



# Debates

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Legislative Assembly for the ACT

**EIGHTH ASSEMBLY**

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**Thursday, 21 March 2013**

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**Thursday, 21 March 2013**

**The Assembly met at 10 am.**

*(Quorum formed.)*

**MADAM ACTING SPEAKER** (Ms Porter) took the chair and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

### **Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2013**

**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) (10.03): I move:

That this bill be agreed to in principle.

Today I am introducing the Monitoring Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2013. This bill will give effect to the ACT's initial obligations under the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, once the protocol is ratified by the commonwealth.

Australia ratified the convention against torture in 1989. It required Australian governments to "take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction". In 2002 the United Nations adopted the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which came into force in 2006. The protocol, commonly known as OPCAT, aims to establish a proactive, independent monitoring system for places where people are deprived of their liberty in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

On 8 June 2011, the Australian government accepted six recommendations from the United Nations Human Rights Council's universal periodic review of Australia's human rights performance which urged Australia to ratify the OPCAT. On 21 June last year, the Australian parliament's Joint Standing Committee on Treaties tabled its review of OPCAT, recommending that Australia take binding treaty action. The treaties committee also recommended that the Australian government work with all states and territories to establish an effective monitoring framework, as required under the protocol.

OPCAT requires two levels of monitoring oversight. Firstly, Australia will be required to facilitate and support any visits from the United Nations subcommittee for the prevention of torture, which administers the OPCAT internationally. This obligation becomes effective immediately once the protocol is ratified. In the longer term, a national preventative mechanism will need to be established within three years after ratification. A national preventative mechanism does not need to be a single mechanism for the whole of Australia. In the three years until it needs to be established, the government will be working towards a coordinated approach to the national preventative mechanism in the territory. But this is not the focus of this bill.

The purpose of this bill is to provide a framework in the ACT to support any future visits of the United Nations subcommittee following Australia's ratification of the OPCAT, as required in the first instance. The UN subcommittee has a broad mandate under the protocol, allowing it to visit "any place under its jurisdiction and control where persons are or may be deprived of their liberty".

The bill provides for the UN subcommittee to access places of detention, access information and interview detainees and other people. "Place of detention" is defined as any place under the ACT's jurisdiction and control in which people are or may be involuntarily deprived of their liberty. The bill lists the common places of detention, such as a correctional or detention centre, hospital, police station or court cell complex or a vehicle used to transport detainees. However, this is not an exhaustive list. In the ACT, these places would include facilities like the Alexander Maconochie Centre, the Court Transport Unit, court cells, the Symonston Correctional Centre, the city watch house, police station cells, any police transport, the Bimberi Youth Justice Centre and any health facility where people are detained involuntarily, such as a psychiatric unit.

Under the protocol, the ACT will be obliged to facilitate unrestricted access of the UN subcommittee to places of detention within their jurisdiction. The ACT will also be obliged to provide relevant information to the UN subcommittee, including information about conditions of detention, and provide the opportunity to conduct private interviews with detainees and other relevant people like medical personnel. Generally, the UN subcommittee is bound to respect the laws and regulations of the states or territories it visits.

The UN subcommittee has a systemic focus and adopts a cooperative approach to ensure that the requirements of OPCAT are met, while maintaining security, safety, good order and personal privacy in places of detention. It must refrain from any action or activity which is incompatible with the impartial and international nature of its duties and must be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.

It is important to note that we have an ACT framework in place to not only assist the UN subcommittee to effectively perform its role, but also ensure the rights of detainees, their families and people who work with them in places of detention. This bill establishes such a framework within the international law requirements. The bill is based on a national model bill that was developed collaboratively between the

commonwealth and the states and territories. Consistent with the protocol, it defines “places of detention” for the purpose of UN subcommittee visits, and sets out the relationship between the bill and other laws in the territory. It provides for arrangements for UN subcommittee visits, including establishment of ministerial arrangements to facilitate such visits, and sets out the duties of detaining authorities and the responsible minister.

Australia will be permitted to object to the UN subcommittee visiting a place of detention if urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder warrant the temporary delay of the visit. The scope of the information that must be provided to the UN subcommittee is limited to “relevant information ... for evaluating the needs and measures that should be adopted to strengthen, if necessary, the protection of people deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment”. In addition, under clause 14, the UN subcommittee is not entitled to access records held by a health practitioner, a lawyer or any other professional person who is under an obligation not to disclose information held in a record. This exclusion applies to information about a person whether they are currently or have been a detainee. Under its guidelines in relation to visits, the UN subcommittee has strict confidentiality requirements and is not permitted to publish personal data without the express consent of the person concerned.

In addition to access to information, the UN subcommittee may ask to interview detainees and other relevant people. Under this bill, the ACT will be obliged to provide reasonable assistance to the subcommittee to conduct an interview with a detainee or anyone else without witnesses. This does not mean that a person being interviewed cannot be accompanied by an interpreter or support person of their choice. The requirement to facilitate interviews without witnesses is to ensure that interviewees have an opportunity to provide information to the United Nations subcommittee without fear of reprisal or any undue pressure from a representative of the detaining authority being present. For the same reason the bill also protects against action for giving information and against reprisal for disclosing information. These provisions are necessary to allow the UN subcommittee to perform its mandate without detainees, their families and staff in detention centres being fearful of the consequences of speaking to the subcommittee.

As the date for Australia’s ratification date of OPCAT is yet to be confirmed, clause 2 of the bill provides that the act commences on a day to be fixed by the minister but not less than 30 days after the day the commonwealth deposits its instrument of ratification with the United Nations.

The ACT government is serious about protecting the human rights of everyone in the territory, particularly those who are most vulnerable, and supports Australia’s ratification of the protocol as a commitment to preventing all forms of torture and other cruel, inhuman or degrading treatment of people in detention. The territory’s own Human Rights Act, our comprehensive statutory oversight system and our criminal laws already go a long way to protecting individuals in detention in the ACT from torture and other cruel, inhuman and degrading treatment. The independent monitoring systems required under OPCAT can only strengthen those protections and ensure the safety of detainees and their inherent dignity and respect.

I commend the bill to the Assembly.

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

## **Road Transport Legislation Amendment Bill 2013**

**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) (10.14): I move:

That this bill be agreed to in principle.

I am pleased to present the Road Transport Legislation Amendment Bill 2013. This bill amends the Road Transport (General) Act 1999 and a range of other road transport legislation. Last year legislation was passed in this Assembly to provide for new payment options for people experiencing difficulty in paying their infringement notice penalties for traffic or parking offences. The Road Transport (General) (Infringement Notices) Amendment Act 2012 made available three new options: payment by instalment; community work or social development programs; and waivers. The government supported the introduction of these new options in the 2012 amendments.

Providing more flexible payment options for infringement penalties is an important step in addressing the issues identified by the targeted assistance strategy expert panel in relation to fees and fines. In particular, the new options will enable those who owe traffic and parking infringement penalties to avoid sanctions such as the suspension of their drivers licence provided they have arrangements in place to discharge the penalties they owe or, in exceptional cases, have their penalty waived. For road users who are socially or financially disadvantaged, it is hoped that these options will encourage their engagement with the penalty payment system.

The 2012 amendments had a default commencement date of 24 May 2013, which allowed the Office of Regulatory Services time to develop the system changes that support the new options, and to put in place other arrangements for their administration. The systems required to support these options have included changes to the rego.act system which processes traffic and parking infringements. These changes are required to enable the setting up of instalment payment arrangements following application of relevant eligibility criteria, monitoring of payments of infringement penalties by instalments and ensuring that a default on instalment payments is followed up. If a default is not rectified sanctions are able to be applied for non-payment.

Similarly, administrative arrangements are required to support the implementation of the community work or social development program option. This includes a process for assessing whether an applicant satisfies the relevant criteria, approving suitable organisations to provide approved programs, monitoring compliance with program participation and adjusting outstanding penalties to reflect the discharge of the penalties through program participation.

I foreshadowed in the debate on the 2012 amendments the possibility of additional amendments to make aspects of the new scheme fully effective. As work has proceeded on the detailed design of the administrative and system arrangements for these options it has been possible to identify legislative supports which will be required for the operation of the scheme. The purpose of this bill is to build on the amendments passed last year and address several practical issues that have arisen during the design of the implementation arrangements before the commencement of the arrangements on 24 May.

This bill covers two broad areas: it introduces the concept of infringement notice management plans and it modifies the automatic minimum disqualification period for people convicted of driving while their licence is suspended. The concept of an infringement notice management plan has been developed to provide an efficient arrangement for managing payment by instalments and discharge the penalties by work or development programs irrespective of how many infringement penalties are owed.

Essentially, an infringement notice management plan is an agreement between the administering authority that issued the infringement and the person owing the infringement penalty. The agreement enables a person with several outstanding infringement notices to consolidate all of the person's penalties into a single debt. Under an infringement notice management plan a person has two ways to discharge the consolidated debt. In most cases the person will make payments by instalment until the debt is paid. An applicant who can demonstrate particularly difficult financial circumstances or other relevant circumstances may also be able to participate in an approved work or development program to discharge the debt at an agreed rate.

Under the 2012 act these two options involved two separate application processes. This bill combines those processes into one to streamline the operation of the infringement management system. This has benefits for applicants in a one-stop-shop model and administrative efficiencies. A single process will better support situations where a person discharges outstanding penalties through a combination of making payments and participating in a community work or social development program. For example, a person might have a plan to cover their outstanding infringement notice penalties. If the applicant satisfies the criteria to participate in a work or development program or secure a place in such a program, he or she may discharge a proportion of the penalties owing by participating in that program. If, at the end of the program, any penalties remain owing, the person may seek to pay the balance through regular instalments.



The bill provides for infringement notice management plans to be available to organisations as well as individuals. However, only individuals may participate in community work or social development programs.

The 2012 amendments also provided that holders of some concession cards are automatically entitled to make payments by instalment. This feature has been retained under this bill, but the relevant concession cards are now prescribed by regulation rather than being set out in the general act.

Entering an infringement notice management plan revokes any licence, registration or right to drive suspension already in force as a result of unpaid fines and also prevents the person from being issued a suspension notice for non-payment of fines as long as they continue to comply with the arrangement.

Once an infringement notice penalty has been added to the plan, the person is no longer liable to be suspended or prosecuted for that infringement notice. However, they have a liability to discharge the outstanding debt as agreed with the administering authority. Enabling people to discharge their penalty liabilities more flexibly will assist those willing to pay or enter into appropriate work or development programs to get back on the road sooner and to avoid sanctions for leaving their penalties unpaid.

New section 44A of the general act sets out the consequences of failing to comply with an infringement notice management plan, whether by missing instalments or failing to attend a work or development program. The terms of the infringement notice management plan will specify what the person must do to comply with the plan and will provide some flexibility if they have genuine reasons for noncompliance and can notify the administering authority within a reasonable time.

Section 44A operates in a similar way to the existing section 44 of the general act. The Road Transport Authority must send a suspension notice to the person, and take suspension action if the person does not resume complying with their infringement notice management plan before the date specified in the notice. Suspension action under section 44A includes suspension of a person's drivers licence or the person's right to drive but does not include vehicle registration suspension.

In relation to an application for a work or development program, the administering authority must refer the application to the director-general responsible for community service work provisions in the Crimes (Sentence Administration) Act 2005. The responsible director-general may agree to the applicant's participation in a work or development program if they are satisfied on reasonable grounds that the person is suitable to participate and that the person's financial or other relevant circumstances justify the application. The director-general may make guidelines about the exercise of these functions.

The implementation of the work or development program option will be highly reliant on the participation of non-government community-based organisations. Relevant community work opportunities and other programs offered by these organisations need to be approved for the purpose of the work or development program scheme.

A wide range of community organisations and other stakeholders have already been consulted about draft guidelines for work and development programs. The feedback has been positive about the concept and broadly supportive of the approach in the draft guidelines. A number of issues raised will be further considered prior to the finalisation of these guidelines.

In addition to payment by instalments and work or development programs, the third option available under the 2012 amendments was the waiver of a person's penalty. The application process remains the same under this bill, as do the criteria which the administering authority uses to make its decision. If an applicant wants to participate in an approved community work or social development program or seek a waiver, evidence of relevant circumstances must be provided with the application.

Section 21A of the general act contains the new definition of "relevant circumstances", which relate to disability, illness, addiction, domestic violence, homelessness and anything else prescribed by regulation. Under the 2012 amendments, these were referred to as "special circumstances". That term has been replaced with "relevant circumstances" because the term "special circumstances" appears elsewhere in the road transport legislation.

An aspect of the bill which was not addressed in 2012 but which is closely aligned with their intent is the amendments to provisions applying automatic disqualification periods where a person drives while their licence is suspended. Currently, under section 32(2) of the Road Transport (Driver Licensing) Act 1999 any person convicted of driving while their licence is suspended is automatically disqualified from holding or obtaining a drivers licence for at least 12 months if the person is a first offender and 24 months for a repeat offence.

There is no flexibility for the court to shorten this mandatory period from 12 or 24 months, and concerns have been raised that the period is not operating as intended, in particular, that it is an excessive sanction in many instances. This is because the same period applies whether the driver was originally suspended for incurring excessive demerit points, defaulting on fines, or pending a fitness-to-drive assessment on competence or medical grounds.

The disqualification period in section 32(2) can be seen as disproportionate when compared with the automatic disqualification period for other driving offences. For example, convictions for offences—including races, burnouts, negligent driving, furious, reckless or dangerous driving or menacing driving—have an automatic disqualification period of three or 12 months under section 63 of the general act. This minimum period is also out of step with corresponding provisions in other jurisdictions. To illustrate, a first offender who is convicted of driving while their licence is suspended for non-payment of a fine faces an automatic disqualification for 12 months in the ACT but only three months in New South Wales.

To address this discrepancy, part 2 of this bill amends section 32 of the Road Transport (Driver Licensing) Act 1999 to modify the minimum disqualification periods for various types of suspensions. The length of the period now takes into

account the reason for the original suspension. People suspended for fine defaults or non-payment of infringements will now be subject to a minimum disqualification period of one month. People suspended for incurring too many demerit points will be subject to a minimum disqualification period of three months. Again, this change will bring this minimum period into line with other driving offences. For suspension in any other case, the minimum disqualification period is three months for a first offender or 12 months for a repeat offender.

The intention of changing the minimum disqualification periods is to lessen the impact of long-term licence suspensions on disadvantaged road users, as a lengthy disqualification period can lead to further hardship for the disqualified person and their family. The government does not believe reducing minimum disqualification periods will lessen the deterrent effect of the provisions. The court retains its discretionary power to impose a longer disqualification period than the minimum, up to and beyond what the current minimum periods are now. Conviction rates may actually increase as a result, as the disqualification period can now be set at a level appropriate to a person's circumstances.

These changes to disqualification periods for driving while a person's licence is suspended complement the other provisions in this bill which support the effective implementation of the new flexible options for paying or otherwise discharging liability for traffic and parking infringement penalties. The legislation will assist people in hardship to take action to deal with their outstanding penalties and get back on the road safely. It will mean there is no need for a person to be denied access to their drivers licence only because they are in financial hardship. I commend the bill to the Assembly.

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

## **Planning and Development Regulation 2008**

**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) (10.30): I move:

That this Assembly:

(1) notes:

- (a) that Schedule 1, Part 1.3, Division 1.3.6A of the *Planning and Development Regulation 2008* has been reviewed as required under the Regulation and that the findings on the review, including a summary of community comments, are set out in the Planning and Development (Exempt Developments—schools) Review Notice 2013 (No 1), which is available on the Legislation Register; and
- (b) that Schedule 1, Part 1.3, Division 1.3.6A, s1.99C of the Planning and Development Regulation expires on 31 March 2013 unless continued by resolution of the Legislative Assembly;

- (2) agrees to continue Schedule 1, Part 1.3, Division 1.3.6A, s1.99C of the Planning and Development Regulation so that it does not expire on 31 March 2013; and
- (3) agrees that this resolution is to take effect on the day it is passed.

Put simply, this proposed motion is for the indefinite continuation of a provision of the Planning and Development Regulation that exempts certain developments on existing school and childcare centre sites from the requirement for development approval. In my comments on this motion, I will summarise the relevant exemptions and refer to some of the history behind them and their recent review by the Planning and Land Authority. In support of the motion, I will refer to the limited nature of the exemption itself and the outcomes of the review.

There are a number of development activities that are exempt from the requirement to apply for and obtain development approval under the Planning and Development Act, typically referred to as DA exemptions. These developments still require building approval from a certifier and must comply with all other relevant territory legislation regarding land use, such as heritage and tree protection requirements.

I need to be precise about the relevant provision and proposed motion. The proposed motion is for the continuation of section 1.99C of division 1.3.6A of part 1.3 of schedule 1 of the Planning and Development Regulation 2008. Section 1.99C applies to buildings in schools and childcare centres. The ability to continue this section by this motion comes from section 1.99C(3) of schedule 1 of the regulation. This section states that this exemption provision expires on 31 March 2013 unless continued by resolution of the Assembly.

Section 1.99C is located in division 1.3.6A of schedule 1 of the Planning and Development Regulation and contains all of the school-specific DA exemptions. I will refer to this division on school DA exemptions simply as “the division”. The DA exemptions in this division have been in place since March 2009.

It is important to emphasise that the exemptions in the division do not allow for the construction of an entirely new school or childcare centre without development approval. The construction of an entirely new school will be subject to the full development assessment process. The exemptions in the division allow for additional development to occur on school and childcare centre sites that are already in operation. These schools and childcare centres would have already been through the full development assessment process when they were initially established.

The division as it stands applies only to already established school and childcare centres. Specifically, the DA exemptions apply only to schools in existence on the date when the school DA exemptions came into effect, that is 24 March 2009. The recent review of the division by the Planning and Land Authority recommended that if the exemptions in the division are retained, they should apply to schools and childcare centres that came into existence after 24 March 2009.

I will briefly describe the way an existing school is defined in the division. An “existing school” is defined in schedule 1, section 1.96A as a government or non-government school as defined by the Education Act 2004. An existing school also includes a childcare centre licensed under the Children and Young People Act 2004, primarily for the education of young children.

The division contains three different types of exemption. Firstly, the division contains the exemption at schedule 1 for new buildings or alterations to buildings. This exemption is the only exemption that is the subject of this notice of motion and, as I have indicated, will expire on 31 March this year unless continued by resolution of this place. This exemption applies to buildings designated as class 3 and class 9b under the Building Code, such as dormitories, halls, libraries and classrooms. I will discuss this exemption in more detail shortly.

The division also contains the exemption at schedule 1, section 1.99D. This is a more general exemption for minor alterations to buildings. This exemption is subject to the condition that the development will not increase the gross floor area of the building by more than five per cent. Unlike the exemption at schedule 1, section 1.99C, this restriction applies to any buildings irrespective of their class under the Building Code. This exemption expires on 31 March 2013 and there is no provision in the regulation for this exemption to be continued by Assembly resolution.

Thirdly, the division contains a series of exemptions for developments such as flagpoles, playground and exercise equipment and school fences that apply only in very specific circumstances. For example, the exemption for shade structures applies where the height of the structure is not more than 10 metres above existing ground level, the plan area of the shade structure is not more than 200 square metres and the shade structure is unenclosed on at least two sides. Unlike the first and second category of exemptions, these specific exemptions do not expire on 31 March. They continue indefinitely.

I turn now briefly to the history of the exemptions I have described. The exemptions were implemented in response to the commonwealth government’s building the education revolution program, otherwise known as the BER. Members will recall this program was a stimulus measure put in place following the global financial crisis. The intention of the program was to provide funding for school development projects. This funding was time limited to ensure a timely economic stimulus to mitigate the effects of the GFC.

The school DA exemptions were put in place to ensure that relevant school and childcare centre building projects could be delivered with minimal delay within the time frames of the commonwealth funding availability. Specifically, the school DA exemptions meant that certain projects would not require DAs under the Planning and Development Act. This has the effect of time savings, as projects were not subject to public notification, agency referral or assessment processes normally required for development approval. The DA exemption also meant that potential delay and uncertainty from third party merit review processes in the ACAT were removed. The significant time and resource savings ensured that relevant projects could be completed in time to secure the BER funding.

The school DA exemptions were proposed by the government, but not made until after negotiations with the crossbench. As a result of these negotiations, the more expansive exemptions—that is, sections 1.99C and 1.99D of the regulation—were time limited so that their efficacy could be tested over time before consideration was given to making them permanent. In addition, the regulation included a provision requiring a review of all of the school DA exemptions by ACTPLA after the first few years of its operation.

This review was completed by the authority within the required time frame. The Planning and Land Authority reviewed the schools exemptions with the assistance of Tania Parkes Consulting, who prepared a report following consultation with community, building industry and private and public education stakeholders. The findings of the review, including a summary of comments from the community, are notified on the ACT's legislation register. In short, the review points to widespread acceptance of the DA exemptions by stakeholders.

Before I turn to the specific nature of the section 1.99C exemption that is the subject of this motion, I will comment on section 1.99D of the exemptions. As noted earlier, this exemption is also due to expire at the end of March and there is no provision in the regulation for this exemption to be continued by Assembly resolution. The original intent of this section was as a general provision to apply in situations not adequately covered by other more specific exemptions. Given its general nature, this provision was time limited and no provision was made for its extension.

Notwithstanding this, I am disposed to have this provision continued beyond 31 March this year, consistent with section 1.99C. This is because the review has indicated widespread support for schedule 1, section 1.99D. I have therefore instructed the Environment and Sustainable Development Directorate to examine the possible continuation of section 1.99D with a view to a possible amending regulation for schedule 1, section 1.99D to allow it to continue.

I now turn to the issue of the possible impact of particular forms of DA exempt development on the number of students attending at a relevant school. There may be situations where some DA exempt development on a school site has the potential to substantially increase the student capacity of a school and so lead to an increase in school enrolment numbers. For example, the construction of additional classrooms could have this effect. Such an increase could impact on traffic and parking at the school and in neighbouring streets. Put simply, in these circumstances, a DA exempt development could lead to increased traffic congestion—as an example, around a school.

When a development is subject to the DA process it is referred to TAMS for assessment of its traffic impacts. For DA exempt development there is no such referral. During the review of the division, officers from TAMS raised concern about the absence of a referral mechanism to assess the traffic impacts of exempt development on school sites. This matter is the subject of ongoing interagency discussions between the Environment and Sustainable Development Directorate and TAMS.

I note that Minister Rattenbury has raised similar issues at a briefing provided by officers of my directorate. I note also that the government is considering amendment of the regulation to address this issue. In summary, the amendment would ensure that developments on school sites which are likely to lead to a significant increase in student enrolment numbers will no longer be DA exempt and will require development approval. These development approvals would then be referred to TAMS for assessment of traffic impacts consistent with the development assessment process.

I am aware that Minister Rattenbury's office has also expressed the view that the school exemptions be subject to review by the Planning and Land Authority every five years and for the results of the review to be put before the Assembly. Members would then be able to assess the continuing worth of the exemptions and any proposed changes or extensions. I have asked my directorate to develop this proposal in more detail with a view to possible amending of the regulation.

I now turn to the specific nature of the exemption that is the subject of this motion, namely, the exemption for new buildings or alterations to buildings on school sites under schedule 1, section 1.99C. In doing so, I wish to emphasise the limited scope of the DA exemption. Section 1.99C is the most substantial exemption in the division in that it applies to entire new buildings or alterations to existing buildings. However, there are significant limits on the scope of this exemption. The exemption applies only to class 3 and class 9b buildings as defined in the Building Code; buildings such as dormitories, halls, libraries, classrooms and the like.

Importantly, there are limits around the size and location of the proposed building. It must not be within six metres of the block boundary in a residential zone. If the building is within 30 metres of the boundary of a block in a residential zone, its height must be no more than six metres above existing ground level. In all other cases, the height of the building must not be more than 12 metres above ground level. If the building does not meet these strict criteria, it is not DA exempt and it will require development approval. The exemption does not apply to school office or administration buildings.

In conclusion, judging from the nature of the regulation itself, the retention of section 1.99C exemption would not be inconsistent with overall exemption provisions in the planning and development regulations. This is also the finding of the review. In summary, the review found that the continuation of the exemptions was supported by both government and non-government education sectors. The review did not point to any extensive community or industry objections to the continuation of the exemptions.

It is the government's view that the school exemptions in the division are appropriate, proportionate with the general exemptions, and have been effective in delivering timely and cost-effective outcomes for schools. They should therefore remain in place. Consistent with this position, schedule 1, section 1.99C should also remain in place. It is the government's view that the exemptions are of value in their own right, irrespective of their historical role in securing funding under the BER or other

programs. The worth and proportionate nature of these exemptions has been demonstrated by the experience of the last few years. Madam Acting Speaker, I commend this motion to the Assembly.

**MR SESELJA** (Brindabella) (10.44): We will not be supporting this motion today.

This exemption was initially introduced to support emergency stimulus funding. Of course, much of that has been completed. The government has provided no compelling arguments to justify this extension. We believe that residents do have a right to comment on buildings near their homes, especially central spaces such as schools. It does allow room for many unintended consequences, and it does beg the question: if it is good enough for schools, why is it not good enough in a range of other areas?

The exemption in section 1.99C was put in place in March 2009. It allows for the development of new buildings or alterations to an existing building to be exempt from development approval. Examples of the types of buildings covered by the section include a dormitory, hall, auditorium, gym, library, classroom and environment learning centre. The building must not be within six metres of the school's boundary in a residential zone, and there are height restrictions.

The minister brought on a disallowance motion to force members to support the exemptions in the Assembly on 26 March 2009. The justification for the exemptions was that the minister wanted to speed up building and the exemptions were necessary because approvals were so slow. The exemption expires on 31 March unless the Assembly resolves to continue it. I say again that, despite requests, there have been no compelling reasons put to the opposition as to why this is now necessary, why it is necessary to now extend.

We believe that there is a case for looking at appeal rights, and we have had a difference of opinion with the government in other areas, which is why we find it particularly interesting that they are applying a different standard here—in particular, a different standard mainly for themselves. We are mainly talking about government projects here. They are saying that government projects, indefinitely, should not be subject to the same rigour and the same community feedback as many minor things that go on in the suburbs. In fact, based on this exemption, there are many cases where relatively minor changes in the suburbs are subject to far greater scrutiny—far greater scrutiny—than the government will allow themselves to be subjected to when they are completing school projects.

We do not believe that appeal rights, particularly people's enjoyment of their property, should be lightly set aside. In essence, this attempt today seeks to permanently remove appeal rights on school sites. We have seen what the rationale was. Let me go back to what Mr Barr had to say in 2009:

... the removal of third-party appeal rights is consistent with what occurs for major commercial developments in the town centres.



But schools are not consistent with commercial sites or town centres. They are often in the very heart of our suburbs. So it is not reasonable to treat them in the same way that we treat developments in commercial zones—where there are not residents, as a general rule. We believe that protecting our suburbs, and protecting people's enjoyment of our suburbs, is something that is reasonable. Let me go back to the rationale that was put to us in 2009. Mr Barr had this to say:

So the clear message here is that, by ensuring that these regulations are not disallowed, by sending a clear message to all stakeholders in the education sector and the building and construction sector, we will be able to get on with the delivery of \$230 million worth of investment in our schools.

That was the reason put forward for exempting certain developments, for taking away the rights of residents to be able to object to certain developments.

Ms Le Couteur had this to say on behalf of the Greens:

We would have preferred to link this regulation more closely to the commonwealth funding package, but the government thought it would be easier to apply it broadly to all schools in the ACT for four years.

I had a number of things to say as well. Firstly, I made the point that it is a recognition of the cumbersome nature of much of our planning system. I made the point that if you are going to make these kinds of changes here, if they are good enough here, you should be looking more broadly at what kind of reforms are needed to make the system work better. I think that simply isolating schools and saying that even in the heart of our suburbs there should not be any appeals, there should not have to be a development application process, would cause many Canberrans concern. I think many people living near schools in the ACT would be concerned that the government is seeking to permanently take those appeal rights away.

Many would have agreed with the justification a few years ago, of getting money spent quickly. We can argue about how quickly that money was spent. We can argue about the merits of much of that scheme and how well it was delivered. But I think many people would have accepted that for a temporary period it was reasonable to change the rules. What we are now seeing is an attempt to make that permanent, and we have concerns about that.

It is interesting to go back to what the Greens had to say at the time. Ms Le Couteur said:

... we do not want to see piecemeal changes to the planning system—bit by bit—which amount to basically amending the planning legislation by stealth.

I think it is fair to say that that is exactly what is happening here—what will happen should this pass today.

I go back to the point that I made earlier. I reflect on the debate we had some years ago in this place when major changes to the planning legislation were made. We had a

difference of opinion with the government on this. We said that people's enjoyment of their property should be protected: where a development impacts on someone's enjoyment of their private property, they should have certain rights. They should have the ability to raise objections, to appeal in certain circumstances.

The government went further than that and said that actually anyone whose enjoyment of the land—I remember the language exactly—is affected should be able to have appeal rights. What they have applied to private citizens undertaking private developments is this: someone who has no connection to that development, who is nowhere near that development, potentially has the ability to appeal that development. The principle they are applying to the community is that. When it comes to themselves—and, let us face it, most of this is going to be still done by the government—they are saying that that does not apply. And when we are talking about public land, and in many cases we are going to be talking about developments on public land, they are saying to the community that the community has no right to object and the ordinary development application process should not be followed.

We see a real disconnect in the way the government are approaching this. They made a rationale for urgent stimulus spending; they made a rationale for changes and suspension of certain appeal rights as a result of that. That time has now passed. Those projects are now finished. We do not believe it is reasonable to say to people in the suburbs of Canberra, "The government can now trample all over your rights, but, by the way, if you are doing a private development, we will leave open the possibility that someone who has no connection to that development should be able to appeal it, and should be able to potentially stop it or slow it down."

For all those reasons, we will not be supporting this move by the government today.

**MR RATTENBURY** (Molonglo) (10.53): I am very pleased that this issue is arising in the Assembly today. This is a very unusual motion, in ways that Mr Corbell has already outlined, in that it must pass in order for the regulations to be put forward. Most regulations under the Planning and Development Act come in as either notifiable or disallowable instruments, but this one has been established differently. It is a legacy of the fast-tracking process that was established in 2009 to allow many building projects from the federal stimulus package which followed the 2008 global financial crisis, such as schools and public housing, to be fast-tracked through the ACT planning system. This fast-tracking included things like exempting certain developments from third-party appeals or simply from needing development applications at all.

The process that was built into the system in 2009 included ensuring that the regulations which allowed this fast-tracking for school site developments would have a sunset clause and would be reviewable in four years time. It seems that time flies, and the review period is now upon us. Accordingly, the government has engaged a consultant to review the DA exemptions, and the review can now be found on the legislation register. This is possibly one of the most transparent exemption approval processes this Assembly has.

My office has looked at the schools development approval exemption review, undertaken by Tania Parkes Consulting. On the whole, it shows that the balance between consultation for non-contentious school developments and DA exemptions was about right. The Greens were very concerned about the fact that these exemptions were being applied to all school sites for the four-year period, rather than just the sites which attracted federal stimulus project funding. However, I think that the feedback which has been received in this period, both from the community and from the different sections of government, has been useful in determining what the next step should be in terms of continuing some of the exemptions in the regulations.

It is important to remember that the Planning and Development Act is only relatively new, so we might consider this step to be something like moving from an L-plate to a P-plate. It is important, therefore, that we watch and review issues like this, to help the legislation evolve in a positive and constructive manner.

In the case of DA exemptions, one issue which can be incorporated into the planning process by the proponents is consulting with the community before the plans are finalised. The need for pre-consultation on larger scale developments is still in evolution but could be an appropriate process to apply in school proposal circumstances. Although this is only mandatory for larger developments in suburban areas, it could be a constructive exercise, as often community members raise valid concerns which reflect their local knowledge of their neighbourhood and can actually help improve a development and ensure that it is more in line with community needs and expectations. I am not proposing today that this be made mandatory, but I do hope that schools proponents may be given such advice from ACTPLA when developing their plans.

Independent of whether or not there is any form of community consultation, it is very important to ensure that at least notification of the proposed works in the close neighbourhood is undertaken. I see that this is supported by Tania Parkes in her review report. This is something already picked up by regulation from a previous PABLAB for building works which do not need development approval, and should cover this type of development already.

As Minister Corbell advised us in February of this motion before us today, my office took the opportunity offered to us of a briefing on the planned regulations. Thus I understand that there are no actual final regulations before us today, but we do have an agreed understanding of what will be in those regulations. Essentially, as Mr Corbell has outlined, there are three key parts, which we have agreed on.

I will start with the simple sections. The first is continuing the exemption for small projects—sections 1.99E to 1.99V. This includes things like signs, playgrounds, shade structures, verandahs, toilets and water tanks. I have not heard of any complaints about issues like this over the past four years, nor have my former colleagues. These issues seem to be generally fairly non-contentious. The exception to this is the issue of fences around schools, which there are certainly grounds for taking out of the exemptions, as there is not full community consensus that this is the best way to protect the school grounds while ensuring that they are also integrated with the local

community. It is certainly important to protect school assets from vandalism, but I am not sure that fencing off the school is necessarily the best way to do this, and it is a shame that communities are subsequently unable to kick a ball around on a school oval on a weekend or use the basketball court that might be on a school site.

The second issue is about continuing the exemptions for minor alterations—section 1.99D. We believe this is an acceptable proposal. The definition of minor exemption needs to be something that we all agree on. I understand that if it is anticipated that an alteration would allow for an increase in enrolment numbers at the school, this would not be considered minor anymore. This definition needs to be consulted on with the community and the school sectors before the regulation is finalised.

The third issue is about new buildings on existing school or childcare facilities—section 1.99C. Again, this is where exemption should depend on whether the new building would allow for a substantial increase in enrolment numbers. If so, the development should not be exempted. If it is only a small new building, or one which would not allow for an increase in enrolment, it could fall within the exemption. This is probably the most contentious part of the regulation, and I hope that ACTPLA is doing some more consultation with schools and community groups to ensure that the right definition is applied to what is an existing school.

The review shows that there is broad agreement that the exemptions should be extended, but that there are a few matters which need closer definition. This includes issues like how to define an “existing school” and what constitutes a minor alteration—issues I have touched on already. However, my understanding is that the Environment and Sustainable Development Directorate will go back to basics here and look at the planning implications. The idea of increased enrolment numbers as a benchmark is more of a rule of thumb to reflect the fact that if there are increases in student numbers, there will be increases in traffic around the area, increases in parking needs, and so on.

I note that Mr Corbell did make some references to this in his remarks, and I appreciate that. I think that, whilst there is a definition, particularly, of “existing school” in the Education Act, it does need some clarification. Certainly the Tania Parkes report suggests that they use street addresses instead of block and section numbers, for example. And there is also a question as to whether existing school sites which no longer have a school on them should be counted as an existing school. These are the sorts of issues that I am referring to; it is not to dismiss the issues that are already addressed, but to look at those further issues.

In the case of new schools or childcare sites, there will also be the need to liaise and negotiate with other agencies about issues like tree protection, heritage, utilities and so on. Thus, it seems logical to simply apply the existing full development application process, which incorporates such liaison processes.

I trust that the Education and Training Directorate, the Association of Independent Schools and the Catholic Education Office will all be consulted in the same positive fashion that has shaped the other components of this motion. I know that we are lucky in the ACT to have such good relationships with all the key stakeholders, and I am

sure that we can arrive at a clear and consistent policy on the minor issues, such as the needed clarification of the address of non-government schools being identified by street rather than block and section.

Tania Parkes, in her report, recommends that there be accompanying explanatory notes with the regulation, to ensure that people are clear about what is and what is not included in the exemptions. As I said earlier, these issues of increased enrolment and definitions of existing schools versus new schools are the only real ones for potential concern, and represent an interesting intersection of good social policy and good planning processes. My office appreciated the opportunity to discuss these issues at some length and we were pleased that we were able to find common ground on these questions.

So today the Greens will be supporting this motion, and trust that in good faith the regulations will reflect the discussions we have had and as outlined today. I look forward to further discussions with ESDD on the specifics of the regulations.

**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) (11.02), in reply: I thank Mr Rattenbury for his support of this motion. I am disappointed that the Liberal opposition is not joining with the government and the Greens today in relation to this matter, because we know that these exemption provisions have been strongly supported by school communities.

Schools do not operate in isolation from their communities. They engage with their neighbours; they engage with the residents in the suburbs that they are part of. We all know how integral local schools are to their local suburbs and their local communities, and how hard they work at engaging with those communities and reflecting and understanding their concerns. From the comments we have heard from Mr Seselja, you would think that schools act as rogue agents that ignore the views of the people and the families that they are there to serve. It is simply not the case in practice.

What is also very disappointing about the position of the opposition today is that this is an exemption that has been warmly supported not just by public schools, but by private schools—non-government schools, Catholic schools, other religious schools, who have all been beneficiaries of an exemption that has allowed for the timely development of new and improved infrastructure on their grounds. They have overwhelmingly supported such a provision. It has allowed them not just to take advantage of the BER funding, but to take advantage of other funding, be it the funds they raise themselves or funds from other sources, that has enabled them to upgrade school grounds and put in place new equipment, new shade structures, better buildings, better renovations, and upgrades to classrooms and other facilities—all of which are of benefit to those school communities.

What the Liberals are saying today is that they do not care about the timely dispatch of that type of infrastructure and investment; they want to remove the current advantage that those schools have and potentially put them through a process which is unwarranted. It is very disappointing that the opposition, when it comes to the test as

to whether or not they really are in favour of things they say they are in favour of—supporting schooling, supporting non-government schools to have a fair go and all those types of arguments—when it comes to an exemption that actually benefits such school communities, are going to oppose it. That is very disappointing.

I am pleased, however, that there is a majority on the floor of the Assembly for this exemption to continue. That will be welcomed by school communities. That will be welcomed by Catholic schools, by other faith-based schools, by non-government schools and by public schools because it means that upgrades and improvements to school grounds can proceed in the manner that they have over the past four years, which has been strongly welcomed and supported by schools and their school communities.

Question put:

That **Mr Corbell's** motion be agreed to.

The Assembly voted—

Ayes 8

Noes 6

Mr Barr	Ms Gallagher	Mr Doszpot	Mr Smyth
Ms Berry	Mr Gentleman	Mr Hanson	Mr Wall
Ms Burch	Ms Porter	Mrs Jones	
Mr Corbell	Mr Rattenbury	Mr Seselja	

Question so resolved in the affirmative.

## Gaming Machine Amendment Bill 2013

Debate resumed from 14 February 2013, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR SMYTH** (Brindabella) (11.10): The Canberra Liberals will support Mr Rattenbury's bill in the form that it will come to the vote as amended by Ms Burch. This bill follows the Gambling Regulation Act 2003 interim ban order in Victoria from 28 November 2011 and the New South Wales gaming machine prohibited features register.

Two elements of the bill include the following: subclause 2A(a) sets a new limitation on the commissioner's discretion to prevent the commissioner from approving machines that have audio isolation devices—that is, a jack you can plug a set of earphones into; and subclause 2A(b) and (c) involve a regulation-making power to allow other restrictions on the types of machines that can be approved should the need arise, for example, because of changes in technology.

Although we note the merits of subclause 2A(a), in consultations with industry they expressed concerns with the regulation-making power to ban gaming machines as

indicated in subclause 2A(b) and (c). I note that Ms Burch's amendment will eliminate the just mentioned subclauses, and further consultation with the clubs sector has found this reasonable.

This is typical of Greens initiatives. They have a habit of making it harder for business to do business, and in this context the extraordinary regulation-making powers can have the potential to make the operating environment uncertain for our local clubs. So, if the amendment goes forward, we will support the bill.

**MR RATTENBURY** (Molonglo) (11.12), in reply: In closing, I would like to thank members for their contributions, as brief as they were, to the debate and for their support for the bill. The bill is important for a number of reasons. It deals with a particularly harmful addition to an already harmful product. The harms caused by poker machines are well documented. They cause not only enormous financial hardship but also family breakdowns, property crime and a range of other issues that affect people.

In order to prevent these harms from being even worse, the bill ensures that machines with audio isolation devices will never operate in the ACT. These devices are designed to isolate gamblers from the rest of the world and keep them losing money into the machines. Preventing the use of these devices is a good outcome. Additionally, it is also an important signal that the ACT will respond to changes in technology and prevent more harmful machines from being able to operate in the territory.

As everyone knows, the Greens are committed to tackling problem gambling in our community and the extensive harms caused by gaming machines. There is certainly much more that needs to be done. I recognise that in the scheme of things, while this is an important step, it is also a modest step. It is a positive change that will help prevent the current problems that we face from getting even worse.

Common sense says that plugging people into poker machines to further isolate them from reality and keep them gambling is not acceptable and not consistent with the community's expectations of what is and is not okay. Poker machines are addictive and the major source of problem gambling here in the territory. The risk that they could become even more harmful is something that the Assembly needed to address and I am pleased that we have responded to that risk. I think it demonstrates just how destructive these devices are that even Clubs ACT have indicated their support for that element of the bill.

The reform is modelled on the changes that have been implemented in recent times in both Victoria and New South Wales. Currently, the commissioner in the ACT has an obligation to consider the harm minimisation impacts of any new machines for which an approval is requested and this bill simply clarifies that these devices can never be approved.

Of course, while it will prevent things from getting worse, it will not tackle the current problems that we already face. It is unfortunate that this place has been reluctant to deliver more far-reaching changes that will have an impact on the problems that we already face, as well as steps to help prevent it from getting even worse.

The Greens remain committed to tackling problem gambling and will continue to bring initiatives to this place to address the effects of problem gambling and to reduce the enormous harms that poker machines cause in our community. Again I would like to thank members for their support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**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) (11.15): I move amendment No 1 circulated in my name [*see schedule 1 at page 1283*].

The government agrees with the thrust of Mr Rattenbury's Gaming Machine Amendment Bill 2013 and will support it, subject to an amendment. This bill has the effect of preventing the ACT Gambling and Racing Commission from approving a specific type of gaming machine or peripheral equipment that permits the use of an audio device except where the device is intended for a person with a hearing impairment. This type of machine or equipment allows the use of an audio device that sends particular messages or musical noises to the player.

The use of an audio device on a gaming machine is considered contrary to harm minimisation principles and responsible gambling practices as it isolates the player and contributes to a lower awareness of time or the reality of the player's surroundings.

The ACT commission does not approve devices that are contrary to harm minimisation or responsible gambling. As a result the type of device referred to in this bill, that is not used currently in the ACT, would not be approved for use in the ACT. But the bill does formalise this fact by explicitly prohibiting them.

Such audio devices are already prohibited in New South Wales, Victoria and Queensland. Therefore the amendments proposed by the bill, which insert a new section 69(2A) and the definition of audio device in section 69(4), are non-contentious, are aligned with current practice in the ACT and are consistent with approaches elsewhere. The government has no difficulty with those parts of the bill.

However, proposed new section 69(2A)(b) and (c) would allow the minister, by regulation, to ban any gaming machine or peripheral equipment. These are broad regulation-making provisions which appear to go beyond the intent of the bill. I note that this type of broad regulatory provision is something that the Greens have opposed in the past on philosophical grounds.



I understand that the scrutiny committee raised similar concerns, questioning whether the regulation-making power of the bill inappropriately delegated legislative powers. A broad provision of this nature should be subject to a policy debate and consideration, including consultation with the industry, rather than being embedded in a straightforward amendment which formalises current policy. As a result I have moved an amendment to omit those elements of the bill. The amendment retains the elements of the bill relating to the use of audio devices but omits the additional broader provisions.

**MR ASSISTANT SPEAKER** (Mr Doszpot): Ms Burch, are you also tabling a supplementary explanatory statement?

**MS BURCH**: And a supplementary explanatory statement.

**MR RATTENBURY** (Molonglo) (11.19): The Greens will not be opposing the amendment. Ms Burch touched on this towards the end of her remarks: this is one of those issues where one can fall either way. There is an argument that this is the type of matter that it is appropriate to provide for by regulation and that giving a regulation-making power to prohibit particular attributes is a sensible mechanism. It would allow a quicker response to these issues as they arise. It is important to remember that, in the context of approving new machines, any changes to machines by manufacturers will only be to enhance the effectiveness and therefore the harmfulness of the machines.

Equally, I can see the argument that the government does not believe that it should have such a wide discretion to regulate these matters. That is also a legitimate position. I do have to note the irony, as perhaps Ms Burch did, that typically in the past roles have been reversed and the government has been arguing for greater regulation-making powers while the Greens have sought to maintain a greater role for the Assembly. I hope that the position that the government has adopted today will be applied consistently in the future. As I said, I agree it is legitimate and equally appropriate that this type of role be reserved exclusively for the Assembly. I will not be opposing the amendment.

Amendment agreed to.

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

Bill, as amended, agreed to.

## **National container deposit scheme**

**MR RATTENBURY** (Molonglo) (11.21): I move:

That this Assembly:

(1) notes:

- (a) the recent decision by the Federal Court of Australia in *Coca-Cola Amatil (Aust) Pty Ltd v Northern Territory of Australia* [2013] FCA 154 which ruled that the Northern Territory container deposit scheme was invalid; and
  - (b) that some beverage companies have announced that they will cease to provide container deposit refunds under the scheme;
- (2) calls on all Australian governments to work together to expedite consideration of any application made by the Northern Territory Government for an exemption to the Mutual Recognition Act 1992, to support the continuation of the Northern Territory container deposit scheme; and
- (3) calls on the ACT Government to:
- (a) support any application for exemption to the Mutual Recognition Act 1992 for a container deposit scheme from the Northern Territory Government; and
  - (b) work with other jurisdictions to establish a national container deposit scheme.

I am introducing this motion today so that this Assembly can play its part in progressing and promoting good recycling and waste minimisation practices in the ACT and, indeed, in Australia. Recycling and waste minimisation is an issue of great importance as we experience growing problems such as the increasing costs of landfills, depleting natural resources and, indeed, the economic and environmental costs that come with extracting those resources.

I have three goals in introducing this motion today. The first is to help address an issue that has arisen from a legal challenge to the Northern Territory's container deposit scheme. The second is to promote the establishment of a national container deposit recycling scheme, which will be of benefit to the ACT and all jurisdictions. The third goal is to reinforce this Assembly's strong support for and commitment to recycling and waste minimisation, including acknowledgement of the valuable contribution that can be made by container deposit schemes.

A container deposit scheme essentially requires a deposit to be paid on recyclable beverage containers at the point of sale, usually something like 10c. A person who returns the container to a recycling centre can then collect that deposit. This encourages recycling, reduces litter and of course creates new businesses and new jobs.

According to the Boomerang Alliance, annually Australians consume drinks in about 13 billion containers. About 40 per cent of these are recycled. In the ACT we have kerbside recycling, which is used very well. Interestingly, the evidence from other jurisdictions, including formal government studies, suggests that container deposit schemes actually complement kerbside recycling programs rather than interfere with them.

It is important to note as well that in the ACT there is still plenty of ground to be made to capture more recyclable materials. In the commercial waste sector, 30 to 40 per cent of waste going to landfill is recyclable. In the residential sector, about 10 to 20 per cent of the waste going to landfill is recyclable material such as aluminium cans and glass. Of course, these items are also collected in bulk every year as litter in our environment.

Many container deposit schemes operate effectively worldwide. California, for example, has a successful scheme. Certainly the Netherlands operates one, and it was one that I was very familiar with in my time living there where one simply collected the containers in a crate and took them back down to the supermarket for a credit once every now and then, and people operated very comfortably under the scheme.

In Australia, South Australia has had a container deposit scheme for over 30 years. It appears to have been very successful, not only in terms of the amount of recycling in South Australia and in the industry that has developed there but also in terms of litter. The latest Keep Australia Beautiful survey, for example, shows that South Australia has both the lowest overall volume of litter in Australia and, by far, the lowest volume of beverage container litter, better even than the ACT, which already does quite well.

The immediate prompt for this motion stems from an issue that recently occurred in the Northern Territory. The Northern Territory established a container deposit scheme called the cash for containers scheme, which reportedly was very popular and was operating well. Unfortunately, Australia's second scheme, introduced by the territory in 2012, has been stymied by a legal challenge by three large beverage companies, Coca-Cola Amatil, Schweppes and Lion. These three companies are now being dubbed by some as the "dirty three".

The beverage companies challenged the case on the basis of the Mutual Recognition Act. Essentially it was a case of statutory interpretation of that act. The Mutual Recognition Act seeks to ensure the free movement of goods and services throughout Australia. So it requires that, subject to certain exceptions, goods that can be sold in one state or territory can also be sold in other states or territories without having to comply with additional restrictions. This means a state or territory generally cannot do things such as requiring imported goods to have a different label or different packaging or be produced in a certain way.

It comes up in the ACT from time to time. For example, although we are soon to outlaw battery cage farming in the ACT, we cannot outlaw the sale of battery cage eggs from other jurisdictions, because battery cage farming remains legal there.

The beverage companies' challenge to the Northern Territory's container deposit scheme is very disappointing. It is disappointing that companies were so willing to thwart a good recycling initiative, but this is what we invariably see in these kinds of situations. How many times before have we seen corporate giants use corporate lobbying power or deeper pockets or even just threats of legal action to block or dismantle positive environmental action? The reality is that business does not always prioritise the environment in the same way as a government might, whose role is to consider the interests of the whole community and the environment.

South Australia's container deposit scheme was originally challenged as well. The Bond Brewing Co took the matter to the High Court, despite the acknowledged environmental benefits of the scheme. The case was called *Castlemaine Tooheys Ltd v South Australia*, and the *Castlemaine* case remains a law school favourite, concerning section 92 of the Australian constitution which protects the freedom of interstate and intrastate trade.

I think we need to do some very careful reflection about these situations where good environmental outcomes can be squashed in the name of free trade requirements. It is an issue that comes up at the international level as well, through the World Trade Organisation and similar mechanisms. Over the years, for example, we have seen the WTO undo initiatives to prevent dolphins from drowning in tuna nets, to introduce clean air legislation or efforts to prevent overfishing of the oceans. Many in the community see it as perverse outcomes to view these situations solely through the economic prism.

In terms of container deposit legislation, the governments of Australia are in the situation where we have the power to ensure that container deposit schemes work, including the Northern Territory's scheme, if we decide this is what we want to do. In relation to the Northern Territory's scheme, the Mutual Recognition Act provides this avenue. It allows all jurisdictions to agree to exempt an act from its scheme. This is why the South Australian container deposit scheme already operates legally. It has a permanent exemption to the Mutual Recognition Act. The Northern Territory does not have this exemption, but it can be given one. The Northern Territory government has indicated that it intends to seek national support to gain an exemption from the Mutual Recognition Act.

The motion today asks that the ACT do its part for national recycling and support the Northern Territory's request. We should of course do this in the interests of recycling and good environmental outcomes. Beyond this, there is a second avenue to advance container deposit schemes in Australia and the ACT, and that is to implement a national container deposit scheme. In my opinion, a national scheme would be the ideal. It would mean a consistent, harmonious scheme of container deposit recycling right across the country, avoiding the challenges that individual jurisdictions face when they implement it alone.

Having said that, I would be reluctant to rule out the option of the ACT progressing a container deposit scheme, necessarily in conjunction with New South Wales, in the absence of federal action on the matter. I do have to note that this issue has moved at a snail's pace at the federal level. There was an agreement to undertake consultation and develop the regulatory impact statement in early 2008. That is certainly quite some time to work through a basic regulatory impact statement. Nevertheless, I remain positive that we can get there, and supporting this motion is important in ensuring that we get that long-awaited federal action. The current federal environment minister has said that he supports a container deposit scheme, provided the states and territories support it. So it is up to us, jurisdiction by jurisdiction, to press for this national scheme.

I hope today we achieve tripartisan support here in the Assembly, recognising the various benefits that I have outlined earlier, both the environmental and recycling benefits, but also the reduction of litter, something that as the Minister for Territory and Municipal Services I receive extensive representation about. Certainly Mr Wall and others have taken that up with me as the minister since I have been in this role, and it is one that occurs right across the territory in a range of places.

My understanding is that the federal government's next milestone is to report further on its consideration of a container deposit scheme around the middle of 2013. So I think it would be very timely for the Assembly today to convey its support for this positive initiative and, hopefully, we will see a day shortly where we will have a consistent container deposit scheme right across the country. I commend the motion to the Assembly.

**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) (11.31): I move the amendment circulated in my name:

In subparagraph (3)(b), omit “work with other jurisdictions to establish”, substitute “subject to the outcome of regulatory impact assessment, consider the establishment of”.

For over 10 years, the government have been leading the nation in implementing cost-effective policies and programs to ensure the environmentally responsible management of waste in the territory. At the same time, we have been working, through activities in the national fora, to promote progressive evidence-based reforms in waste policy.

In December 2011, I released the ACT waste management strategy, which sets the goal of leading innovation to achieve full resource recovery and a carbon neutral waste sector. The strategy includes a range of local, national and regional measures to achieve these goals.

As an example of the territory's leadership, in April last year the ACT became the first jurisdiction to introduce the new free drop-off and recycling of computers and televisions under the national product stewardship arrangements. Another example of this leadership is the implementation of the ACTSmart business and office recycling program and the ACTSmart public event program. These programs mirror the domestic recycling programs within the ACT and give businesses, offices and event holders and patrons the opportunity to recycle several items, including containers. Some 27,000 staff can recycle comprehensively in their workplaces and more than one million visitors to events had the opportunity to do so as a result of these initiatives. In addition, public place recycling was established in Civic around Garema Place in November 2011 and is to be expanded to Glebe Park in 2013-14.

Another national process which the ACT government has been supporting, through the Council of Australian Governments Standing Council on Environment and Water,

on which I am the ACT's representative, has been targeting packaging waste, including beverage containers. This process has been assessing a range of options, including a possible national container deposit scheme. This has been a protracted process, which I know has been frustrating for many participants, including me.

Therefore, it was no surprise that in late 2010 the Northern Territory chose to act unilaterally and to progress legislation through the Environment Protection (Beverage Containers and Plastic Bags) Act. Plastic bags, surprise, surprise! The act provides for a container deposit scheme, using legislation based on the South Australian scheme which has been operating since 1975. It also provides for a ban on lightweight plastic shopping bags, a ban, I notice, which the newly elected conservative Northern Territory government has not repealed.

The Northern Territory have specific issues with packaging litter that, in their own assessment, can be effectively addressed through a container deposit scheme, and it is the government's view that the Northern Territory should not be hamstrung in their attempts to tackle this issue by the circumstances and positions taken by other jurisdictions.

Moving to the issue of mutual recognition, the ACT is a beneficiary of reforms over the course of the last century to develop a single national market for goods and services. These reforms work to ensure that the economic wellbeing of its citizens would not be limited by inappropriate restrictions on trade between jurisdictions. In this tradition, all Australian governments passed mutual recognition laws in 1992. The mutual recognition acts are part of a national scheme that preserves the freedom of movement of goods and services between jurisdictions, consistent with section 92 of the commonwealth constitution. The effect of the scheme is that the jurisdiction-specific legislation that purports to prohibit or limit the sale of goods unless specific criteria relating to the conditions of sale are satisfied will generally not apply to imported goods manufactured in another jurisdiction in compliance with that other jurisdiction's laws, unless an exemption has been obtained.

On 4 March last year, the Federal Court found that the Northern Territory container deposit scheme contravened the commonwealth Mutual Recognition Act 1992. The government does not comment on the Federal Court's ruling. Nevertheless, we do support the principle of state and territories being able to enact laws to address local environment issues, such as the Northern Territory's container deposit scheme.

The NT government is making an application to seek permanent exemption from the Mutual Recognition Act and the Trans-Tasman Mutual Recognition Act for its container deposit scheme. In November 2011, the Chief Minister wrote to the Northern Territory's Chief Minister, Mr Henderson, indicating the ACT would support the Northern Territory's request for a permanent exemption. The ACT would support including the Northern Territory legislation for its container deposit scheme in schedule 2 of the Mutual Recognition Act of the commonwealth. The inclusion of the legislation in schedule 2 would exempt the Northern Territory CDS from the relevant operations of the Mutual Recognition Act. The scheme provides for temporary exemptions of up to 12 months and for permanent exemptions. A permanent exemption requires the agreement of all participating jurisdictions.

In summary, the process for obtaining a permanent exemption is that the governors of each state, the Administrator of the Northern Territory and the Chief Minister of the Australian Capital Territory must all publish a notice in their jurisdictions' gazette detailing the proposed exemption regulation and requesting the Governor-General to make regulation to include the proposed exemption in the relevant schedule. A similar exemption is already in place for the South Australian container deposit scheme under that state's Environment Protection Act 1993, provisions of which replaced the Beverage Container Act 1975.

Therefore the government support this motion brought on by Mr Rattenbury today, with a slight amendment that I will deal with shortly. We certainly urge other jurisdictions to support the Northern Territory by giving them the policy tools they need to effectively manage their environmental concerns.

I will briefly address the ACT government's position on a container deposit scheme. We support a national scheme as the best means to create a holistic and effective policy response to reduce waste and litter. I note that a national scheme would also be consistent with the mutual recognition requirements and support for a more integrated market for waste services. However, a CDS is just one of a number of options being considered by states, territories and the commonwealth through the COAG process. The final option, which will be selected following a national regulatory impact process, will ultimately depend on a number of factors, including costs, litter reduction and recovery rates for all categories of packaging.

This is also the ACT's position, which I have consistently advocated. Implementation of the container deposit scheme is contingent on a supportive regulatory impact assessment.

It is also worth highlighting that without New South Wales's participation, it would not be practical for the ACT to operate our own CDS, as beverage containers would rapidly flow across the border as people would collect deposits under an ACT scheme. The ACT wishes to see the most efficient option adopted, and the government will work with the federal and other state and territory governments to achieve this outcome.

I have therefore moved an amendment to Mr Rattenbury's motion that indicates the government will consider the establishment of a CDS at a national level, subject to the outcomes of the regulatory impact assessment process currently being undertaken through the COAG forum.

In the meantime, the government will continue to implement our own ACT waste management strategy to ensure the citizens of the ACT continue to enjoy a clean environment, knowing that they have among the highest recovery and recycling rates, not only for beverage containers but all materials of any jurisdiction, in the country, and that we will continue to implement the measures to ensure that resource recovery continues to increase.

**MR SMYTH** (Brindabella) (11.39): The opposition will not be supporting the motion today. Let us make it quite clear: unlike ACT Labor and the Greens, the cost of living is a great concern to the opposition. The ACIL Tasman report on the cost of container deposit schemes states that the cost of a beverage CDS on the average household shopping basket is estimated to range from \$137 to \$437 per household per year depending on their household income. That is for New South Wales, and gross incomes are clearly much larger in the ACT so you would expect, therefore, the cost to be much higher to the people of the ACT.

We favour local initiatives over global schemes. We favour community engagement over political activism. We favour practical solutions over expensive, purpose-driven government campaigns. Much of what Mr Rattenbury seeks to achieve or claims will be achieved already exists in the ACT. The government has a report from 2002 that says a container deposit scheme in the ACT may harm the recycling effort and come at much greater cost to the community. That does not seem like a practical or appropriate outcome for the people of the ACT, and yet here we have yet another standard Greens motion all dressed up in reasonableness just to further Mr Rattenbury's activism. After all, who was arrested outside the court in the Northern Territory when this case was handed down? A couple of Greenpeace activists. What did they say? "Well, we'll continue to do it." They will campaign vigorously against it. Greenpeace's comments were, "It is up to the other states now to stand up to Coke's bullying"—a thinly veiled attack on a large corporate. We have heard this scenario from the Greens before, and now like the good Greenpeace soldier that Mr Rattenbury is, he is standing up to take up the Greenpeace cause. Yes, it is another Greenpeace motion in the ACT Assembly.

A little more than two weeks ago the Federal Court found that the Northern Territory's cash for containers scheme is in breach of the commonwealth Mutual Recognition Act 1992. We understand from advice from Mr Rattenbury's office that much of what is motivating this was sparked by a motion moved by Senator Whish-Wilson in the Senate on 13 March this year. It is worth noting that although that motion received tripartisan support, Labor amended the Greens' Senate motion removing a call for immediate action to pursue urgent legislation to grant the Northern Territory an exemption, preferring instead to deal with the matter through the COAG process, a process which is underway already. The process is not fast enough and it is not going far enough to please the former Greenpeace warrior, so we will have a motion here that pushes further than is required.

The amended motion in the Senate called on all Australian governments to expedite consideration of any application made by the Northern Territory government for an exemption under the Mutual Recognition Act 1992 to support the continuation of the Northern Territory container deposit scheme, which, of course, is paragraph (2) of Mr Rattenbury's motion. It is interesting to note that, with the exception of paragraph (3), Mr Rattenbury's motion is a wholesale cut and paste of the amended Senate motion.

In this regard, one could argue that calls on all Australian governments to work together is a valid motion federally. However, in the Assembly, where we deal with



matters affecting the ACT, you wonder whether that is an issue for us in this way. This is especially so in light of the fact that the Northern Territory government has expressed the following:

We will seek an exemption under the Commonwealth Mutual Recognition Act for CDL and have gained support from all States and the ACT to do this through the COAG process.

Yet again, the process is underway, but, yet again, not far enough, not fast enough for the Greenpeace warrior. What we have here is yet another Greens initiative driven by ideology. I reiterate: two activists were arrested on 18 February for protesting in front of Coca-Cola Amatil's head office. They campaigned vigorously against the beverage company's challenge against the Northern Territory. After the case, Greenpeace's comments were, "It is now up to the other states to stand up to Coke's bullying". And like the good Greenpeace soldier that he is, here is Mr Rattenbury standing up.

I think that explains the sort of muddled or muddied context of today's motion. The case that Mr Rattenbury—

**Mr Rattenbury:** Point of order, Mr Assistant Speaker.

**MR ASSISTANT SPEAKER (Mr Doszpot):** Mr Smyth, please resume your seat for a moment.

**Mr Rattenbury:** Actually, no; it does not matter.

**MR ASSISTANT SPEAKER:** Mr Rattenbury?

**Mr Rattenbury:** It is all right; I have changed my mind.

**MR SMYTH:** If we could stop the clock, please?

**MR ASSISTANT SPEAKER:** Stop the clock, please.

**MR SMYTH:** No, he has changed his mind. All right, good.

**MR ASSISTANT SPEAKER:** Mr Smyth, continue.

**MR SMYTH:** The case Mr Rattenbury referred to in this motion was not about stopping recycling. That said, it is strictly a conflict of law issue, which was resolved by the Federal Court confirming the following: that the Mutual Recognition Act trumps territory legislation as it ensures free movement of goods between jurisdictions without prohibition. It prevents any jurisdiction preventing or restricting the sales of goods from another jurisdiction. But this is not about this. Unfortunately, this is Mr Rattenbury's excuse to re-raise the issue of expanding container deposit schemes.

They tried with the Environment Protection (Beverage Container Deposit and Recovery Scheme) Bill in 2010, but Labor and coalition senators worked together to oppose it. In fact, Labor Senator Anne Urquhart noted:

It is a heavy-handed national approach that seeks to undo the good work done at the COAG table.

It seems that all parties involved are happy for this to go through COAG except for the Greens, and you have to question why that would be so. Mind you, COAG found that a nationalised scheme would cost consumers up to \$1.76 billion per annum. That is what the Greens want—\$1.76 billion passed on to consumers for very little gain, I suspect.

It is interesting to note that in the Northern Territory government's media release regarding this matter, one of the points mentioned by Terry Mills was:

If the scheme is brought to a halt, I expect that the price of goods affected by the decision to fall substantially, reflecting the previous price increases.

That is something Mr Rattenbury forgot to mention. Let me read that again:

If the scheme is brought to a halt, I expect that the price of goods affected by the decision to fall substantially, reflecting the previous price increases.

And we know through COAG that it is about \$1.76 billion across the country. In a way, when companies need to provide a refund when a can or a bottle is returned to a depot, this is an expensive function. In effect, it amounts to a green tax on consumers, driving up the cost of the drinks. And it did not work. The scheme in the Northern Territory does not seem to be working as well as thought. After nine months of operation, two out of three containers are not being recycled. In the ACT, for example, where we have an effective kerbside recycling program, why supplement this with an ineffective program that is almost 30 years old? South Australia has indeed had it since 1975.

In the ACT we have consistently achieved 75 per cent since 2005-06 in recycling, considerably better than South Australia's 66 per cent. So the state that has a container deposit scheme does not do as well as a territory that does not have it. This is under a government that, of course, failed to bring about no waste by 2010. The reason we have such a high rate? It is the ACT kerbside recycling.

People wanting to get their deposits have to get their empties to a recycling depot. I am reminded of an article written by Graham Downie, and I will read a few of the snippets:

The ACT has the highest rate of recycling in the country.

He goes on to say:

... Environment Minister Simon Corbell wants a change which would make our recycling less efficient and more expensive ... Of course, he is supported by the Greens, whose grasp of reality and inability to recognise unintended consequences no longer ceases to surprise.

He said:

True, we have failed to achieve the Government's target of no waste by 2010, but we have consistently achieved 75 per cent since 2005-06—considerably better than South Australia's 66 per cent ... Removing beverage containers from these collections would significantly reduce their efficiency. People wanting to recover their deposits would have to get the empties to a recycling depot. So there would be more pollution from the additional private vehicle journeys because kerbside recycling collections would continue.

He then goes on say:

A 2002 report to the ACT Government by the Centre for Environmental Solutions says it is highly unlikely a deposit scheme would increase beverage container recovery in the ACT to any appreciable extent. But it would increase the annual cost to residents of recycling by \$2.8 million to \$5.9 million; not including unquantified costs for auditing, enforcement and education.

The government has a report from the Centre for Environmental Solutions that says it does not add anything except a cost to the taxpayer. So you would wonder why we would follow this. So people wanting to get their deposits would have to take their empties to the recycling depot. That contradicts the government's policy on public transport—very hard to take a tub of recyclables on an ACTION bus. It is the same reason we had the green bin policy—to save people the trip out and make it more efficient. If you have got more people driving, you have got more pollution. Of course, if you do not have a car you will have to use the kerbside recycling bin and forfeit your deposit money anyway. So, those less well off do not get the benefits.

Ultimately this comes down to cost of living. The government's track record and the Greens' track record on the cost of living have been poor. It costs Canberrans a bomb to support with very little positive outcomes. As I said, the ACIL Tasman report on the impact of a beverage container deposit scheme in New South Wales households made it pretty clear: impacts on households would range from a \$137 addition to \$473 per household per year on the standard range of incomes in New South Wales. Given, as I said, our higher average incomes, one would expect it to be much higher in the ACT.

The debate today from Mr Rattenbury and the government cannot show tangible benefits to Canberrans. A study conducted by UMR Research found that, when presented with the facts, support for a container deposit scheme dropped, and the reasons were: price increase outweighs deposit return, overall costs too high, inconvenience of getting to a depot, too complex, and the existing system works fine. These are not factors worthy of increasing household costs by up to or more than \$473 per year.

This motion is muddled. It is another Greens motion all dressed up in reasonableness without any regard to who has to pay for it. If it is about the Northern Territory and their scheme, everybody is content that this should be done through COAG. If this is about adopting the scheme in the ACT, we contend that kerbside recycling in our city has made a far greater contribution than any container deposit scheme.

Amendment agreed to.

**MR RATTENBURY** (Molonglo) (11.52): In closing the debate on this motion I simply want to thank the ALP for their support of this motion. I think they have recognised the common sense that sits behind this motion. There are well-recognised benefits; I spoke about them in my opening remarks.

In light of Mr Smyth's comments, particularly about the ACIL Tasman report, I would be fascinated to know who commissioned ACIL Tasman to conduct that report. It is always important to know what the question was that was asked, what the assumptions were that were made and who actually paid for the report.

I have just had my attention drawn to an independent review of container deposit legislation in New South Wales by the Institute for Sustainable Futures. It is one that was done without the commissioning of a large beverage company. I quote from the report:

When both financial and environmental impacts were considered on a whole of society basis, the potential benefits of introducing CDL—

container deposit legislation—

in NSW were found to significantly exceed the costs. The annualised net economic benefit of CDL in NSW in the case where recovered container materials are recycled was found to be of the order of \$70-100 million per year compared to the current situation. This net economic benefit is largely due to environmental benefits that were valued by the CDL Review at \$100-150 million per year. This valuation of environmental benefits is exclusive of the value of improved visual amenity due to litter reduction. Litter reduction is, however, an important benefit to be gained from CDL and has historically been a major driver for its introduction both in Australia and overseas.

It goes on to say:

In summary, the estimated value of the environmental cost of disposing of a single average beverage container to landfill, compared to recycling that container, is 8-9c. The cost of recovering that container through a combined CDL and kerbside recycling strategy is approximately 2-3c.

So far from Mr Smyth's ideologically driven rant about the apparent economic disadvantage of this, what we can see is clear benefits—benefits that are measurable, that are identifiable, in terms of the value seen. And that is without taking into account litter reduction, which I know that at least some of Mr Smyth's colleagues are concerned about because they keep asking me about it in this place and in the letters they send me. There is also a lower cost rather than simply sending something to landfill, because landfill actually costs money. In the real world where we are operating landfill costs money. There is a cost to these things. There is a cost to generating a drink container and then just throwing it away. But Mr Smyth conveniently ignores that in his outlandish defence of the interests of big business in this chamber.

I note that Mr Smyth has decided to make it extremely personal. In the absence of actually wanting to sit down and think about this issue, he decided to go straight to the gutter. That is the way they choose to play in this place. Rather than doing the bidding of the big drink companies, I would rather be in here talking about the serious environmental issues that are being addressed by these motions.

**Mr Smyth:** That is an imputation. You need to be careful.

**MR RATTENBURY:** It is quite interesting that Mr Smyth feels the need to hector right through my remarks, despite the fact that he was heard in absolute silence. That, again, goes to the personal integrity of how he wants to operate in this place. But I can quite comfortably say—

**Mr Smyth:** A point of order, Mr Assistant Speaker.

**MR ASSISTANT SPEAKER (Mr Doszpot):** Take a seat, Mr Rattenbury.

**Mr Smyth:** Reflections on personal integrity and saying that I am working at the behest of big companies is, of course, an imputation and under the standing orders I would request that the minister withdraw.

**MR ASSISTANT SPEAKER:** Minister, would you care to withdraw?

**MR RATTENBURY:** I would seek your clarification, Mr Assistant Speaker, because Mr Smyth made quite a few references to my apparent motivation in this debate. He was not pulled up for that and I have made an observation that is commensurate with that put forward by Mr Smyth in his remarks.

**MR ASSISTANT SPEAKER:** Minister, there is a certain amount of leeway given. I would have expected an objection from you should you have felt that required it.

**MR RATTENBURY:** That is fine then. I am happy to withdraw it and simply reflect on the glass jaw that Mr Smyth has. He is willing to dish it out but he is not willing to take it back.

**MR ASSISTANT SPEAKER:** Thank you, Mr Rattenbury. Could you—

**Mr Smyth:** No, withdraw it.

**MR RATTENBURY:** I did withdraw and I am going on with my remarks, if that is okay.

**MR ASSISTANT SPEAKER:** I would just like to say, Mr Smyth, could you please let Mr Rattenbury finish?

**MR RATTENBURY:** It is very interesting how the Liberal Party—and Mr Hanson is another classic at this—will walk into this chamber and absolutely dish it out, but as soon as somebody else tries to make a similar observation or stand up for themselves, immediately they are on their feet seeking a point of order.

**MR ASSISTANT SPEAKER:** Mr Rattenbury, you were going to continue with your closing remarks.

**MR RATTENBURY:** Yes, I am continuing my remarks. I am observing the standards that they seek to operate to in this place. I am prepared to sit here and listen to the observations that Mr Smyth wants to make in silence, but as soon as I get up and make a counterpoint, the hectoring starts, the points of order start. It really is a frontbench of glass jaws on that side of the chamber. But when it comes down to it, I am pretty comfortable because I would much rather stand up in this place for the environment than stand up for Coca-Cola. I am happy to be called a Greenpeace warrior. I would rather be a Greenpeace warrior than a Coca-Cola warrior because there are actually people out there who are motivated and who are working for the common good, not the private good, not just for personal profit at the expense of the planet. And they are the people that Mr Smyth is in here vigorously defending.

It is quite consistent with the approach of the Liberal Party nationally. They will stand up for the big miners. They will stand up for the coal miners. They will stand up for the people who are doing environmental damage to this country rather than stand up for the environment or for the interests of the common people. If that is the position they want to take then that is fine, but this motion, despite the comments that Mr Smyth made, is actually a very sensible motion. It calls on Australian governments to work together to expedite consideration of any application made by the Northern Territory government. So it is a collective effort.

Mr Smyth made some observation about the fact that fast enough was not good enough. Given the fact that the Northern Territory scheme has now been undermined by the corporate players who want their way rather than the common good, I think it is quite appropriate, now that the scheme has been struck down in the courts, that governments do work together collectively and in an expeditious manner to overturn this situation because this is a bad outcome for the environment.

I spoke at some length in my remarks about the environmental benefits that arise from such a scheme. I think it is quite appropriate for the ACT Assembly to indicate our support for just such a model because this is a model that is recognised to work in South Australia. South Australia is going along just fine with it. As I said in my remarks, South Australia is recognised by Keep Australia Beautiful as having the lowest overall volume of litter in Australia and by far the lowest volume of beverage container litter. Those are the hard facts on this matter and that is why the Assembly should be supporting this motion today.

Question put:

That **Mr Rattenbury's** motion, as amended, be agreed to.

The Assembly voted—

Ayes 8		Noes 6	
Mr Barr	Mr Corbell	Mr Doszpot	Mr Smyth
Ms Berry	Mr Gentleman	Mr Hanson	Mr Wall
Dr Bourke	Ms Porter	Mrs Jones	
Ms Burch	Mr Rattenbury	Mr Seselja	

Question so resolved in the affirmative.

Motion, as amended, agreed to.

## **Public Accounts—Standing Committee**

### **Statement by chair**

**MR SESELJA** (Brindabella): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to statutory appointments in accordance with continuing resolution 5A.

Continuing resolution 5A was agreed to by the Legislative Assembly on 23 August 2012. The requirements of the resolution set out a transparency mechanism to promote accountability in the consideration of statutory appointments. The resolution requires relevant standing committees which consider statutory appointments to report on a six-monthly basis and present a schedule listing appointments considered during the applicable period. The schedule is required to include the statutory appointments considered, and for each appointment, the date the request from the responsible minister for consultation was received and the date the committee's feedback was provided.

For the applicable reporting period—1 July 2012 to 31 December 2012—the committee considered one statutory appointment. The committee was unable to reach an agreed position in relation to the proposed appointment.

I therefore table a schedule of statutory appointments for the period 1 July 2012 to 31 December 2012 as considered by the Eighth Assembly's public accounts committee in accordance with continuing resolution 5A. I present the following paper:

Public Accounts—Standing Committee—Schedule of statutory appointments—  
1 July to 31 December 2012.

## **Children and Young People 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) (12.05): I rise today to support this bill. I would like to note at the outset that the government has circulated

amendments which were received outside the 24 hours, which means that they are in accordance with standing orders. I thank them for that. I can foreshadow that the opposition will be supporting those amendments also.

The Children and Young People Amendment Bill 2012 deals with two recommendations arising from the Human Rights Commission review of the ACT youth justice system and a number of technical amendments relating to other issues covered by the Children and Young People Act.

The key changes in this bill are as follows: requiring the director-general to give notice to a doctor or nurse when using force in relation to a detainee at Bimberi—this is instead of providing the young person with the option to see a doctor or nurse after the event—removing the ability to conduct strip and body searches in the maintenance of good order; enabling the revocation of general parental authority from foster carers or residential care services when they are no longer providing or intending to provide care; and amending the legislation to ensure that entries to the child death review register will not be made until any coronial inquest or review is completed.

By making some technical or legislative fixes, the main focus of the bill is to enhance the protection of young people at Bimberi who are often some of our most vulnerable. As such, the opposition will support this bill and the proposed amendments. I will speak to the amendments when they are moved by the minister.

**MS BERRY** (Ginninderra) (12.07): I rise to support this bill and the changes it seeks to make, as outlined by Minister Burch. The four amendments provide for important changes to the Children and Young People Act 2008 to improve the interpretation of the act and the provision of services to children, young people and their families. The minister has set out the detail of these amendments but I would like to talk about the context in which these changes sit.

The first two amendments, relating to the use of force and searches of young people in detention, are a reflection of the ACT government's commitment to continuous reform towards building a youth justice system that is high performing and effective. A measure of such a system is that all practices and procedures that support its operation are compatible with human rights. This, of course, includes practices and procedures within places of detention.

The government bill ensures that a young person's treatment in the youth justice system is consistent with human rights standards and practices. The changes also reflect our obligation around the care and protection of children and young people, especially their rights and interests, regardless of where they are in our community.

These changes are part of a larger process of continuous improvement to make sure we have a youth justice system that provides the best chance to bring lasting change into young people's lives and to make our community safer. The ACT government has made significant progress in implementing recommendations made by the Human Rights Commission in its review of the ACT youth justice system.



As part of its response, the government committed to the development of the blueprint for youth justice in the ACT that was released in August last year. This key strategic plan will continue to guide and deliver reforms to the ACT youth justice system over the next 10 years. Importantly, this is about achieving lasting change in the lives of young people and their families by focusing on early intervention and diversion approaches.

I would like now to talk about the proposed amendment to revoke a foster carer's or a residential care service's authorisation in specific circumstances. The ACT government has a longstanding commitment to support our most vulnerable, including children and young people in out-of-home care. Before I go on, I would like to acknowledge the vital role of our foster carers in the lives of children and young people who, for a range of reasons, are unable to live with their own families.

Thank you to those Canberrans who have opened their homes and their hearts. I also acknowledge the Foster Care Association of the ACT for its work in assisting carers to do their best for vulnerable children and young people. I am sure many of you would be aware of the stringent requirements that are involved in becoming a foster carer or to register a service to provide residential care.

The proposed amendment will enable the revocation of a foster carer or residential care service when they have not provided any regular care in the previous 12 months and are no longer willing or able to provide it, or when the foster carer cannot be contacted. This will assist in ensuring the accuracy of the Community Services Directorate's records.

The final proposed amendment seeks to clarify when information can be placed on the children and young people deaths register that is maintained by the Children and Young People Death Review Committee. The amendment will make it clear that any coronial inquest or review by the territory must have ended before any information can be placed on the register of deaths.

In this way, the function of the committee as the last mechanism of review following the death of a child or young person is ensured. This amendment will assist the committee to perform its important functions, including helping to prevent or to reduce the likelihood of the death of children and young people.

In the spirit of upholding the rights and the best interests of the most vulnerable children and young people in the ACT, I commend the government for introducing this bill and its amendments.

**MR RATTENBURY** (Molonglo) (12.12): The ACT Greens will be supporting this bill today. Indeed, we are pleased to see that some important changes to the Children and Young People Act are at last being implemented. We particularly welcome the amendments relating to strip searches of children and use of force, in spite of the delays in getting them to the Assembly and then the further delays in getting them through.

The Greens, and my former colleague Meredith Hunter, worked hard on this issue. The model of the review that was undertaken by the ACT Human Rights Commission into Bimberi was the model we put forward during the last term. The report that resulted, the *Review of the ACT youth justice system 2011*, was a very thorough report which delivered a comprehensive understanding of the problems, and outlined a number of recommendations to start working on. The Greens support the government's adoption of all the recommendations to drive change and deliver better outcomes in our youth justice system.

Turning to the specific clauses, clause 4 addresses managing the use of force. The amendment requires that a treating doctor or a nurse is notified if force is used in relation to a young detainee and implements recommendation 14.12 of the Human Rights Commission report. Previously, young people had an option under the use of force policy to see a doctor or nurse after a use of force event. However, this amendment seeks to remove the concern that young people may feel vulnerable in such a situation where force has been used, such that they do not wish to report for fear of repercussions.

The amendment seeks an exemption from reporting the use of force in circumstances where force is a "planned use of restraint" when the detainee is being escorted outside a detention place—for example, when handcuffs are used while a detainee is attending a health appointment. I can appreciate that reporting use of planned restraint to a treating doctor or nurse may seem excessive, as the use of force under these circumstances does not intrinsically imply that there is likely to be physical damage, and that there may be unnecessary over-reporting.

I am pleased to note that the capacity of a young person to report to a doctor or nurse under these circumstances still exists in the legislation. This is something that will need continued monitoring to ensure that the protection is effective and adequately responds to the needs of detainees.

It should also be noted that the Bimberi review does make some comment about the routine use of restraint for when remandees leave the detention facility for things such as health appointments. This is something that also needs to be monitored to ensure that we respond to contemporary best practice.

Clauses 6 and 7 omit "good order" as a reason to undertake a strip search or a body search. This was another recommendation by the Human Rights Commission to remove this risk to good order as a rationale for undertaking a strip search. The government has also taken the opportunity to apply the same test to body searches, and I welcome that initiative.

It appeared that there was a culture at Bimberi of conducting strip searches and other searches as a routine event under particular circumstances, such as when a room search was undertaken or when detainees asked for contact with family and friends. There were other recommendations around this issue in the commission's report that relate to the practices by staff at Bimberi. I trust that those recommendations have been implemented as without a concurrent change in practice, changes to the legislation may be of limited effect.

Clauses 8 and 9 refer to revocation of foster carers and residential care service's authorisation. These clauses simply make it clear that an authorisation for carers is revoked when they have not acted as a foster carer or residential care service in the previous 12 months or if they are no longer available to be a foster carer. It makes some sense for the director-general to have the capacity to revoke licences under these circumstances so as to ensure that authorisations do not remain current for carers or entities that no longer provide care or no longer intend to.

This would not prevent people from reapplying for an authorisation and would probably also allow for a useful review of skills and training as people do so. There are constant updates to training provided. While carers may have lots of experience, even so it is not a bad thing for updates to occur.

The government's amendment distributed the other day also requires a reasonable effort to be made to contact a foster carer before revoking the licence, which would seem sensible as we do not want to revoke licences of foster carers who may actually be interested in further care placements but simply not have participated for 12 months, perhaps for quite legitimate personal reasons.

Of course, the provision to revoke an authorisation due to a failure in providing care or complying with a direction still exists and should be used when it is appropriate. This new measure should not be used as a way to revoke authorisations by a less confrontational backdoor method at all.

Clause 10 discusses or brings about changes to details that can be recorded on the children and young people death register. The children and young people death review committee was a welcome initiative of my colleague Meredith Hunter in 2010. The committee is proving to be a very valuable resource in assisting us to do our very best to prevent future child deaths. This was a basic rationale for the establishment of a comprehensive child and young person death review mechanism in the territory.

We are not completely sure why this amendment is necessary, as it merely prevents information in relation to a child going on the register at all until a coronial inquest or a review by the territory is completed. Previously the legislation stated:

... the CYP death review committee must not include any information on the register about the cause or circumstances of the death until the coronial inquest or review has ended.

This amendment ensures that no information is entered on the register until any coronial inquest or a review by the territory is complete. We do not have strong opposition to this amendment at this time. However, we will be monitoring any implications that may unexpectedly arise. Of course, we certainly do not want to see anything put in place that might prevent the child death review team from undertaking its work effectively.

In conclusion, I would like to make a few broad observations and close by talking about other work in the complex area of youth justice. I note that after some initial

turbulence and considerable pressure, things sound like they are improving for young people and staff in the youth justice system. Anecdotal reports indicate that the recent scrutiny seems to have improved outcomes for young people. We have also seen a reduction in complaints, which speaks to changes in both culture and practice. This is also true of the relationships young people report with the staff and youth workers of Bimberi, again a positive development.

As you might expect, however, there are still, and may always be, areas of concern or room for improvement. I am keenly aware from my short time as corrections minister both how difficult and yet still necessary it is to progress these types of government recommendations in view of competing budgets and complex clients.

This is apparent in areas of segregation, education programs, and the vitally important area of transitioning out of Bimberi and reintegrating back into the community. As I said, these are eerily similar to the challenges I am facing in adult corrections, and I am also working hard to address these issues in that area.

Beyond this, as I have said, I am hearing positive things about Bimberi, and we are all aware of the ongoing challenges facing the care and protection system. The Greens will continue to work with government and key stakeholders to improve outcomes for these vulnerable children and young people in our community.

**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) (12.20), in reply: The bill does make a number of minor but important amendments to the Children and Young People Act 2008 that will improve the administration and interpretation of the act. These amendments will promote the rights and best interests of children and young people.

In summary, the amendments relate to the use of force at a place of detention, the use of strip searches and body searches, the revoking of general parental authority for foster carers and residential care services, and the Children and Young People Death Review Committee.

The first two of these stem from the ACT government's response to the Human Rights Commission review into the youth justice system. That review recommended that in accordance with human rights standards, any restrained person should be seen by a doctor or nurse following an incident where the use of force was applied. The commission recommended that the government amend the act, policies and procedures to require a doctor or nurse to be notified as a matter of course every time force is used, rather than providing the young person with an option to see a doctor or nurse after the event. The government agreed with the intent of the recommendation, while drawing a distinction with the unplanned use of force, such as when used in response to an escalating or dangerous situation. The proposed amendment will strengthen the statutory requirement to report the use of unplanned force to a doctor or nurse.

The next amendments relate to strip searches and body searches used to maintain good order. Given the impact strip searches have on young people, especially young people who have been subject to abuse or trauma, the commission recommended the removal of “good order” as it applies to strip searches. The government agreed with this recommendation and has extended the removal of “good order” in relation to conducting body searches. The proposed amendments will remove references to good order being a basis to conduct a strip search under the act.

The bill also addresses the issue of revoking general parental authority for foster carers and residential care services. Under sections 523 and 524, the director-general can revoke a foster carer’s or residential care service’s authorisation when carers have failed to perform their responsibilities or when the person or service has sought to have the authority revoked. However, the act does not include a provision allowing the director-general to revoke the authority when a foster carer is no longer willing or able to provide care or when the foster carer cannot be contacted. The amendment addresses this issue by incorporating additional criteria to apply to the revoking of a foster carer or service authority when they have not provided regular authorised care in the previous 12 months or are no longer willing or able to act as a carer or service provider. I note that the new provision will not prohibit a carer or service from reapplying at a later time.

In relation to the children and young people death register, the amendment clarifies section 727N(4) of the act. It clarifies that a coronial inquest or review by the territory must have ended before any information can be placed on the register of the deaths. This will ensure that the Children and Young People Death Review Committee is the last mechanism of review once all other review processes have been completed.

The Children and Young People Amendment Bill 2012 (No 2), together with the additional amendments which I will move shortly, is a straightforward but important step to ensure that we have a high performing and effective youth justice system in the ACT.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**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) (12.24), by leave: I move amendments Nos 1 and 2 circulated in my name together [*see schedule 2 at page 1283*]. I table a supplementary explanatory statement.

These are two minor government amendments. The Children and Young People Amendment Bill 2012 (No 2) was first tabled in the Seventh Assembly in May of 2012 and was referred to the scrutiny of bills committee for consideration.

The committee commented that clause 4, on managing the use of force, required further clarification in relation to the planned use of restraint of detainees outside a place of detention. To address the committee's concern, I propose to amend this clause to clarify the planned use of restraint and ensure that the intention of this clause is clearly articulated. The clause sets out that the director-general must give notice to a treating doctor or a nurse if force is used, unless it is used for the purposes of a planned use of restraint when a young person, for example, or a detainee is outside a place of detention—for example, the use of flexi-cuffs on a young person who has been assessed as being at risk of attempting to flee while being transported to or from appointments.

An additional amendment is proposed to clause 8 of the bill, which relates to revoking of a foster carer's authorisation. This amendment clarifies the grounds for revoking a carer's authorisation. The clause sets out when it would be appropriate to revoke a carer's authority. As the clause outlines, revocation can only occur when all reasonable efforts have been made to contact a foster carer who is no longer willing or able to act as a foster carer and who cannot be contacted after all reasonable efforts have been made. This amendment responds to feedback received from the Foster Care Association of the ACT and other out-of-home care stakeholders after the initial tabling of the bill in May of last year.

I would like to take this opportunity to thank the Foster Care Association and the out-of-home care stakeholders for their contribution to this important piece of legislation and also to thank the officials within the directorate for putting through these amendments that will improve the Children and Young People Act.

**MR HANSON** (Molonglo—Leader of the Opposition) (12.27): As I indicated in my previous speech, the opposition will be supporting both of these amendments.

The amendment to clause 4 deals with concerns surrounding the use of the word “planned” as raised by the scrutiny committee in report no 53. The report states:

The Committee's concern is that the basis for the non-application of the salutary principle in proposed subsection 223(3A) is cast in very wide language, for it appears that it is enough that a use of a particular restraint must merely be “planned”.

The opposition is satisfied that the amendment does address this issue. The amendment now sets out a specific exception in clause 3A, which is for a planned use of restraint on a detainee when outside a detention place and being escorted elsewhere. This takes away any broad application of the word “planned”.

The amendment to clause 8 tightens the language concerning the revocation of a foster carer's authorisation. The amendment requires that two provisions must be met before revocation of a foster carer's authorisation, instead of just being inactive for 12 months. This amendment clarifies the purpose of clause 8 and provides a guarantee to foster carers that that simply will not happen due to inactivity. There must be an intention not to act as a foster carer.

As I said, we will be supporting the amendments to both clause 4 and clause 8.

Amendments agreed to.

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

Bill, as amended, agreed to.

**Sitting suspended from 12.29 to 2.30 pm.**

### **Questions without notice**

#### **ACTEW Corporation Ltd—managing director**

**MR HANSON:** My question is to the Treasurer. Yesterday, in response to a supplementary question about advice from ACTEW on the mistake in reporting the managing director's salary, you stated:

I understand that the error was identified by ACTEW during the caretaker period last year. I received written advice from the chairman of the board on 8 March, and yesterday, being the first sitting day, tabled that advice in the Assembly.

Given that the caretaker period finished in early November, why did it take over four months for the chairman of the ACTEW board to advise you of this error?

**MR BARR:** That is a very good question, one that I have asked the chair of the ACTEW board. The response—and I think the chair has in fact said this in the public arena—was that they have sought some legal advice in relation to the materiality of the error. That took some time. I understand that the Christmas holiday period also intervened. But I put the view very firmly to the chair that I felt it was an unacceptable time period between when they first became aware and when the shareholders were notified, and I am seeking further explanation in relation to that.

**MADAM ACTING SPEAKER:** Supplementary?

**MR HANSON:** Did you or the Chief Minister meet with the board of ACTEW, its chairman or its managing director between November 2012 and 8 March? If so, did they advise you verbally of the error at any stage, and if so, when?

**MR BARR:** I will have to check my diary for those dates. I believe so. I believe I would have had a meeting, at least one meeting, with the managing director. And no, there was no verbal advice provided.

**MADAM ACTING SPEAKER:** Supplementary question, Mr Smyth.

**MR SMYTH:** Treasurer, does the board and senior management of ACTEW still enjoy your full confidence, given the blowout in the cost of the Cotter Dam enlargement, the findings of the ICRC and now this error?

**MR BARR:** I have indicated that I have concerns in relation to the process of notifying the shareholders, the Chief Minister and me, of this particular error. In relation to ICRC matters, that is I think an important debate that needs to be had, recognising that there will be a variety of views in the community in relation to the issues that the ICRC have raised. The government will be making a submission in due course in relation to those matters. I think we have extensively covered the issue of the dam. I do not think it is fair and reasonable to hold Mr Sullivan accountable for the floods that occurred a year ago.

**MADAM ACTING SPEAKER:** A supplementary, Mr Gentleman.

**MR GENTLEMAN:** Minister, can you tell us how important it is to have a separate body like ICRC to determine prices?

**Mr Smyth:** On a point of order, is that relevant to the main question? My question is about ACTEW and its management, not about the ICRC and its importance to independence.

**MADAM ACTING SPEAKER:** I believe it was raised in the supplementary.

**Mr Hanson:** On the point of order, the price of water was not raised as part of the answer. This is specifically about the salary of the managing director. It is not about prices set by the ICRC.

**MADAM ACTING SPEAKER:** Mr Hanson, the ICRC was mentioned. Treasurer.

**MR BARR:** Thank you, Madam Acting Speaker. I thank Mr Gentleman for the question. It is an important principle that we do have an independent regulator. We have certainly seen the independence of the regulator in relation to the draft determination that has been made. That certainly demonstrates that there is a robust scrutiny process applied to ACTEW's operational and capital expenditure proposals, also its governance arrangements.

The ICRC have raised a number of issues. I think it is important that we consider those on their merits. I do not think it is necessary to be drawing parallels with particular incidents. I think we need to look at the issues that the ICRC have raised, on their merits, and I certainly look forward to engaging in that process over the coming weeks and months.

### **ACTEW Corporation Ltd—managing director**

**MR SMYTH:** My question is to the Treasurer. Yesterday, in response to a question you said:

The more recent position and advice to government in relation to the managing director's salary is, I believe, above those benchmarks from 2010-11, and so is the subject of some concern from the shareholders.



Treasurer, why was the Managing Director of ACTEW paid a salary above the relevant benchmarks for 2010-11?

**MR BARR:** As I have indicated in my responses to questions yesterday, the board sets the salary of the managing director. They have a remuneration committee that looks at these questions. When this issue was raised a few years ago, a benchmarking exercise was undertaken and, as I indicated yesterday, the salary that was published and advised to the shareholders at that time was within the benchmarking range of similar positions in similar public utilities around the country.

What is the new information would appear to put the managing director's salary above that range. However, there will have been movements in the market from 2010-11 to the current time, and so I recognise that it would be understandable and, indeed, you would anticipate that that market would have moved up. The question is: has it moved up to the extent of \$230,000? That is the question the shareholders—the Chief Minister and I—are asking.

**MADAM ACTING SPEAKER:** A supplementary, Mr Smyth.

**MR SMYTH:** Minister, how long has ACTEW been paying its managing director a salary above benchmark, and have other executives at ACTEW been paid salaries above benchmark for comparable positions?

**MR BARR:** I will need to take that on notice. The question, of course, will be what constitutes a benchmark, and that will move from year to year. It will also, of course, reflect the skills and experience of the particular holders of positions, not just here in the ACT but elsewhere in the country. This is not a market that will be easily defined, I imagine; hence the ACTEW board's work in seeking to bring in a consultant to undertake a benchmarking exercise and to look at comparable salaries year to year is I think an important part of the board doing its job effectively.

**MADAM ACTING SPEAKER:** Supplementary, Dr Bourke.

**DR BOURKE:** Treasurer, when the 2011-12 ACTEW annual report was published with the correct salary for the CEO, was there any public comment, including from the opposition, and did you receive any calls from concerned constituents?

**MR BARR:** No, I have not been aware of any public comment in relation to the salary that was published in the annual report last year. And, no, up until the last couple of days I have not been aware of any particular interest from the opposition in this matter.

**MADAM ACTING SPEAKER:** Supplementary, Mr Hanson.

**MR HANSON:** Will you ensure that the salary package for the managing director of ACTEW is frozen until it comes within benchmark?

**MR BARR:** Firstly, it has not been established that it is outside of current benchmarks. Secondly, it is not within my power to undertake such a freeze. It is a matter for the ACTEW board.

### **ACTEW Corporation Ltd—managing director**

**MR SESELJA:** My question is to the Treasurer. In 2005 it was revealed that the managing director of ACTEW received a salary of \$450,000. In 2010-11 the salary package for the managing director was \$855,588. Why has the salary package for the managing director increased by over \$400,000 between 2005 and 2010-11?

**MR BARR:** I am not in a position to answer that question. I am not responsible for the managing director's salary. That determination is made by the board.

**MADAM ACTING SPEAKER:** Supplementary, Mr Seselja.

**MR SESELJA:** Why have the shareholders of ACTEW failed to ensure that they were kept advised of increases in executive remuneration between 2005 and now?

**MR BARR:** We have not.

**MADAM ACTING SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Minister, does the managing director receive a performance bonus for increasing the dividend to government?

**MR BARR:** The managing director receives performance bonuses against criteria set by the board. The overall performance of the corporation would be one of those factors, I imagine.

**MADAM ACTING SPEAKER:** A supplementary, Mrs Jones.

**MRS JONES:** Minister, what are the key performance indicators used to set the salary? Does it include how much money is raised from billing Canberra families?

**MR BARR:** No, it does not.

### **Aged persons—recognition**

**DR BOURKE:** My question is to the Minister for Ageing. What is the government doing to recognise both the contribution and the needs of older people in the ACT?

**MR RATTENBURY:** This is a very timely question in the middle of Seniors Week. I thank Dr Bourke for raising the issue. It is an opportunity to reflect on the very positive aspects of Seniors Week and the important role that the government sees for older people in our ACT community. All ACT governments have worked towards this recognition of older people, and I certainly feel very privileged to have the role of Minister for Ageing.

The ACT promotes positive ageing within a framework that goes across government and between sectors. We recognise that ageing is influenced by many factors, including socioeconomic circumstances, gender, cultural background, life experience, education and, of course, general health and wellbeing.

We see positive ageing as making the best of ageing. It is about having a good quality of life through social relationships, having a healthy lifestyle and by feeling part of the community. The government seeks to promote each of these areas to ensure that older members of our community do feel valued and that we also take the greatest advantage of their experience, their knowledge and the efforts that they can continue to make to the community.

The government continues to support active social participation for older Canberrans through its seniors grants and sponsorship program. The list of current supported programs is extensive and innovative. It includes the creation of new contemporary dance works for the ACT seniors' GOLD dance company, a picnic promotional day for older Canberrans at the National Botanic Gardens and a project through the Lighthouse Business Innovation Centre, which aims to match up new business operators with senior business mentors, again taking advantage of that wisdom and experience that sits with so many of our older residents.

As part of the centenary celebrations, the ACT Office for Ageing, in partnership with the National Film and Sound Archive, will present a festival of short and feature length films from 23 July to 27 August this year. This will allow older Canberrans to attend and enjoy a purpose designed film festival within the art deco cinema at the Arc venue there, which features age-friendly facilities.

The government works with the Council on the Ageing and others to present Seniors Week, which I mentioned earlier. It is running right through this week. In February this year the ACT Office for Ageing, working in partnership with the Office of Multicultural Affairs and the Canberra business community, created an oasis for older Canberrans as part of the Multicultural Festival. In some ways they were simple measures—a free cup of tea and some seats to sit on under the shady parts of City Walk. But I know that many older Canberrans really appreciated it.

This year also marked the 10th year of the life's reflections photographic exhibition, with over 200 entries that reflect the positive sides of ageing and capture the energy and the enthusiasm of the older members of our community. It culminated with an awards ceremony at the Canberra Museum and Gallery and a photo exhibition in the Canberra Centre. I would particularly like to thank the Public Trustee of the ACT, Mr Andrew Taylor, for creating, developing and nurturing the competition before handing it over to the Office for Ageing to take it to the next stage.

These are just some of the measures that are in place that the ACT government is either directly delivering or delivering in partnership with others to ensure that Canberra's older citizens are recognised and that we do our best to make sure they are living a full and active life as they go into their later years.

**MADAM ACTING SPEAKER:** Dr Bourke on a supplementary?

**DR BOURKE:** Minister, how does ACT Seniors Week promote positive ageing in the ACT?

**MR RATTENBURY:** Seniors Week, of course, puts the spotlight on ageing in the ACT and is very much designed to both showcase what older people are doing and also present the older members of our community with some of the options and ideas that are available to them. Seniors Week does a tremendous job of that. This week there are over 200 events on the program; it is an extraordinarily packed calendar with a full range of activities.

Positive ageing is about our seniors remaining involved in the community, continuing to care for themselves and each other, and embracing this stage of their lives. The theme of Seniors Week is “live life”. That is about allowing us to celebrate and recognise the lifelong contribution of older Canberrans in our community and the important role they play in families.

Seniors Week has been celebrated in the ACT for over 21 years. Its broad aims are to promote positive attitudes and to increase awareness, inclusion and participation for older people within the community.

I would particularly like to thank COTA for their work in managing the program of Seniors Week events. I particularly acknowledge Vivienne Sinderberry, the president of COTA ACT; Paul Flint, their chief executive officer; and Sonia Downie, who is the events manager for this week. I just saw Sonia at lunchtime. I was able to get out briefly to the Seniors Week expo taking place at Exhibition Park today. While she is still full of energy, I think she is very much looking forward to getting to the end of Seniors Week; it has been a packed program for them.

As I said, there is a vast range of events. Just the expo at lunchtime today has been tremendously successful. It is a new venue this year, at Exhibition Park. I was talking to Vivienne Sinderberry and she said that it started at 10 o'clock but when she turned up at 9.30 there were already a lot of people there. The stallholders are all very pleased. And over lunchtime there was certainly a large crowd there.

There are many other events to come this week, and I encourage anybody who has an interest in some of these events to have a look at the program and make the most of it.  
*(Time expired.)*

**MADAM ACTING SPEAKER:** A supplementary, Ms Berry.

**MS BERRY:** Minister, how is the government working towards Canberra being an age-friendly city?

**MR RATTENBURY:** The government are seeking to respond to the changing demographic nature of our city. We know we are becoming an older community. So

through consultation and feedback we are creating new policies, programs and initiatives to address the needs of our ageing population, for both now and as we plan forward into the future.

In 2010 Canberra was recognised for its strategic planning in positive ageing initiatives by being invited to join the World Health Organisation's global network of age-friendly cities. This is a very prestigious world network and it both recognises the work that is being done and provides the ACT with a framework to continue to improve our efforts.

Also, in September 2011, the ACT government convened Australia's first older persons assembly. Many members here today attended sessions of that. I think we all know what a positive experience it was for our older citizens. We have an age-friendly cities network in the ACT government which involves members of each directorate. All directorates were involved in developing the ACT's strategic plan for positive ageing and the action plan that has arisen from that strategy. The directorates also report on their role in implementing that action plan through their annual reports.

There are various other initiatives going on, including that the ACT government will shortly lower the age of eligibility for the ACTION gold card to 70 years. We are supporting older persons to downsize in public housing through building tailor-made aged persons units that have design capabilities to allow people with mobility issues to move freely through them, as well as obviously just being that bit smaller. We are also seeking to develop housing for elderly Aboriginal and Torres Strait Islander people, as has been recommended to us by the Indigenous elected body.

All of these commitments are being progressed by the government and we see them as integral for ensuring that Canberra is a city in which our older members feel valued and can fulfil the lives that they wish to.

**MADAM ACTING SPEAKER:** A supplementary question, Mr Gentleman.

**MR GENTLEMAN:** Minister, how will the government continue to consult with community groups on positive ageing for the ACT?

**MR RATTENBURY:** There is a range of mechanisms the government undertakes. We have a ministerial council on ageing which meets regularly and provides direct advice to me as the minister, and the Office for Ageing. The Office for Ageing supports that process. We, of course, have committed to continuing with the older persons assembly. I think the one in 2011 was extremely successful, and ever since that date I have run into older people around town who were at the event and have expressed to me their desire for it to continue. That is why the parliamentary agreement recognises that that is a positive initiative to carry forward. It brings in a greater group of stakeholders and enables us to have a very focused event around the needs of older people in our community. Anyone who recalls the conversations that day will know that a very broad range of issues were raised with us.

There are, of course, a range of groups, such as the Council on the Ageing, that the government actively engages with and seeks their advice and consults with on both an

ongoing basis and specific matters. We have the seniors clubs around town, which are excellent advocates for their communities. So there is a range of mechanisms there. I am certainly committed to having a very strong dialogue with each of those groups, as well as just the informal dialogue. Some of our older citizens are perhaps the most prolific when it comes to contacting ministers' offices via email or by phone. So I think they are also very good at putting their own cases forward.

### **Sport—ground hire fees**

**MR DOSZPOT:** My question is to the Minister for Sport and Recreation. Minister, in the last sitting of the Assembly, in speaking to a motion concerning increases in ground hire charges, you advised:

Sport and Recreation Services may have notified some clubs that they anticipate an increase but this has not been approved by me as minister, and I am yet to consider any increases.

Minister, given that clubs have already had to submit bookings under the new hire charges, have you considered these increases, and when will you be announcing your decision? If you have not approved the increases, who did?

**MR BARR:** Yes, I am presently determining my position in relation to fees for winter and summer seasons in 2013, and I will make that announcement in due course.

**Mr Doszpot:** On a point of order, Madam Acting Speaker, there was a further question there about who made the decision if the minister did not.

**MADAM ACTING SPEAKER:** I think the minister has said that he is about to make an announcement, Mr Doszpot, so I think he has answered the question. Have you a supplementary question, Mr Doszpot?

**MR DOSZPOT:** Can I just get notice on that? So the minister is refusing to answer that question?

**MADAM ACTING SPEAKER:** Ask your supplementary question, Mr Doszpot.

**MR DOSZPOT:** I want to ask something else. Can you explain on what basis Sport and Recreation Services would choose to increase some fees by as much as 54 per cent, which is way outside any CPI increase?

**MR BARR:** Firstly, Madam Acting Speaker, I remind the shadow minister that CPI is not used to index sport and recreation fees. He has been in the—

*Opposition members interjecting—*

**MADAM ACTING SPEAKER:** If you listen you will probably find out. You certainly will not find out—

*Opposition members interjecting—*

**MADAM ACTING SPEAKER:** Stop the clock, please. You certainly will not find out by all yelling different questions across the room, and certainly not by putting your hand up. Minister.

**MR BARR:** Thank you. I appreciate that the shadow minister has only been the shadow minister for nearly five years and only attended probably 30 estimates hearings in relation to these matters. The wage price index is used as the default—

*Opposition members interjecting—*

**MADAM ACTING SPEAKER:** Members!

**MR BARR:** The wage price index is used as the default mechanism. However, from time to time Sport and Recreation Services will make recommendations to the minister of the day to ensure that the available revenue from sports ground hire covers at least a proportion of the costs of maintaining sport and recreation fields across the territory.

At the moment, the fees recover about 13 to 14 per cent of the costs of maintaining those facilities. It is my intention when I make my decision in relation to increasing fees—and fees will be increasing—that they not increase by 54 per cent for anyone, but they will be increasing. I need to ensure that Sport and Recreation Services are in a position to maintain high quality sports fields, because that is important for a number of reasons. *(Time expired.)*

**MADAM ACTING SPEAKER:** Supplementary, Mr Wall.

**MR WALL:** Minister, can you explain why fee increases are not first approved by the relevant minister before clubs are notified, and who authorised this notification to be sent to clubs?

**MR BARR:** The Sport and Recreation Services area has regular consultations with sport and recreation organisations and has discussions in relation to coming seasons. But ultimately it is the minister who is required to sign off on the fees for a particular period and, as I have indicated previously, I will make that determination. If clubs have been provided with information that suggests a 54 per cent increase in their fees, that is incorrect advice from Sport and Recreation Services and will not be the case.

**DR BOURKE:** A supplementary.

**MADAM ACTING SPEAKER:** Yes, Dr Bourke.

**DR BOURKE:** Minister, what projects to improve sporting grounds have been initiated by this government?

**MR BARR:** I thank Dr Bourke for the question. Thousands. Every single sportsground in this territory, every single sports facility in this territory, has received funding for maintenance and improvements under this government. There are significant programs of infrastructure renewal and infrastructure enhancement occurring in every single part of the city.

Just recently, Madam Acting Speaker, you and Dr Bourke had the great privilege to join me at Kippax oval, home of the Magpies Belconnen Football Club and the Ginninderra District Cricket Club, to celebrate a new, \$3 million upgrade of the Kippax playing fields—a fantastic outcome for the west Belconnen community—and we certainly look forward to delivering similar improvements to the Greenway enclosed oval as part of our election commitments for this term of government.

### **Schools—Indigenous students**

**MR WALL:** My question is to the minister for education. Minister, in the ABS report released on 20 March relating to schools, figures show that Indigenous student retention rates have decreased from 76.3 per cent to 63.1 per cent while other jurisdictions have seen an increase in retention rates. Minister, despite the comparatively small number of Indigenous students in the ACT, why are these numbers trending in the wrong direction for the ACT?

**MS BURCH:** I thank Mr Wall for his question. I did look at the ABS report and I do not think it reflects the reality here. If you read the article in today's *Canberra Times*, the ABS spokesperson also acknowledged that datasets could be volatile, with small changes in numbers having a large impact on the retention rate.

With respect to the retention rate and how it is calculated—it must be remembered that we are talking about very small numbers—it is the number of Aboriginal students in year 7, and then they go forward five years and look at the number that are in year 12. In actual fact, Mr Wall, they work backwards.

I can tell you that in 2012 the number of Aboriginal students was 76 and there were 58 Aboriginal students in year 12 in 2011. So we have actually gone forward. The numbers can bounce around using the method that they use, and they do create big movements. For example, the retention rate apparently dropped 13.2 per cent from 2011 to 2012. It increased by 17.5 per cent from 2010 to 2011. It jumped by 21.2 per cent between 2003 and 2004 and dropped by 28 percentage points between 2004 and 2005.

Whilst it is an ABS report and it clearly puts out a figure, we would rather look to our numbers. When we look to our numbers we have a good retention rate and a good achievement rate for our Aboriginal students in the ACT.

**MADAM ACTING SPEAKER:** Supplementary, Mr Wall.

**MR WALL:** Minister, what monitoring is undertaken to follow the pathways taken by Indigenous students who fail to complete year 12?



**MS BURCH:** We put a lot of effort in. We have closing the gap education matters, the report I think you made reference to in the February sitting. You asked a number of questions on that. We know we do have to put additional support into supporting Aboriginal and Torres Strait Islander students, and we do that.

We have an aspirations program that operates across our schools from year 5 through to year 12. That has quite a targeted wrap-around support service for Aboriginal students so that they do indeed reach their aspirations. They work with families, so they may need to put in some family support, additional tutoring support and mentoring. Whatever we need to do, we do.

We also know that we need to transition from school into the workforce. A number of Aboriginal kids are studying through vocational training at CIT as well, and that is another good program. They may choose a vocational path from year 10 as opposed to going through a college system in year 12, and we support them in that.

**MADAM ACTING SPEAKER:** A supplementary, Mr Doszpot.

**MR DOSZPOT:** Minister, what additional resources are provided by the ACT government to support the 42.7 per cent of Indigenous students who attend non-government schools?

**MS BURCH:** We put a lot of effort into supporting all our students through a targeted response to non-government schools. I think it reflects well on the number of Aboriginal students that are attaining year 10 and year 12 and it is reflected in vocational training and other training. In government schools we have quite a discrete suite of programs. Certainly our education officers and our aspirations program are quite targeted to government schools. But that is not to say, through our targeted support through schools at need rather than just blanket support to all schools, that those students are not supported.

**MADAM ACTING SPEAKER:** A supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, what is the budget allocated specifically to the Indigenous students who attend non-government schools?

**MS BURCH:** Well, I do not have that in front of me, and I do not know if we would be able to unpack the number at budget specifically per Aboriginal student or, indeed whatever cohort of students that you wanted in the non-government schools. But when I move about and talk to non-government schools and government schools alike, today, as with all days, there is a recognition of our closing the gap. Today is National Close the Gap Day, so it is probably relevant that we all pay attention to doing all that we can.

I had the great privilege of being at CIT yesterday with Mick Gooda and with Tom Calma and signing the commitment to do all we can to close the gap. I would hope that those opposite also take that opportunity.

**Mr Doszpot:** Madam Acting Speaker, could I ask that the minister take this question on notice if she cannot answer it here today about what is the specific budget?

**MADAM ACTING SPEAKER:** The minister has answered the question.

### **Planning—Amaroo shops**

**MRS JONES:** My question is to the Minister for the Environment and Sustainable Development. Minister, Bonner is quite a new suburb, still under development, sporting a shopping centre, including a large supermarket. Amaroo, on the other hand, is a long-established suburb, with only a petrol station and a large vacant block of land for a group centre, sporting little more than a recently turned sod of earth. Minister, why have the people of Amaroo had to wait so long for their group centre?

**MR CORBELL:** I understand that work is commencing in relation to the Amaroo group centre. Group centres are, by necessity, developed at a later stage than local shopping centres such as Bonner, and it is a factor driven by the necessary population being in place in the catchment for the group centre that determines when the group centre is suitable for release and development.

**MADAM ACTING SPEAKER:** Supplementary question, Mrs Jones.

**MRS JONES:** Minister, is the new development activity on the site for the entire group centre?

**MR CORBELL:** I would have to seek some advice as to which parcels of land have been released at the group centre for development. So I will take that aspect of your question on notice, Mrs Jones. But it is, I would observe, normal practice for group centres to be developed in stages. That has certainly been the history of group centres right around the ACT and I would not be surprised if Amaroo was in a similar circumstance.

**MADAM ACTING SPEAKER:** Do you want a supplementary, Mr Doszpot?

**MR DOSZPOT:** Thank you, Madam Acting Speaker. Minister, why did Bonner get an entire group centre before Amaroo?

**MR CORBELL:** Bonner is not a group centre.

**MADAM ACTING SPEAKER:** Mr Doszpot.

**MR DOSZPOT:** Minister, are there other long-established suburbs in Canberra still waiting for their group centres? If yes, what is the government's planning program for those suburbs?

**MR CORBELL:** I would not characterise Bonner, Forde or indeed even Amaroo as long established. Obviously Amaroo has been in existence for about 10 years or so. But it is important to stress that the group centre is there to service a catchment of

suburbs, not just one suburb. That is the purpose of a group centre. Clearly there are a range of suburbs around Amaroo that are very new and that is the catchment that makes a group centre like Amaroo, given its particular location, viable.

### **Tourism—visitor numbers**

**MS BERRY:** My question is to the minister for tourism. Minister, could you please update the Assembly on the national visitor survey results released this morning?

**MR BARR:** I thank Ms Berry for the question. I am pleased to advise the Assembly that in 2012 the territory saw an 8.6 per cent increase in domestic overnight visitors to 1,955,000. This increase compares very favourably with the national increase of 3.6 per cent. Visitor nights in the territory for 2012 increased by 14.3 per cent, up from just a tick over five million to 5.72 million. Nationally, there was a 4.1 per cent increase compared with our 14.3 per cent increase. The average length of stay in the territory tipped up close to three nights. This outcome has been particularly driven by an increase in visiting friends and relatives, up by nearly 23 per cent. That is one of the categories within the national visitor survey. 758,000 people came to the territory in 2012 to visit friends and relatives.

What has been particularly pleasing to note here is that those visits do tend to correlate with major events and activities within the national capital. So Canberrans are certainly being fantastic ambassadors for their city and inviting their friends and relatives to come and visit to enjoy some of the fantastic events, festivals and activities that are part of our annual calendar. And that is very encouraging to see. Equally, those visiting Canberra for business increased by 13.4 per cent, to nearly 620,000. That is, again, a fantastic outcome and credit, there, to the hard work of the Canberra Convention Bureau.

The ACT's combined number of domestic overnight visitors in the holiday and leisure and VFR sectors for the year ending December 2012 was 1.22 million, which is up 7.3 per cent on the previous year. And this is a very good outcome for the tourism industry in the ACT.

**MS BERRY:** Supplementary question, Madam Acting Speaker.

**MADAM ACTING SPEAKER:** Supplementary, Ms Berry.

**MS BERRY:** Minister, what are some of the initiatives that have helped boost these figures for the year ended December 2012?

**MR BARR:** Certainly, a number of major events during 2012 have contributed. The Renaissance exhibition, which attracted over 213,000 visitors and contributed \$75 million to the territory economy, making it the second most popular exhibition ever staged at the National Gallery of Australia, was clearly a driver.

Equally, the handwritten exhibition at the National Library, which was opened in the first third of 2012, brought an estimated \$18.6 million to the territory economy and attracted a record 73,000 visitors to the library. The Toulouse-Lautrec exhibition has

been extremely popular over the 2012-13 summer. The NGA estimates that this exhibition will attract more than 200,000 visitors, more than three-quarters of whom have come from outside the ACT. At this stage they are anticipating an economic contribution to the territory of over \$50 million.

The 2012 Enlighten festival was also popular, with around 30,000 people enjoying the activities on offer. The 2013 festival, given it had four days of better weather than 2012, will attract an even larger number.

**MADAM ACTING SPEAKER:** A supplementary question, Mr Gentleman.

**MR GENTLEMAN:** Minister, how does the ACT government plan to further increase visitation to Canberra?

**MR BARR:** I thank Mr Gentleman for the question. We will continue the blockbuster fund, the million-dollars-a-year fund available to market major events for the city. We will continue our investment in the ever popular Enlighten festival. I think this year's festival will set a new record for attendance at Enlighten. It is certainly going from strength to strength. We will continue our focus on international aviation. We will continue our support for the Canberra Convention Bureau and for the national capital education tourism project. We have also committed to working with the ANU and other stakeholders to establish the Mount Stromlo science centre and planetarium in this term of government.

I am convening a meeting of the aviation task force tomorrow to continue work on our push for international flights into Canberra. As I indicated to the Assembly earlier this week, our trade delegation to Jakarta and Singapore will also have a tourism focus.

**DR BOURKE:** Supplementary?

**MADAM ACTING SPEAKER:** Supplementary, Dr Bourke.

**DR BOURKE:** Minister, what other events are planned this year that will contribute to these national visitor survey results?

**MR BARR:** I thank Dr Bourke for the question. 2013 is undoubtedly the strongest program of events and festivals that the national capital has ever seen. With the success of events already—such as some firsts for the city, including the Australian cricket team playing here under lights at Manuka Oval; and the first AFL match under lights at Manuka, attracting a record crowd for a pre-season match—the sports program is outstanding. Coming up in April we have the Rugby League test match between Australia and New Zealand. Later in the year netball will feature—Australia versus New Zealand, the final match in the five-match trans-Tasman series. There is also a wealth of program activity around Anzac Day. Easter will be another strong period for events and activities.

And, as members have discussed at length in this place yesterday, the quality of the program for the centenary year is unparalleled in territory history. The challenge will be after this centenary year to build on these events and build on the momentum that

has undoubtedly been generated around Canberra. I look forward to launching that new brand later in the centenary year and building on the magnificent achievement that is Canberra's centenary.

### **Licensed premises—occupancy**

**MR GENTLEMAN:** My question is to the Attorney-General. Attorney-General, I am aware of a recent newspaper report of a large meeting being planned for next week at a Canberra hotel and concerns being raised about whether the premises proposed for this meeting will be adequate for the number of people anticipated. Attorney, can you please advise what process is undertaken by the Office of Regulatory Services and ACT Fire and Rescue to ensure that occupancy loadings for licensed premises are appropriate and what other factors are taken into account?

**MR CORBELL:** I thank Mr Gentleman for the question. Yes, this is obviously a matter which many Canberrans will be concerned about. Of course, ensuring that there is not overcrowding in licensed premises is a concern for the government. The Liquor Act requires that licensed premises have an occupancy loading which is determined, upon receipt of a liquor application, by the Chief Officer of ACT Fire and Rescue.

I would be very happy to advise Mr Gentleman what factors are taken into account and also what factors are completely irrelevant. First of all, of course, it is important to ensure that the licensed premises abide by the Building Code of Australia in relation to assessing the safe occupancy of the premises. This is a formula based upon floor area, total exit widths, distance of travel and class of occupancy.

The application also needs to take account of harm minimisation—not, I should say, harm minimisation to people's political aspirations, nor harm minimisation in relation to protecting the existing endorsement for Senate candidature, but harm minimisation and community safety principles only.

Of course it is also important that the facilities available to the patrons are sufficient, including the provision of toilets which I understand in relation to this meeting may be needed to avoid perhaps unfortunate encounters between competing candidates.

So there are a range of factors that the Chief Officer of Fire and Rescue does have to take into account. Of course there also needs to be a sign provided by the licensee identifying the occupancy loading area. I think the provision of written information is very important. We trust in fact that this will be perhaps something that the convenors of this meeting that has been reported, which Mr Gentleman refers to in his question, may wish to take into account—making sure that perhaps people are aware when meetings are being convened and who is entitled to attend. We would not want there to be a lack of display of relevant information for people attending these types of meetings.

These are the types of matters that the Commissioner for Fair Trading and the Chief Officer of Fire and Rescue have to take into account. Contrary to assertions by others, this is all about ensuring harm minimisation and the needs of patrons, and not, of course, dealing with any issues around a disaffected rump.

**MADAM ACTING SPEAKER:** A supplementary question, Mr Gentleman.

**Mr GENTLEMAN:** Attorney, what are the penalties for exceeding an occupancy loading, and what are the risks posed in exceeding an occupancy loading in the circumstances raised in these newspaper reports?

**MR CORBELL:** Again, I thank Mr Gentleman for the question. Of course, there are a range of risks posed in exceeding an occupancy loading. First and foremost you could face a strict liability offence under the Liquor Act 2010. The maximum penalty for exceeding an occupancy loading is 50 penalty units. A penalty unit is \$110 for an individual and \$550 for a corporation and is liable to the licensed premise.

But, of course, there are other risks posed in exceeding an occupancy loading in the circumstances raised in these newspaper reports. The first is the potential embarrassment of losing one's endorsement as a Senate candidate. Of course, another risk is the even more embarrassing prospect that one's former leader remains on one's backbench despite efforts to the contrary to exit this place. So there are clearly a range of risks—

**MADAM ACTING SPEAKER:** Just by rising to your feet, Mr Hanson, does not let me know what you want. Are you raising a point of order?

**Mr Hanson:** On a point of order, Madam Acting Speaker, I ask that you—

**MADAM ACTING SPEAKER:** Stop the clock, please.

**Mr Hanson:** consider whether these are matters that relate to the minister's portfolio. They are matters internal to the Liberal Party. I ask whether, under the standing orders governing question time, the answer and, indeed, the question are relevant in this case to the minister's portfolio.

**MADAM ACTING SPEAKER:** Attorney, I actually think it is stretching it a little bit. I do not think a matter in relation to whether someone is preselected or not has anything to do with the occupancy of a building and the safety of the patrons within it. If you could come back to the subject, please.

**MR CORBELL:** Madam Acting Speaker, exceeding an occupancy loading is a serious matter. It puts a whole range of things at risk—potentially the safety of those attending the venue and, of course, not just their physical safety but, in the circumstances described in the article Mr Gentleman is referring to, perhaps their political safety or future prospects. These are all matters that need to be properly and seriously taken into account.

**MR SMYTH:** Supplementary, Madam Acting Speaker.

**MADAM ACTING SPEAKER:** Mr Smyth, supplementary.

**MR SMYTH:** Minister, what is the occupancy loading of the Labor caucus room in Parliament House? Have you sent inspectors to ensure that the loading is not being contravened at 4.30 this afternoon? And who will clean up the blood after this afternoon's vote?

**MADAM ACTING SPEAKER:** I do believe the Labor caucus room in the federal parliament is nothing to do with this attorney. The question is out of order.

**MR HANSON:** A supplementary question.

**MADAM ACTING SPEAKER:** Mr Hanson.

**MR HANSON:** Minister, on Thursday, 25 January, at the Canberra Business Centre at Regatta Point, the Chief Minister handed out, as I understand, medallions for the 100-year ceremony, for the centenary. My understanding is that the room exceeded the 100 allowed. What investigations have you conducted to confirm whether that is the case, and what action will you be taking now that you have been advised of that?

**MADAM ACTING SPEAKER:** Mr Hanson, may I remind you that you are not allowed a preamble in the supplementary. You are only allowed the question itself. The question was in relation to the number of people that attended the ceremony, is that correct?

**MR HANSON:** Yes, in that room, and whether it exceeded the number allowed.

**MR CORBELL:** Clearly, if a complaint has been lodged, I will ensure that it is appropriately investigated. If Mr Hanson was aware of such a matter nearly two months ago, is this the first time that he has raised the matter? It is a serious matter. Breaching occupancy loading is a serious matter. If Mr Hanson was aware of it nearly two months ago, has he raised that before now? That is the real question that he has to answer. But if he would like to provide me with any particulars, I am very happy to refer it to the Office of Regulatory Services.

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

### **Supplementary answer to question without notice Roads—Barry Drive**

**MR RATTENBURY:** Yesterday during question time Mrs Jones asked me about delays on Barry Drive and I undertook to provide her with further information. I am informed there was a delay with the Barry Drive project for two reasons. Firstly, members may recall there was actually a death of a construction worker in that area, working for a company working on one of the intersections. This tragic event did cause some delay. The second reason is that there was some time taken to relocate some services in the area that had not been initially identified. She also asked me about the budget for the project and I am informed that the Barry Drive transitway project is currently on budget.

Mr Wall subsequently asked me whether there were any further transitways planned for Canberra. I can provide Mr Wall with some further information. In the transport for Canberra plan, in appendix C, pages 72 to 74, it outlines the indicative plans for transport infrastructure, including transitways, for three time frames—2012, 2021 and 2031. The 2012 plan includes Gungahlin to the city, which has now been superseded by light rail, Belconnen to the city, which we were discussing, a section of Haydon Drive at Bruce, which is being progressed, and Canberra Avenue, which is being designed and construction will start this year.

**Mr Smyth:** A point of order, Madam Acting Speaker.

**MADAM ACTING SPEAKER:** A point of order, Mr Smyth.

**Mr Smyth:** Yes. For the interest of members, apparently Sportsbet has Rudd at \$1.22, Gillard at—

**MADAM ACTING SPEAKER:** No, that is not a point of order. Mr Smyth, sit down. Mr Smyth, that is wasting the time of the Assembly.

## **Paper**

**Ms Gallagher** presented the following paper:

Emergency access plan 2013-2017—Health Directorate, dated March 2013.

## **Planning and Development Act 2007—variation Nos 315 and 316 to the territory plan Papers and statement by minister**

**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): For the information of members, I present the following papers:

Planning and Development Act, pursuant to subsection 79(1)—Approvals of Variations to the Territory Plan, together with background papers, a copy of the summaries and reports and a copy of any direction or report required—

No 315—Aranda Section 1 Block 24 (part) and Blocks 17-19—Establishment of emergency services facility as additional merit track development for various blocks in Aranda, introduction of an Aranda precinct code and removal of the public land reserve status from part of the block, dated 27 February 2013.

No 316—Establishment of emergency services facility as additional merit track development for a new parcel of land shown in the precinct maps for Calwell and Conder and amendments to the precinct codes for Calwell and Conder, dated 27 February 2013.



In accordance with the provisions of the act, these variations are presented with the background papers and copies of the summaries and reports. I ask leave to make a statement in relation to the papers.

Leave granted.

**MR CORBELL:** Today I am tabling two variations to the territory plan that will deliver new emergency services facilities to the ACT community. The Emergency Services Agency has completed a station upgrade and relocation strategy and an implementation plan to determine where ambulance and fire stations should be located in the territory for at least the next 20 years. This is to improve emergency services coverage and response times in the community. Following detailed site investigation and analysis, it was determined that these sites would be the most suitable locations available for the relocation of current facilities.

The ambulance station in Lathlain Street, Belconnen is considered no longer fit for purpose and the existing fire station in Greenway in Tuggeranong will be refitted for use as a new ambulance station.

The first variation is for land at Aranda and the second is for land in the area of Calwell and Conder. While both the variations allow development of an emergency services facility at the subject site, the existing list of prohibited developments are retained as no change in zoning has been made to the subject land parcels.

Variation No 315 enables the development of the Aranda ambulance and fire station by including an emergency services facility as an additional merit track development for the subject site located on Bindubi Street near the corner of Belconnen Way. The draft variation was released for public comment between 20 July and Monday, 3 September 2012. Fourteen written public submissions were received, which included submissions from the Aranda Residents Group and Friends of Aranda Bushland. The main issues raised by submitters included concerns regarding the loss of open space, recreational land and trees, impacts upon traffic, road safety and parking, noise generated by sirens, visual amenity and issues regarding the site selection and consultation process.

In response to these issues I can advise that concerns such as tree removal, vehicle egress and visual amenity would be subject to detailed consideration at the development assessment stage for the operation of the station. No further planning studies are considered necessary for this stage of the planning process and no changes were made to the variation resulting from issues raised during public consultation.

Variation No 316 allows development of a fire station near the intersection of Tharwa Drive and Drakeford Drive traversing the suburbs of Calwell and Conder. This is achieved by amending the territory plan to include an emergency services facility as merit track development for the subject site and establishing planning controls in the precinct codes.

The draft variation was released for public comment between 20 July 2012 and 3 September and three submissions were received of which two indicated support for the proposal. The main issue related to site selection. The preferred location has been substantiated in the planning report prepared by the ESA.

The Conservator of Flora and Fauna endorsed an extra provision in the Calwell and Conder precinct codes as part of draft variation 316 to protect conservation values surrounding the site. The new facilities will be vital to the services our emergency response personnel provide. It is important that they are strategically located near major transport corridors to help improve response times to critical and often life-threatening incidents.

Under section 73 of the act I have chosen to exercise my discretion and not formally refer the draft variations to the Standing Committee on Planning, Environment and Territory and Municipal Services. I believe the issues raised during the consultation process have been adequately considered and that there are no outstanding issues. I commend the variations to the Assembly.

## **Health system**

### **Discussion of matter of public importance**

**MADAM ACTING SPEAKER:** I have received letters from Ms Berry, Dr Bourke, Mr Doszpot, Mr Gentleman, Mr Hanson, Mr Seselja, Mr Smyth and Mr Wall proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mr Hanson be submitted to the Assembly, namely:

The state of the ACT Health system

**MR HANSON** (Molonglo—Leader of the Opposition) (3.30): It gives me great pleasure to rise today to talk about the state of our health system because, for so many Canberrans, there is little more important, particularly with an ageing population, than the state of our health system. I think it is important that in this place we continually remind ourselves—and we might have debates about things that are not front and centre for people’s livelihoods, like container policies in the Northern Territory or other such things, or frivolous question time dorothy dixers about internal party matters—what actually matters and what the business of this government is. We should be focused directly on things like the health system, front and centre.

When we look at the state of our health system, when we look at the lack of support being provided by this government and when we look at some key statistics, we can only be disappointed. Although there are some success stories and although we have some fantastic staff working day and night to try to deliver good health services, it is no wonder that this jurisdiction is failing and failing badly.

The reason that I put this MPI in today—and I am very glad to have got the call—originates from a couple of things but most particularly from last Friday and the confusion surrounding whether this government is going to go ahead with the tower

block at the Canberra Hospital and in what time frame. I think it is extraordinary that, after so many years of this government saying, “We have got this billion dollar health infrastructure plan and”—they call it the capital asset development plan—“the heart of it is the tower block at the Canberra Hospital. And this is where we are going to put the new beds and the new acute beds, the operating theatres. This is going to be the thing that really gets us the beds that we need into the future,” the minister sat there saying, “I do not know. I am not sure what I am doing now. Maybe we should do it at Calvary. Maybe we should put more beds at Calvary. I am not really sure what I am doing anymore.” I just do not understand how this government and this minister, who has been talking about this for so long, is now in a place where she no longer knows what she is doing.

We have just had a suspension of standing orders up on the hill by a Prime Minister and a government that are blocked, that do not know what they are doing and that are at a point of seizure. And what we have seen here is the same sort of lethargy from this government, the same sort of paralysis. Look at the agenda of this government over the last sitting days, the Tuesdays and Thursdays. Despite their best efforts, look at the absolute lack of impetus, of energy, of any sort of agenda from this government. And when you talk about infrastructure, let me remind you—

**Mr Barr:** Jeremy, it is going to be a long four years for you, isn't it, with Zed looking at you?

**MR HANSON:** It is about to get very long for you, Chief Minister. You wait and see some of these facts that are coming out about the women and children's hospital, some of the absolute tales of appalling treatment of some of the patients in there that will wipe that grin off your face, minister, wipe your smug smile off your face. While you sit there smiling and smirking, patients are currently waiting in the emergency department, longer than anyone in the nation.

So while the minister sits here thinking it is all a big joke, while she thinks it is funny, women are being pushed out of the women and children's hospital sooner than they should, with their young babies. People are waiting in the emergency department, sick, waiting for a bed, waiting to get treatment and they are not getting it, while the minister sits here thinking it is all a big joke. She thinks it is funny, with a big smug look on her face.

Look at her delivery of health infrastructure in the women and children's hospital, the bush healing farm, the central sterilising unit, the north side hospital—we still do not know a date or how much that is going to cost—and the walk-in centres. Remember she promised three of those? Remember in 2008, “We will have three walk-in centres.” We have had one delivered, another broken promise. And just on the women and children's hospital, the model of care was ignored. That was an extraordinary failure under this government.

But what has been delivered today by the minister, just shortly, is the emergency access claim. The reason that has been put here is that in the last sitting we tried to have the Auditor-General look at the fiasco in our emergency department, this fiasco created by the minister, and she refused to do that because she does not want anyone externally looking any closer at what is going on in that emergency department.

Let me remind you why. It is because it is the worst performing, in terms of the key indicators, in the nation. And the last quarterly report shows that, for people seen on time, it has deteriorated from 54 per cent, which was the worst in the nation, to 50 per cent. Across all categories we saw deterioration. So if you are category 3, if you are meant to be receiving urgent care, only 42 per cent of people are seen on time. That is disgraceful, absolutely disgraceful. For category 4, semi-urgent, only 44 per cent are seen on time. And I notice that all the Labor members, other than Ms Burch and Ms Gallagher, have disappeared upstairs, no doubt to watch the federal Labor Party implode.

But let us see what the Auditor-General said. The Chief Minister is having another little smirk. The Auditor-General said in relation to the emergency department:

Since 2000-01, based on the Health Directorate's publicly reported performance information, there has been variable performance against waiting time indicators, and it is apparent there has been an overall decline in performance over the last ten years.

Since this mob got into government! The Auditor-General had a look at it and said, "Decline, decline, decline." No wonder the minister did not want to have the Auditor-General have a look. And why was the Auditor-General there in the first place? Why was she there? Members, let us remind ourselves that there was a fabrication, a massive fabrication. Let me quote:

There is evidence to indicate that the hospital records relating to Emergency Department performance were manipulated between 2009 and early 2012. It is likely that up to 11,700 records in relation to the Emergency Department presentations were manipulated during that period.

The consequence of that manipulation is that the emergency department is the worst performing in the nation. At the time that this originated, the minister said, "It is just paperwork. Do not worry about it. It is just statistics." But she has changed her tune now and admits that because she was fooled—and we were all fooled—about the state of our emergency department, the resources did not go in there and as a consequence patients, Canberrans, are waiting longer than anywhere.

Why did the senior executive, Kate Jackson, falsify the results? Why did she? Let us have a look at what she said. She said:

The whole organisation at a senior level is focused on performance. It's seen as an imperative politically—

an imperative politically—

to ensure that we meet the target and I think people felt at different levels increasing pressure that needed to be met.

So people were under pressure, for a political imperative, to make this government look good and make this minister look good. And maybe there was fear. She said:

While accepting it does not excuse or in any way mitigate my actions the feeling of fear, isolation and distress I was experiencing clouded my judgment and my reality.

This is the health system that this minister is in charge of and has been in charge of for six years, one in which Kate Jackson had feelings of fear and isolation. And Kate Jackson goes further:

The environment in the Executive at the Canberra Hospital has increasingly become one where I felt fearful for myself and for other people that I work with.

That is absolutely extraordinary. Kate Jackson, as we recall, was not just any individual but was a close, personal friend of the Chief Minister. Indeed, in the year that Kate Jackson started the fabrication, the Chief Minister and Kate Jackson had enjoyed a holiday together in the south of France. That is extraordinary, absolutely extraordinary, in itself but it is made worse and the error compounded by the fact that the Chief Minister did not think it was necessary to advise the Auditor-General of that.

So you have got a senior executive who says, “It is a political imperative for me to doctor documents on a massive scale to make this government look good.” You have got an Auditor-General called in to investigate that and the Chief Minister does not think it is appropriate for anyone to know that she is her close, personal friend and they holidayed together in the south of France that same year—this individual, who said she fabricated the results to make the government look better—but the Chief Minister did not think it was necessary to tell anyone. How is that even possible?

In any other jurisdiction, I would say to you, if this was Reba Meagher or this was Julia Gillard, the minister would not have survived. And she should not have. In this place there was a vote of no confidence in the Chief Minister and if it were not for her mates in the Greens, then she would not have survived. In any other jurisdiction, on any other measure, on any other benchmark, she should have been gone. So whether it be the performance of the ED, whether it be the disgusting fabrication or whether it be the Chief Minister’s complete failure in judgement to acknowledge that she had a conflict of interest—she should have declared it at the outset, particularly to the Auditor-General—it is just extraordinary.

We have been working hard in the opposition to expose problems in the health system, not just in the emergency department but in other areas. We recall that in the area of elective surgery we raised concerns about patient categories, urgency categories, being down-rated. Again, there were denials from this government, but what we found from the Auditor-General was:

... the classification of clinical urgency categories did not always reflect ACT Health policy and procedures, and therefore raised doubts on the reliability and appropriateness of the clinical classifications ...

In 2009-10, 250 patients in Category 1 were reclassified and a significant number of these reclassifications ... occurred without documented clinical reasons.

In particular, downgrades of patients' urgency category, often without documented clinical reasons, raised considerable doubts about the reliability and appropriateness of the clinical classifications ...

The Auditor-General found systemic problems:

ACT Health conducted an internal review of the outpatient services at TCH and a draft report in October 2010 found deficiencies in strategic planning, inconsistent application of policies and procedures ... ad hoc processes for managing the waiting lists, and poor and inefficient communications with clinicians ...

So across the board we have seen these same systemic problems, which have resulted in patients ultimately missing out, patients waiting longer than they should. We have seen some improvement in GP numbers lately, and I welcome that. I really welcome that, but for how many years did the opposition have to bang on in this place and say, "Do something about general practice"? We instigated an inquiry in this place and it was only then that the government, that very next day, started their task force. But we had a minister who repeatedly said, "Ain't my problem. I have no responsibility. There is nothing I can do". We demonstrated there were things that she could do. She finally did it and we are seeing an improvement. But again, why did it take so long for that to occur?

We have the bullying in obstetrics. Again, we have the denials. We have the minister saying, "Stop throwing stones and stop damaging the unit. All I've seen is mud being slung around and no substantiation." But we had 13 obstetricians who resigned. It is extraordinary.

She then, and the Chief Minister at the time, attacked the doctors and wanted an audit of medical board complaints over the 10 years, to go after the doctors. It was described by the AMA, by the doctors, at the time as a witch-hunt. Then the truth came out, and it was:

The clinical governance at the Canberra Hospital maternity unit appears to be inadequate ... There is evidence of systemic resistance to address staff performance issues ... There was an apparent lack of cohesion amongst the executive team at the Canberra Hospital ... There appears to be considerable confusion over the role and delineation of some senior management positions ... It appears that the chain of command often fails ...

And on and on. We saw doctors groups calling on the minister to resign.

We go back in time and we remember the Calvary fiasco. The government are now saying they want to do everything at Calvary but, after the election before last, we had this minister trying to purchase Calvary and use Clare Holland House as a sweetener. Even that was too much for the Greens, and the deal fell apart. But bizarrely now you have members of the Labor Party saying it should wither and die on the vine but it seems to be where they want to put the beds, and they are not talking about the concerns with the tower block.

So across the board, with regard to the state of our health system, when you look at it under this government, what we have seen is decline and what we see are systemic problems that need to be addressed and are not being addressed under this minister. *(Time expired.)*

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (3.45): I welcome the opportunity to talk about the health system, because of my intense interest in it and my deep passion for it. I would say that it has been a week for stump speeches over there in opposition land. In fact, I think we should start to consider nicknaming Mr Hanson “Stumpy”, because he walks in here and gives exactly the same speech. The only thing he seems to have forgotten is that there has been an election and I have been judged. I have been judged against all of the examples that Mr Hanson reads out ad nauseam, again and again. The community have had their opportunity to judge me and my performance, Mr Hanson, and I will leave it at that.

Mr Hanson started by saying, “We can only be disappointed.” That is the way he opens his speech about the ACT’s public health system: “We can only be disappointed.” That is how he would sum up the public health system here. He then went on to talk about the disgraceful conditions that women are experiencing at the women’s and children’s hospital. I will be very interested in receiving his clinical expertise in discharge practices for women, because he seems to have made some judgements about that on his own, and also any complaints that he has received around that. We discussed this at annual reports and, of the 1,000 babies that have been born at the women’s and children’s hospital, we have had seven complaints come in, in terms of women feeling that they were discharged early.

So that is where we start. The Liberal Party think they can only be disappointed by the public health system. I am not coming in here to read a stump speech, because I actually care about the public health system a little more than the people who file Jeremy Hanson’s speeches under “2012 stump speech”. “Look, it’s the same as the 2011 stump speech. Look, the 2013 stump speech is exactly the same as well.”

I care about it a little more than that, and Mr Hanson had 15 minutes to outline his leadership, his vision and what he would do in the health system. He did not take the opportunity because he does not have an idea. It is very easy to stand up and criticise, point the finger and blame the end of world peace on the health minister here. It is very easy to do that. We can all do that. One of the parts of our jobs is to be able to criticise each other. It is a lot harder and what we do not see and have not seen from the opposition are any views on what they would do, and any vision that they might have for the health system.

In fact, let us go back to the election. What did we see? Mr Hanson had no ideas, so he adopted ours. That is what he did. We had that rather embarrassing situation where they had to race out to Calvary in the last week and copy our Calvary policy because they had forgotten one. But then they had to, instead of—

*Members interjecting—*

**MS GALLAGHER:** That is right; they had to make it look a little bit more, but no-one took you seriously. No-one for a moment thought you had those individual thought bubbles yourself. You took the Labor Party's policy and you tried to make it your own. So after years and years of moaning and whinging about the Labor administration in relation to health, do you know what your answer was? Your answer was to copy exactly what our plans were. That is exactly what your plans were—to copy ours. So every single policy was matched.

Today I think it is more relevant that we discuss what our public health system is doing. What has it done in the last week, Mr Hanson—this system that you can only be disappointed in? “Fiasco” I think is the other word you used. Let us think back to what that health system has done. Every day, whilst you are sitting in here throwing stones, nearly 200 people present to our emergency department, every single day at Canberra Hospital. Car accidents, people with broken bones, lacerations, cancer—they are the people that turn up every day. And what happens? They get treated, and they get treated well. While you are sitting in here telling people that they can only be disappointed if they go to the public health system, their lives are being saved. Lives are being saved right now, Mr Hanson, in that system that you can only be disappointed in, in the “fiasco” of the public health system.

In the last week 69 babies have been born, delivered, in excellent care, in excellent facilities by excellent staff. Is that a system you can only be disappointed in, Mr Hanson? What about the 50 people who have started their radiation therapy? What about them? Are they disappointed in the system?

*Mr Hanson interjecting—*

**MR ASSISTANT SPEAKER** (Mr Gentleman): Mr Hanson, you have had your time.

**Mr Hanson:** Mr Assistant Speaker.

**MR ASSISTANT SPEAKER:** Mr Hanson?

**MS GALLAGHER:** Can you stop the clock, please?

**Mr Hanson:** You were calling me to order for interjecting, but, as you would know, as the Assistant Speaker, under standing order 42 there is a requirement for the Chief Minister to address her comments through you. I would ask that if you are going to call someone to order, then you would call the Chief Minister to order for constantly—

**MR ASSISTANT SPEAKER:** Thank you for your comments, Mr Hanson.

**Mr Hanson:** addressing her comments to me in the last five minutes—

**MR ASSISTANT SPEAKER:** Mr Hanson, I will ask you to take your seat.

**Mr Hanson:** rather than the interjections that I may be making in response.



**MR ASSISTANT SPEAKER:** Mr Hanson, take your seat. I am happy for a wide-ranging discussion in MPIs but the interjections are overcoming the Chief Minister's discussion and if it happens again I will warn you.

**Mr Hanson:** On your ruling, Mr Assistant Speaker, I am responding because the Chief Minister is standing there and addressing me directly and making accusations at me directly instead of adhering to the standing orders and you are blatantly ignoring that.

**MR ASSISTANT SPEAKER:** Thank you, Mr Hanson. Chief Minister.

**MS GALLAGHER:** Thank you, Mr Assistant Speaker. In the last week 346 patients have presented for assessment and treatment at the walk-in-centre. Over 17,000 in the last year have been treated at the walk-in-centre. In the last week 346 people, 52 new patients commencing their cancer treatment, 38 receiving radiotherapy and 14 receiving chemotherapy—that is the amount of people who have had their lives changed in the last week with a cancer diagnosis. And that system, which you say they can only be disappointed in, is where they are getting their care from and that is where they have excellent care.

**Mr Hanson:** Mr Assistant Speaker—

**MR ASSISTANT SPEAKER:** Mr Hanson.

**Mr Hanson:** on a point of order, the Chief Minister again is standing there addressing me directly while you are reading your magazine. Could I ask that you call the minister to account and ask that she address her comments through you.

**MR ASSISTANT SPEAKER:** Stop the clock, Clerk. Thank you, Mr Hanson. I will make two comments. Firstly, the work that I do here in the chair I do not believe should be commented on by you. I will ask the Chief Minister to refer her comments through the chair.

**MS GALLAGHER:** Thank you, Mr Assistant Speaker. With respect to the system that the Leader of the Opposition claims people in Canberra can only be disappointed in, the point I am making is that people, every minute of every day, are accessing high-quality services in that hospital and across the health system. For him, as a community leader, to come into this place and say that it is a system that people can only be disappointed in is a disgrace.

I received a letter from a couple whose baby recently spent time in the neonatal intensive care unit. I would like to put that on the record:

I would like to take this opportunity to acknowledge the outstanding work conducted on a daily basis by your staff at the Canberra Hospital, especially in the Neonatal Intensive Care Unit. On Friday the 22nd February 2013, my wife and I were transferred from a NSW Hospital to Canberra Hospital following complications with our pregnancy. The following night our son was born, 8 weeks premature and weighing only 970 grams.

From the time of admission into the delivery suite on the Friday, to the transfer back to our local Hospital, we were treated with great care, knowledge and understanding by every staff member including doctors, nurses and cleaners.

The birth of our son did not occur how we had planned. Not only did he arrive 8 weeks early, but we were hours from home in a city we did not know. We did not have a support network of family and friends, nor did we have a place to stay. This is where the staff of Canberra Hospital stepped up, making the extra effort in their required duties. We were directed to Ronald McDonald house for accommodation, and even provided with details for local shops and facilities. Throughout the stay we were updated via phone on our son's progress and allowed access to him on a 24 hour basis.

The parents' story goes on but in the interests of time I do not have the opportunity to read it all out. But this is the public health system that we in this place should be proud of.

When I went to a local meeting of regional mayors a couple of months ago, it was interesting on a number of fronts but one of the things that struck me was that the mayors, representing their local community, had more compliments for our health system than the combined forces of the opposition here. I do not know even know what these mayors' political persuasions are, but those regional communities that rely on Canberra Hospital and the health service here to keep their communities safe and healthy have more time for and are more interested in seeing our health service do well than the entire Liberal opposition have ever contributed to this debate. It was so stark that it struck me: why would the mayor looking after Moruya love our hospital so much? And it is because his community rely on it.

I thought it was an especially strong message that was sent from those regional leaders. It is just such a shame that the leadership we get from the Canberra Liberals is that we get speech after speech, stump speech after stump speech, that has been filed away by dutiful staff, looking at how to talk down a health system that does not deserve it. We have the Leader of the Opposition come in here and say it is a system that we can only be disappointed in. Well, shame on you, Mr Hanson.

**MR RATTENBURY (Molonglo) (3.57):** I would like to thank Mr Hanson for raising this issue today. In general, I believe it is important to note that the ACT has a very good health system. Generally, when you talk to anyone who has recently suffered from any really serious medical issues you find that our hospitals really do look after our patients in a very caring and efficient manner. The ACT, fortunately, has a relatively healthy population. Of course, we all know that Canberra is a great place to live and very conducive to a healthy lifestyle. There are not many places in the world where such a large population can easily head out from their offices to run or cycle around the lake in their lunch hour, for example.

Having said this, I certainly hear the comments from Mr Hanson about the long waiting times at our emergency departments if you arrive at the wrong time or on the wrong day. I know that sometimes you can go in and be treated within an hour.

People have told me those stories. But equally, I have heard the stories of people waiting for much longer periods of time. The triage system is certainly set up so that the more serious patients are treated first but, of course, the flow-on effect of this is that if you only have a minor injury or ailment, then it can be a long wait indeed.

In my view the solution to this does not rest solely in making our ED more efficient, as Mr Hanson likes to suggest, although that could help and I am sure there are improvements to be made. One way I think there is scope to make a difference in our health system is in walk-in centres. We have all heard about the success of the nurse-led ACT Health walk-in centre at the Canberra Hospital. We have heard Mr Hanson's flip-flop on this issue. Firstly, he wanted to scrap it. Then he wants to roll them out across Canberra.

The Greens, on the other hand, have been consistent. As we understand it, nurse-led walk-in centres can help prevent minor illnesses turning into something more serious down the track. We know that nurse-practitioner clinics have been successful overseas, particularly in the UK. The early success of the walk-in centre at Woden and the high level of consumer satisfaction show that this model should be expanded in the ACT. This is important, given that there will be an increase in demand for acute services in the years to come. I hope that all three parties now agree that it is a good model, one which reduces pressure on our emergency rooms, one that should be echoed in Tuggeranong and Belconnen as priorities.

A review of the centre in 2011 found that, while the walk-in centre is an innovative and positive step, it would be more successful if it was not located at the Canberra Hospital. It seems that the issue of increasing category 5 patients at the emergency department is potentially a result of referrals from the walk-in centre. This can be overcome by relocating the centre away from Canberra Hospital, together with increasing the scope of practice of the nurses. Nurse practitioners are highly qualified and should be enabled to use their full qualifications, skills and training. It does not make sense to reduce the application of these skills.

Having now said how well the ACT health system works, the Greens believe that there are a number of small investments which can be made which will improve people's access and interaction with the current system. Some of these have been included in the Greens-ALP parliamentary agreement.

The agreement outlines work to be undertaken in conjunction with ACT Medicare Local and other specialised primary healthcare organisations to commence a mobile primary health clinic by 2015 to target disadvantaged groups within the community. This was part of the Greens election initiatives to directly provide medical care to people who are unable to access primary care services in order to improve health outcomes and quality of life for vulnerable people who have difficulty engaging medical assistance at an early stage.

This is a great way to provide health care to people before they become acutely unwell and this eases the demands on the hospital system. Unfortunately, many vulnerable people do not seek help when an illness first presents due to difficulties

with transport, access to information and payments for health services. Sadly, the 2009-10 ACT general health survey showed that 20 per cent of ACT hospital admissions were preventable; and seven per cent of ACT residents reported that they were unable to get transport to a health service. Sadly, it seems that quite often, despite pain or discomfort, people do not engage in the health system until their illness reaches a level where they require hospital treatment.

The mobile health clinic model works effectively in other cities. The West Melbourne street health van targets services at people who are homeless. People experiencing disadvantage live in all parts of Canberra and having a mobile primary health clinic means we can directly target people most in need of essential health care.

Another key area where the Greens have an interest is in preventative health and the question of obesity. A long-term method of reducing pressure on the acute health system, which the Greens have long had a focus on, is early intervention in health to ensure a higher emphasis on people's overall wellbeing. Of course, preventative health initiatives in diet, nutrition and physical activity also go hand in hand with looking after people's mental health.

The Greens have long argued that preventative health is an investment that pays high dividends for people, the community and the health system. A key part of preventative health starts at childhood and ensuring that we have healthy children who start life with healthy diets and sufficient exercise. To this end, one item in the parliamentary agreement is to work with other jurisdictions to implement a ban on junk food advertising directed at children.

The Greens would also like to see the model of breakfast clubs expanded across key parts of Canberra to ensure that all children, no matter what kind of family life they have, are able to start their days with healthy breakfasts. Another item in the parliamentary agreement prioritises health promotion funding to focus on healthy children through prioritising funding for healthy school canteens, food education and school gardens.

When it comes to mental health, this is an area the Greens made a priority area in the last Assembly, securing an increase of approximately \$33 million over the last four years through the previous parliamentary agreement. That funding has made a significant difference to the lives of people living with a mental illness, their loved ones and carers, and we are committed to continuing this progress on mental health, with the 2012 parliamentary agreement committing an additional \$35 million in new funding over the next four years. Mental health is an important priority area and we are pleased that this is continuing, noting of course that there is always more that will need to be done in this area.

The parliamentary agreement also outlines provision of funding for advanced care planning to enable ACT Health to develop and implement a range of appropriate care planning tools, including the respecting patient choices program and conducting a community-run education and awareness program.

Very briefly, I would like to raise the issue of a second hospice. Calvary Health Care already provides an excellent and high-quality service at Clare Holland House. However, as our population ages, this will be increasingly important. We know there is and will be an increased demand for palliative care in the future and we believe that it is time to look at a second hospice in Canberra.

Finally, I would like to turn to dental health. This may seem like a minor issue to some, but the effects on people and people's lives from poor dental health can be immense. Too many Australians go without dental treatment because they find it too expensive. This has been a big issue for the Greens nationally. Of course, the Denticare scheme is now getting there, thanks to the work of Senator Richard Di Natale and our Australian Greens colleagues, who last year negotiated major dental health reform worth \$5 billion with the Australian government. As part of this reform, 3.5 million children will be eligible for Medicare-funded dental care and \$1.3 billion will be invested into the public dental health system.

In the ACT, the Greens want to complement that work by boosting services at a local level. For adults who are eligible for the ACT's public dental service, only 12 per cent access it and they face an average wait of 12 months. The Greens support local health groups who are advocating for better use of dental hygienists as a way of providing improved preventative dental services.

In summary, I think the ACT health system is generally in a pretty good state, but there are certainly a number of areas where a relatively small amount of money could go a long way towards improving many people's lives. The health initiatives in the parliamentary agreement are some of those steps, but the Greens also look forward to other initiatives being progressed over the next few years, such as more walk-in centres with their proven track record of success.

**MR SMYTH** (Brindabella) (4.06): It is funny that the Chief Minister talks about stump speeches. Yes, Mr Hanson has made speeches before, as have all of us, about the state of health in the ACT, particularly the hospital system. But it is interesting that the number of stumps continues to grow. Ms Gallagher talked about this being a speech from 2010, then 2011, 2012 and 2013. It has changed from 2010 and 2011 and 2012 and 2013. It has got worse. We have seen the declines in waiting lists. We have seen declines in wait times. We have seen the government not meet targets and we have seen new issues appear every year.

The 2011 stump speech would have been well and truly superseded by the 2012 version, which included the doctoring of the ED numbers. If the Chief Minister fails to realise that that makes it a different issue, then she is fooling herself. Before then, we had the war on obstetrics and before that we had issue after issue after issue. This year, of course, the issue now is will the \$800 million heart of the Canberra Hospital, a 10-storey tower redevelopment, go ahead or not? That is why this issue is raised today and that is why it is important that we have these discussions. It is because we have got a health minister who has her head in the sand and refuses to acknowledge that after 11 years of transformational reforms, things have not got better in the health system.

That is not to blame the staff. We have the greatest admiration for the staff in the circumstances in which they work. The staff continually tell us—particularly the staff at the front line—that the bureaucrats, the department and the minister will not listen to them. That is part of the problem. Chief Minister, perhaps you have stayed around too long in this position, because you think you know it all. The sad reality is that you do not. The staff suffer and patients suffer because of your inability to get the reforms right.

The thing that concerns me now is that, having made great store out of “we have got this \$2 billion health plan”—it was \$1 billion at one stage but now it appears it is a \$2 billion health plan—you cannot find the money to fund it. I have serious concerns about the budget and I have serious concerns about the words you yourself used when you said the other issue was the available capital to the government at this point in time for the future health expenditure.

What is wrong with the state of the revenue that is coming in that you have got concerns about the available capital to the government at this point in time for the future health expenditure? That is right; we have got the rapidly disappearing surplus that just seems to get smaller and smaller and smaller every year as the deficits grow and this government is unable to constrain their spending.

If you have got concerns, Chief Minister, as the person who sits at the head of the table when budget cabinet is on, when cabinet meets every other time that it meets, then I think we all should be concerned. Clearly, what it shows is that you are not in control. If you, as the health minister, are not in control of the health system and the spending there, then we have all got serious problems.

It does beg the question: if we have not got guarantee of capital to the government at this point in time for the future of health expenditure, where is it going to—light rail, perhaps, or any other of the fanciful projects that this government says must be built no matter what the cost? We quizzed the Treasurer on the cost of light rail and he said that there was no price too big. He said that light rail was policy, that it was going ahead.

So we see the problem that this—call it “Green progressive”; call it “transformational”—government has in their inability to constrain their spending. They cannot get it right. They have not got it right. They are not getting it right now and I doubt that they will get it right into the future. We recall the independent study conducted by Deloitte Access Economics, entitled *Evaluating ACT hospital development planning*. They came to the following conclusion:

As with the ill-fated ACT power station proposal, lack of transparency regarding touted benefits, gross failings in analytical rigour, and inadequacy in consultation processes is not a recipe for consistent, sound policy formulation or for economically and socially desirable outcomes.

This is a government that is not delivering economically and socially desirable outcomes when it comes to the ACT hospital development plan. Now it appears that

they cannot fund it. So what do we do? We take the easy option. That is what this Chief Minister is doing. She said, "What we will do?" To quote her, "It will be easier to have more beds go to Calvary and the northside hospital before we focus on working on areas of core services at a tertiary hospital." So we are going to abandon core services for the easy option. The only problem with easy options is that they easily fall over and they easily lead to less desirable outcomes.

If the government had done its work and had done its work properly, we would not be in this position. We know that they are not interested in scrutiny, because when we tried to get the Auditor-General to look at the emergency department, we were told, "No, we have got a plan. We will table the plan." Now I see the plan, it looks a lot like more of the transformational reforms that we had over the last decade.

Remember that in 2002 we had the Reid report. We have been reforming this system for 11 years. If the system is as good as the health minister says it is, why have we had nothing but plan after plan? I cannot even keep count of them. We have had the emergency access plan 2013-17. I cannot even keep count of how many plans we have had to improve access, because there have been so many, and they have failed. The only thing that genuinely keeps the system afloat is the hard work of the doctors, the nurses, the allied health professionals and the other staff who work hard and work with the best of their ability in a system that is letting everyone down.

We know that the ED has the worst emergency department wait times in the country. I think the most damning indictment was that the Auditor-General found that the Canberra Hospital's emergency performance had declined over the last 10 years under Labor. It had declined. Ten years of transformational plans, and they led to decline. We have had incident after incident. We have had allegations of bullying. We have had data tampering in that time. Is it any wonder that people are frustrated? Is it any wonder that we have to raise these matters of public importance in the way that we have.

Yes, they may have become stump speeches. But I tell you what: there is a forest of stumps out there as plan after plan collapses and we have a Chief Minister and a health minister who is unable to answer the questions about when the system will get better. The problem that we have now is that the government has frozen the \$41 million budgeted for the design work of a new block to replace the 10-storey tower at the Canberra Hospital, the so-called \$800 million heart of the Canberra Hospital. If the heart of the Canberra Hospital's renewal is at risk, what does that mean for the tertiary health centre for this territory? What does it mean for those who go there seeking care?

Remember that they have done all this work over a number of years. This is not just something that popped up. They have spent millions of dollars on this work. But suddenly the excuses are now that it might be more appropriate for the government to be expanding services at Calvary hospital. Would you not have looked at that option in the first place? Are we seriously hearing from the Chief Minister that they did not consider that in the first place? That is what it sounds like.

Then having promised this reform, having started the work, having started the appropriation of the \$41 million needed for the design work, the Chief Minister and health minister is suddenly not convinced that it should go ahead at this point in time. How much faith can we have in any of your planning for the redevelopment of the Canberra Hospital and the health system of the ACT if suddenly you are not sure that the—

*Discussion concluded.*

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

Debate resumed from 28 February 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR RATTENBURY** (Molonglo) (4.15): The Justice and Community Safety Legislation Amendment Bill 2013 (No 2) is another update to the raft of legislation that is administered by the Justice and Community Safety Directorate. I am satisfied that these are appropriate amendments that will make the ACT statute book more efficient, clear and consistent. I have received useful advice on the amendments from Mr Corbell's office and from officials in JACS, and I thank them for that.

The changes include some minor streamlining of the process for people entitled to unclaimed money through the Public Trustee by amending the Agents Act, Legal Profession Act and Unclaimed Money Act. This streamlining is a good thing, I believe, as it should assist people to receive this money in a timely way. Essentially the amendments formalise a practice that the Public Trustee is already using, and I understand that the Public Trustee requested the changes.

The bill makes some minor technical amendments to the issue of restraining orders on property under the Confiscation of Criminal Assets Act. These improve the process of registration of these orders in a court and also make some clarifications. I understand that some of these changes were initially suggested by both the Shopping Centre Council and the ACT Law Society.

Similarly, another of the changes was raised by the Legal Aid Commission. The amendment will broaden the category of legal practitioners that can be appointed to the panels and review committees of the commission. Currently it is unnecessarily restrictive, and the new categories will be similar to the approach already taken in New South Wales and Victoria.

I will also mention the minor amendment to the Unit Titles (Management) Act 2011. This amendment addresses an issue that has arisen due to the misinterpretation by some of the provisions about sinking fund plans. It has resulted in some owners corporations struggling to get levy contributions from some unit owners. On that basis, it is a necessary amendment to clarify that situation. That is an issue that has been raised with me by unit title owners at times, and I am pleased to see this amendment coming through.



In summary, these are a series of—as these bills are supposed to be—minor and technical amendments. I think each of them in its own right is a useful, clarifying step to either clarify or tidy up matters. On that basis, I will be pleased to support the bill today.

**MR SESELJA** (Brindabella) (4.17): The Canberra Liberals will also be supporting this bill. The purpose of the bill is to make minor and non-controversial amendments to the legislation administered by the JACS Directorate.

The changes include changes to the Agents Act 2003—consequential amendments made to the Unclaimed Money Act 1950. This should provide for a refined and streamlined process for applying to the Public Trustee for unclaimed money.

Changes to the Confiscation of Criminal Assets Act 2003 will remove the temporary nature—14 days expiry—caveats over “tainted” land, which is land over which a court has issued a restraining order, and allow preservation for the purpose of the act.

Changes to the Crimes Act 1900 will clarify ambiguous provisions in the act. In considering a board of inquiry report, the full court must make one of four decisions, one of which can be to confirm the conviction, with the others involving other orders, including quashing the conviction. A later provision seeks to make it clear that this “menu” does not confer any rights on the convicted person to an order to change a conviction; however, one of the three was omitted from that clarification, causing potential confusion. This amendment, we are told, fixes that omission.

The Land Titles Act enables the registration of commercial trusts so long as they do not have an effect on the title to land. This is a provision that was requested by industry groups to clarify how their leases may be recorded.

In relation to the Legal Aid Act 1977, there are two main amendments. One is to allow anyone who is a suitably qualified member of the Law Society and holds a practising certificate to be appointed to the Legal Aid Commission’s panels and committees. The second is to ensure that the Auditor-General must comply with the secrecy provisions of the Legal Aid Act when doing performance or financial audits. These provisions have been changed in consultation with Legal Aid to assist them in their duties.

Magistrates Court (Working with Vulnerable People Infringement Notices) Regulation 2012 has changed to allow a person issuing an infringement notice to give either the name or ID number instead of both. It brings the provision into line with other enforcement schemes.

Changes to the Unclaimed Money Act make it clear that unclaimed money is to be paid to the Public Trustee. They also provide a refined and streamlined process for claiming unclaimed money; application to the Public Trustee; and provision of more information, proof of entitlement, if the Public Trustee requires. There is a requirement for the Public Trustee to make a decision with the ability to apply to the

ACAT for a review of the decision. The new process applies to unclaimed assets in the hands of a liquidator; money owing by a company to someone, for example superannuation; money owing to someone under the Agents Act 2003; or unclaimed trust money under the Legal Profession Act 2006.

Changes to the Unit Titles (Management) Act 2011 provide flexibility such that annual sinking fund contributions do not have to equal the exact amount of annual sinking fund expenditure, which is required to be planned at least for a rolling 10-year period. For example, lumpy expenditure plans can be managed through even contributions. These provisions were amended just last year, but I understand from the briefing taken by my office that further clarification is needed.

In summary, we will be supporting the bill.

**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) (4.21): The bill which we are debating today contains a number of minor and uncontroversial amendments to laws within the Justice and Community Safety portfolio. This bill makes a number of improvements to the ACT statute book, some of which will remove unnecessary red tape.

As the Attorney-General mentioned on the introduction of the bill, a number of amendments are proposed to the unclaimed moneys provisions in the Unclaimed Money Act 1950, the Legal Profession Act 2006 and the Agents Act 2003. These amendments are designed to ensure consistency between these acts about how unclaimed money is to be paid by the Public Trustee to a person to whom the money belongs. The amendments also remove any ambiguity about the process in each act for the person seeking to have his or her unclaimed money returned. The amendments also give legislative recognition to the practice used by the Public Trustee when paying unclaimed money to claimants who can prove that they are entitled to that money, and allow people claiming money to have decisions of the Public Trustee in relation to their claims renewed.

This bill substitutes existing part 5 of the Unclaimed Money Act with a new part 5 which sets out the process involved in applying for unclaimed money and decision making relating to the application. Existing part 5 provides for unclaimed superannuation money. The unclaimed superannuation money is now paid to and administered by the commonwealth, and all unclaimed superannuation money previously held by the Public Trustee can be paid to the commonwealth Commissioner of Taxation, under existing part 5.

The bill rewords existing section 124 of the Land Titles Act 1925. That section prohibits the Registrar-General from making any entry on the register of any notice of trusts. It is an important prohibition as it ensures the certainty of the land titles register. The Shopping Centre Council and the ACT Law Society have raised a concern with the current wording of 124 as it may have the unintended effect of preventing registration of certain commercial leases. It is common in modern commercial

practice for agreements to make references to the trusts in their terms, and it was not intended that section 124 should have the effect of preventing any such agreements, which are otherwise registrable, to be registered on the land titles register.

The amendment to the Unit Titles (Management) Act 2011 is intended to remove all doubt about the purpose of a sinking fund and a well-developed sinking fund plan, which is to ensure the ongoing maintenance and repair of common property into the future. The amendment is also designed to prevent unit owners seeking to avoid payment of their contributions to their owners corporation on a deliberate misinterpretation of existing provisions at the expense of the unit title.

The remainder of the bill improves the statute book by clarifying the existing law and ensuring that the objectives of laws made by this Assembly are achieved. The amendments to section 50 of the Confiscation of Criminal Assets Act 2003 are an example of how the act can be amended so that the objectives are achieved.

Finally, the proposed amendments to the Magistrates Court (Working with Vulnerable People Infringement Notices) Regulation 2012 will ensure that the personal information of inspectors is protected by providing that they may provide their full name or their identification when issuing an infringement notice.

I am pleased to support 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) (4.25), in reply: I thank members for their support of this bill. This bill provides for amendments that are minor and uncontroversial but they do improve the operation of a number of the territory's laws.

The JACS bills program is designed to improve the way that the statute book operates on a day-to-day basis. For example, the amendments to change the Land Titles Act will make life better for businesses that have been unable to register commercial leases for a technical reason not related to the purpose behind the provision. Businesses contacted government about this. We listened, considered and proposed the change.

Another example is the changes in relation to the Unit Titles (Management) Act. As members may remember, we have made changes to this act before. We have heard further comments about the need for further clarification about what goes into a sinking fund and how those clauses are interpreted. So again we have made changes to that legislation to provide for greater clarity and to reinforce the intent that the Assembly has already supported.

These types of examples demonstrate clearly the importance of JACS bills to the broader community. They improve the lot of many people in small but important ways and they are an important way of providing greater coherence and effectiveness of the territory statute book. 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.

## **Ms Gael Hardgrave—retirement**

**MADAM ACTING SPEAKER:** Before we go to the adjournment debate, I would like to advise that Ms Gael Hardgrave will retire from the Office of the Legislative Assembly on 5 April. Gael joined the Assembly's secretariat as senior editor in the Hansard and Communications section on 3 January 2006, following a long career in the federal and Western Australian parliaments and in the UK House of Commons. In her time with the Assembly, she has made a very important contribution to the high levels of accuracy and timeliness in the Assembly and committee *Hansard*. All members and our staff will remember Gael for her dedication to the Hansard service and for her unfailing daily reminders to us to send Hansard our speech notes. I am sure we would all like to thank her for her commitment and wish her well in her retirement.

## **Adjournment**

Motion (by **Ms Burch**) proposed:

That the Assembly do now adjourn.

## **Clean Up Australia Day Citizenship—ceremonies**

**MR WALL** (Brindabella) (4.28): I rise to acknowledge the hard work of 4,500 volunteers in Canberra who participated in Clean Up Australia Day in 2013. On Sunday 3 March I was very pleased to join with the Macarthur Scout Group at Fadden Pines along with a number of scouts and their parents. We pulled on the gloves and did our part in keeping the local area clean. It was somewhat reminiscent of when I was a boy scout doing a clean-up when we used to play games such as garbage bingo where the challenge was to be the first to collect an assortment of random items whilst cleaning up the local park.

It is estimated that 224 tonnes of rubbish was collected within the ACT over 102 sites. That is more than two tonnes of rubbish per site. At Fadden Pines the usual sights of chip packets, shopping trolleys and general rubbish could be found. However, I noted that the bulk of the rubbish was found along the side of the road and not necessarily in the park itself.

Clean Up Australia Day has a great record of motivating individuals and community groups alike to get out and do their bit to clean up their own backyards and communities. In the 24 years since the very first small-scale event was organised by Ian Kiernan to clean up Sydney Harbour, Australia has seen this event turn into one of

the best-known community days across the country. I pay tribute today to the work of the organisers of Clean Up Australia Day, particularly in the ACT, and those community groups and individuals, like the Macarthur Scout Group, who gave up time and energy to make a difference in their backyards.

I would also like to congratulate the over 40 people who today became Australian citizens for the first time at the Harmony Day citizenship ceremony which was held during our lunch break. It is always encouraging to hear the stories, the hopes and the aspirations of those who have chosen to become citizens of our great country. We often take for granted many of the freedoms that are available to us as citizens of Australia, and it serves as a great reminder to all of us just how lucky we are to live here. I congratulate them on making the decision to become Australians, and I wish them all the best for the future as they begin a new chapter in their lives as new Australians.

### **National Capital Rally**

**MR GENTLEMAN** (Brindabella) (4.30): I rise tonight to advise the Assembly of an event I attended a couple of weeks ago—the National Capital Rally, which was the first round of the Australian Rally Championship and it was fantastic to see it back in the ACT supported by the ACT government. I want to thank those in government that supported the event and the volunteers that worked there. I think we had about 180 volunteers that helped through the event. I will go through some of the teams that were involved, but before I go to that, I want to make a special thanks to Adrian Dudock, the clerk of the course, the Brindabella Motor Sport Club and the Light Car Club of Canberra that did all the work with those volunteers to get the event up and running.

I will go through the ACT entrants and will use a term that Mr Coe uses—I will quickly read the phonebook. ACT entrants: Neal Bates, Coral Taylor, David Hills, Paul Bennett, Bruce Power, Andrew Buckner, Adrian Coppin and Tim Batten, Mick Patton, Bernie Webb, Peter Kobold, James Thornburn, Derek Reynolds, Ray Baker, Richie Dalton, my daughter Kirrilee Gentleman, Michael Harding, Julie Boorman, Steven Forsberg, Craig Whyburn, Russel Winks, Stephen Hodgkin, Mike Behnke, Brett Southwell, Stephen Duthie, Damien Hanns, Mark Sessions, Aaron Tams, Meng Chung, Nick Vardos, Denis Stevens, Farren Rebeek, Blake Stevens, Amy Stevens, Rhys Pinter, Tony Best, David Wright, Marko Berndt, Brett Stephens, David Stephens, Stuart Collison, Caroline Vale, Matthew Grundoff, David Coltman and Dean Jackson. I think I got it out quicker than Mr Coe does.

Results: ARC, driver, Eli Evans—fantastic—co-driver, Glen Weston; the Australian four wheel drive national rally series driver, Mick Harding—my old driver—first and Ritchie Dalton, second; four wheel drive national rally series co-driver, Julie Boorman, first, my daughter Kirrilee Gentleman, second; Australian classic rally challenge driver, Claude Murray; Australian classic rally co-driver, Matt James; ARC by category driver, 1600 cup, Adrian Coppin from the ACT; international cup, Scott Pedder; SUV rally challenge, Brett Middleton; ARC by category co-drivers 1600 cup, Tim Batten from Canberra; international cup, former Canberran and international co-driver, Dale Moscott; and SUV rally challenge, Andrew Benefield.

Manufacturers supporting the event were Honda, and the sponsors were Brindabella Motor Sport Club, the Tradies, the Australian Rally Championship and the Confederation of Australian Motor Sports. Supporters for the event were Motorsports Photography, [rallyschool.com.au](http://rallyschool.com.au), Smoothline Stage Notes, Australian Sports Commission and WICEN, our ACT amateur radio club that help on events such as the rally, but they also do other events such as cycling and off-road events. They go and report from stage to stage and, if necessary, call in any emergency services needed.

### **Education—Saver Plus**

**DR BOURKE** (Ginninderra) (4.34): Tonight I rise to highlight the achievements of the saver plus initiative in assisting families with education costs while developing and rewarding budgeting skills amongst low income parents, guardians or students. Since 2006 over 375 people from the Canberra and Queanbeyan region have benefited from saver plus and saved over \$215,000 to put towards educational expenses. The scheme is primarily delivered by the Smith Family in our region.

Saver Plus aims to assist people on lower incomes to build their financial skills and to develop a savings habit. It works by matching client savings as part of a larger financial education program called money minded. The scheme encourages participants to save by matching their savings dollar for dollar up to \$500. This money can be used to pay for educational costs such as computers, books, uniforms and school excursions.

To be eligible, participants must have a Centrelink health card or pensioner concession card. They must be at least 18 years old, have some regular income from work and be a parent or guardian of a child at school or be attending or returning to vocational education themselves. People wanting to join the scheme in the ACT apply to the Smith Family. Their saver plus worker assists them to identify the specific educational costs they want to save for. They then make regular deposits into an ANZ progress saver account and attend the money minded workshops to build their budgeting skills.

Saver plus was developed by the Brotherhood of St Laurence and the ANZ bank in 2002. Since then it has helped more than 14,000 people Australia-wide. The saver plus national office at the Brotherhood of St Laurence manages the program's central administration while a range of charities deliver the program in different regions. The program is funded by the ANZ bank and the Australian government through the Department of Families, Housing, Community Services and Indigenous Affairs. The Australian government re-funded the program in 2011 for a further four years in 61 communities across Australia.

Part of the brilliance of this scheme is that it helps to educate both students and parents or guardians. By targeting educational costs, saver plus encourages saving for a tangible educational benefit. Canberrans are especially conscious of the importance of education and the benefits it brings to life, both to the individual and to our community. The saver plus scheme gives low income parents and students a hand up through the understanding and tools to address the financial challenges they face. It gives them back their power.

## National Close the Gap Day

**MR RATTENBURY** (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (4.37): I would like to take the opportunity today as the ACT's Minister for Aboriginal and Torres Strait Islander Affairs to recognise Australia's National Closing the Gap Day. As many of you are aware, since 2006 the closing the gap campaign has achieved an enormous amount, but, of course, there is always much more to do. The ACT government is committed to closing the gap between the life outcomes and opportunities experienced by Aboriginal and Torres Strait Islander peoples and their non-Aboriginal and Torres Strait Islander peers in Canberra and the surrounding region. This is a long-term process that requires commitment and regular review.

To achieve this, we must continue to focus on ongoing improvement measures and long-term financial investments to make a difference to the lives of Indigenous people. Genuine engagement and partnership with members of the Aboriginal and Torres Strait Islander community in our city is vital to any real successes and has been raised pointedly in the various responses to the closing the gap reports.

Today we have a very diverse Indigenous community in Canberra with many achieving much better life outcomes than elsewhere in Australia. If we can assure that Australian and ACT government investment in areas such as early childhood development, health, housing, education and economic participation continues, much can be achieved over the coming years.

I would like to acknowledge Dr Bourke's role in developing the ACT's first ACT closing the gap report 2012. It showed the ACT context to closing the gap, identified the key outcomes and initiatives for the ACT government and highlighted the need for benchmarking and further review. In the near future the ACT will again review our progress towards closing the gap, and I look forward to exploring the triumphs and also acknowledging the challenges that may be presented in any subsequent local report.

As that first report noted, we have a range of programs and policies in place that are working towards this very important goal. One of the ACT government's steps towards closing the gap was the establishment in 2008 of the ACT Aboriginal and Torres Strait Islander Elected Body to provide a direct conduit between our city's Aboriginal and Torres Strait Islander community and the ACT government. Members of the body provide feedback, guidance and important advice around issues impacting community members in areas such as health, education, housing and justice, and I am certainly welcoming working with them, building a strong relationship and drawing on their support and advice.

The ACT is not immune to the disadvantages facing Aboriginal and Torres Strait Islander people around Australia, despite the relatively positive measures we have in the territory. In spite of this progress, it is still a sorry fact that Aboriginal and Torres Strait Islander people can expect to live shorter lives than other Australians—up to 20 years less in some cases. This is, of course, a deeply disturbing figure and one that

has to and needs to change. This is why I hope that around Australia days like today represent a reminder of the work we have done and yet how far we still have to go and show why we need to continue to evaluate any progress or failings.

In recent years the closing the gap campaign has attracted immense public support. In 2012 alone more than 130,000 Australians joined National Close the Gap Day to show their support, to talk about and to spread the word and to take action to improve Indigenous health. More than 185,000 Australians have signed the close the gap pledge. Thousands of Australians have written to the federal government demanding action, and tens of thousands of Australians are taking part in National Close the Gap Day events, strongly supported by Oxfam and being held around Australia. We now have a federal minister for Indigenous health. We also now have in place an agreement of state and territory governments and oppositions to sign the statement of intent to close the gap, as well as an agreement to commence the development of a national Indigenous health plan in partnership with leading Indigenous health organisations. All of this work has helped with the healing, both practically and, I hope, spiritually.

As I said—I am sure many other politicians will say it today—there is so much more that needs to be done and will be done in the months and years ahead. But today let us also look at how far we have come and the brighter future we are beginning to pave.

### **Mon National Day**

**MS BERRY** (Ginninderra) (4.41): I would like to speak at this time on an event that I attended on behalf of the Minister for Multicultural Affairs, Joy Burch, on Saturday, 2 March. I represented the ACT government at the local celebrations of the Mon National Day. The Mon National Day celebrates the continuing culture and traditions of the Mon people, who live predominantly in the southern parts of Burma near the Thai-Burma border. As we are all too well aware, the global Mon community has faced many struggles over the years, including at the hands of military dictators and civil war. Despite the many tragedies that they have faced, I know the global Mon community remains optimistic for the future and are dedicated to keeping its culture and traditions alive.

The broader ACT community values and appreciates the willingness and generosity of the Mon community in sharing their unique culture and traditions with us. The Mon community's cultural and dance group grows and continues to grow in popularity each year, and the presence of the Mon community at our local and regional events, including the National Multicultural Festival, is testimony of the dedication and pride of their community's members.

Here in Canberra we are proud to be home to the largest Mon community in Australia. The Canberra Mon community plays a very important role in preserving and promoting the Mon's language, culture, traditions and customs. The Canberra Mon community also has, I think, an important role to play for all Mon Australians in engaging with civic and political leaders and advocating for issues close to the Mon people. I know from my own experiences in my previous work in the union movement that Mon people are affected by the same struggles in their workplaces as many other migrant communities are.



I am also very proud that the ACT government has been able to assist the Mon community in achieving some important goals. And I was very pleased and honoured to be there and to be part of the official launch of the Mon story Australia project. Capturing Mon people's experiences for historical purposes adds to the richness of our cultural diversity and will be testimony for future generations to come.

I understand that this project aims to better inform other Australian communities of the Mon community's traditions, culture, heritage and history. I think this was a lovely way to celebrate the National Mon Day, and I was happy to be invited to celebrate with them.

Question resolved in the affirmative.

**The Assembly adjourned at 4.44 pm until Tuesday, 9 April 2013, at 10 am.**

## Schedules of amendments

### Schedule 1

#### Gaming Machine Amendment Bill 2013

##### Amendment moved by the Minister for Racing and Gaming

1

Clause 4

Proposed new section 69 (2A)

Page 2, line 12—

*omit proposed new section 69 (2A), substitute*

- (2A) Also, the commission must not approve a gaming machine or peripheral equipment for a gaming machine under subsection (1) that allows the use of an audio device if the use of the device is not designed or intended primarily to assist a person with a hearing impairment.

### Schedule 2

#### Children and Young People Amendment Bill 2012 (No 2)

##### Amendments moved by the Minister for Disability, Children and Young People

1

Clause 4

Page 2, line 10—

*omit clause 4, substitute*

**4 Managing use of force  
New section 223 (3A)**

*insert*

- (3A) The director-general must give notice to a treating doctor or a nurse if force is used in relation to a young detainee, unless the force is a planned use of restraint when the detainee is—
- (a) outside a detention place; and
  - (b) being escorted somewhere else.

**Example—planned use of restraint**

using handcuffs on a young offender who has been assessed as being at risk of attempting to escape while being escorted to a dental appointment

2

Clause 8

Page 3, line 9—

*omit clause 8, substitute*

**8 Revocation of foster carer's authorisation  
New section 523 (1) (d)**

*after the note, insert*

- (d) has not acted as a foster carer in the previous 12 months, and—
    - (i) is no longer willing or able to act as a foster carer; or
    - (ii) cannot be contacted, despite reasonable efforts.
-

## Answers to questions

### Community organisations—support (Question No 56)

**Mr Hanson** asked the Minister for Community Services, upon notice, on 12 February 2013:

- (1) Which organisations have been offered financial support from the ACT Government to assist with implementation of the community sector equal pay provisions.
- (2) Which organisations have accepted the offers referred to in part (1).
- (3) What is the total amount each of the organisations referred to in part (2) have accepted and for what period of time is that funding provided.
- (4) Which of those organisations referred to in part (2) have received their first payment under their agreement.
- (5) What formula and/or criteria were used to determine the amounts offered by the ACT Government to community organisations.

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

- (1) A list of organisations offered financial support is at **Attachment A**.
- (2) Organisations that have accepted the offers are included in the table at **Attachment A**.
- (3) The total amount paid to each organisation that has accepted their offer is included in the table at **Attachment A**. Organisations have initially been offered support for the impact of the 2012 Equal Remuneration Order year. The Government has committed to providing financial support for the impact of the community sector Equal Remuneration Order throughout the eight year implementation period.
- (4) Organisations that have received their 2012 payment are included in the table at **Attachment A**.
- (5) Once an organisation's eligibility has been established, support for the equal remuneration case is calculated on the following basis:
  - a. Data is provided by the community sector organisation through the 2012 salary census, and where appropriate, from information held by the Community Services Directorate (CSD) for CSD and the Health Directorate;
  - b. The impact of the Equal Remuneration Order (ERO) over the *Social, Community, Home Care and Disability Services Industry Award 2010* (the Award) has been calculated using the approach described in the ERO. This approach requires increases in Award salary ranging from 21%-45%, depending on the classification. The ERO salary increases then include the compounding effect of the Annual Wage Review (AWR), which provides for an increase to award salaries in July of each year. The AWR increase for July 2012 is 2.9% and has been included;

- c. The estimated salary figures derived from the process described above are compared against the actual salary and salary on costs paid for each classification by each organisation. This actual salary figure is derived from information provided through the 2012 salary census. The actual salary paid is indexed each year by the Wage Price Index figure that is published each year in ACT Budget Paper Three. In 2012-13, this figure was 3.5%;
- d. Offers include a provision for the impact of the ERO on salary on costs, including penalties and allowances, workers' compensation, long service leave and superannuation (including the progressive increase in superannuation from 9% to 12%); and
- e. Finally, the salaries and on costs that are paid by organisations are compared with the Award plus the ERO adjustment. If the projected Award salaries, plus the ERO adjustment, are higher than the projected salaries that an organisation pays, the difference is provided in the form of support payments.

**Attachment A**  
**Financial Support to Community Equal pay Provisions**

<b>(1) Organisations That Have Been Offered Financial Support For ERO</b>	<b>(2) Has the Organisation Accepted?</b>	<b>(3) Support Amount Accepted</b>	<b>(4) Has the First Payment Been Received?</b>
Able Australia	Still negotiating	N/A	N/A
ACT Deafness Resource Centre Inc	Yes	\$6,736.85	Yes
ACT Palliative Care Society Inc	Still negotiating	N/A	N/A
ACT Playgroups Association Inc	Yes	\$1,327.89	Yes
Arthritis Foundation of the ACT	Yes	\$5,854.00	Yes
Canberra Blind Society Inc	Yes	\$83.16	Yes
Community Connections	Still negotiating	N/A	N/A
Community Programs Assoc Inc T/As LEAD	Yes	\$46,259.37	Yes
Community Radio 2XX	Yes	\$3,637.83	Yes
Companion House Assisting Survivors of Torture and Trauma Incorporated	Yes	\$17,002.82	Yes
Connections ACT	Yes	\$37,319.72	Yes
Create Foundation Ltd	Yes	\$3,748.82	Yes
Domestic Violence Crisis Service	Yes	\$11,794.12	Yes
Gungahlin Regional Community Service Inc	Yes	\$9,849.94	Yes
Havelock Housing Association Inc	Yes	\$12,524.25	Yes
Health Care Consumers Association ACT Inc	Yes	\$15,520.00	Yes
Karinya House Home for Mothers and Babies	Yes	\$10,158.16	Yes
Kidsafe	Still negotiating	N/A	N/A
Koomarri	Yes	\$44,618.08	Yes
L'Arche Genesaret Inc	Yes	\$15,955.23	Yes
Men's Link	Yes	\$9,288.71	Yes
Mental Illness Fellowship Victoria	Yes	\$15,114.00	Yes
People with Disabilities ACT	Still negotiating	N/A	N/A
Post & Antenatal Depression Support	Yes	\$5,979.00	Yes
Prisoners Aid (ACT) Inc	Yes	\$3,403.87	Being processed
Queanbeyan Multilingual Centre	Yes	\$3,614.06	Yes
Richmond Fellowship ACT Inc	Yes	\$124,748.82	Yes
Riding for the Disabled of the ACT Incorporated	Still negotiating	N/A	N/A
RSI & Overuse Injury Association of the ACT	Yes	\$302.00	Yes
Shaw Possibilities Ltd	Yes	\$15,772.86	Yes
TADACT - Technical Aid To The Disabled (ACT) Inc	Yes	\$1,457.46	Yes
Tandem Respite Inc	Yes	\$14,613.37	Yes
The Uniting Church Kippax	Yes	\$574.99	Yes
Tuggeranong Link of Community Houses & Centres Inc	Yes	\$2,109.53	Yes
Uniting Care Canberra City	Yes	\$4,681.19	Yes
Women's Centre for Health Matters	Yes	\$11,684.93	Yes

**National Multicultural Festival—cost  
(Question No 59)**

**Mr Wall** asked the Minister for Multicultural Affairs, upon notice, on 14 February 2013:

- (1) What was the total cost of the Multicultural Festivals for (a) 2013, (b) 2012 and (c) 2011.
- (2) What was the total cost of celebrity appearances made during and while promoting the Multicultural Festivals for (a) 2013, (b) 2012 and (c) 2011.

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

- (1) (a) As in previous years, the final costs for the National Multicultural Festival for 2013 will be available by 30 June 2013.  
  
(b) The total expenditure on the National Multicultural Festival for 2012 was \$808,211. This cost was offset by revenue from sponsorship, stall hire fees and government allocation.  
  
(c) The total expenditure on the National Multicultural Festival for 2011 was \$622,388. This cost was offset by revenue from sponsorship, stall hire fees and government allocation.
- (2) (a) As in previous years, the final costs for the National Multicultural Festival for 2013 will be available by 30 June 2013.  
  
(b) \$22,966.00  
  
(c) Nil cost, as it was covered by sponsorship agreement.

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**Floriade—funding  
(Question No 60)**

**Mr Smyth** asked the Minister for Economic Development, upon notice, on 14 February 2013:

Did the Half-Yearly Performance Report cite a \$7.6 million increase in direct spending for the staging of Floriade; if so, (a) what is the breakdown of what this additional funding was used for, (b) why was this additional funding necessary and (c) what was the initial funding element that is being supplemented.

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

The figure referred to does not relate to the cost of staging the event. Output class 1.5 contains an accountability indicator of setting a target of \$20 million of direct visitor expenditure generated as a result of Floriade 2012.

The event's direct visitor expenditure impact aims to capture the spending of all visitors that come to the ACT (or extend their stay) specifically for Floriade.

Direct visitor expenditure for Floriade 2012 was \$27.6 million exceeding the target of \$20 million representing an increase of \$7.6 million (38%).

## **Trade—missions (Question No 61)**

**Mr Smyth** asked the Minister for Economic Development, upon notice, on 14 February 2013:

- (1) Can the Minister list all trade missions hosted by the Territory over the last three financial years.
- (2) Can the Minister provide, for each trade mission hosted, the (a) date of the trade mission, (b) number of participants, (c) services provided to participants and (d) Government support funding (trade mission specific), (e) additional funding support, for example, TradeConnect grants, (f) activities undertaken, (g) outcomes achieved and (h) value of outcomes achieved.
- (3) Has the Territory supported companies by providing supplementary funding for flight and accommodation on trade missions; if so, what was the (a) trade mission, (b) value of support and (c) reason for providing the support.

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

1.
  - ACT Government Trade Mission to Beijing and Shanghai 2010.
  - ACT Government Education Trade Mission to Shanghai and Guangzhou 2010.
  - ACT Business Mission – Malaysia and ASEAN Markets 2011.
  - ACT Trade Mission to Washington, the United States 2011.
2.
  - China 2010:
    - a. 5 – 9 July 2010.
    - b. 8 participant companies.
    - c. Austrade support - individual pre-departure support, delegation briefing pack, logistical information kit, pre-departure video conference briefing (market overview, legal overview, strategy overview for doing business in China), in-market briefing, individual business meeting program, interpreter and business meeting support, arranging and supporting networking functions in Beijing and Shanghai.
    - d. \$84,074.32 (includes interpreter contract and Austrade fees for additional formal functions associated with Shanghai World Expo).
    - e. \$8,151.00 – Trade Connect.

- f. Beijing networking function, 6 July; Shanghai Expo event, 7-8 July; business matching program, 5-9 July.
  - g. The mission allowed opportunities for the official party and delegates to network with key allies and Chinese customers leveraging the ACT participating at the Shanghai Expo. Austrade arranged individual business matching programs to assist an individual company to meet its China market objectives. The Beijing Networking Function allowed the ACT Government to showcase its capabilities via a presentation and video.
  - h. Trade missions have direct and indirect outcomes and these come in both short and long term timeframes. Accordingly, it is not possible to measure in any meaningful way the outcomes from an individual mission. As you would be aware, the mission format is a way of 'soft landing' companies with export capability in new markets and also mixing these companies with more experienced exporters with more developed export strategies and experience. This mix of capabilities will see some companies achieve early success, while others will take much longer or not progress their plans at all, based on the accelerated learning of a mission. Trade missions are also about branding the Territory – taking a business capability and innovation message to new markets. Studies show that active exporters occupy an important place in the business community; as companies they tend to grow more quickly, pay higher wages, have higher rates of productivity, be more innovative and have a positive impact on their local supply chains.
- China Education 2010:
    - a. 13 – 18 September 2010.
    - b. 6 participant education institutions.
    - c. Austrade support, which included the provision of: in-market briefing in Shanghai, individual business matching meetings for delegates, booths and support at the China International Small and Medium Enterprise Fair (CISMEF), organisation of networking event, and general support throughout the China program (liaising with other Government departments and providing additional assistance and advice where requested and available).
    - d. \$54,721.53.
    - e. \$1,958.76 – ACTET.
    - f. University of Canberra alumni event, 12 September; CELAP Tour and Dinner, 13 September; ACT education dinner – Australian pavilion, Shanghai World Expo, 14 September; working lunch with the directors from the Department of Vocational Education and the International Exchange Office in Tianjin, 15 September; ACT networking event Guangzhou, 16 September; ANU function Shanghai, 17 September; individual business matching meetings, 13-18 September.
    - g. Positive meeting with government officials in Tianjin who were impressed with Australia's education system and expressed strong interest in further discussion; CIT developed strong connections with the Beijing Municipal Education Commission; through CISMEF both the ACT Government and the education institutions showcased the strengths of ACT education and training and illustrated Canberra as an innovative learning city; Austrade's business matching service created connections between the delegates and Chinese institutions; all delegates gave positive feedback as the mission assisted them in creating contacts with relevant businesses and developing a profile in China.



- h. As per 2(h).
- Malaysia 2011:
  - a. 14 – 17 June 2011.
  - b. 6 participant companies.
  - c. Austrade support, which included the provision of: market review on suitability and potential of these ACT businesses in the Malaysian market, a report on short-listed companies (including information on their company profile, current activities, customer base, products and brands, alliances, position in the relevant market sector, contact details, key decision makers and any additional comments), a scheduled visit program of pre-arranged tailored business matching meetings with up to 3-4 Malaysian firms, a de-briefing session with Austrade to determine and agree on follow-up actions.
  - d. \$41,733.37.
  - e. \$4,598.53 – Trade Connect.
  - f. Networking reception with key industry players, 14 June; group meetings with the Malaysia Australia Business Council and related government agencies; 15 June; Malaysia public sector dinner, 15 June; one-on-one meetings with related industry representatives, 16 and 17 June.
  - g. The mission provided an opportunity to market the ACT's strong capabilities in the ICT, Defence and Security sectors. Feedback from mission participants was positive with regards to prospective business opportunities in Malaysia. Companies expressed that the matching programs were effective, and that a number anticipated export sales to Malaysia and the region over the following 12-24 months. One company also received Austrade support in Vietnam which led to the delivery of a significant contract.
  - h. As per 2(h).
- United States 2011:
  - a. 31 October – 4 November 2011.
  - b. 7 participant companies (plus 2 with existing representatives in Washington).
  - c. Austrade support, which included the provision of: individual market assessments of the US public sector; an in-market business matching programs for the mission participants, developed in consultation with the ACT Government; individual programs, delivered in consultation with DFAT; mission debriefing and company follow-up sessions.
  - d. \$34,322.20.
  - e. \$8,583.12 – Trade Connect.
  - f. Group sessions provided by local experts, 31 October and 1 November; trade mission welcome dinner, 31 October; trade mission networking reception, 2 November; individual business matching program, 3-4 November.
  - g. The Washington Trade Mission was delivered as part of the ACT Exporting Solutions to Government Pilot Program that was delivered through 2011. Participant companies undertook an immersive pre mission capability development program focussed on selling into the US public sector market. All of the companies in the Pilot Program and in the mission reported that the

mission met their needs in developing market opportunities. Almost all of the companies in the Pilot have found a way now to be represented in the US market. A number of the companies have made new sales.

h. As per 2(h).

3.

a. Provided in the answers to question 2.

b. Provided in the answers to question 2.

c. To assist SMEs to develop export market opportunities.

### **Finance—investments (Question No 63)**

**Mr Smyth** asked the Minister for Economic Development, upon notice, on 14 February 2013:

- (1) In relation to Investment Facilitation, Austrade Foreign Investment Leads, how many leads were (a) received and (b) serviced in (i) 2010-11, (ii) 2011-12, and (iii) 2012-13 to date.
- (2) Of clients that were serviced, can the Minister provide details on the (a) date of lead generated, (b) source of lead, (c) relevant sector, (d) value of prospective lead, (e) actions taken, (f) number of introductions organised and (g) outcome.

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

(1)

(i) 2010-11

- a. Investment facilitation of Austrade Foreign Investment Leads (FILS) and Foreign Investment Briefs (FIBS) was conducted on an ad hoc basis during this period. No administrative data of this nature has been retained by the ACT Government. However, the frequency was estimated to be around 2-3 per quarter, or around ten annually.
- b. The ACT Government actively engaged on around one third of leads received, based on knowledge of the likely fit of the investment proposal with the ACT economy, and an assessment of the relative claims of other jurisdictions. Austrade generated leads are shared among the states/territories under agreed protocols.

(ii) 2011-12

- a. Answer is the same as (i)(a) above
- b. Answer is the same as (i)(b) above

(iii) 2012-13 marks the beginning of a structured investment facilitation function with dedicated staff and systems. The following are program metrics to date (end of January 2013):

- a. In the 2012-13 year to date, twenty (20) investment leads have been received from Austrade.

- b. Six (6) Austrade leads have been supported in the Investment Facilitation program during the 2012-13 year to date. Other leads provided by Austrade are being progressed to clarify their relevance to the ACT.

(2)

- a) The six (6) Austrade leads that have been supported were received throughout the 2012-13 year to date. Eleven (11) leads from other sources have also been supported by the Investment Facilitation program during the 2012-13 year to date.
- b) Six (6) leads were provided during the 2012-13 year to date by Austrade. The source of the remaining eleven (11) leads includes direct enquiries to the ACT Government by prospective investors.
- c) Investment leads are commercially sensitive (typically involving formal restrictions on communication to third parties) and accordingly the ACT Government does not announce the details of specific investment leads until such time as a project closes and the investor agrees to public release.
- d) As advised in the previous answer to part (c) of this question, investment leads are commercially sensitive and the ACT Government does not announce the details of specific investment leads until such time as the project closes and investor agrees to public release.
- e) Investment leads are commercially sensitive and the ACT Government does not announce the details of specific actions undertaken in response to investor requirements. However, at a general level the program focuses on promoting Canberra as an investment destination, including messaging the stability and strength of the ACT economy, the innovative and productive workforce we have in Canberra and the opportunities that are relevant to specific investment leads. The program also focuses on supporting the facilitation of investor leads to ensure that Canberra is successful in achieving its investment attraction objectives, which include creating private sector growth, diversification and jobs.
- f) The key actions of the program have been outlined in the previous answer to part (e) of the question.
- g) Successful facilitation outcomes will be communicated publicly as they occur but only with the agreement of the client investor. The formal program has only been operating for a short period of time. The Government is not in a position to communicate outcomes at this point in time.

### **Finance—investments (Question No 64)**

**Mr Smyth** asked the Minister for Economic Development, upon notice, on 14 February 2013:

- (1) In relation to Investment Facilitation, Key Company Program Client Connections, how many leads were (a) received and (b) serviced in (i) 2010-11, (ii) 2011-12 and (iii) 2012-13.
- (2) Of clients that were serviced, can the Minister provide details on the (a) date of lead generated, (b) source of lead, (c) relevant sector, (d) value of prospective lead, (e) actions taken, (f) number of introductions organised and (g) outcome.

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

- (1)
  - (i) 2010-11
    - a. The program activity did not commence until the 2012-13 year.
    - b. The program activity was not in operation.
  - (ii) 2011-12
    - a. As per the above in (i)(a).
    - b. As per above in (i)(b).
  - (iii) 2012-13 (to date)
    - a. The Key Company Program is an early working program title for more systematic outreach to the potential re-investment community, both inside the ACT and companies outside the ACT. It does not operate on the basis of leads generated by another organisation and referred to/received by the ACT Government.
    - b. Three (3) companies have been serviced through program outreach during the 2012-13 year.
- (2)
  - a. As per the information provided to part one (1) of the question, the Key Company program approach is being shaped as outreach program delivered from within ACT Government. As such, it is not reliant upon leads generated by another organisation and referred to/received by ACT Government.
  - b. The Key Company program approach is not reliant upon leads generated by another organisation and referred to/received by ACT Government.
  - c. The three (3) companies serviced in the 2012-13 year to date are from the following sectors:
    - Two (2) multi-sector diversified businesses that focus on scientific research and technology development.
    - One (1) education sector business.
  - d. The Key Company program approach is not reliant upon leads as advised previously.
  - e. Actions taken are in the form of early dialogue with representatives regarding programs or services delivered by the ACT Government that can support possible new investment opportunities.
  - f. The program approach is not based on leveraging company introductions.
  - g. Successful facilitation outcomes will be communicated publicly as they occur but only with the agreement of the clients. The formal program has only been operating for a short period of time. The Government is not in a position to communicate outcomes at this point in time.

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**ACT Screen Investment Fund  
(Question No 70)**

**Mr Smyth** asked the Minister for Economic Development, upon notice, on 28 February 2013:

- (1) When did the ACT Screen Investment Fund commence.
- (2) What funds were provided for this initiative and over how many financial years.
- (3) What is the funding source for this initiative and relevant Budget Paper reference.
- (4) Can the Minister list all co-investments committed under this fund, including information on (a) date of investment, (b) company name, (c) origin of company (ACT, interstate, overseas), (d) purpose of investment, (e) value of investment, (f) return on investment or expected return on investment and (g) present status of screen project since receiving funding.
- (5) What is the present value of uncommitted funds for this fund.

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

- (1) The Fund commenced in 2010-11. It was launched on 30 November 2010.
- (2) \$400,000 in 2010-11, \$600,000 in 2011-12 and \$800,000 in 2012-13.
- (3) Capital Expenditure, 2010-11 Budget Paper No 3, p71,72.
- (4) See attachment.
- (5) \$1,075,000 (there are a further six projects with an investment value of \$675,000 currently at contract negotiation stage).

*(A copy of the attachment is available at the Chamber Support Office).*

### **Australian National University Connect Ventures—funding (Question No 71)**

**Mr Smyth** asked the Minister for Economic Development, upon notice, on 28 February 2013:

- (1) When was ACT Government funding provided to the Australian National University (ANU) to fund ANU Connect Ventures.
- (2) What was the value of that funding provision.
- (3) Can the Minister list all investments from ACT Government funding since the commencement of ANU Connect Ventures, including information on (a) date of investment, (b) company name, (c) origin of company (ACT, interstate, overseas), (d) industry sector, (e) purpose of investment, (f) value of investment, (g) return on investment or expected return on investment and (h) present status of business since receiving funding.
- (4) What is the present value of uncommitted funds for this initiative.

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

- (1) The ANU - Motor Traders Association of Australia (MTAA) Venture Capital Partnership was established February 2005 with ANU Connect Ventures established as the Venture Capital Limited Partnership (VCLP) manager at the same time. Grant funding was provided to the ANU under a Deed of 30th June 2004 for the purposes of Knowledge Based Commercialisation Funding.
- (2) The funding Deed provided a grant of \$10 million which was subsequently committed through the ANU as a Limited Partner to the ANU-MTAA VCLP along with \$20 million from MTAA and a commitment from the ANU to provide management support resources under a Resources Services Agreement dated 1<sup>st</sup> August 2005.
- (3) Investments have been made in the companies listed below drawing on combined commitments from the Limited Partners in line with the Partnership Deed:

<i>Company</i>	<i>Initial Investment Date</i>	<i>Location</i>	<i>Industry</i>	<i>Total Investment Value</i>	<i>Status</i>
<i>Cryptophama Pty Ltd</i>	<i>Nov 2006</i>	<i>ACT</i>	<i>Biotech</i>	<i>\$500,000</i>	<i>Placed into receivership and deregistered</i>
<i>Warm Contact Pty Ltd</i>	<i>June 2007</i>	<i>ACT</i>	<i>Medical Device</i>	<i>\$700,000</i>	<i>Active</i>
<i>Savine Therapeutics Pty Ltd</i>	<i>April 2008</i>	<i>ACT</i>	<i>Biotech</i>	<i>\$700,000</i>	<i>Sold to Biodiem Ltd</i>
<i>Dosimetry and Imaging Pty Ltd</i>	<i>August 2007</i>	<i>ACT</i>	<i>Medical imaging</i>	<i>\$985,000</i>	<i>Active</i>
<i>Mylexa Pty Ltd</i>	<i>Jan 2009</i>	<i>ACT</i>	<i>Biotech</i>	<i>\$700,000</i>	<i>Active</i>
<i>Synergetic Services Pty Ltd</i>	<i>May 2008</i>	<i>NSW</i>	<i>ICT</i>	<i>\$500,000</i>	<i>Placed into voluntary liquidation August 2012</i>
<i>Digital Core Pty Ltd</i>	<i>Nov 2010</i>	<i>ACT</i>	<i>ICT/Oil&amp;Gas</i>	<i>\$1,000,000</i>	<i>Active</i>
<i>StageBitz Pty Ltd</i>	<i>Oct 2012</i>	<i>ACT</i>	<i>ICT</i>	<i>\$250,000</i>	<i>Active</i>

- (4) The initial commitment of funds was \$30 million which was reduced to \$27 million to establish the Discovery Translation Fund. As of December 2012 the uncommitted Limited Partner funds are \$18.5 million.

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### **Australian National University Connect Ventures—funding (Question No 72)**

**Mr Smyth** asked the Minister for Economic Development, upon notice, on 28 February 2013:

- (1) When did the Discovery Translation Fund commence.
- (2) What funds were provided for this initiative and over how many financial years.

- (3) What is the funding source for this initiative and relevant Budget Paper reference.
- (4) Can the Minister list all investments committed under this fund, including information on (a) date of investment, (b) company name, (c) origin of company (ACT, interstate, overseas), (d) industry sector, (e) purpose of investment, (f) value of investment, (g) return on investment or expected return on investment and (h) present status of business since receiving funding.
- (5) What is the present value of uncommitted funds for this initiative.

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

- (1) The Discovery Translation Fund (DTF) was established in 2011.
- (2) The DTF represents a partial restructuring of the Australian National University Connect Ventures (ANUCV) equity investment fund. In 2004, through the Economic White Paper, the ACT Government provided \$10 million to the ANU to establish ANU Connect Ventures in partnership with MTAA Super which committed to contributing \$20 million. The Fund was established by withdrawing \$3 million from the ANUCV equity investment fund to the DTF.
- (3) The ANUCV equity investment fund.
- (4) The following Grants have been made.  
(a, b, c, d, e,)

<i>Company/Project</i>	<i>Initial Investment Date</i>	<i>Location</i>	<i>Industry</i>	<i>Total Investment Value</i>	<i>Status</i>
<i>Nexus-eWater Pty Ltd</i>	<i>May 2011</i>	<i>ACT</i>	<i>Cleantech</i>	<i>\$100,000</i>	<i>Complete</i>
<i>Smart Ward Pty Ltd</i>	<i>May 2011</i>	<i>ACT</i>	<i>ICT - Medical</i>	<i>\$150,000</i>	<i>Complete</i>
<i>ANU-Plant Root Architecture</i>	<i>May 2011</i>	<i>ACT</i>	<i>Biotech</i>	<i>\$100,000</i>	<i>Complete</i>
<i>ANU – Di-electric materials</i>	<i>June 2011</i>	<i>ACT</i>	<i>New electronic materials</i>	<i>\$100,000</i>	<i>Complete</i>
<i>Interferex Pty Ltd</i>	<i>August 2011</i>	<i>ACT</i>	<i>ICT Wireless comms</i>	<i>\$100,000</i>	<i>Complete</i>
<i>ANU – Nematode permeability assay</i>	<i>October 2011</i>	<i>ACT</i>	<i>Biotech</i>	<i>\$99,000</i>	<i>Active</i>
<i>Omega Medical Designs</i>	<i>December 2011</i>	<i>ACT</i>	<i>Medical Device</i>	<i>\$118,859</i>	<i>Complete</i>
<i>ANU – Pharmacological treatment for obesity</i>	<i>December 2011</i>	<i>ACT</i>	<i>Biotech</i>	<i>\$99,658</i>	<i>Complete</i>
<i>ANU – Variable ejector for solar heating</i>	<i>December 2011</i>	<i>ACT</i>	<i>Alternative Energy</i>	<i>\$80,500</i>	<i>Complete</i>
<i>Beta Therapeutics Pty Ltd</i>	<i>December 2011</i>	<i>ACT</i>	<i>Biotech</i>	<i>\$250,000</i>	<i>Active</i>

<i>University Canberra – Bacterial thermo biocatalysts</i>	<i>February 2012</i>	<i>ACT</i>	<i>Biotech</i>	<i>\$100,000</i>	<i>Active</i>
<i>17Dynamics Pty Ltd</i>	<i>April 2012</i>	<i>ACT</i>	<i>ICT</i>	<i>\$25,000</i>	<i>Active</i>
<i>Micro Energy Labs</i>	<i>April 2012</i>	<i>ACT</i>	<i>Alternative energy</i>	<i>\$21,220</i>	<i>Complete</i>
<i>Ezygene Pty Ltd</i>	<i>April 2012</i>	<i>ACT</i>	<i>Biotech/health</i>	<i>\$92,000</i>	<i>Active</i>
<i>ANU - Ezycross</i>	<i>June 2012</i>	<i>ACT</i>	<i>Biotech-agriculture</i>	<i>\$112679</i>	<i>Active</i>
<i>ANU – Therapeutic agent for auto-immune diseases</i>	<i>June 2012</i>	<i>ACT</i>	<i>Biotech</i>	<i>\$183,395</i>	<i>Active</i>
<i>ANU – Modulators of root architecture</i>	<i>September 2012</i>	<i>ACT</i>	<i>Biotech/agriculture</i>	<i>\$83,000</i>	<i>Active</i>
<i>UNSW@ADFA – Cavity Ringdown spectrometer</i>	<i>September 2012</i>	<i>ACT</i>	<i>Measurement device</i>	<i>\$50,000 (+\$50,000 from UNSW)</i>	<i>Active</i>
<i>Ecospectral Pty Ltd</i>	<i>December 2012</i>	<i>ACT</i>	<i>Lighting System</i>	<i>\$50,000</i>	<i>Active</i>
<i>Appatyte Pty Ltd</i>	<i>December 2012</i>	<i>ACT</i>	<i>ICT</i>	<i>\$50,000</i>	<i>Active</i>
<i>ANU – Nanoforest detection system</i>	<i>December 2012</i>	<i>ACT</i>	<i>New materials/Biotech</i>	<i>\$58,561</i>	<i>Active</i>

(f) Payments from the fund are not generally classed as equity investments.

(g) Not applicable.

(5) As of February 2013 uncommitted funds stand at \$618,000.

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### **Economic Development Directorate—organisational chart (Question No 73)**

**Mr Smyth** asked the Minister for Economic Development, upon notice, on 28 February 2013:

- (1) Can the Minister provide a current organisational chart of the Economic Development, Policy and Governance Division, including information on (a) organisational structure, (b) number of staff (full-time equivalent (FTE) and headcount), (c) corresponding pay grades and (d) position titles.
- (2) Can the Minister provide an organisational chart of this division prior to implementation of “One Government” initiatives, including information on (a) organisational structure, (b) number of staff (FTE and headcount), (c) corresponding pay grades and (d) position titles.

**Mr Barr:** The answer to the member’s question is as follows:

- (1) (a) The organisational structure for the Economic Development, Policy and Governance Division (EDPG) is at **Attachment A**.
- (b) Number of staff as of the last pay in January 2013 for the Economic Development, Policy and Governance Division was: FTE 62.28 and Headcount 63.



Classification	(b) FTE	(b) Headcount	(c) Salary Range	(d) Position Titles
ASO1	1	1	\$40,974 to \$45,283	Administrative Assistant
ASO4	2	2	\$58,870 to \$63,917	Administration Officer Business Support Officer
ASO5	4.68	5	\$65,660 to \$69,623	Client Liaison Officer Project Officer Policy Officer Administrative Support Officer
ASO6	9	9	\$70,913 to \$81,460	Publications Project Officer Project Officer & FOI Coordinator HR Officer Business Development Officer Executive Assistant
SOGC	19.8	20	\$89,786 to \$96,809	Business Manager Senior Policy Officer Senior HR Advisor Client Manager Assistant Manager Project Manager
SOGB	7	7	\$106,086 to \$119,426	Directorate Liaison Officer Manager HR Manager Senior Project Manager Media Manager Manager, Governance
SOGA	10.8	11	\$123,208	Senior Manager
Executive	4	4	\$161,550 to \$238,936	Director, Workforce and Governance Executive Director, Ministerial, Cabinet and Policy Executive Director, Business Development Deputy Director-General, EDPG
<b>Total</b>	<b>58.28</b>	<b>59</b>		

(2) No as the Economic Development, Policy and Governance Division was not in existence at this time.

*(A copy of the attachment is available at the Chamber Support Office).*

### **ACTION bus service—fuel use (Question No 75)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2013:

(1) Can the Minister provide a breakdown of the current ACTION bus fleet in accordance with make, model, and depot location.

- (2) What is the average number of kilometres driven by each make and model of bus.
- (3) What is the average fuel consumption for each make and model of bus per 100 kilometres.
- (4) What is the fuel type used by each make and model of bus.
- (5) What was the total cost of fuel purchased by ACTION during (a) 2010-11, 2011-2012 and (b) 2012-13 to date.
- (6) How many buses were removed from the fleet during (a) 2010-11, (b) 2011-2012 and (c) 2012-13 to date, and what was the reason for each bus being removed.

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

- (1) The breakdown of the current ACTION bus fleet as at 31 January 2013 is as follows:

<b>BUS MODEL</b>	<b>NUMBER OF BUSES</b>	<b>DEPOT</b>
SCANIA L94UB CNG	53 In Service	TUGGERANONG
	1 not in service	
MAN A69 18.310 CNG	16 In Service	TUGGERANONG
DENNIS DART SLF	7 In Service	BELCONNEN
	10 In Service	TUGGERANONG
	8 Not in service	
MAN A69 18.320	66	BELCONNEN
	23	TUGGERANONG
IRISBUS AGORALINE CB60	19 In Service	BELCONNEN
	1 Not in service	
SCANIA 320 UB 14.5 TAG STEER	13 In Service	BELCONNEN
	13 In Service	TUGGERANONG
SCANIA K360UA CB80 ARTIC	11 In Service	BELCONNEN
	4 In Service	TUGGERANONG
RENAULT PR 100.3	30 In Service	BELCONNEN
	12 In Service	TUGGERANONG
RENAULT PR 180.2 ARTICULATED	18 In Service	TUGGERANONG
	13 Decommissioned	WODEN
RENAULT PR 100.2	67 In Service	BELCONNEN
	49 In Service	TUGGERANONG
	14 Not in service	
	3 Training	
HINO AC140 SNT*	10 In Service	WODEN
MITSUBISHI ROSA SNT*	8 In Service	WODEN

Note\* SNT (Special Needs Transport) - buses are operated by ACTION but are not part of the network.

The Scania L94UB CNG and Irisbus Agoraline buses that are not in service are having warranty repairs performed.

The Renault PR 180.2 articulated buses that have been retired and decommissioned have been replaced with new Scania K360UA articulated buses and are awaiting disposal.

Of the remaining 22 buses that are not in service:

- eight are Dennis Darts which have insufficient carrying capacity
- 14 are Renault PR100.2 which are older style buses that are not wheelchair accessible or have modern facilities, i.e. air conditioning.

These not in service buses are being decommissioned as newer fleet vehicles come on line.

(2) All buses average 59,000 kilometres per year except for the Dennis Dart SLF's which average 20,000 kilometres per year.

(3)

MODEL		CONSUMPTION Per 100kms
Renault PR 100.2 Rigid		36.8 litres
Renault PR 180.2 Articulated		44.9 litres
Renault PR100.3 Rigid		36.8 litres
Irisbus Agoraline Rigid		35.2 litres
Scania L94UB CNG Rigid		58 CuM
Dennis Dart SLF Midibus		28 litres
MAN A69 18.310 Rigid CNG		55 CuM
MAN A69 18.320 Rigid Diesel		42.5 litres
Scania K320UB Steer Tag		55 litres
Scania K360UA Articulated	minimal data available	55 litres

(4) All buses in ACTION's fleet are diesel powered except for the Scania L94UB CNG and the MAN A69 18.310 CNG. These buses are powered by Compressed Natural Gas (CNG)

(5)

Fuel Type	2010-2011	2011-2012	2012-2013 YTD
Diesel	\$9,103,546	\$10,383,138	\$6,789,128
Compressed Natural Gas (CNG)	\$1,270,264	\$1,331,842	\$894,147
<b>Total Fuel</b>	<b>\$10,373,810</b>	<b>\$11,714,980</b>	<b>\$7,683,275</b>

**Note: YTD is at 28/02/2013**

(6)

Year	2010	2011	2012	2013
Buses Retired from fleet	12	43	28	3

All buses were retired as part of ACTION's fleet replacement program. The buses retired were between 20 and 25 years old and were replaced with new buses.

### **ACTION bus service—statistics (Question No 77)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 28 February 2013:

- (1) What is the average distance travelled on ACTION buses, as measured by the MyWay ticketing system, since the introduction of the system.
- (2) How many passenger boardings, by month, have been recorded since the MyWay ticketing system was introduced.

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

- (1) Passenger travel distances are not available from the MyWay system. This data will be available after the implementation of the real time passenger information system.
- (2) Passenger boardings, by month, as recorded in the MyWay system since April 2011 are as follows:

<b>Month</b>	<b>Boardings</b>		<b>Month</b>	<b>Boardings</b>
April 2011	1,254,866		April 2012	1,313,668
May 2011	1,712,409		May 2012	1,829,950
June 2011	1,572,079		June 2012	1,546,774
July 2011	1,338,445		July 2012	1,419,505
August 2011	1,763,450		August 2012	1,732,984
September 2011	1,682,695		September 2012	1,563,710
October 2011	1,419,107		October 2012	1,513,512
November 2011	1,710,926		November 2012	1,667,796
December 2011	1,228,422		December 2012	1,154,186
January 2012	1,030,785		January 2013	1,062,724
February 2012	1,652,523		February 2013	1,545,070
March 2012	1,763,392			

### **Questions without notice taken on notice Tuggeranong—dangerous driving**

**Mr Corbell** (*in reply to a supplementary question by Mr Smyth on Thursday, 28 February 2013*): The ACT road transport legislation does not require the completion of 'driving behaviour courses' by repeat offenders or dangerous drivers. Education on driving behaviour is covered by the Government's road safety awareness program which includes targeted educational campaigns on speeding, drink driving, driver distraction and road safety culture change.

These campaigns are broadcast using TV, radio, web, ACTION buses and roadside Variable Message Signs. To enhance the effectiveness of the program, campaigns are aligned with targeted ACT Policing enforcement campaigns. This approach is supported by the *National Road Safety Strategy 2011-2020* which notes that a

combination of police enforcement and public education campaigns is an effective measure as many drivers are more concerned about being penalised and having to deal with the consequences than being involved in a road crash.

The penalties in the ACT for “hoon” driving, such as racing and burnouts, include vehicle impoundment and confiscation. There are also automatic driver licence disqualification provisions for these types of offences.

### **Auditor-General—audit findings**

**Ms Gallagher** (*in reply to a question by Mr Hanson and a supplementary question by Mr Smyth on Wednesday, 13 February 2013*): The Government has put in place processes by which audit findings are actively monitored. This role is overseen by Directors-General, and carried out by agency internal audit committees which regularly review progress towards resolving findings and makes recommendations to management.

There are many reasons why audit findings are not resolved from year to year, for example an audit finding may require a system upgrade and recommendations may involve third parties who are beyond the actual control of the agency.

Reasons why some audit findings were partially resolved or not resolved include:

- findings may not be agreed to by the agency or by Government due to other adequate mechanisms beings in place to address audit findings;
- findings also may not be agreed to by the agency or by Government on the grounds of cost/benefit or operational reasons;
- many audit recommendations relate to Information Communication and Technology (ICT) systems which generally takes longer to address due to the complexity, resources and sometimes the involvement of a third party.
  - o some ICT findings are currently being worked out with the Shared Services Directorate.
- the upgrade of Oracle to Release 12, which is expected to go live at the end of this calendar year, is expected to improve cross validation of agency accounts and other audit findings;
- as in the example of Release 12, there are some systems that that are currently in the process of being upgraded or soon to be upgraded. The upgrade of some systems will address some of the outstanding audit findings; and
- some findings take longer than a year to complete and implement due to reviews and agreements needing to take place prior to actioning the recommendation.

### **Trees—Kingston Foreshore**

**Mr Rattenbury** (*in reply to supplementary questions by Mrs Jones on Thursday, 14 February 2013*): Under the *Tree Protection Act 2005* (the Act), trees placed on the

Provisional Tree Register by the Conservator of Flora and Fauna are given the same level of protection under the Act as they would if they were on the ACT Tree Register.

The provisional registration process is for a period of one year, after which time the registration status needs to be determined or the provisional status is removed.

The protection provided on both provisional and fully registered trees includes the development of a Tree Management Plan. The requirements of this plan are as follows:

- outlining specific maintenance/management requirements such as increasing the size of the tree protection zone;
- the involvement of a highly skilled arborist when the tree requires maintenance work or landscaping is to be carried out near the tree;
- providing for greater enforcement/penalties to be imposed if/when breaches occur; and
- encouraging awareness of the significance of the trees.

In summary, the provisional registration of suitable trees provides for a higher level of protection and accountability in relation to the future management of such trees.

In relation to your question about the cost for the removal of the tree. I have been advised by the Economic Development Directorate that the total cost for the removal of the fallen tree was \$3,272.50 (including GST), this also included clearing the site of debris.

### **Health—Preventative Health Taskforce**

**Ms Gallagher** (*in reply to a question by Mr Hanson on Thursday, 14 February 2013*): As stated during Question Time on 28 November 2012, the Chief Health Officer is leading a Whole of Government Healthy Weight Initiative which is focusing on reducing the levels of overweight and obesity in the ACT.

The prevention of overweight and obesity is a major target for action due to its adverse impact on the health of the ACT population and health expenditure. Obesity is a risk factor for many chronic diseases including cardiovascular disease, stroke, renal failure, diabetes, osteoarthritis and cancer. Reducing rates of obesity is therefore a broad preventative health strategy.

The Whole of Government Healthy Weight Initiative governance model was endorsed by the Strategic Board on 22 November 2011. The Initiative comprises a three stage process with Scoping Group meetings held on 8 and 28 February 2012, and Working Group meetings held on 22 June 2012, 27 September 2012 and 14 February 2013. The Working Group has been tasked with developing specific whole of government actions to combat rising rates of overweight and obesity.

The Working Group is chaired by the Chief Health Officer and membership consists of representatives from all ACT Government Directorates, the ACT Medicare Local, the Heart Foundation ACT, and research partners.

## Children and young people—abuse

**Ms Gallagher** (*in reply to a supplementary question by Mr Smyth on Wednesday, 13 February 2013*): As this question was asked in the context of discussion of the work of the Royal Commission into Institutional Responses to Child Sexual Abuse, it is assumed that it relates to sexual abuse of children. The definition being used by the Royal Commission is persons up to the age of 18 years.

For completeness, I also undertook to provide data from self-government.

The following data sources will provide information in relation to the Member's question, noting however that this data relates to reports of abuse.

- The Report on Government Services (ROGS) has data on the proportion of children in out-of-home care who were the subject of a substantiation and the person responsible was living in the household. The ACT has provided data for this measure since the 1997 ROGS.
- The Australian Institute of Health and Welfare publication, 'Child Protection Australia 2010 -2011' is the fifteenth annual report on child protection. It includes data on children in out of home care and further data on substantiation of a notification.
- The Australian Bureau of Statistics released 'Recorded Crime – Victims, Australia 2011' (Catalogue No. 4510.0). It has data on sexual assaults disaggregated by age and relationship of offender to victim.
- The ACT Criminal Justice Statistical Profile includes the number of sexual assaults and related offences reported and cleared. It is a historical series of crime data tabled quarterly in the Legislative Assembly. The Justice and Community Safety Directorate have reports back to March 2006 available on their website. This data is not published by age.
- ACT Policing has provided the following administrative data on reported sexual offences for victims under 18 years. The data does not identify the institutional context. This means it is not limited to government institutions or services. The data is from 1 January 2000 to 31 December 2012. Data for the preceding period is not available. The number of sexual offences reported to ACT Policing in this time frame was 3,105.

It is not possible to provide data on occurrence of abuse if it is not reported. The work of the Royal Commission will shed more light on this issue.

The ACT Government supports the Royal Commission's investigation of systemic failures by institutions in relation to allegations and incidents of child sexual abuse. The Commission will be making recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutionalised care.

**Electricity—feed-in tariff**

**Mr Corbell** (*in reply to a supplementary question by Mr Coe on Wednesday, 13 February 2013*): The ACT Large-scale Solar Auction is a major initiative of the Government. The construction cost of 40 megawatts of large-scale solar generation capacity in the ACT is estimated to be up to \$200 million.

Such a major project necessitates a rigorous assessment process to ensure the best possible outcome for the Territory. This is not without cost and accordingly the Environment and Sustainable Development Directorate (ESDD) set funds aside to allow for a panel of expert consultants to review proposals. Provision was also made for the establishment of an independent Solar Auction Advisory Panel to oversee the assessment process and make recommendations to the Minister.

Prior to the closing date for prequalification proposals, the ESDD Solar Auction Secretariat conducted an industry briefing attended by some 150 interested parties. 49 prequalification proposals were subsequently received in Stage 1 of the Solar Auction. 10 proposals were submitted in the Stage 2 fast-track stream. All these proposals were considered in detail by the Secretariat, expert consultants and Advisory Panel.

While the fast-track stream outcome of the Solar Auction was announced in September last year, the regular stream process continues. 21 proposals are eligible for submission in the regular stream. The outcome of this process is due in mid-2013.

**Trees—Kingston Foreshore**

**Mr Rattenbury** (*in reply to a supplementary question by Mrs Jones on Thursday, 28 February 2013*): The Land Development Agency (LDA) has responsibility for trees that are located on land where the LDA is the temporary custodian. This is land that is either held as an LDA estate, or land that is typically scheduled for sale by the LDA, in any given year.

It would be difficult to quantify the number of individual trees that the LDA has responsibility for at any given time.

**Trees—Kingston Foreshore**

**Mr Rattenbury** (*in reply to a supplementary question by Mr Doszpot on Thursday, 28 February 2013*): Please refer to the response to the Question Taken on Notice on 14 February 2013.

Any further questions relating to matters involving the Land Development Agency please refer to Minister Barr, Minister for Economic Development.

**Canberra—centenary**

**Ms Gallagher** (*in reply to a supplementary question by Mr Smyth on Thursday, 28 February 2013*): The idea of 100 balloons for the Centenary celebrations was a suggestion that was captured through community consultation in the early planning of the celebrations.

Whilst the community suggestion had merit, the logistical and operational constraints within Canberra's restricted airspace prevented this idea from becoming a reality.