, as an "off the shelf" product, the IAMS crash module has needed some adjustments to meet ACT crash data requirements.

Note that as a result of the recent system and process review, additional checks are also now undertaken using the base data records to improve quality assurance.

Mr Smyth: Could problems with extracting data from the database have led to incorrect information being used to assess road upgrades?

There are a number of factors which are used to determine the priority for road upgrades, for example road safety audits, traffic counts, community feedback, pavement conditions and safety considerations. Crash data is only one component. I am advised that any assessment of road upgrades is unlikely to have been impacted by crash data issues.

Mr Smyth: Were speed cameras placed in locations based on incorrect crash data?

No. The fixed speed cameras referred to in QON 2220 and QON 54 were commissioned in 2007 and 2008, well before any crash data was transferred to the IAMS database.

Art—public

Mr Barr *(in reply to a question and a supplementary questions by Mr Coe on Wednesday, 13 February 2013)*:

1. Of the undispersed appropriation there were three projects. Two were for local artists and one non local artist.

2. Defect payments are set at 5% of the commission value of the artwork and are withheld by the Territory for a period of 12 months from the artist to cover any unforseen defects should they arise. In 2102-13 the amount withheld was:
   Firestorm Story Tree - $4304.22.
   Culture Fragment - $6325.00
   The Other Side of Midnight - $10,285.00.

3. Of the undispersed appropriation artworks awaiting final approval for location there is a cost in the current financial year of $3,712.50 inc. GST.

4. Nil.

Trees—Kingston Foreshore

Mr Rattenbury *(in reply to a question by Mr Doszpot on Thursday, 14 February 2013)*: The remaining Euphrates Poplar trees on the Kingston Foreshore were entered on the ACT Tree Register on 21 February 2013.

I have been advised by the Land Development Agency that the landscape contractor notified them of the fallen tree on 29 January 2013.

On 31 January 2013 the Conservator for Flora and Fauna inspected the tree and determined it could not be saved and should be removed. Written approval was given on 11 February 2013 and the tree was removed on 20 February 2013.

The irrigation system was turned off on 10 January 2013 to allow for mowing. An inspection of all connections was carried out to identify any leakage points within the system. No leakage points were found in close proximity to the fallen tree. A qualified arborist inspected the fallen tree and determined that the irrigation system did not adversely affect the tree.

Lake Tuggeranong—pollution

Mr Rattenbury *(in reply to a question by Mr Wall on Thursday, 14 February 2013)*: I can advise that Lake Tuggeranong was closed or partially closed eight times in the last four years due to blue-green algae.