Debates

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Tuesday, 9 April 2013

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MADAM SPEAKER (Mrs Dunne) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Dr Christopher Peters AM
Motion of condolence

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

> That this Assembly expresses its deep regret at the death of Dr Christopher Peters AM, a man whose generosity, commitment and contribution to the Canberra community will be sadly missed, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

I am sure I speak for all of my colleagues in the Assembly in offering my profound sympathy to Chris's wife Jo, his family and friends and all that knew and admired the late Dr Peters. Chris sadly passed away at the young age of 63 in February this year after living with pancreatic cancer since 2011.

Any of us who knew and met Chris throughout his illness were taken with his stoicism and forthright approach to living with cancer. At a time when many would reasonably withdraw from public life, Chris Peters did not miss a beat, continuing a heavy diary and always prepared for another challenge.

Dr Peters is probably best known as the voice of ACT business as the chief executive of the ACT and Region Chamber of Commerce and Industry. He took up this leadership role in 1997 and held the position until his death.

He had incredible insight and understanding of the nature of business and its often complex relationship with government in the ACT. There can be no doubt that Chris's passionate belief in the ACT's business potential and his strong support for the local business community helped contribute to the economic growth of the ACT over the years.

He was at all times highly respected by both sides of politics. He touched the lives of countless Canberrans through his strong and passionate involvement over many years in local business and industry, charity work and the arts. Throughout his career he supported a diverse range of community causes, particularly in the area of vocational education and Indigenous business.

He was recognised for his contribution to the ACT when he was made a member of the Order of Australia in 2004 for service to the business sector as an administrator of a range of private, public and professional authorities and organisations and to the community.

He was named Canberra Citizen of the Year last year and was also a Canberra Honour Walk inductee in the same year. He combined his exemplary leadership qualities with enormous depth of knowledge of everything business. He was a constant source of information and sage advice to others.

It was said that there was hardly a question that you could put to Chris that he did not have an answer to. He was a contributor, a giver, and a generator of solutions and ideas. He did an enormous amount of work to assist young people at risk, and he had a significant influence on the career paths of many young Canberrans through his work with the local vocational education and training sector.

He was a driving force in the recovery from the bushfires that hit Canberra just over a decade ago. His leadership helped galvanise the local business community during the rebuilding process in the immediate days after the fire. A mark of a true leader is being able to deliver in the tough times, and the 2003 bushfires were certainly that.

He had an amazing work ethic, and he was a tireless worker representing local businesses on over 20 boards. His CV was as long as your arm, and he had a business card to match. Chris made sure he was available to those who sought his counsel, whether they were from private enterprise, the public service, federal or ACT governments or the community sector.

He described himself as a workaholic, and once remarked that he came from a family of workaholics. His father Brian, who he always spoke so proudly of, was a local GP who retired from his medical practice in Adelaide when he was 88, at the time caring for a fourth generation of patients.

His father's work ethic certainly rubbed off on Chris when he was growing up in Adelaide in the 50s and 60s. During these formative years he was exposed to people from all walks of life, coming from a working class neighbourhood and attending a well-known private school.

Mixing with people from different cultures and backgrounds gave him the ability to relate to everybody, no matter who they were or where they came from. A friend of Dr Peters remarked that, "Chris was always a bit different when we were growing up. He liked to be the organiser and leader, and through his life this never changed."

And he was a leader in a wide variety of fields. He was an advocate for justice and crime prevention, having been a member of the New South Wales Attorney-General's Corporate Crime Task Force, the commonwealth Companies and Securities Legal Advisory Committee, and the ACT Crime Prevention Committee.

He was environmentally conscious before it became fashionable. In the early 70s he was responsible for setting up the South Australian institution called Scouts Recycling when he was assistant commissioner of the state's Scouts association. He brought this green interest to Canberra and was a member of the ACT recycling group and NoWaste committee for almost a decade.

He was also a member of the Earth Hour steering committee since its inception and deputy chairman of the ACT Electric Vehicle Council. He was a lover of the fine arts and a strong and vocal advocate for the ANU School of Music, having been a School of Music foundation board member for many years. Concerned about the possible loss of the school, he once remarked, "I think anyone from outside Canberra probably wouldn't understand how passionate Canberra feels about its music."

There was a side to Chris that could be single-minded, forceful, blunt and uncompromising. He was renowned as a tough but fair negotiator. But there was another side to him that was characterised by his sensitivity, his kindness, a sense of humour, compassion, diplomacy and generosity of spirit.

For those of us who were privileged enough to receive his "my health" updates, which were always numbered, they gave an incredible insight into the generosity of a man who even in his most private moments was able to see the good and compliment it, and when things could be improved, suggest ways to do that.

He was a philanthropic man, whose contribution to numerous local charities over many years was enormous. He was admired for his altruism, and as someone who had difficulty in saying no to those seeking his advice and assistance. He was a founding member and driving force behind GreaterGood, Canberra's public charitable foundation, which has provided over $2 million for local causes since it was established. He was also heavily involved in the Salvation Army's annual Red Shield Appeal.

The outpouring of admiration and genuine affection shown by the community's response to Chris's passing is reserved for special people, and Chris was special. He was a loving husband to Jo, a friend to many, a great Canberran and a man of great character.

Chris once said, "What's fabulous about Canberra is that we are small enough that we can make things happen, but we are large enough to make it worthwhile happening." He was a man that did make worthwhile things happen, who will be forever remembered as a champion for business, a truly generous man, and a giant of the Canberra community, a man who made a real difference. He leaves behind a legacy of achievement that will be difficult to match, and he will be very sorely missed.

MR HANSON (Molonglo—Leader of the Opposition): I thank the Chief Minister for bringing this important motion before the Assembly today. Today's condolence motion is just a small gesture in celebrating the life of Dr Christopher Peters AM OI JP, a man who made a sustained wide-reaching contribution to the Canberra community.

I rise to speak today in my capacity as opposition leader and to pay my personal respects as well to another leader of our community, a leader whose work will be significantly missed. I know that all of my colleagues share my sentiments today. In particular, I acknowledge the particular professional and personal loss strongly felt by my Assembly colleague Mr Brendan Smyth. Brendan knew Chris for many years and worked with him in both government and opposition as a colleague and as a friend.

Chris Peters was a tireless advocate for ACT business, a fact recognised by his being awarded Canberra Citizen of the Year. Chris was a man who really made a difference. He was a natural leader, and not only worked for the chamber of commerce, but also for countless community organisations. His success was achieved through enormous work, quiet diplomacy and sheer determination. Many will have known and respected Dr Chris Peters in his public role as the CEO of the chamber of commerce, a responsibility he embraced with enthusiasm since 1997.

Nationally, Chris represented the ACT on the board of the Australian Chamber of Commerce and Industry. Many, in fact, said that Chris Peters was business in Canberra. He was said to have the biggest business card list of any Canberran. He had an unparalleled understanding of the nature of business and its often complex relationship with government in the ACT, and this served Canberra well. He was very active with the diplomatic community based in the ACT and as a consequence was able to provide invaluable assistance in facilitating international business activity within the ACT and across Australia.

Dr Peters also understood the great importance of education and training in building a strong and vibrant Canberra. He was passionate about vocational education and training. He served as the deputy chair of the ACT Board of Senior Secondary Studies. He was instrumental in helping establish the Canberra Institute of Technology Vocational College and was a long-serving member of its advisory boards. He was a commissioner of the ACT Skills Commission and served on the ACT Vocational Education and Training Advisory Group.

Chris was generous with his time and mentored many young people with their professional and educational aspirations. Chris was energetic in contributing to Canberra's growth and enrichment through roles such as with the ACT Business Council, the ACT Insurance Authority default insurance fund, the ACT Accreditation and Registration Council, the ACT Bushfire Recovery Taskforce after the devastating fires of 2003, ACT Planning and Land Authority through its commercial advisory committee, ACT Electric Vehicle Council and the ACT Defence Reserves Support Council.

To help others give back to the community, Chris Peters was chair of Canberra's GreaterGood Foundation, an organisation created to help individuals create charitable trusts. Chris Peters was on the Australian Federal Police crime prevention group and was an adviser to the ACT Council of Social Service.

Many will also know Chris through his far-reaching and tireless contribution to an amazingly wide range of community activities, particularly connected to his love of music. Chris had a variety of roles with the Friends of the School of Music, the International Music Festival here in Canberra, and the School of Music Foundation. He was an active supporter of the Canberra Symphony Orchestra in all its endeavours in the ACT. He will be well remembered by many for his role in spearheading attempts to broker positive outcomes in the recent concerns of the School of Music.

Chris Peters was awarded an honorary doctorate by the University of Canberra for his services to business and the community of Canberra. Chris was made a member of the

Order of Australia for his contribution to business in the ACT. Those lucky enough to have met and known Chris will always remember his quick wit, his ready smile and his generosity of spirit. Chris was in every sense a true servant of the people of Canberra, an unflinching advocate for Canberra's business community. Our city has lost a champion, a hardworking and generous supporter of many of Canberra's community interests, a decent and honourable man.

Madam Speaker, I wish to join with the other members of the Legislative Assembly in offering Dr Chris Peters' family and friends my most sincere condolences, in particular his wife Jo who joins us here in the Assembly today.

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): Today I join with my colleagues in celebrating the life and achievements of one of our city's greatest business leaders and community advocates, Dr Chris Peters. To begin, I would like to pass my sincere and deep condolences to the Peters family on behalf of the ACT Greens. At this difficult time, I hope that your family takes some comfort from the many messages received from those who join you in grieving a great loss, while celebrating a great legacy.

Dr Chris Peters was a proud and passionate Canberran and one of our city's most successful advocates. He truly saw Canberra and Canberrans as the heart of the nation. And he was of course well known and highly regarded as the heart of the business community in Canberra.

Dr Peters had a gift for bringing together business and community leaders and a tenacity for nurturing and encouraging small to medium businesses. He gave many people the confidence to follow and achieve their dreams of entrepreneurship and community growth in a town that boasts a distinct lack of big business and offers safety in public service employment.

Dr Peters spoke often, and convincingly, about the opportunities for people to make a real difference in Canberra by getting involved across the broader community. He linked people with, and in need of, skills and resources, and in doing so was instrumental in building the philanthropic culture we enjoy and benefit from today.

Dr Peters was a master of rallying business and the wider community to get behind worthy causes and play a part in improving the lives of vulnerable groups. Working alongside Migrant and Refugee Settlement Services, he was able to help remove landlords' concerns so that refugees could access the rental market and set up a home in our city. This not only gave people a positive start to their new lives in Canberra but helped to break down discrimination against refugee families.

Importantly, Dr Peters was a pioneer in identifying the need for us to plan carefully for a Canberra which is ageing and ageing faster than the rest of Australia due to the influx of public servants who moved to Canberra in the 1970s and are now approaching or beyond the retirement age. Dr Peters spoke passionately about the skills and housing shortages that could and would result if no action was taken to combat the effects of ageing across this city. He saw a need for good urban and social

planning that would provide more affordable housing for people who would be downsizing and support for people who would be living on superannuation or other fixed incomes.

He spoke about the skills shortage Canberra could face if it did not attract and retain skilled workers. His concern was not only for the business owners who would struggle to attract and keep staff but also for the difficulties that every Canberran would begin to face with necessities like getting cars serviced, getting a plumber in or finding a doctor or dentist. As Minister for Ageing and Minister for Housing, I am very thankful for his work in this area and for the tenacity with which Dr Peters pursued this issue.

The silver lining project, a chamber of commerce initiative in conjunction with the ACT government and the Ministerial Advisory Council on Ageing, is a legacy that I have the honour of carrying. It encourages mature aged, skilled people to remain in the workforce beyond the traditional retirement age, curbing the rate that skills are lost and allowing for better skill transfer between generations.

In all that he did, Dr Peters was dedicated, ardent and dignified. At times he made headlines by speaking with passion, and in fact he and I had a robust public exchange over climate change in 2011. I believe our public debate did much to uncover the issues around climate change and get Canberrans thinking about their response to this important global issue, as all good, respectful debates should do.

Mr Peters's list of honours and achievements is, of course, long and impressive and includes commendation from the King of Spain through the Cross of the Order of Isabel la Catolica and the title of the 2012 Canberra Citizen of the Year.

He was affectionately known around Canberra as the man with a business card as long as your arm, and his community interests and causes were many and varied. Dr Peters was still fighting and advocating for Canberra and Canberrans, even as his health declined.

No-one would doubt his love for this city, nor the difference he made to its character and vibrancy. I join with the Peters family and the people across and beyond Australia in mourning the loss of this proud Canberran.

MS PORTER (Ginninderra): I would like to join others in this place—and I cannot speak as eloquently as others have about Dr Chris Peters and his contribution to this place, but my husband and I have known Dr Peters and his wife Jo for many years—and express my condolences to Jo and their family and their friends.

As the Chief Minister has said, Dr Peters was a passionate believer in Canberra and its potential and always threw his energies behind that belief right up until his untimely death. Even when obviously gravely ill, he continued to care about others, care about his responsibilities and care about our city.

The Chief Minister has already mentioned his strong leadership and invaluable work post the 2003 fires. I was at that time the CEO of Volunteering ACT, which played a

major role in coordinating and managing the outpouring of the generous effort of spontaneous volunteers. Because of this I was on the subcommittee formed to deal with the massive donations of goods and in kind. Dr Peters sat on that subcommittee, and I had the privilege of seeing firsthand his strength, his commitment and his tireless work. And at that very difficult time his insight and his understanding of the way that this city and its people responded was an extremely important insight.

I thank Dr Peters for all he gave to Canberra and again pass on my condolences to Jo, family and friends.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services): I will just add a few words. Colleagues have spoken this morning about Chris's contribution to Canberra, and many words have been used in the speeches that ring true—a generous man, a hardworking man, a decent man, an honourable man, a man of passion, strength and commitment.

Mr Hanson touched on Chris's role as a mentor, and I would like to thank Chris for all of the time that we shared over many years in discussing many different things. Members would probably be familiar with an email that would pop into their inbox from time to time under the heading "Sir Lunchalot". That would be Chris's invitation to lunch.

We formed somewhat of a tradition, after the BSSS ceremony at the end of each school year just prior to Christmas, when things had quietened down, of taking the opportunity to get together over lunch and discuss what had happened in the year. But with Chris, it was always to bring out the list of what needed to happen next year. That, initially, was a pen and paper list but in more recent times he took to his iPad with fervour and would have an electronic list.

He would then go through, over lunch, often extending over a number of hours, each of the issues as broadly as you could imagine, obviously prosecuting his case as chief executive of the chamber of commerce but always with a view of what was best for the city of Canberra and what new ideas and innovations we could bring in the new year to ensure that this place was a better place, be that through his numerous community roles or his roles working with government. I commented at times over the years that, if a week went by where I did not see Chris, it was an unusual week. He was on so many boards, had so many roles with government—and at the time I think I held the education and training, tourism and industrial relations portfolios—and we worked very closely on so many issues.

But my greatest memories of Chris are not so much the professional side, of which people have spoken extensively, but of the time and effort that he put into individuals. And I can only begin to imagine the sense of loss for Jo and Chris's family. I say, as someone who did benefit greatly from Chris's mentoring and Chris's support over the years, that it will never be the same. I hold so many cherished memories of the time that we spent discussing so many issues that were vital for the future of this city. That passion I will never forget, and I thank him very much for that.

MR GENTLEMAN (Brindabella): I rise today to offer my condolences to Chris's wife Jo and the family and join in on this important motion in the Assembly. I had the opportunity to serve with Dr Peters on the Electric Vehicle Council and during that period I watched how he was very careful in making sure that important priorities were set for the Electric Vehicle Council. I would like to mention a couple of those because they were, I think, in his vein of work.

Some of them include: to generate political and business support for electric vehicles, with a coordinated approach through the council's academic, corporate and government representatives; to establish networks and relationships with industry stakeholders and provide the ACT with a point of contact with electric vehicle manufacturers and suppliers; to monitor developments in the global electric vehicle industry; to inform stakeholders of projects relating to new and emerging technologies; and to build on international experience and expertise in the ACT and the region. I believe Dr Peters was successful in establishing all of those priorities and following up, through those, to make the council the success that it is.

He worked hard with ACTEW, TransACT and CIT to make sure they were on board and to show support freely across Canberra. Last year he wanted to see some renewal on the board and moved off the Electric Vehicle Council but still was very interested in seeing how it was progressing. So I am sure I speak for all that worked with him on that council and the board in thanking him for his hard work there. He will be remembered for his contribution to Canberra and to the innovation across the region.

Question resolved in the affirmative, members standing in their places.

Justice and Community Safety—Standing Committee
Scrutiny report 5

MR DOSZPOT (Molonglo): I present the following report:

> Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 5, dated 4 April 2013, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR DOSZPOT: Scrutiny report 5 contains the committee's comments on two bills, 21 pieces of subordinate legislation, three government responses and one executive member's response. The report was circulated to members when the Assembly was not sitting. I commend this report to the Assembly.

Planning, Environment and Territory and Municipal Services—Standing Committee
Report 1

MR GENTLEMAN (Brindabella) (10.26): I present the following report:

> Planning, Environment and Territory and Municipal Services—Standing Committee—Report 1—*Report on Annual and Financial Reports 2011-2012*, dated 5 April 2013, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

MR GENTLEMAN: This is the first report of this committee. The reports were referred to the standing committee on 14 February 2013. The committee held four public hearings and heard from 45 witnesses from the Economic Development, the Territory and Municipal Services and the Environment and Sustainable Development directorates. Some 56 questions were taken on notice, which have all been responded to and which are all available on the committee's webpage.

The committee made 10 recommendations: first, the government places greater emphasis on the importance of consuming wisely as part of its reduce, reuse and recycle education campaign; second, the Environment and Sustainable Development Directorate in future includes a note to explain the discrepancies between the target and actual results for accountability indicators 1.4(a) related to the percentage of audits/investigations undertaken of new electric/gas installations and new sewerage connections; third, the government states when the lease variation charge schedule for Braddon will be published; and fourth, better mechanisms for reporting procedures be instituted in all directorates to ensure that the implementation of the recommendations of the Commissioner for Sustainability and the Environment's report can be properly monitored and assessed. There were another six recommendations in the report, but I will leave it up to members to read those.

The committee would like to thank the ACT government ministers, directorate officials and the Commissioner for Sustainability and the Environment for their time and expertise as witnesses.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Report 1

MR SESELJA (Brindabella) (10.28): I present the following report:

> Public Accounts—Standing Committee—Report 1—*Inquiry into Appropriation Bill 2012-2013 (No. 2)*, dated 4 April 2013, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

MR SESELJA: I am pleased to present this report on the Standing Committee on Public Accounts' inquiry into Appropriation Bill 2012-2013 (No 2). The resolution of

the Assembly of 14 February 2013 referred the bill to the committee for inquiry and report. Referral of supplementary appropriation bills to parliamentary committees for inquiry and report is an important oversight mechanism that assists the parliament in its control of the public purse and is fundamental to responsible government. Scrutiny of the main and supplementary appropriation bills are not just mechanisms for obtaining parliamentary approval for proposed expenditure; in addition, oversight of proposed appropriation bills is critically important in ensuring transparency, accountability and good governance.

The second appropriation bill provides for the appropriation of a total of $231.058 million in 2012-13 across three overarching output categories: one, the ACT local hospital network; two, the land rent scheme; and three, an appropriation apportioned across two output classes for an unspent appropriation from the former Treasury Directorate in 2011-12.

The committee held one public hearing on the proposed legislation on Tuesday 5 March 2013, at which it heard from the Treasurer and Minister for Economic Development, Mr Andrew Barr, the Minister for Health, Ms Katy Gallagher, and their accompanying directorate officials.

The committee has carefully considered the expenditure proposals contained in the second appropriation bill. The committee is satisfied with the explanations provided for each of the expenditure proposals. The committee has set out its comments in relation to each of the proposals in its report.

The committee makes two recommendations: that the Assembly pass Appropriation Bill 2012-13 (No 2) and, to the extent that the work is not already taking place, the ACT government table in the Legislative Assembly by the last sitting day in June 2013 the government response to the post-implementation review of the ACT land rent scheme.

The committee thanks the Treasurer and Minister for Economic Development and the Minister for Health as well as officials from the Chief Minister and Treasury, Economic Development and Health directorates who assisted the committee in the course of its inquiry by appearing before it and/or providing additional information.

I conclude by thanking my Assembly colleagues on the committee—Ms Porter, Dr Bourke and Mr Brendan Smyth—and the committee office staff, most particularly, Andrea Cullen who does such an outstanding job in looking after a very, very busy committee. I commend the report to the Assembly. My committee colleagues may also wish to provide comment.

DR BOURKE (Ginninderra) (10.31): I welcome this opportunity to speak on the first report from the Eighth Assembly Standing Committee on Public Accounts. I support the recommendations from our inquiry into Appropriation Bill 2012-2013 (No 2). The two recommendations are that the government table by the last sitting day in June its response to the post-implementation review of the land rent scheme and that the Assembly, sensibly, pass the appropriation bill.

I thank the witnesses who gave evidence: the Chief Minister, the Treasurer and officials from the directorates. I also thank my colleagues on the public accounts committee: Ms Porter, Mr Smyth, and the chair, Mr Seselja.

In the four months since the public accounts committee was formed after last year's election we have met many times. The range of inquiries PAC undertakes is an essential accountability mechanism to ensure good government for the people of Canberra. The importance of the role of the public accounts committee was reflected last November when the then Leader of the Opposition chose to chair this committee. I believe it is now time for the current opposition leader to take on this role. It is time for Mr Hanson to fully take on the duties as opposition leader and take on the duties as chair of the public accounts committee as well. He must demonstrate some leadership and call on the senator preselect, Zed Seselja, to resign from the ACT Legislative Assembly.

MADAM SPEAKER: Dr Bourke, sit down, please. I think I have had this conversation on a number of occasions with members of this place. I ask members to refer to people by their names and no other epithets. Thank you, Dr Bourke.

DR BOURKE: Thank you, Madam Speaker. With Mr Seselja's preselection confirmed, the clock is ticking on Mr Hanson to stand up for the residents of Tuggeranong to make sure they are being represented by a member of the Legislative Assembly interested in serving their needs.

Mr Seselja was preselected over Senator Humphries back in February. He has earned $19,657.90 as at 9 April since being preselected. This figure goes up by $436.40 every single day until the issuing of writs on—

Mr Smyth: A point of order, Madam Speaker. I am not aware that funding for Mr Seselja was appropriated in the Appropriation Bill 2012-13 (No 2). Perhaps you would ask the member to be relevant.

MADAM SPEAKER: I uphold the point of order, Dr Bourke. Standing orders require you to be relevant to the question that the report be noted. I ask you to be relevant to the issues in the report. Dr Bourke.

DR BOURKE: Thank you. As chair of the public accounts committee, Mr Seselja is not providing reasonable representation for the people of Tuggeranong, who are now represented by four instead of five MLAs.

Mr Smyth: Point of order, Madam Speaker, as chair of the public accounts committee, Mr Seselja is not there to represent the people of Tuggeranong; he is actually there to run a committee, which he has done and which has delivered this report. If Dr Bourke is not going to be relevant, then he should sit down.

MADAM SPEAKER: Dr Bourke, I uphold the point of order made by Mr Smyth. I was actually going to make the following comment as well: this is a matter about the report of the public accounts committee and you are coming very close to reflecting

upon the character of a member of this place, which would be highly disorderly. Either be relevant to the report of the public accounts committee on the inquiry into the Appropriation Bill 2012-2013 (No 2) or I will sit you down.

DR BOURKE: Thank you, Madam Speaker. I commend the report to the Assembly.

Question resolved in the affirmative.

Traffic calming
Ministerial statement

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) (10.35), by leave: I am pleased today to provide a statement to the Assembly about traffic calming, also known as local area traffic management.

Achieving safe speeds is an essential component of the safe system approach, as outlined in the national and ACT road safety strategies. It is also compatible with the vision zero strategy that the ACT has adopted, which emphasises placing a priority on human life and health.

A safe transport system requires responsible road user behaviour, but it also makes allowance for human error and recognises that there are limits to the forces that humans can withstand in a crash.

An essential element of the safe system and vision zero approach is to design roads and vehicles to reduce the risk of crashes and to reduce the harm to people if a crash does happen. Speed management is also a critical factor in limiting the impact energy of crashes.

This is an important factor for improving safety for vulnerable road users, a term that refers to road users that are not protected by a hard shell, for example pedestrians—with older Canberrans and children as particularly notable categories—as well as pedal cyclists and motorcyclists. They are at the most risk of injury and death in a collision with a larger, heavier vehicle such as a car.

Local area traffic management schemes are a proven road safety treatment to address speeding, safety and amenity issues in residential areas. There is considerable community and political interest in road safety issues, including local area traffic management works.

It is timely to provide the Assembly with further details of progress the government is making—through Roads ACT in the Territory and Municipal Services Directorate—with these local area traffic management studies.

Roads ACT receives many inquiries from members of the public raising traffic concerns in their streets. As TAMS minister, I regularly receive many requests to

address speeding vehicles and safety problems in local streets. A common request is to implement traffic calming measures.

Roads ACT uses a traffic warrant system to prioritise investigations of priority streets under its residential street improvement program. The warrant system takes into account traffic volume, speed, heavy vehicle traffic, crash history and land use. The traffic warrant system was developed following a report from an Assembly committee.

While not the only consideration in determining a program of work, the traffic warrant system provides an objective assessment of community concerns and allows Roads ACT and the government to be aware of how traffic conditions on certain streets compare with other streets.

Members who were in the previous Assembly will recall that on 2 May 2012 a motion was passed in the Assembly calling on the ACT government to consult and initiate traffic calming measures on Coyne Street and Clift Crescent in Tuggeranong. As a result, these two streets were added to the program of local area traffic management for 2012-13.

In terms of the current program, Roads ACT has four major traffic calming studies underway, with consultants engaged to undertake the following studies:

- Chisholm, Gilmore and Richardson, including Clift Crescent, Heagney Crescent and Hambidge Crescent;

- Macarthur, Fadden and Gowrie, particularly Coyne Street between Bugden Avenue and Isabella Drive;

- Streeton Drive, from Hindmarsh Drive in the north to Namatjira Drive in the south, and surrounding streets; and

- Messenger Street, Trickett Street and Beaurepaire Crescent, in Holt.

These four studies are proceeding in parallel.

Stage 1 public consultation, which involved seeking community views on perceived issues and problems, was completed late last year. At the same time, the consultants undertook technical analysis of traffic data, such as traffic volumes, traffic speeds, the extent of through traffic and traffic crashes, and developed traffic management concepts and solutions.

Stage 2 public consultation for these four studies is currently underway, with the public comment period closing on 12 April. The purpose of this stage is to seek community views and feedback on the proposed traffic management concepts and solutions.

Over the coming weeks the preferred options will be further assessed and developed. The study reports will then be finalised. Stage 3 public consultation will occur around May-June to inform the community of the preferred schemes and priorities for

implementation. Formal advice will then be provided to government, which will include a staging plan for implementation.

I have had the opportunity to attend several of the public meetings on the current traffic calming studies. They are a good example of community engagement and consultation, and TAMS has received considerable feedback from the community.

The objectives of the proposed traffic management schemes are to reduce travelling speeds, improve safety at intersections, reduce traffic volumes and discourage "rat running" by through traffic that should be on the arterial road network. It is also an objective to improve safety for vulnerable road users such as pedestrians and cyclists.

To meet these objectives, a range of engineering devices can be employed depending on the road conditions and particular problems that need to be addressed.

Roundabouts are a suitable treatment to improve safety at intersections, as well as requiring traffic to slow down. Provision of turning lanes or channelisation can also improve safety at intersections. Treatments such as median refuges and raised crossings can be used to improve pedestrian safety and also slow speeds. On mid-blocks, the installation of speed cushions or humps can be a cost-effective treatment to address speeding. Examples of these treatments can already be found in Canberra, as well as in other towns and cities in Australia, and around the world.

The four studies will provide an overall master plan, or concept plan, outlining traffic calming measures suitable for the areas studied. The government's intention is to implement works in a staged approach. The highest priorities in each study area would be implemented first, then evaluated, and later stages implemented as and when required. Funding for the first stage of implementation is under consideration as part of the capital works program for 2013-14 and 2014-15.

As members are probably aware, traffic calming proposals can have the effect of polarising community views. They result in a range of public views and are not always supported by every member of the community. They are a good example of not being able to please everybody all of the time. As TAMS minister, I receive numerous requests from members of the public seeking traffic calming measures. I also get other members of the public strongly complaining to me about them.

While traffic calming can provide speed, traffic volume and safety improvements, some vehicles are distributed elsewhere on the network and some trips may become slightly longer. Speed humps can also result in a slight increase of noise to nearby residents.

In general, it seems that people living on a street are supportive of traffic calming measures, while motorists driving through the suburb are less so.

Often, any delays from traffic calming measures are negligible. The 40 kilometre per hour zones implemented in Woden and Gungahlin town centres are a good example.

It is also important to remember that the goal of traffic calming measures is to improve road safety and to benefit the residential environment in Canberra. In this way they benefit the whole community.

The government has been very keen that the outcomes of the current studies go through thorough community engagement. The consultation process has been extensive and included letterbox drops of a newsletter and survey form to all relevant suburbs, an online survey for the wider community and of course the drop-in information sessions that I referred to earlier. The newsletters and questionnaires were also placed in libraries and shopfronts. I have also issued two media releases, and community noticeboards were placed in the *Canberra Times* to alert the community to the various stages of these studies. Roads ACT has also placed a lot of detailed material on the TAMS website.

On a separate issue relating to these traffic calming studies, I would like to update the Assembly about the use of bluetooth technology to collect traffic data for these studies. This technology can determine vehicle speeds and travel times as well as gauge the route choices that vehicles make. It is particularly useful in determining the speed of vehicles and the level of rat running in suburbs.

Bluetooth data collection is used for traffic studies across Australia and worldwide. It is more convenient, accurate and cost-effective than older data collection methods such as numberplate surveys. Notably, it is also less intrusive than the numberplate survey method.

I am advised that any residents concerned about their privacy can be assured that the government cannot identify individuals from the data, and the technology does not capture any personal information. The technology accesses a string of numbers and letters from bluetooth devices that are switched on in vehicles passing through the target area. This string is called a MAC address. I understand that this address cannot be related to a phone number or other personal details and there is no database of MAC addresses.

In addition, rather than recording the actual MAC address, the loggers only record an encrypted form of the address. The company that performs the bluetooth logging does not have the encryption algorithm, which makes it impossible to unscramble the encrypted address. TAMS is only provided with a final report on traffic data from the company; it does not get records of any MAC addresses.

In view of recent interest in this issue, I have asked TAMS to include information on bluetooth data collection on its website. For completeness, I have also asked TAMS to seek advice from the Office of the Australian Information Commissioner to ensure that the bluetooth technology is being used in the best possible way to protect privacy.

In closing, I am pleased to provide Assembly members with an update about these important local area traffic management studies. Sometimes traffic calming projects can draw a negative response from the community, but it is key work to make our neighbourhoods safer, to reduce incidents of speeding, rat running, accidents and

danger to all road users. They help make our streets more amenable to neighbourhood activities.

The work aligns with wider efforts to address road safety under the framework of the ACT road safety strategy and action plan.

Roads ACT has put significant effort into engaging the community and developing plans to achieve these outcomes, and will continue to progress this good work.

I present the following paper:

> Traffic calming—Ministerial statement, 9 April 2013.

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

Crimes Legislation Amendment Bill 2012 (No 2)
Detail stage

Clause 1.

Debate resumed from 29 November 2012.

Clause 1 agreed to.

Remainder of bill, by leave, taken as a whole.

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) (10.47), by leave: I move amendments Nos 1 and 2 circulated in my name together and table a supplementary explanatory statement to the amendments *[see schedule 1 at page 1385]*.

The Crimes Legislation Amendment Bill 2012 (No 2) amends a number of pieces of legislation to address a number of issues that have arisen and to make key improvements to the operation of the criminal law in the ACT. On 29 November last year this bill was presented to the Assembly. The amendments proposed by the bill impact a wide range of areas of the criminal law, including drug and property offences and sexual offences.

The explanatory statement accompanying the bill provides a detailed explanation of these proposed amendments. However, earlier in this sitting year I circulated additional government amendments that are required to address two issues that have arisen since the bill was tabled last year. I will deal with each of these issues.

Firstly, currently under the Crimes Act 1900 the definition of "sexual intercourse" includes the penetration to any extent of the vagina or anus of a person. The bill, intending to expand the definition of "sexual intercourse", provides that sexual intercourse instead includes penetration to any extent of the genitalia of a female person or the anus of any person. This new definition may have the unintended effect that any victim who does not identify or is not identified by others as a female person would be excluded from relying on this definition to prove a sexual offence.

Secondly, the bill further provides that "female person" includes a transsexual person with a surgically constructed vagina. This proposed amendment to the Crimes Act 1900 would have the unintended effect of excluding a person who has had surgically constructed or altered external genitalia but not a surgically constructed vagina. In addition, the reference to "transsexual person" in the definition of the bill amended may act to exclude a person who is not transgender but who, for any number of reasons, may have a surgically constructed or altered vagina or genitalia from relying on the definition. Therefore the government is proposing a number of amendments.

Amendment 1 amends the bill so that the words "or anus of a person" are not omitted from section 50(1)(a) and (b) of the Crimes Act and only the words "a vagina" are omitted from this section. The amendment amends the bill so that the words "the genitalia" are substituted for "the vagina" in section 50(1)(a) and (b) of the act. The purpose of the amendment is that section 50(1)(a) and (b) will refer to the genitalia or anus of a person, rather than the genitalia of a female person or the anus of any person, so that the section is applicable to victims who do not identify as a female person.

Amendment 2 amends the bill so that the new definition of "female person" inserted at section 50(2) of the Crimes Act 1900 is no longer inserted. Instead, a new definition of "genitalia" is inserted. "Genitalia" includes surgically constructed or altered genitalia. The purpose of amendment 2 is to ensure that the definition applies to victims who have surgically constructed or altered external genitalia but not a surgically constructed vagina and victims who are not transgender but who, for any number of reasons, may have a surgically constructed or altered vagina or genitalia.

These are important amendments that have been drawn to the government's attention by a range of stakeholder groups. I thank them for their advice and commend these amendments to the Assembly.

MR RATTENBURY (10.51): The Greens agree with the amendments. They amend the definition of "sexual intercourse" to ensure that the bill does not exclude victims of sexual assault who identify as female. This was a question that I raised with the government last year and I understand that A Gender Agenda wrote to the minister about the issue as well. I am pleased that the government has taken those requests on board. It will mean that the definition of "sexual intercourse" can be relied on by a person who has surgically constructed genitalia but not a surgically constructed vagina, or a person who is neither transgender nor intersex but who has a surgically constructed vagina or genitalia.

Having made those brief remarks about my support for these government amendments, I also wish to oppose clause 23. I might ask the Assembly that we take the matters separately, that we deal with clauses 1 to 22 and then proceed from there.

MR SESELJA (Brindabella) (10.52): We will be supporting these amendments.

Amendments agreed to.

Ordered that the question be divided.

Clauses 2 to 22, as amended, by leave, taken together and agreed to.

Clause 23.

MR RATTENBURY (Molonglo) (10.53): Thank you, Madam Speaker, and thank you, colleagues, for that procedural sorting out. As outlined in the in-principle debate, the Greens will not be supporting this clause because the proposed change breaches the fundamental right to the presumption of innocence and we believe it is incompatible with the protection given in the Human Rights Act.

The Human Rights Act requires that laws that limit human rights must be demonstrably justified in a free and democratic society. The effect of this clause, we believe, is far from justifiable. In presenting the Human Rights Act, Mr Stanhope said:

> The object of this bill is to give recognition in legislation to basic rights and freedoms. It is a clear and unequivocal commitment by this government … By passing this bill we commit ourselves to minimum standards in our law making. It is a bottom line, a floor below which we should not fall.

He also said:

> … we can't afford to be complacent. We can't take our fundamental rights and freedom for granted in the 21st century any more than our forebears and ancestors could in the centuries that went before.

It seems that this bill has proven the validity of Mr Stanhope's concerns. In fact this erosion of basic rights is exactly what the Human Rights Act should be protecting, as the floor through which we cannot fall in a modern, developed democracy. One has to ask the question: if the Human Rights Act does not protect against this law, exactly what does it do to protect the presumption of innocence?

There is no doubt that at times it is possible to create statutory presumptions over conduct that do not unreasonably limit our basic rights. This is not one of those times. This can only be characterised as an arbitrary limitation, nothing more than an attempt to overcome other shortcomings, rather than any real advance in combating drugs. Mr Stanhope also said in that speech:

> Without a yardstick against which to measure rights, we risk the whittling away of rights protection.

The reality now is that it appears that we have a yardstick against which to watch the whittling away of rights protection.

Fully cognisant of the consequences, and with a clear standard against which to measure their conduct, the government is proposing a law that has been criticised by the human rights commissioner and which will quite possibly be the first law found to be incompatible with our protected human rights that has been passed since the adoption of the Human Rights Act.

There is no doubt—and the government acknowledges—that the clause creates a significant limitation on the right to the presumption of innocence. The question that remains to be resolved is whether or not the limitation is justified under section 28 of the Human Rights Act.

There has only been one declaration of incompatibility issued by the Supreme Court so far. In the matter of an application for bail by Islam, Justice Penfold set out the application of the section 28 test as follows. There were four components. The first question she posed was:

> Is the purpose of the limitation of sufficient importance to warrant overriding the recognised human right (see ss 28(2)(a) and (b) of the Human Rights Act)?

The explanatory statement to the bill that we are debating today sets this out:

> The purpose of this amendment is to address concerns about the enforceability of the possession of controlled precursor offences at section 612 of the *Criminal Code 2002*.

It also states:

> Additionally, the purpose of this amendment is to support the overarching purpose of the ACT's serious drug offences.

At the in-principle stage the Attorney-General said that the clause was "designed to attack organised crime and disrupt the manufacture and supply of drugs to them". He elaborated that this would be achieved by preventing criminal organisations from spreading the risk of drug manufacture.

Certainly, in a general sense, controlling drugs and disrupting drug supply is an important purpose and a change designed to improve the effectiveness of a provision to better disrupt the manufacture and supply of these types of drugs is a legitimate end. However, there are a couple of important points to note. Firstly, the end product of the change will be a provision that operates to deter drug manufacture offences by deeming that the manufacture is for supply. In this case, we are talking about potentially the most minor quantities of particular substances rather than the commercial supply of significant quantities of drugs. The purpose therefore must be characterised as strengthening the prohibition on small-scale production. In the scheme of controlling drug use, this is clearly at the lower end of the spectrum. It is

also important to note here the importance of the right being protected—the right to the presumption of innocence.

The question then to be asked is: is the importance of this aim so great that we should create a situation where it is quite foreseeable that someone will be sentenced to imprisonment on the basis that they are presumed to intend to commit particular conduct when in reality they had no such intention? Does it warrant jettisoning the golden thread of our legal system—the right to be presumed innocent? This goes to the issue of proportionality, which forms the fourth test which I will get to in a moment.

However, the second test identified by Justice Penfold was:

> Is the challenged provision rationally connected to its purpose (see ss 28(2)(c) and (d))? That is, does it achieve the relevant purpose without having an arbitrary or unfair operation and without relying on irrational considerations?

I believe the simple answer to this is no; the clause is nothing if not arbitrary. Presuming the intent to supply has no logical connection with the prohibition on possession and manufacture of very small quantities of drugs. Ordinarily presumptions are imposed on larger quantities for which there is a stronger connection with sale. This is the way drug laws have traditionally worked in every Australian jurisdiction. There is no logical reason to say that where a person has any quantity of controlled precursor they intend to sell the finished product.

The question must be asked: on what basis do we think that a person who will only produce a very small quantity of drugs intends to sell the drug? More than that, on what basis do we think that every person who has a small quantity of drugs always intends to sell them, such that it is appropriate to create a deeming provision that they intend to sell it, requiring them to prove otherwise?

Again, the simple answer is that there just is not one. As I said in the in-principle debate, we can all imagine a scenario where a foolish young person finds some instructions on the internet about what I understand is a relatively straightforward process of making particular drugs.

They have no intention about selling it, and quite possibly there is no evidence one way or the other about selling it. It is fundamentally wrong for this place, on behalf of the community, to deem that foolish young person to be a drug dealer unless they can prove they are not. Creating a situation where the mere fact that something cannot be proved one way or the other gives rise to the commission of a serious indictable offence is manifestly unfair, and the absence of a logical connection to the conduct makes it manifestly irrational.

Even accepting that the issue of drug syndicates is a reality and that the bill will do something to address this, the by-product of imposing the requirement on everyone, probably the majority of whom will have no connection to drug syndicates, is necessarily unfair.

The third element of the test identified by Justice Penfold is:

> Does the challenge provision limit the human right concern no more than is reasonably necessary (ss 28(2)(e))?

To be clear, the requirement is not that the clause is the absolute least restrictive means available, just that it is within a reasonable band of means to achieve the legitimate end.

So will this provision limit the right to the presumption no more than is reasonably necessary to address the manufacture and supply of drugs? Again, the answer is no. There are other more targeted means reasonably available for dealing with this type of conduct. The right being limited is a very significant right, and there are alternative ways of regulating the particular conduct without imposing such a serious limitation on the right to the presumption of innocence.

The first option is, of course, to create an evidential burden, as was suggested by the scrutiny committee. The minister did respond to this issue, both directly to the committee and to the Assembly during the in-principle debate. However, that response raised a number of significant issues.

The attorney said:

> … placing an evidential burden would not satisfy the purpose of the proposed amendment, which is to require the defendant to establish something peculiarly within his or her knowledge to facilitate in order to attack organised crime and disrupt the supply and manufacture of illegal drugs. An evidential burden would allow a defendant to simply state under oath that they intended to use the controlled drugs themselves—end of question.

I do not believe—and it is unfortunate for the Attorney-General—that that is the end of the question. The reality is somewhat different, and in fact the statement by the Attorney-General is simply incorrect. The Attorney-General continued:

> With the simple act of making a false oath, the evidential presumption would be rebutted, leaving the prosecution to prove the intention to sell. This is not a satisfactory position and it is not an improvement on the position we currently face.

Having made those remarks, I would put the case: if this were in fact the case, why then would we ever bother having an evidential burden on anything? If it was as futile as the attorney suggested in his comments, there would never be any point to having such a provision. Of course, there are many laws which impose evidential burdens on all manner of issues and, contrary to the attorney's suggestion, it in fact plays quite a legitimate role in the enforcement of many laws.

The Criminal Code in section 58 sets out:

> "Evidential burden", in relation to a matter, means the burden of presenting or pointing to evidence that suggests a reasonable possibility that the matter exists or does not exist.

There is a requirement on a judge in a matter to find that the burden has been satisfied. In Chapman v Hains (2008) in the ACT Supreme Court, the court said that the satisfaction of the evidential burden "does not only turn upon his statement that that is the fact, but the surrounding circumstances to which he would point, if correct, would lead to the same result". *(Second speaking period taken.)*

Following on from that, the mere assertion of a state of affairs is not sufficient to satisfy the burden. Some evidence must be presented to support the assertion. The reality is that there is no reason why it could not be an evidential burden. Additionally, there is no reason why the offence could not be divided such that possession with intent to manufacture was one offence with a proportionate penalty, and intention to supply was either an additional offence or an aggravating factor with an additional penalty. This would mean that people could be prosecuted for their conduct and convicted where there is sufficient proof to support the conviction without the need for a deeming provision.

One further means of reducing the limitation would be to impose it where a minimum quantity is involved. To argue that this poses any sort of difficulty is ridiculous. The Attorney-General asserts that it being tied to a particular yield, which has never been asserted by anyone, would be very difficult. Already in fact the very offence that we are amending has different levels of seriousness based on the quantity possessed.

The regulations set out hundreds of different quantities of the various substances. There is no reason that those tables could not be used in relation to the presumption. It is clear that there are a range of other options available to address the issue. What these other options help to demonstrate is that this provision does limit the right more than is reasonably necessary and that it is not within an acceptable band of available limitations.

The fourth and final element identified by Justice Penfold and the question she posed was:

> Is the limit imposed on the human right proportional to the importance of the purpose?

To evaluate the proportionality of the clause, we need to consider the importance of the right being protected, the effectiveness of the limitation and the importance of the end it seeks to achieve and its effectiveness in achieving it.

Looking first at the scale of the limitation and the extent of the right lost to the new presumption, the Victorian Court of Appeal characterised the limitation in relation to the trafficking offence as follows:

> Nor, in our view, did the arguments advanced come close to justifying the infringement of the presumption in relation to the trafficking offence.

The Attorney-General will seek to distinguish the Momcilovic case because there are two presumptions at issue there. However, it is important to be very clear that the

Victorian Court of Appeal unanimously found that the presumption in relation to trafficking was incompatible with the Human Rights Act.

It is also important to remember that what we are doing is in fact worse than what was the case in Momcilovic, because here the presumption applies to possession of any quantity. In Momcilovic, a trafficable quantity was required to enliven the presumption. The fact that, in this instance, someone has committed a lesser offence in order to be caught up in the net now cast is not really relevant. This is a point on which the Attorney-General has much relied, and yet I believe there is no logical connection.

To illustrate the point, section 366 of the code relates to the receipt of stolen goods and provides that if a person received four or more items of stolen property they are presumed to know the goods are stolen, and an evidential burden is imposed. There is some connection to the volume, although even then I would say it is a little tenuous. Nevertheless, there is some connection between the volume of activity and the conduct which the statute deems to have occurred. Even then, only an evidential burden is imposed.

Perhaps the attorney would say in reply that this is a more serious offence. Indeed, he has made much of the fact that this provision is part of the serious drug offences provisions. The best response to this is to quote Justice Sachs of the Constitutional Court of South Africa, who said:

> The perniciousness of the offence is one of the givens, against which the presumption of innocence is pitted from the beginning, not a new element to be put into the scales as part of a justifactory balancing exercise. If this were not so, the ubiquity and ugliness argument could be used in relation to murder, rape, car-jacking, house-breaking, drug-smuggling, and corruption … the list is unfortunately almost endless, and nothing would be left of the presumption of innocence, save, perhaps, for its relic status as a doughty defender of rights in the most trivial cases.

Moving on from that quote, the assertion about seriousness simply ignores the fact that there is a well-recognised difference between manufacturing drugs for personal use and doing so for distribution. Further, in favour of proportionality, the Attorney-General argues that knowledge is within the purview of the defendant, and evidence will be best available to the defendant.

Again, this does nothing to address the issue. As the maxim of the presumption of innocence goes, it is necessary since, by the nature of things, it may not be possible to disprove an asserted fact. Anyone can say that they have a drug habit. Evidence to support that may be very difficult to adduce. People involved are not going to be keen to say, "Yes, I've sold that person heaps of drugs in the past," or, "Yes, we do drugs together all the time."

It is worth considering the comments of the Chief Justice of the Supreme Court of New Zealand, who found, also in the context of a deemed drug offence:

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

Considering the four tests set out in the ACT Supreme Court, it seems to me impossible to say that the clause is compatible with human rights. At best, it perhaps satisfies one of the four, remembering that the failure of any one of them equals invalidity. Together with the human rights issues which the clause raises and which are the primary grounds for the Greens' objections to the clause, there are a couple of things that also need to be observed.

For completeness, another reason for the bill advanced by the Attorney-General in the debate is this statement in the explanatory statement:

> The amendment will also bring the offence closer into line with other jurisdictions that use the presumption for this offence.

Again, I believe this is not correct. Neither the attorney nor the officials have been able to provide one example of a law anywhere in Australia that applies a presumption of sale to any quantity of a prohibited substance possessed.

There is one additional problem created by the amendment in that it simply does not make logical sense when you look at the broader operation of the code in relation to drug offences. At the point where you have the materials to make a drug but have not yet done so, you are deemed to be a drug trafficker; yet at the moment when you actually turn it into a drug, you are no longer deemed to be a drug trafficker. What does this say? "Hurry up and process the gear so that you don't have to prove you didn't intend to sell it."

To finish where I began, looking back at the very noble aspirations the former Chief Minister had for the Human Rights Act, he said:

> Human rights belong to everyone, and we are all diminished by breaches of human rights.

Should this clause pass in this place, there is no doubt that we will not be living up to these expectations that we have set for ourselves. To claim to be a place of leaders who recognise that rights protection is a difficult task, often with no clear answers, and that leaders will not succumb to the temptation to jettison rights to achieve particular outcomes—these aspirations ring hollow against the gravity of the limitation on what are supposed to be the most basic of rights. One has to ask the question: if this limitation is compatible with the Human Rights Act, exactly what does it protect against?

MR SESELJA (Brindabella) (11.11): The Canberra Liberals adjourned the debate on the detail stage of this bill to allow more consideration of the new section 612A of the Criminal Code. We believe that this section deserves weighty consideration as it establishes a presumption to sell illegal drugs, based on the possession of a controlled precursor and intent to manufacture. Establishing such a presumption in law should not be done lightly and should only be done where the harm to society from the offence is great and where it is clear that this presumption will directly address the risk of this harm.

As the ACT Law Society has stated, this presumption does not appear in other drug offences. However, the presumption to sell drugs arising from manufacture is specific to the process, and a harm currently exists in the ACT. There is a real risk and an alarming trend that show organised crime is using a large number of small manufacturers to each produce a small amount of illegal drugs rather than one person shouldering the responsibility for a large-scale operation.

As stated in the explanatory statement to this bill:

> Many precursors are present in products that are available from pharmacies, supermarkets and hardware stores and are commonly extracted in backyard laboratories to create controlled drugs.

Therefore, not only does this new offence address the harm created by the trafficking and consumption of illegal drugs but also it addresses the danger to the manufacturer and their surrounding neighbours of manufacturing drugs in backyard operations.

In examining this legislation, we carefully considered whether there was a less restrictive provision that could achieve the same purpose—for example, an evidentiary rather than a legal burden. However, our research has shown that a legal burden would be too easy for the defendant to remove and, therefore, the intent of the offence, to prevent manufacture of illegal drugs, would not be achieved. Using an evidentiary rather than a legal burden would encumber the prosecution to the extent of making the offence null and void.

Additionally, it was mooted that the presumption should be linked to a quantity of the precursor controlled substance. This suggestion relies on the presumption that the manufacture of a certain amount of precursor substance would result in a set amount of an illegal drug being produced. However, it is very clear that the manufacture of drugs relies heavily on the skill, knowledge and equipment of the manufacturer. There is no way of establishing that certain amounts of a precursor substance would result in a trafficable or non-trafficable amount of illegal drugs.

When a person is in the possession of a controlled precursor substance and has the intention to manufacture, they are already on the pathway of an illegal offence. Section 612A does not create a presumption to sell from innocent actions; there is already an intention to do harm. Section 612A creates a serious offence, and the responsibility, by providing the presumption of trafficking, we have given prosecutors and judiciary is large. We expect that it will be exercised with due care.

I would make a couple of final, additional points in response to some of what Mr Rattenbury had to say. I think that when we are dealing with the difficult public policy issues around the manufacture and distribution of drugs, there are difficult choices for us to make as legislators. I think there is no doubt that organised crime has been able to exploit loopholes in our laws to the extent that it has become difficult to prosecute drug offences in many cases.

One only has to speak to members of our police force, who are constantly frustrated by the fact that organised crime is often one step ahead and is often able to use laws which, well intentioned as they may be, simply allow the proliferation of drugs in our community, to see that the message from the passage of legislation such as this is: those who are considering manufacturing illegal drugs should think even more carefully, and this legislative change is designed to stop them. It is designed to stop the proliferation of illegal drugs. It is designed to strike at the heart of organised crime in our community. In doing that, there are difficult choices. We believe that this strikes the right balance, notwithstanding some of the issues that were raised by Mr Rattenbury.

In relation to the points that he made about the human rights compatibility of this legislation, I suppose only time will tell whether or not some convicted drug dealer attempts to use the Human Rights Act to strike down a piece of legislation designed to get at organised crime. I think that would be unfortunate. I think that if that is, in fact, the case, and if we do see court cases like that in the future, it will, of course, call into question the current structure of our Human Rights Act, if efforts such as these to get at the heart of organised crime can be struck down as a result of our Human Rights Act.

That remains to be seen, but we will watch that and see whether or not the Human Rights Act, in fact, becomes an excuse for drug dealers to get away with their crimes. We certainly hope that that will not be the case. As a result of all of the issues I have put forward, the opposition will be supporting this particular clause today.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.17): I thank members for their comments in this debate. I will address briefly a range of the issues raised in the debate today but very quickly, just in response to the matters raised by Mr Seselja, it is not the case that the Human Rights Act can strike down legislation. Yes, a court can rule that an act of this place is inconsistent with the Human Rights Act, but that does not affect the application of the law. It would be a matter for this place to decide whether or not the law should then stand. It is important to clarify that argument.

Controlling precursors and enforcing these controls is essential if we want to reduce the harm caused by illicit drugs to members of our community. The clause we are debating today will modify the possessing controlled precursor offence at section 612(5) of the Criminal Code by inserting a presumption that will apply to one of the two intent fault elements for the offence. The presumption, as members have outlined, will apply to the fault element at section 612(5)(b), but only where the elements at

subsections (5) and (5)(a) are proved by the prosecution. This means that the prosecution is required to prove that the defendant possessed the controlled precursor and possessed it with the intention of using it to manufacture a controlled drug.

Where these elements are proved, the presumption will apply and the defendant will be presumed, unless the contrary is proved on the balance of probability, to have possessed the controlled precursor with the intention of selling any of the manufactured drug or believing that someone else intends to sell any of that manufactured drug. Where the prosecution has already proved these two elements, the presumption will satisfy the fault element at section 612(5)(b).

The government agrees that the proposed amendment does present a limitation on the presumption of innocence in the Human Rights Act. This is clearly stated in the explanatory statement for the bill. However, it is not the case that these rights cannot be limited; they can. The international jurisprudence has held that presumptions can operate in criminal offences, but they must be reasonable and they must maintain the right to a defence.

I draw members' attention to the arguments outlined in the explanatory statement to the bill and refer in particular to the case of Salabiaku v France, which was a challenge under the European Convention on Human Rights. In that case, the applicant challenged a decision under the French Customs Code. The applicant was proved to have imported a consignment of prohibited drugs and under the code was presumed to know that the drugs were in his possession. As a result of the presumption, the applicant was found guilty of the offence of importing prohibited drugs. In the judgement the court held:

> Presumptions of fact or law operate in every legal system. Clearly the Convention does not prohibit such presumptions in principle. It does, however, require the Contracting States—

that is, the states of the European Union—

> to remain within certain limits in this respect as regards the criminal law … Article 6(2) does not therefore regard presumptions of fact or of law provided for in the criminal law with indifference. It requires States to confine them within reasonable limits which take into account the importance of what is at stake and maintain the rights of the defence.

The court held in this case that the presumption did not violate article 6(2) of the European Convention on Human Rights. This was because the prosecution bore the onus to prove the physical element of the offence and it was a defence for the accused to prove that he was unaware of the contents of the consignment.

Equally, in the case of Momcilovic v The Queen, the High Court of Australia considered an appeal by the applicant against her conviction against section 71AC of the Victorian Drugs, Poisons and Controlled Substances Act 1981 for trafficking in a drug of dependence. One of the key issues of the appeal was the application of section 5 of the Victorian drugs act to the offence at section 71AC. Section 5 created a presumption that provides that a substance on premises occupied by a person is

deemed to be in the possession of that person, unless the person satisfies the court to the contrary.

The majority of the court held that section 5 could not be read to apply to the offence at section 71AC using conventional principles of statutory interpretation. However, in considering the operation of section 5, the majority considered that section 5 places a legal burden of proof on the accused to rebut the presumption. Like section 5 of the Victorian drugs act, this new section 612A creates a legal burden on the accused to rebut the presumption that they were in possession of a controlled precursor with the intention of selling any of the manufactured drug or believing that someone else intended to sell any of that drug.

Turning to the issue of Momcilovic, in Momcilovic the court was split. Only three of the High Court justices specifically considered the question of whether the legal presumption at section 5 of the Victorian drugs act was consistent with the Victorian charter of right to the presumption of innocence question. Justices Crennan, Kiefel and Bell determined that section 5 was inconsistent with the rights at section 25(1) of the Victorian charter to the presumption of innocence. However, Chief Justice French and Justices Hayne and Gummow did not provide a position on whether section 5 was compatible with the charter right.

What this highlights is that there is ongoing legal argument, at least in relation to the Australian jurisprudence, as to whether or not presumptions of this nature infringe on the right. What it highlights is that this is an area that is a matter of subjective judgement as to what is a proportionate limitation on the right to provide for the enforceability of an offence. That is the question that we are considering today.

From the government's perspective, the inclusion of 612A is consistent with the purposes of the serious drug offences in the ACT's Criminal Code—that is, to disrupt the manufacture and sale of controlled drugs. While the presumption does create a legal burden on the accused, the onus still remains on the prosecution to prove two of the remaining essential elements of the offence—that is, possession of the precursor and possession with the intent to use the precursor for manufacture of a controlled drug.

Equally, the inclusion of a presumption is also consistent with the approach taken by the commonwealth in its drug offences. Like the ACT, the commonwealth Criminal Code Act 1995 contains offences for the possession of controlled precursors. These offences are structured similarly to the ACT's offences, as they contain the identical two fault elements that relate to intent. The commonwealth Criminal Code also contains two presumptions that apply to the offence at section 306.4 for possession of pre-trafficking controlled precursors. The presumption applies to this offence as it carries the lowest penalty of imprisonment—that is, for seven years, 1,400 penalty units, or both.

The first presumption applies in circumstances where a person possesses a substance and the possession was not authorised by the commonwealth, the state or territory. The presumption states that where a person possessed the substance in the above

circumstance, the person is taken to have possessed the substance with the intention of using some or all of it to manufacture a controlled drug.

The second presumption states that if a person possessed a marketable quantity of a substance with the intention of using some or all of it to manufacture a controlled drug, the person is taken to have done so with the intention of selling some or all of the drug so manufactured.

Like the reasons for the commonwealth including presumptions to apply to their possession of precursor offences, this proposed amendment is to ensure that we have an offence which is enforceable to target those involved in the illegal sale and manufacture of controlled drugs. The government believes this is proportionate and the least restrictive means to achieving the enforceability of the offence.

I think a point made in the debate is well worth repeating. Where someone possesses the precursor and it has been proved that they have an intent to manufacture, they are well on the way, and in fact they already are, to committing a serious criminal offence. I draw members' attention to this. It is an offence in the territory to manufacture a controlled drug, full stop—no question about the amount manufactured; no question about whether you intended to sell that drug. It is already a serious offence and it attracts a maximum penalty of 10 years imprisonment. Also, you do not need to actually manufacture a controlled drug to attract this charge. If you take enough steps along the way to manufacture then you can be charged with attempting to manufacture a controlled drug. This highlights that the behaviour we are talking about here is not innocent nor is it inadvertent; it is already a serious offence.

I can agree with much of what Mr Rattenbury has said in this place about the presumption of innocence. I agree that any limitation on this human right should only be considered where the limitation can be clearly demonstrated and justified. It is irrefutable that the presumption of innocence is a cornerstone of our criminal justice system. However, where I depart from Mr Rattenbury is his suggestion that the limitation on the presumption in this case goes beyond what is reasonable. The government continues to be of the view that the importance of the conduct addressed by 612(5) and the nature and extent of the limitation upon the presumption of innocence means that this new proposed section is justified in all of the circumstances.

Question put:

> That clause 23 be agreed to.

The Assembly voted—

Ayes 16		Noes 1
Mr Barr	Ms Gallagher	Mr Rattenbury
Ms Berry	Mr Gentleman	
Dr Bourke	Mr Hanson	
Ms Burch	Mrs Jones	
Mr Coe	Ms Porter	
Mr Corbell	Mr Seselja	
Mr Doszpot	Mr Smyth	
Mrs Dunne	Mr Wall	

Question so resolved in the affirmative.

Remainder of bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Road Transport Legislation Amendment Bill 2013

Debate resumed from 21 March 2013, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR COE (Ginninderra) (11.33): The Road Transport Legislation Amendment Bill and other road transport legislation will assist the implementation of the amendments contained in the Road Transport (General) (Infringement Notices) Amendment Act 2012.

When we debated that bill last year, I noted that the legislation was not detailed enough to be implemented without confusion. As I said on 9 May:

> The payment of fines by community work or social development programs—that is, in effect, a community-based order—is fine in principle. But we must have the details of such a scheme laid out in this legislation so that we as legislators can comprehend what is being proposed. I am concerned that the bill is too light on detail and leaves far too much up to regulations and the bureaucracy for determination. Whilst there is merit in such orders, I believe it is irresponsible to pass legislation which does not clearly articulate how the scheme will be carried out.

Today, as predicted last year, we are dealing with this bill because the previous legislation was not sufficiently detailed to support the policy behind it.

The bill deals with the concepts contained in the 2012 legislation as well as amending the automatic disqualification periods for those convicted of driving while their licences were suspended. The bill contains new definitions to support flexible payment schemes for fines.

In order to implement the concepts in the 2012 legislation, the bill sets out the concept of an infringement notice management plan which allows individuals and corporations to pay their fines in instalments, by participation in community work or a social development program or by seeking a waiver. The bill also allows for multiple fines to be consolidated and dealt with under one infringement notice management plan rather than being dealt with as separate penalties. We have been told there will not be any financial penalty for those who choose to pay their fines in instalments.

A person is automatically eligible for an infringement notice management plan if they are the holder of a prescribed card. The administering authority has discretion to grant access to an infringement notice management plan in cases where they are satisfied on reasonable grounds that the person's financial circumstances justify it but they do not

hold a prescribed card. The director-general has discretion to allow a person to take part in an approved community work or social development program.

We hope this scheme will not be abused either by people who see this as an easy way out or by people who simply have no intention whatsoever of actually fulfilling their commitment, their responsibility, to undertake what is, in effect, their community order.

The bill does not alter the application process for a waiver of a penalty. The criteria for granting a waiver also remain the same. If a person fails to comply with the infringement notice management plan, the person's licence may be suspended after they have received a suspension notice.

At the moment we do not know how many people will choose to take up the option of an infringement management plan to pay for their fines, but we hope the appropriate systems are in place to deal with the demand, whatever it turns out to be. If the systems are not in place or if they get abused, then we will be back in this place discussing an amendment moved by the opposition.

The provisions dealing with the minimum suspension period for those convicted of driving while suspended are new amendments. While we may argue about whether these periods are appropriate, it is pleasing to see that the court retains discretion over the period of disqualification. We hope the courts will be able to use the new minimum periods where they are appropriate while also ensuring that the disqualifications are a sufficient deterrent to those who break the law.

The Canberra Liberals will be supporting this legislation, but I would like to reiterate our concern that this bill was required in order to implement the concept of infringement notice management plans. It is important that we as legislators develop clear and workable legislation rather than legislation which deals only with policy and cannot be implemented. As I said last year, I do not believe we are demonstrating good government as a legislature by discharging so many details and decisions to the public service.

MR RATTENBURY (Molonglo) (11.37): The Greens are pleased to support the Road Transport Legislation Amendment Bill. This is a bill that makes minor amendments to a scheme introduced by the Greens last year, and that scheme brought a new system to the ACT for the payment of traffic infringement notices, one that takes into account the circumstances of disadvantaged people. In February 2012 former Greens MLA Amanda Bresnan introduced these changes through the Road Transport (General) (Infringement Notices) Amendment Bill 2012. The bill was passed in May last year with agreement from the Greens and the ACT Labor MLAs.

The amendments in the Greens bill improved social justice outcomes in the ACT by ensuring that our system of traffic infringement administration considers the circumstances of disadvantaged and vulnerable people. It had become very clear that the existing system was inflexible and its application could result in harsh and unjust outcomes. The Greens' legislation had the strong support of peak ACT community groups who praised the changes as a practical way to help disadvantaged people from

descending into or being trapped in the poverty cycle. These community groups work every day with Canberra's most vulnerable people, and they provide many case studies of people who had suffered unreasonably under the existing infringement system.

These were people who may have been suffering from issues such as unemployment, illness, homelessness, disability or other disadvantage. For some people in Canberra, the reality is that paying a fine within a short time frame would prevent them from being able to afford basic essentials, such as food or rent. Not paying the fine in time would result in suspension of their licence, a punishment which was often disproportionate and could severely compound their disadvantage.

The changes introduced by the Greens' legislation amended the traffic fine payment system so that the administering authority could allow flexible payment options for traffic infringement penalties in certain circumstances. The options include the ability to pay fines by instalments, to pay fines by participating in community work or social development programs and the possibility of having a fine waived in special circumstances. Importantly, the legislation also allowed for reinstatement of a person's drivers licence that had been suspended for non-payment of fines provided this person was approved for one of the flexible payment options.

In addition to the social justice benefits, the new system is expected to reduce the number of people who drive while their licence is suspended. I also expect it will increase the number of people who engage with the fine payment system, ultimately increasing the amount of fines recovered.

The changes in the original Greens bill were significant and required considerable changes to government systems and processes. This has caused a level of detail it is not practical to specify in a private members' bill, and typically not in any statute. It was appropriate to make these changes administratively and through guidelines and regulation. The legislation therefore delayed the commencement date for one year to allow the government to implement the changes needed. The new infringement system is now set to commence at the end of May.

During the last 11 months the government has developed the necessary administrative support for the new system. From the briefing provided to my office by officers of JACS I understand that the changes required quite a bit of work. I thank the directorate for its efforts over the last year. In completing this work the directorate identified various minor amendments that were necessary to support the administration of the scheme, and these are presented in the bill before the Assembly today.

I will briefly respond to the rather unfair criticisms the Liberal Party have raised in relation to this legislation. Mr Coe criticised the Greens' original legislation for apparently being too light on detail. This complaint last year, and again today, was that it was irresponsible to pass legislation which does not clearly articulate how the scheme will be carried out. This was simply a convenient excuse for the Liberal Party to not support the original legislation. The reality is that this is how this type of legislation must work. Just like hundreds of pieces of legislation, the framework for

this new traffic infringement scheme is set out in the statute. The regulations then provide further detail of the type not appropriate for an act. It is the kind of detail that needs to be adapted to the specific implementation, and it is subject to change over time.

As an example, the bill before us today moves the detail of eligible concession cards from the act to the regulation. This is appropriate, as we do not want to have to amend an act every time the name of a concession card changes or a new type of concession becomes available. Prescribing every detail in an act would make it unworkable. In addition, it is important to remember that regulations always need to be consistent with the purpose and intent of the original act.

It is also relevant that the scheme originated from private members' legislation, as I said, from former Greens member Amanda Bresnan. Private members do not have the power to make regulations. In order to have this improved and fairer system of traffic fine administration at all, it was necessary for the Greens to have some level of cooperation with the government.

We introduced and passed the original act, and now the government has worked on the administration and regulations. The result will be very positive for the community, and one day when Mr Coe introduces his very first bill into the Assembly—because he is, of course, in his fifth year here without ever producing any legislation—he might discover that this is how the system works.

The Liberal Party also pointed out that they have philosophical objections to the new scheme for traffic infringements. Mr Coe said, for example, that the waiving of fines in special circumstances is something the Liberal Party does not agree with. I say again that this is something the Liberal Party might want to revisit. It is extreme to say that there can never be a situation where a fine should be waived. Think of situations of severe disability or illness or homelessness—situations where enforcing a fine might have a perverse outcome. The waiver option is already available in our nearby states of Victoria and New South Wales, and it is a scheme that works well in those jurisdictions. Those states also operate successful programs to allow people to undertake working development programs in lieu of fines. This is another flexible payment option that will be available in the ACT after May.

A 2011 evaluation of the New South Wales fine system said that the working development orders and personal development orders were increasing the amount of revenue the government is collecting, reducing reoffending in the fine enforcement system, improving the participation of vulnerable people and engaging more people in drug and alcohol and mental health treatment. These are exactly the types of positive impacts we want here in the ACT. The waiver option also works hand in hand with this system, and in New South Wales the accessible and well-developed work development order scheme has reduced the number of people applying for infringement debts to be written off.

Turning to the specifics of the bill before us today, the main amendment enables a person to consolidate several outstanding infringement notice penalties into a single debt which can be managed through a single infringement notice management plan. I

think this is a sensible addition to the scheme that will make administration easier for government. Importantly, this will also simplify the process of people who have fines, particularly if those fines are split between the two authorities under the acts—that is, the police and the RTA.

The remaining amendments regarding flexible infringement payments are relatively minor. As I mentioned, for example, the amendments move some detail into regulation where it can be more easily modified if future administrative changes are needed. I note also that my office has consulted community groups about the minor amendments proposed in the current bill before the Assembly. Key groups with an interest in the scheme, such as Street Law and CARE, are supportive of the amendments.

The other key change presented in this bill is a new proposal that I am very pleased the government has brought forward. It makes changes to the automatic licence disqualification provisions for the drive while suspended offence and adds some much needed flexibility. This is a change that has been needed for some time, and it was a need that was flagged by the Greens last year.

An ACT magistrate was reported as commenting on this area of the law last year, describing the existing system as a sledgehammer approach that is creating a lot of injustice. I note that Andrew Fraser, a local criminal barrister, praised the changes in a *Canberra Times* article last week. He pointed out the existing system was incongruous and also at odds with other penalties on the statute book.

The explanatory statement sums up this proposal appropriately. It says that reforming the penalties for suspended driving offences is consistent with the policy of assisting people in financial hardship to return to legal driving in order to avoid further offending. This is a change the Greens are very happy to see implemented.

I will also briefly mention the comments the scrutiny committee made about the bill. I think the points regarding the phrasing of the delegation of legislative powers are important to note. However, I accept the government's justification in this instance, and, having been thoroughly briefed on the proposed administration of the scheme and the development of regulations, I am satisfied that this has been done appropriately. I also note that the government has been open and consultative about the development of the guidelines for the participation in community work or social development programs. They have been circulated widely to the community sector, who have provided feedback. I expect to have further conversations with the government as these are finalised, and I am sure the Liberal Party are also welcome to contribute.

Let me simply conclude by saying that I thank the government for its work in implementing this scheme that was introduced by the Greens last year. The amendments today help establish the administration of the scheme. I know a lot of people are looking forward to the commencement of the new traffic infringement system in May this year—individuals as well as community and support groups. The new system is an important step towards making the ACT a more fair, just and compassionate place. It will have a real and positive impact on the lives of many people.

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) (11.47), in reply: I thank members for their support of this bill.

The bill we are debating today will help low income individuals and families in our community to manage their traffic and parking infringement penalties more easily. The bill supports options that allow people new ways to discharge their infringement liability, making structured payments and in certain circumstances completing community work or participating in a program of personal development.

These options were introduced in legislation passed by the previous Assembly in 2012. That legislation had a commencement date of 24 May this year. This was in recognition of the substantive additional detailed work that would be required to provide a detailed framework for the practical implementation of the new options.

An important feature of the bill is the introduction of a new mechanism for consolidating multiple traffic and parking infringement penalties into an infringement notice management plan. Such a plan covers the way in which an applicant will discharge their liability for their infringement penalties. It does this by combining the liability to pay each penalty separately into a single debt.

Consolidating penalties is an approach taken to similar arrangements in other states and territories. For example, it is the approach used by the New South Wales State Debt Recovery Office. It is an efficient way to manage the new instalment payment scheme. As well as being administratively efficient, it can help people to keep track of all of their debts.

While many people are able to pay infringement penalties in full when they are due for payment, or following the receipt of a reminder notice, some people in our community do struggle to pay the amount in full at one time. Until now there has been very limited scope to provide for flexible payment arrangements. The introduction of these new arrangements will enable payment by regular instalments, which should assist the vast majority of those in financial hardship to manage their debts. Typically, in other jurisdictions which have similar options in place for payment of penalties and fines, most people in financial hardship opt for an instalment payment arrangement.

For people who cannot pay by instalments, the new options which were adopted by the Assembly last year include the ability to apply to undertake community work or a social development program to discharge the liability. The person's liability would be discharged at an agreed rate for each hour worked or for the periods of time the person is engaged in treatment or counselling. An application for a work or development program must be supported by the provider of that approved program.

Like the New South Wales work and development order arrangements put in place a few years ago, the ACT provisions have been directed at assisting those in acute financial hardship or who are affected by other circumstances, including a physical or mental illness, a disability, alcohol or drug addiction, domestic violence or homelessness. These are the factors that can significantly impact on the capacity of a

person to manage their affairs and make it more difficult for the person to pay the outstanding penalties. Quite frankly, a life in chaos is a difficult life to manage.

The inclusion of work and development programs under the umbrella of an infringement notice management plan streamlines the administration of the scheme. Further detail about the range of activities that will be able to be undertaken as part of work and development programs is currently being developed as part of the supporting regulations for this legislation. It is expected that, like the corresponding New South Wales scheme, programs will be able to cover a wide range of activities, including voluntary unpaid community work, medical or mental health treatment, counselling, alcohol or other drug treatment, educational courses or mentoring programs.

The cut-out or discharge rates—that is, the point at which attendance and participation will discharge the amount owed—will depend on the nature of the program and are likely to be similar to the rates in place already in the New South Wales scheme.

Social development programs approved for the purposes of these new arrangements are expected to help people to develop the skills they need to manage or resolve personal and financial issues. These skills may also assist them to avoid the behaviour that resulted in incurring the penalties in the first place.

Consultation with a range of community-based organisations and government agencies has been underway now for a number of months, about how the work and development programs will operate. Clearly there is a need for organisations which currently provide relevant voluntary work or other program opportunities to have their programs approved for the purposes of these arrangements. A person who wants to participate in a work or development program in the territory will need to find a sponsor organisation which can offer the person a place in an approved program.

At this stage it is difficult to predict the potential demand for places in such programs and the number of program organisations which may be interested. However, based on the New South Wales experience, the work and development option is utilised by only a very small proportion of those who owe fines or penalties. Even if they meet the eligibility criteria to participate, most people in New South Wales opt to set up an instalment payment arrangement—which, for people on Centrelink payments or other low incomes, can be paid at a rate of around $5 per week.

The bill remakes provisions of the road transport legislation that deal with the effect of paying a penalty to reflect the introduction of infringement notice management plans and the options of seeking a waiver of penalty, which was another option included in the legislation passed last year.

Entering into a new plan, adding a penalty to an existing plan or having a penalty waived are effectively treated as equivalent to payment of penalty. Once a person enters into a plan or adds a new penalty to their plan, the person is no longer liable for the offence and will not be prosecuted for it. Similarly, for a person who has existing driver licence suspensions or sanctions, once that person enters an infringement notice management plan the Road Transport Authority must revoke the suspension.

The reinstatement of a person's licence under section 47A helps them to avoid further negative impacts in their life circumstances. Losing a licence through a suspension can result in loss of employment, which cuts off the income needed to meet essential expenses. This loss of income compounds other pressures in the lives of honourable people. It can lead to family breakdown or, in extreme cases, homelessness. Losing a licence can also cut a person off from community and health services that could actually help them to get their lives back on track. Lifting a licence suspension can help to avert many of these negative consequences. It can prevent a person from losing their job because they cannot get to or from work on time. If they are unemployed, lifting a suspension allows them more opportunities to find a job.

This outcome is consistent with the recommendations of the targeted assistance strategy that penalties or sanctions should be lifted as soon as the payment arrangement is agreed and that they should continue to be suspended for as long as the person is meeting their commitments to pay or discharge their liability. This is recognised in the legislation.

It is also important to recognise that entering a plan does not mean that a person avoids the consequences of poor driving behaviour. Nor will the availability of the new options act to encourage drivers to break the road rules. The legislation will not prevent or lift demerit point suspensions. A consequential amendment to the driver licensing act ensures that the Road Transport Authority records demerit points against a person where their application for a plan is allowed.

The effect and purpose of the demerit point scheme, which is a key element of promoting safer driving, is preserved by this bill. The amendments made by this legislation make it clear that entering a plan is similar to paying a penalty in full. Entering a plan indicates that the person accepts the infringement notice and will not dispute liability or otherwise contest it, and the person makes a commitment to pay or discharge the penalties that they owe.

The bill acknowledges that there is a group of suspended drivers who have been suspended primarily or solely because of an inability to pay infringement notice penalties; they are people who, under the current less flexible arrangements, cannot pay rather than will not pay. For that group, the bill provides the means to discharge the penalty debt in a flexible way that does not cause further financial or personal pressure. These are important reforms.

I would like now to turn to one other particular matter that is dealt with by this bill. Section 32 of the Road Transport (Driver Licensing) Act provides that a person convicted of driving while their driver licence is suspended is automatically disqualified from holding or obtaining a licence for a specified minimum period. At present the length of this period must be at least 12 months for a first offender and 24 months for a repeat offender unless the court orders a longer period. The court has no discretion to impose a period shorter than 12 months.

It is acknowledged that the sanction of licence disqualification, in addition to a monetary penalty or a term of imprisonment, is an important deterrent to offending. A number of other road transport offences also apply automatic licence disqualification

sanctions for a period of time following a conviction or a finding of guilt. These offences include culpable driving of a motor vehicle; burnouts and other prohibited conduct; negligent driving; furious, reckless or dangerous driving; and menacing driving. The minimum periods of licence disqualification for these offences are specified in the relevant provisions. They range from one month for certain low-range first-time drink-driving offences to six months for a first-time culpable driving offence.

This bill focuses on one particular offence, driving while a person's driver licence is suspended under section 32(2). The minimum length of the automatic disqualification for this offence, either 12 or 24 months, has created difficulties. This is because section 32 is a one-size-fits-all approach. It does not have regard to the original reason the person's driver licence was suspended. Whether the original suspension was due to non-payment of a penalty, incurring too many demerit points or for other reasons, the court must always impose at least a 12-month disqualification period. There is no discretion.

When you compare this to the disqualification periods that apply in relation to other offences under the road transport legislation, the minimum 12-month disqualification period for driving while a person's licence is suspended is clearly out of step. The changes in this bill make the length of the disqualification period more flexible and more appropriate to the circumstances of the offence.

The automatic disqualification period for people whose original driver licence suspension arose from the non-payment of traffic or parking penalties has been amended to one month for a first or a repeat offender. For people whose original licence suspension occurred because they incurred excessive demerit points, the new minimum period is three months. Driving while suspended in relation to any other offence now carries a minimum disqualification of three months for a first offender and 12 months for a repeat offender. These changes bring the disqualification period for driving while suspended back into step with the periods for other offences under the road transport legislation, while still being a meaningful penalty that maintains a deterrent effect.

It is hoped that the range of options that will now be available to assist people to pay or discharge their traffic and parking infringement penalties and also address these issues around the appropriate level of the disqualification period will provide for a fairer system under our road transport system. I thank members for their support of this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.01 to 2.30 pm.

Questions without notice
ACTEW Corporation Ltd—managing director

MR HANSON: My question is to the Chief Minister as a shareholder in ACTEW. Chief Minister, clause 49 of the 1995 articles of association of ACTEW requires that the shareholders approve the remuneration of a chief executive officer or an executive director. At the PAC hearings last week, the chair of ACTEW stated to the committee that the government, in 2004-05, altered the constitution of ACTEW to make it clear that the board were responsible for the appointment and remuneration of the managing director. Minister, given that you have been raising so many concerns about the salary of the managing director, why is it that the Labor government removed the ability for the shareholders to approve the managing director's remuneration?

MS GALLAGHER: I thank Mr Hanson for the question. Mr Hanson is right in that I have raised concerns around the remuneration of the managing director of ACTEW Corporation since the shareholders became aware of the full extent of the remuneration arrangements. I would have to go back to the decisions taken around 2004-05. I have not done that in the last month but, in line with the governance arrangements of ACTEW under the Corporations Act, I do not think it is unreasonable to believe that one of the most important jobs that a board can do is settle the employment arrangements of its chief executive officer.

Shareholders have quite restricted powers in many ways as to how ACTEW operates, and that has been clearly established through the Territory-owned Corporations Act. I have sought advice on this from time to time from our legal advisers.

I can certainly go back to the decisions of 2004-05. It predates my time as a shareholder. So I would not have been involved in those discussions, but I do not think it is unreasonable to expect, in the way that ACTEW operates, that a fundamental part of the board's responsibility is to approve the employment of and the remunerations of the chief executive officer, who is answerable to them and not to the shareholders.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Chief Minister, have you satisfied yourself that the alteration of the constitution of ACTEW in 2004-05 did in fact remove the requirement for shareholders to approve the managing director's salary, and if not, why not?

MS GALLAGHER: As you can understand, I have had some priorities to deal with in actually managing the issue that has been of such public interest in the short term. As I said, I think in the last Assembly sitting in answering a question—indeed the Treasurer has also spoken of it—the government is considering the governance of ACTEW Corporation, but we are doing it in an encompassing way, on a range of issues that have come to the forefront of shareholders' minds. So that work is underway, Mr Hanson, in short.

MADAM SPEAKER: Supplementary question, Mr Seselja.

MR SESELJA: Chief Minister, is it appropriate that shareholders have no role in approving the managing director's salary?

MS GALLAGHER: Again I think this goes to how we expect ACTEW Corporation to run and operate. I think there is a genuine discussion that will be had. It has been highlighted in the ICRC report; it has been highlighted by the recent issue around remuneration. That deserves some public discussion and indeed some Assembly discussion, which we would welcome.

I have to say that I was comfortable with the way this issue was being dealt with by the board. I think it is not, as I said, an unreasonable expectation that the board, which has the employment relationship with the chief executive officer, the managing director in this case, actually, as the employer, as the person that the chief executive is answerable to, makes those arrangements. The shareholders had sought information about the remuneration arrangements. Indeed, the shareholder—I as Treasurer—had introduced legislation that made sure that that remuneration package was transparent, all supported by members in this place. So I think we had taken reasonable steps.

I must say that I think we do have some difficulty—I personally have some difficulty—with politicians determining employees' salaries. That is not something we do in any other area of government business. Indeed, our own salaries and wages are done by the Remuneration Tribunal, as are a whole range of other ACT government employees—directors-general, statutory office holders. I do not want to be in the position—I do not think shareholders should be in the position where they negotiate and finalise employment arrangements. But in terms of government and how ACTEW operates, I think that is the subject of further consideration by the shareholders.

MADAM SPEAKER: A supplementary question, Mr Seselja.

MR SESELJA: Has government's decision in 2004-05 to apparently forgo the ability to approve the managing director's remuneration led to the current issues regarding the managing director's salary?

MS GALLAGHER: The shareholders have been very clear right throughout our relationship with ACTEW—and this covers the period that I certainly can speak of as a shareholder with former Chief Minister Stanhope and with the current Treasurer, Andrew Barr—we have had expectations that there be independent analysis of the remuneration arrangements, that the board manages those issues and that it is in line with industry standards. They are the criteria that predated 2004; they are the criteria that exist now.

ACTEW Corporation Ltd—hospitality

MR COE: My question is to the Chief Minister as a shareholder in ACTEW. Chief Minister, have the shareholders ever been advised of the details of the corporate hospitality being undertaken by ACTEW or ActewAGL? If so, do you consider it to be appropriate use of money raised from ratepayers? If not, why not?

MS GALLAGHER: I can only speak as a shareholder of ACTEW. We are not the shareholders of ActewAGL. That is a joint venture arrangement between ActewAGL and Jemena. In relation to ACTEW, which I can speak of, at annual general meetings the shareholders would be briefed on things such as the donations, the community contributions arm of ACTEW's work. I have to say, and I think the managing director said on radio, that I have spoken positively about this.

In relation to issues of corporate hospitality, the shareholders have sought advice and review on the extent of the hospitality and an assurance that that hospitality is in line with industry benchmarks and industry practice.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Chief Minister, would you provide the response to that information that the shareholders sought about corporate hospitality? Also, have the shareholders asked ACTEW to conduct a review into expenditure on hospitality and have the shareholders prepared and/or approved the terms of reference for that request?

MS GALLAGHER: The review has not been completed. We have a special general meeting next week and the review is one of the issues that is on the agenda. So at this point in time I cannot answer that part of the question. I am sorry; I have lost track of what your subsequent questions were. In short, we have not got the review. Once we do have an understanding of it, further decisions if necessary can be taken. But at the moment we have not got that.

MADAM SPEAKER: A supplementary question, Mr Seselja.

MR SESELJA: Minister, given that ACTEW, a 100 per cent territory-owned corporation, is a 50 per cent shareholder of ActewAGL, what steps have you taken to ensure ActewAGL does not overspend on corporate hospitality and what information have you sought about this expenditure?

MS GALLAGHER: The shareholders have received a letter from the Chief Executive Officer of ActewAGL following our request for a review into ACTEW. I am just trying to recall the letter—it was some months ago—but it provided information to the shareholders around the performance of ActewAGL. I think we should all acknowledge that the joint venture established by the previous Liberal government has been very successful. I think there would not be anyone in this place who does not agree with that. In relation to other aspects of ActewAGL, I would probably want to review the letter that I received from Mr Costello, but it was very much in line with industry standards.

Mr Coe: On a point of order, in accordance with standing order—I am just trying to remember exactly—

Mr Smyth: 213.

Mr Coe: 213, Mr Smyth advises me—I request that the Chief Minister table the letter she mentioned.

MADAM SPEAKER: Standing order 213 allows you to seek the tabling of something from which someone has quoted. I think the Chief Minister said that she would check the letter. I do not think that the standing order applies, Mr Coe. Just for reference, 213 says:

> A document quoted from by a Member may be ordered by the Assembly to be presented …

A supplementary question, Dr Bourke.

DR BOURKE: Chief Minister, could you explain for us the relationship between ACTEW and ActewAGL and why it is so beneficial to the territory?

MS GALLAGHER: I think there is acknowledgement of the successful arrangements that have been in place between ACTEW and the joint venture of ActewAGL. I think the issues that have been highlighted recently, in terms of ACTEW, require the government to have a look at the governance arrangements surrounding ACTEW, and we will be doing that.

But I think anyone who was in this Assembly—and I think probably Mr Smyth would have been the only member; perhaps Mr Corbell—at that time can understand the reasons why ActewAGL was established and the fact that it has been. I think it is a very unique model and it has been very successful in the work that it has done in the company that it runs. To a large extent, the relationship between ACTEW and ActewAGL is very strong as well and I think that, in turn, has delivered a very good result for the people of the ACT.

Planning—city to the lake project

MS PORTER: My question is to the Minister for Economic Development. Could the minister outline the key elements of the city to the lake project announced last month?

Mr Hanson: Transformative?

MADAM SPEAKER: Mr Hanson!

MR BARR: I am pleased to take this question from Ms Porter, and thank her very much. I can advise the Leader of the Opposition that, yes, city to the lake is indeed a transformational project. It will help to realise our city's true potential and ensure that it is a place that we can all be very proud of.

The project area stretches from West Basin to Anzac Parade and includes the existing Olympic Pool site, the convention centre and a number of the large surface car parks in the area. Key elements that are being investigated as part of the project include a new multipurpose stadium, a site for the Australia forum, a new aquatic facility and

an urban beach. Potential sites have been identified for these facilities so that sites can be reserved to future proof the city.

The other major components of the city to the lake project include: the transformation of Parkes Way into a smart boulevard that is split level, allows for free-flowing traffic at the lower level and introduces local city streets at the level above; traffic calming of Vernon Circle and London Circuit, together, of course, with a range of new streets to service the proposed West Basin residential and community areas; the integration and extension of the capital metro project to serve the entire city centre and to make connections with other town centres; a diverse city precinct at West Basin, along with new cultural facilities; residential apartments mixed with commercial, retail and cultural facilities, providing a home for 15,000 to 20,000 new residents over the next decade and beyond; and strategically located multi-use car parks that provide for event and commuter car parking.

The city to the lake project sits under the umbrella of the city plan. Both projects were announced by the Chief Minister late last month. The city plan focuses on the strategic direction of Civic and its surrounds, and feedback is being sought on the role of the CBD, transport options, future growth and infrastructure improvement. The city to the lake project is working in unison with the city plan.

The government believes that Canberra has a fantastic opportunity to make the most of one of our best attributes. So it is time for an urban waterfront, a beach, and for our city to be connected to our most beautiful lake. Linking the city to the lake is indeed a transformational project for our city, and it is a great example of forward thinking and progressive policies that are in place to ensure the city's development in its second century.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, how are the public infrastructure components of the plan likely to be built?

MR BARR: The project has a number of objectives and principles that ensure we are focusing on the unique qualities, significance and prominence of the site; that we are improving connectivity and public accessibility between the city, the waterfront, Commonwealth Park and City Hill; that we are recreating the waterfront and reconstructing Parkes Way to provide public connections to the lake and Commonwealth Park; that we support more people living in the city; that we ensure there is no detrimental impact on the existing city; that we ensure investment delivers a broad community benefit and enhances the viability of the project; that we leverage the natural competitive advantage that our city has as the nation's capital; that we are able to ensure access to key infrastructure; and that we encourage sustainable development, design excellence and environmental leadership.

It is these objectives and principles that will guide both the public and private investment in the project, which will create both economic and social benefits for the community.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Minister, what are the next steps for this project to progress?

MR BARR: We have been working with a range of stakeholder groups, as part of the project reference group, who have provided essential input into the early phases of the project. This reference group includes the Canberra Business Council; the National Convention Centre and Canberra Convention Bureau; Canberra CBD Ltd; important national partners such as the National Museum of Australia and the Australian National University; the Property Council of the ACT; a range of key professional institutes; the National Trust; the Lake User Group; and the Heart Foundation. I am pleased that the Griffin Society has also been involved in an expert design review process involving the ACT Government Architect and other nationally recognised design professionals.

The project has now been launched for eight weeks of public consultation, as part of consultation on the city strategic plan. The government is committed to full community consultation on this plan. There are a range of free public seminars that are being held during this month, and a project display is open to the public, and will continue to be until 21 May. The Chief Minister has announced this morning that a marquee will be available in Garema Place between 8 am and 6 pm until 13 April, providing another opportunity for people to look at the project and to provide feedback. Feedback can also be provided online at timetotalk.act.gov.au or by completing a survey in person at the project display.

There will be several focus discussions and road shows with different groups in the community in the months ahead. Community consultations will continue through the life of the project, and the views of the community will be sought on a regular basis.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what is the timetable for the delivery of a new convention facility within this city to lake project?

MR BARR: That will be dependent on a number of factors, most particularly private investment in the facility and any potential investment from the federal government.

ACTEW Corporation Ltd—managing director

MR SESELJA: My question is to the Chief Minister as a shareholder in ACTEW. Chief Minister, have you yourself or the Deputy Chief Minister received a copy of the consultant's advice regarding the salary level of the managing director of ACTEW? If so, what other positions and organisations were used to benchmark his salary and why were they used as a comparison? If you have not received it, why not?

MS GALLAGHER: Yes, we have received copies of the documentation that the shareholders requested in some of our correspondence with ACTEW. We are working through the detail of that. There is a number of reports that have been provided. I

think it will certainly take me until the end of this week to work through all of the information contained in that. The report into benchmarking, or the analysis of the remuneration arrangements, lists a range of different positions. It looks at positions within other utilities and it also looks at positions within the Canberra marketplace.

MADAM SPEAKER: A supplementary question, Mr Seselja.

MR SESELJA: How does the managing director's salary compare with the CEOs of other state or territory-owned corporations or with other water companies in Australia?

MS GALLAGHER: I can only advise you on what I have seen from a couple of years ago, the work that I had asked Treasury to do. At that point in time the salaries across utilities were sitting anywhere from $400,000 to approximately $650,000, but that is probably a couple of years now. I have also seen the work that the *Canberra Times* has done recently, which would place the managing director of ACTEW certainly being paid more than other utility heads. But I have not seen every utility head's recent salary. I imagine there would be a range of different conditions and different performance arrangements that would be attached to those that perhaps are not as clear to everybody.

This is an issue that we are trying to get to the bottom of. We had sought information around the managing director's salary. That had indicated that his salary was in the $620,000 vicinity. We had that in writing from the chair of the board. When we looked at that and compared it to the advice that I had got from Treasury around suitable remuneration packages for like positions, it sat at the high end, but it was certainly within the bracket of that information we have received. As of 8 March, we now understand that salary to be considerably higher and we have convened a special general meeting of the ACTEW board to discuss this matter further.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Chief Minister, what is the comparative size of the other organisations used in the benchmark relative to ACTEW?

MS GALLAGHER: They all vary. This is the answer to that. It benchmarks a range of positions. They all vary in terms of scope of responsibility, asset and size of workforces. I think the issue which we are currently working through is the fact that the managing director of ACTEW has had additional responsibilities, and I think we would all, in this place, agree that someone should be paid what is fair and reasonable for the work that they have been asked to do. We are currently examining documentation around that and, indeed, have convened a meeting of the board to discuss this further.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Chief Minister, has the managing director offered to take a reduction in his salary? If so, would you recommend accepting it?

MS GALLAGHER: Yes, the managing director has offered to reduce his salary. The shareholders' view is that that is a matter for the board. It is very clearly a matter for the board and we will be meeting with the board on Monday to discuss matters around the salary of the managing director.

Transport—cycling and walking

MR GENTLEMAN: My question is to the Minister for Territory and Municipal Services. Minister, in the context of the government's transport for Canberra plan, what work is TAMS undertaking to improve pedestrian and cycle access in and around Canberra to make the city more pedestrian and cycling friendly?

MR RATTENBURY: Mr Gentleman is right to identify the transport for Canberra goals as fundamental to progress in these areas. Ambitious targets have been set to change the way we get people around town, including increasing efforts to have more people taking public transport, cycling and walking. The government has a range of projects that are both underway and planned and I guess, in a sense, a rolling program as well.

Of course, the first stage of the Civic cycle loop has just been opened. This has been a major project. It has had significant financial investment. The first reaction from the community is generally positive. I have received some excellent emails from people who are very excited about the loop being opened and about, I guess, the generational change in moving to the next stage of infrastructure in Canberra where we have the fully separated lane. There is still some work to do on that project. There is some further line marking going on. As members might imagine, of course, in doing something like this for the first time we do learn a few things. But that is one major project that is underway.

Of course, there is a range of things being considered for the budget at the moment. But I would note also that when it comes to pedestrians, there is an ongoing program of works both to repair damaged existing pathways and footpaths as well as installing new ones in areas where they are needed.

This is a matter that has been addressed in the parliamentary agreement between the Greens and the Labor Party. In both this agreement and the previous one, there is a shared acknowledgement of the importance of this kind of infrastructure and an acknowledgement of the need for additional funding in these areas. There is a range of other specific projects, but I think that gives you an overview of what is happening at the moment.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, what are some of the other initiatives that the government has planned to meet its transport for Canberra walking and cycling targets?

MR RATTENBURY: At the moment we are just working through the consultation phase and then planning and design for the remainder of the Civic cycle loop. The first stage takes in Marcus Clarke Street and Rudd Street. We still need to do Bunda Street and Allara Street. The idea there is that we will then have connected the major trunk cycling routes around the lake with particularly the Sullivans Creek route to the north of Canberra, which is a very popular bicycle path. I gather from those who use it regularly that we are now starting to get bike jams on some of those routes—a nice problem for the city to have. We have actually had people telling us about the need to widen the cycle lanes to accommodate the number of bikes using that loop. I think that is a nice problem to have at this stage.

The next stage of the Civic cycle loop is certainly something that is very high profile at the moment. We have also been lobbied heavily by Pedal Power to complete the cycleway around the lake. That is something that I think is a worthwhile project. It is not so much a commuting route but one for recreational riders and it is an important tourism resource. I know that the government is looking at that very closely at the moment.

Other than that, as I say, there is the ongoing program of works. That is all about ensuring that we provide the best possible infrastructure we can within the resources to make people comfortable to get out and walk. I do receive quite a lot of representations about areas of Canberra where people feel there are gaps. There is a constant program of filling those gaps in where we can.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, in relation to the city loop, can you give the Assembly more information about how this improves pedestrian and cycle access and how it relates to the transport for Canberra plan.

MR RATTENBURY: Yes. Of course, I have spoken about the Civic cycle loop already, and I think that some of the design features in that have been very well thought through in terms of providing the provision of the cycle lane whilst at the same time ensuring that pedestrian issues have been taken into account. For members who are not familiar with the design details, that is why you will see that the new lane sits at the footpath level the whole way along so that it does not become a trip hazard. There were some questions about whether we should just put in perhaps a gutter or some other mechanism to provide a separated lane, but the view of pedestrian advocates and the design folks is that it is better to do it this way.

Members will also be aware—we have seen it outside the Assembly and in other parts of the city—of the ongoing program of improvements across the city to upgrade the footpaths. We see areas of town where, over time, they have become degraded. The recent works outside the Assembly on London Circuit, both on this side of the road and on the other side, and also on the other side of the city, particularly where Uni Pub is and around that area of University Avenue, are further examples of where those ongoing works are taking place to both give the city a fresh and vibrant look and ensure that the standard of footpaths, particularly, is up to scratch and that they are

safe, particularly for some of our older citizens, who find areas where there are cracks and uneven surfaces to be somewhat dangerous.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Given the focus, minister, on active transport, what is being done about places where the cycle path ends and cyclists have to get up onto the footpath or join a cycle path that is off-road and there is no ramp in between the two?

MR RATTENBURY: I think one of the great frustrations for cyclists is some of the disconnects in the network. They do exist. As the government has gone about its policy, when a road is resealed or upgraded, of installing a cycle lane, at times gaps have emerged. It is something that I find very frustrating myself as a cyclist. Sometimes you are left a bit uncertain as to where to go. That is why we continue to upgrade those areas within the budget and as part of the parliamentary agreement both last term and this term. We have seen that commitment to funding cycling infrastructure and the upgrade of it.

I would encourage anybody who does have a specific site that they have identified as problematic to be in touch either with myself directly or through Fix My Street on Canberra Connect. That is how we find out where some of the problem areas are. Some of them can be quite readily fixed. It can be a matter of changing some line marking. Certainly, on Monday this week I went out with the engineers who have worked on the Civic cycle loop to look at a couple of sites where we need to do some further work. They will be able to be fixed quite quickly. So it is just a little bit of user feedback, and I would encourage any of your constituents to be in touch with the government. As I say, some of them can be fixed quite quickly; others take a bit longer. But if we do not know about them, we cannot get on to fixing them.

ACTEW Corporation Ltd—Murrumbidgee augmentation project

MRS JONES: My question is to the Chief Minister as a shareholder in ACTEW. I refer to the statement by the senior commissioner of the ICRC that ACTEW was imprudent in its expenditure of $50 million on the Murrumbidgee augmentation project. What due diligence did ACTEW do before it made this expenditure? What actions did the shareholders take to examine the prudence of the expenditure?

MS GALLAGHER: I thank Mrs Jones for the question. I think all of the issues that have been raised by the ICRC through their draft determination are being considered by the government—

Mr Hanson: You think they are.

MS GALLAGHER: I said "are being considered by the government"—in terms of providing our response to the draft determination. The government has worked very closely with ACTEW around securing the ACT's water supply for the future, indeed for the next 20 to 30 years. Those individual projects have been examined in very close detail about whether they are prudent and efficient and whether they are the right thing to do. The government has taken decisions around that. That has all been

very open and transparent. In the case where the government has made decisions, ACTEW has implemented those.

The ICRC have changed their views around a number of different matters in the draft determination. That is entirely within their scope of responsibilities to do that, but I think we have to also acknowledge it is a new position that they have formed. And the government is considering that in our response to the draft determination.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: What actions has the government taken to examine the structure of ACTEW given the ICRC's view that the structure is confusing to the community?

MS GALLAGHER: The government will be providing a response to the ICRC in line with its draft determinations. The issues of governance which did not necessarily fall within a traditional assessment of the setting of the price of water have been noted by the government and we are considering how to pursue those matters of governance going forward. It would not necessarily fit within our response to the ICRC's draft determinations but they have certainly raised issues. We have had some issues ourselves, and we will be making some decisions around that. So looking at the issues that the ICRC have raised, looking at issues of governance and making sure that the community understands the relationship that exists, ACTEW, and the difference between ACTEW and ActewAGL, are a part of that.

MADAM SPEAKER: A supplementary question, Mr Seselja.

MR SESELJA: Chief Minister, do you support a reduction in water charges, consistent with the ICRC report?

MS GALLAGHER: I certainly support the direction that the ICRC has taken in relation to some of its findings. We believe that there is scope for a reduction in the price of water. The government has considered that as part of its submission and will be releasing that submission before 15 April.

MADAM SPEAKER: Supplementary question, Mr Seselja.

MR SESELJA: Chief Minister, what actions have you taken or will you take to address concerns raised about imprudent expenditure in ACTEW?

MS GALLAGHER: I am not certain I understand the imprudent expenditure that Mr Seselja refers to.

Mr Seselja: If I can clarify for the Chief Minister, the original question referred to the statement by the senior commissioner of the ICRC that ACTEW was imprudent in its expenditure, amongst other things, of $50 million on the Murrumbidgee augmentation project. So I have asked what actions you have taken or will take to address concerns that money is being wasted on imprudent expenditure.

MS GALLAGHER: We are considering that as part of the government's response.

Planning—city plan

MS BERRY: My question is to the Chief Minister. Chief Minister, you recently announced the city plan and said at the time that it would provide a blueprint for the future infrastructure, development, land release and incentives for redevelopment right across the city. Chief Minister, could you please outline more details about the plan?

MS GALLAGHER: I thank Ms Berry for her question and for her interest in the city plan. As Ms Berry said in her question, we have recently released the draft document to consult over the development of the city plan. This is a piece of work that we are doing in partnership with the Australian government under their liveable cities program and work that we can bring to the table as part of that project.

The planning and consultation process will develop the plan between now and August 2013. It is a requirement of that agreement with the commonwealth that this plan be finalised towards the end of 2013, I believe in October. There are two consultation phases. The first was launched on 26 March, which will develop the draft city plan. The second phase is consultation on that draft, which will close by the end of July. So it is a fairly tight time frame.

The city plan project will deliver a coordinated and cohesive strategic plan that provides the detail to guide future planning, design and development of the city centre. It will provide a mechanism for governments to identify and prioritise development initiatives and make critical decisions for the city centre.

I think all of us would agree that there are probably three issues that we need to manage that are essential as part of this work. One of them is the capacity of existing infrastructure and what infrastructure needs will be required going forward. The second is what level of growth will be appropriate for the city centre in relation to the current land release projections for greater Canberra. That will be an interesting debate, no doubt. The third is what levers and incentives may be developed to encourage commercial and residential development to support an appropriate level of growth for the city.

When completed, the city plan will provide an integrated plan for the city centre and it will guide all development and change in the city centre. It is not starting from scratch. It will build on policies and principles contained already within policy documents such as the planning strategy, transport for Canberra, the city action plan and the Griffin legacy.

MADAM SPEAKER: Supplementary question, Ms Berry.

MS BERRY: Chief Minister, what target areas will be the focus of the plan?

MS GALLAGHER: Given the previous work and feedback from time to talk, there is a good understanding I think of the key issues. These have informed the five theme areas that the city plan is focused around. They are the role of the city—what facilities

and infrastructure should be in the city, where they go and how big they are; growth in the city—what is an appropriate and sustainable mix of land use, and in what locations; transport and movement—what multiple modes will be required to support sustainable growth and improve access and movement around the city; public realm and design—the establishment of streets and spaces, and the development of consistent design parameters to guide residents and visitors around the city; and implementing change—identifying those key projects and initiatives and a program for these with community buy-in.

The discussion paper outlines these five areas and is available on the website, as the Treasurer has said. Also, the community can visit the marquee that is in Garema Place from today, all of this week and on Saturday. There will be representatives from various directorates across ACT government there to answer questions and to discuss the issues with the public.

This plan will be only as good as the consultation process and the number of people who get involved and let us know what they think. We have gone forward with some ideas to guide and perhaps generate some discussion, but we really do need people to get involved in this early stage of the planning for the city plan.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Chief Minister, how will the plan contribute to improving the urban amenity of the city and create a more environmentally responsible city?

MS GALLAGHER: The city plan will be the overarching document that guides development priorities for the city. It will help us to make critical decisions about big ideas and big projects for the city. There is no shortage of ideas around what people would like their city to look like. It is probably reaching agreement on those that will be the more difficult part of the discussion.

Looking at some of the projects that other ministers are leading, the city to the lake project which the Treasurer has led will be a subset of the city plan, as will be the work that flows out from the capital metro project. But there is other work around Northbourne Avenue that is underway as well. So there are a number of different projects that would fit underneath the city plan. The key with the city plan is making sure that it provides that overarching guidance that all those smaller plans, each equally significant in their own right, can follow, that it is integrated and that it is led by a series of priorities which are achievable and will truly make this city centre a great heart of Canberra and the local region.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Chief Minister, the Australian government's liveable cities program articulates with the city plan. Could you give us some detail about what that actually means, please?

MS GALLAGHER: The liveable cities project is being managed by the commonwealth government right around Australia. It is looking at what planning

work needs to be done to create modern, sustainable, environmentally friendly cities for people to live, work and play in. The fact that we have secured funding from the commonwealth to help us guide the development of our city plan shows just how important the federal government thinks this work is in guiding the next steps of Canberra's development, particularly within the city centre.

We are very happy that the commonwealth have supported this through their financial assistance. There are tight time frames on it. We are providing in-kind support through our staff and some of the work that was already underway to pull together and make sure that this city plan provides future generations of this city with the decision-making capacity and the guidance that are required as this city enters its second century.

ACTTAB—alleged fraud

MR SMYTH: My question is to the Treasurer. Treasurer, it has been reported that ACTTAB has had at least two significant fraud cases in the last two years. The situation has been characterised as "significant" by the AFP. Minister, given that at least one of these alleged instances of fraud occurred from senior management—that is, the head of finance and operations—what processes have ACTTAB implemented or will ACTTAB be implementing to ensure that similar fraud cases will not occur again?

MR BARR: I understand that this matter has been the subject of some discussion with the ACTTAB board. I can provide a more detailed response to the member in the fullness of time.

MADAM SPEAKER: Mr Smyth, a supplementary question.

MR SMYTH: Treasurer, since the uncovering of these fraud cases, has a new system of security been fully implemented within ACTTAB?

MR BARR: I will need to take that question on notice.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Treasurer, when do you think you will be able to report on what the ACTTAB board has informed you of?

MR BARR: I will take some advice from ACTTAB and provide that information to the Assembly.

MADAM SPEAKER: Mr Doszpot, a supplementary question.

MR DOSZPOT: Treasurer, how might these fraud cases impact on any possible sale of the ACTTAB business?

MR BARR: That is a hypothetical question.

MADAM SPEAKER: I actually get to rule on whether the question is hypothetical.

MR BARR: That is my response, Madam Speaker: it is a hypothetical question.

MADAM SPEAKER: That is your response to the question?

MR BARR: Yes, Madam Speaker.

Planning—Yarralumla

MR DOSZPOT: My question is to the Minister for the Environment and Sustainable Development. Minister, as you may be aware, one half of a duplex at Fraser Place, Yarralumla, was demolished approximately eight months ago to make way for a new residential building. This action has caused unbearable hardships to the neighbouring property owners. During the demolition on the site, damage has occurred to the remaining half of the duplex, rendering it uninhabitable and uninsurable. This has placed enormous financial burdens on the neighbours of the formerly attached property. Minister, can you please explain if this was an "exempt development"?

MR CORBELL: I thank Mr Doszpot for the question. My understanding, and I will check the record, is that it was not exempted.

I have significant concerns about what has occurred in relation to this matter. I think the imposition on the residents of the adjacent part of the duplex that is still standing has been unreasonable and unfair. These are matters that need to be resolved. We are dealing with quite a novel situation for the territory. I am aware that officials of my directorate have been in constant contact with other residents of the duplex concerned. I understand that they have assisted those residents to negotiate with their neighbours around how these matters should be rectified, and there has been a mediation between the two parties and an agreement entered into.

As a result, my understanding is that the relevant officials in my directorate continue to speak with the residents of the duplex concerned. They continue to seek to ensure that the mediated agreement between the two neighbours is put into effect. If it is not put into effect, other actions are possibly available to officials to deal with this most unsatisfactory circumstance.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, can homes with a common wall be classified as an exempt development for demolition purposes?

MR CORBELL: It is quite a technical issue. I will take the question on notice and provide a definitive answer to Mr Doszpot.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, how many other duplexes in the ACT could also be listed as exempt developments?

MR CORBELL: It is not down to the nature of the dwelling, it is down to the nature of the work, as to whether development is exempt.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, what action have you taken to better manage this case and what have you learnt about this episode?

MR CORBELL: I have had correspondence with the affected party—that is, the residents of the still extant part of the duplex. I have indicated to them that there are a range of issues that are being pursued, and I have ensured that my officials have remained in ongoing contact with them to assist them in resolving what is a difficult and complex matter.

Small business—red tape

MR WALL: My question is to the Minister for Economic Development. The latest Sensis business index noted that support for the policies of the Australian Capital Territory government among Australian Capital Territory SMEs fell, with SMEs concerned about the level of bureaucracy in the territory. Minister, why is it that, even with the red tape reduction panel, local small businesses are still finding red tape an issue in the ACT?

MR BARR: I thank Mr Wall for the question. I understand that same survey showed the greatest increase in confidence of the small business sector in the ACT of any state or territory in the country. So we see a pleasing result. I note that in the comparative analysis of the views of small businesses on respective state and territory governments the ACT fared relatively well—much better than a number of conservative-run jurisdictions that you might anticipate would be more heavily favoured by that particular constituency.

I acknowledge there is further work to be done. The red tape reduction task force will continue its work. Focus in coming months will be working with the club sector, with the real estate industry and also with our universities in relation to red tape reduction.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Minister, since its establishment, how much red tape has the panel identified and how much has actually been removed?

MR BARR: Work has focused particularly on licensing issues. To date we have made some assessments in relation to further reforms of licensing within the territory, particularly taking a risk based approach, extending the terms of particular licences. There is work underway to allow for the electronic lodgement of rental bonds. That is something that has been very strongly supported.

My colleague, Minister Corbell, has announced the elimination of rego stickers for motor vehicles. The Fix my Red Tape website is now live and active providing a 24-hours-a-day, seven-days-a-week reporting mechanism for business. There will be further announcements in relation to red tape reduction in coming weeks. As I say, the focus of the task force moves now into work with the club sector.

I met with the Real Estate Institute this week in relation to particular issues that they would like to see progressed and that I am very happy to support. And I understand that Universities Australia have recently made some comment. I think the issues that they have raised predominantly go to other state and territory governments but it is my intention to write to the vice-chancellor of the University of Canberra to continue our strong working relationship with the university and continue to ensure that it is appropriately regulated.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, how many times has the panel met since being established and can you provide a written list of legislation and regulations that have been removed or identified to be removed?

MR BARR: I believe four or five times, with another meeting scheduled for next week. There have been a variety of individual consultations that task force members have held that would take the number of meetings with industry stakeholders well beyond a dozen.

Yes, there is a program for legislative reform. It is my intention to have one bill per Assembly sitting session. So in autumn and spring there will be a red tape reduction bill that will seek to amend a number of pieces of legislation. It will become a rolling process of reform and we will continue our work. I am pleased that, after many months of disinterest, those opposite are now interested in the process.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, can you tell us how ACT industry has responded to the introduction of the red tape reduction panel?

Mr Hanson: I bet they love it!

MR BARR: It has been very positive, in spite of the cynical observations of those opposite. The Canberra Business Council, the chamber of commerce and the small business associations, COSBOA, who are all represented on the task force, are very supportive of the reform process. ClubsACT have written to the government seeking to be involved.

Mr Coe: I'm glad Jeff's on board!

MR BARR: I am very pleased that we will be able to begin some particular work with the clubs sector. Again, I am surprised at the level of cynicism and narky

interjections coming from those opposite, and particularly in relation to the clubs sector. It is interesting that it takes this issue to get the other mob motivated today. Nonetheless—

Mr Coe: The Labor Party talking about red tape is comical.

MR BARR: Madam Speaker, it is of course important that those opposite are entertained at some point in question time and I am happy to continue talking whilst they interject. I thank you so much for any involvement from yourself in relation to the series of interjections that I have just had to endure.

Mr Seselja: On a point of order, Madam Speaker, I think there is an imputation against the chair there from Mr Barr. If he has a point of order, he should raise it, rather than making snide asides when he is speaking, thanking you for your assistance. So I might ask you to call him to order.

MADAM SPEAKER: I will probably let that one go through to the keeper, Mr Seselja. Thank you for your gallant assistance, but I think I will let it go through to the keeper.

Transport—light rail

DR BOURKE: My question is to the Minister for the Environment and Sustainable Development. Minister, can you tell the Assembly how the light rail project already committed to by the government ties in with the city plan and the city to the lake plans announced last month.

MR CORBELL: I thank Dr Bourke for his question. One of the main themes of the city plan released for public comment last month is transport and movement—providing multiple modes of transport, supporting sustainable growth and improving access and movement within the city centre. An important aim of the plan is to ensure that the transport needs of the community are integrated into it. The boundaries and directions of the city plan will be influenced by a number of major initiatives, including the capital metro project, the analysis along Northbourne Avenue, the Constitution Avenue upgrade and the broader city to the lake proposals. The objective of the city plan is to unlock the potential of Canberra's city centre and better integrate it with public transport, with residential development and with better recreation spaces, and link also to the important economic and social drivers of the ANU and the CIT campuses.

The capital metro project sits very well within this overall framework. Indeed, decisions about capital metro will inform the way the city grows and develops, and its overall planning framework, and vice versa. Capital metro, as members will know, is at this stage intended to terminate on Northbourne Avenue at a terminus between Alinga and Bunda streets. In line with the government's commitment to a future Canberra-wide network, future stages are anticipated to connect through the city to points south of the lake or points to the east, or both, such as Kingston via Barton; Woden; Tuggeranong; and so on.

The city plan therefore provides us with the opportunity to understand how the capital metro project will mesh with development in the city centre. We need to look, for example, at how we treat some important roads like London Circuit and Vernon Circle. The National Capital Authority, in its Griffin legacy amendments to the national capital plan, has set out what it believes is necessary for the future use of those two important streets. The government will now have to consider how the extension of the capital metro project in future stages engages with London Circuit or Vernon Circle. These are the types of issues that the government will be paying very close attention to.

We also need to appreciate, of course, that if certain uses are ultimately decided as appropriate for parts of the city centre, such as a new convention centre or a new city stadium, there will need to be adequate provision of effective and efficient public transport to move large numbers of people quickly to and from those locations. Once again, the capital metro project and the work that is currently underway in relation to it will help inform how the city plan and the city to the lake project work together to achieve something that I think we should all be supportive of, and that is a more active, a more vibrant, city centre that takes best advantage of its best address, which is Lake Burley Griffin.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, how will a light rail system contribute to the development of our city in its second century?

MR CORBELL: I thank Dr Bourke for his supplementary. What is important about this project is to understand that it is not just a project around transport provision, as critical and as important as it is. It is also an important project in the context of the development of our city—where development takes place, where people choose to live. If we are able to leverage the potential of a light rail project in the way many other cities have around the world, we will see many more people choosing to live close to this corridor.

That changes the pattern of settlement for the city. It potentially has implications as to how rapidly and how quickly greenfields development occurs over the coming period compared to a business-as-usual situation. It means that potentially more people are choosing to live in apartments, townhouses, row housing and so on close to a highly efficient, permanent and rapid public transport spine.

These are the types of issues that we need to have regard to when we look at the overall cost-effectiveness of a business plan around the capital metro project. It is not just about moving people; it is also about leveraging development opportunity, changing and potentially more efficiently delivering forms of development that meet people's need and that are more efficient for the territory to deliver.

These are the types of issues at stake. That is why I am proud to be part of a government that is prepared to take this step, to make the shift, towards a more sustainable future and towards a future that focuses on transit through light rail as a

key tool in leveraging not just better public transport for people but also a more sustainable form of development across the city.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, how much has been spent to date on light rail and how much do you expect the total project to cost taxpayers?

MR CORBELL: I note that Mr Coe has asked this of me in a question on notice. I am pleased to advise Mr Coe that I have the answer to his question. $913,000 was spent in 2011-12 and to date $76,000 has been spent in 2012-13.

MADAM SPEAKER: Supplementary question, Ms Berry.

MS BERRY: Minister, how is the Capital Metro project proceeding since you announced it last September?

MR CORBELL: Again, I thank Ms Berry for her supplementary. Significant work has been undertaken within government to set the framework and the groundwork for governance and oversight of this very important project. Given the complexity of the project, the government has agreed to the establishment of a Capital Metro agency to be established from 1 July this year, which will be overseen by a project board. The government has agreed that I will be the responsible minister for this project.

The agency will be headed by a project director, who will directly report to the board. The board will be a decision-making one concentrating on strategic issues relating to the successful progression of the project. The government is currently in the process of recruiting a project director to lead the new agency and a suitably qualified person to chair the board.

In the interim, a senior executive of the ACT government service has carriage of the project, ensuring that the necessary financial, legal, governance and administrative arrangements are set in place in the initial life of the new agency. We will soon be undertaking detailed risk analysis to understand and manage the risks presented by the project and identify appropriate mitigation strategies.

We have begun coordination of research for what will become the property strategy for the corridor, recognising the significant redevelopment potential along the corridor. The government is also in the process of developing a land release model that is able to quickly react to market requirements, attentive to social and environmental impacts of urban renewal along the corridor.

Work is also underway on a range of preliminary engineering investigations, transport planning, and economic and financing studies. This highlights that the government is getting on with the job of delivering on this important election commitment and implementing a strong and robust governance framework to guide the future development of the project.

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

Answers to questions on notice
Questions Nos 66 and 76

MR COE: Madam Speaker, I seek an explanation under standing order 118A about unanswered questions, including question No 66 to the Minister for Environment and Sustainable Development and also No 76 to the Minister for TAMS.

MR CORBELL: I apologise to Mr Coe for the delay. The reason for the delay has been the need to clarify and coordinate answers across government agencies. I now have the answer for him and I will be submitting it to the secretariat later today.

MR RATTENBURY: For Mr Coe's information, this was a complex multi-part question that has taken some time—my apologies that it is overdue. I am advised the department will provide me with the information by the close of business today, and I should be able to provide the member with the answer by tomorrow.

Paper

Madam Speaker presented the following paper:

> Standing order 191—Amendments to the Children and Young People Amendment Bill 2012 (No. 2), dated 25 March 2013.

Executive contracts
Papers and statement by minister

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

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
>
> Short-term contracts:
>
> Goran Josipovic, dated 2 April 2013.
>
> Leesha Pitt, dated 14 March 2013.
>
> Meredith Whitten, dated 27 February and 18 March 2013.
>
> Contract variations:
>
> Alice Tibbitts, dated 19 March 2013.
>
> Alison Playford, dated 6 and 14 March 2013.
>
> Daniel Stewart (2), dated 13 March 2013.
>
> Mary Toohey, dated 20 and 27 March 2013.
>
> Maureen Sheehan, dated 25 March 2013.

Moira Crowhurst, dated 6 and 15 March 2013.

Paul Wyles, dated 28 March and 2 April 2013.

Sandra Georges, dated 20 and 26 March 2013.

Sandra Kennedy, dated 6 and 14 March 2013.

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

Leave granted.

MS GALLAGHER: I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all director-general and executive contracts and contract variations. Contracts were previously tabled on 19 March 2013. Today I present three short-term contracts and 10 contract variations. The details of the contracts will be circulated to members.

Financial Management Act—instrument
Paper and statement by minister

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

Financial Management Act, pursuant to section 17—Instrument varying appropriations relating to Commonwealth funding to the Health Directorate, including a statement of reasons, dated 25 March 2013.

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

Leave granted.

MR BARR: As required by the Financial Management Act 1996, I table an instrument issued under section 17 of the act. The direction and a statement of reasons for this instrument must be tabled in the Assembly within three sitting days after it is given. Section 17 of the act enables variations to appropriations for any increase in existing commonwealth payments by direction of the Treasurer.

The territory has received additional funding of $31.688 million from the commonwealth government for payments for health cross-border services. The funding will be on-passed to the ACT local health network as a net cost of outputs appropriation, and I commend the instrument to the Assembly.

Papers

Mr Barr presented the following paper, which was circulated to members when the Assembly was not sitting:

Enlarged Cotter Dam Project—ACTEW Voting Shareholder Information—Statement on the Enlarged Cotter Dam, dated 28 March 2013.

Mr Corbell presented the following papers:

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquest into the death of Stephen Moon—

Report, dated 24 September 2012.

Executive response.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2011-2012—Environment and Sustainable Development Directorate—Corrigendum.

Petition—Out-of-order

Petition which does not conform with the standing orders—Regulation of pharmacy ownership and premises—Ms Gallagher (64 signatures).

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Domestic Violence Agencies Act—Domestic Violence Agencies (Council) Appointment 2013 (No 2)—Disallowable Instrument DI2013-33 (LR, 18 March 2013).

Heritage Act—Heritage (Swinger Hill Cluster Housing) Guidelines 2013 (No 1)—Disallowable Instrument DI2013-34 (LR, 21 March 2013).

Public Health Act—Public Health (Fees) Determination 2013 (No 1)—Disallowable Instrument DI2013-30 (LR, 14 March 2013).

Public Place Names Act—

Public Place Names (Bonner) Amendment Determination 2013 (No 1)—Disallowable Instrument DI2013-29 (LR, 14 March 2013).

Public Place Names (Coombs) Determination 2013 (No 1)—Disallowable Instrument DI2013-28 (LR, 14 March 2013).

Road Transport (General) Act—Road Transport (General) (Police Motorcycle Rider) Exemption 2013 (No 1)—Disallowable Instrument DI2013-31 (LR, 15 March 2013).

Road Transport (Safety and Traffic Management) Regulation—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2013 (No 1)—Disallowable Instrument DI2013-32 (LR, 18 March 2013).

Supplementary answer to question without notice
Transport—light rail

MR CORBELL: With your indulgence, Mr Assistant Speaker, I will briefly add to an answer I gave in question time today. Mr Coe asked me about the costs of the government to date in relation to work on the light rail project. My answer referred to the costs associated with external sources. In addition, there were costs associated with existing staff time within the government. The total pro rata staffing costs for the Environment and Sustainable Development Directorate were $164,000 in 2011-12 and $128,000 to date in 2012-13. Within the Economic Development Directorate the pro rata salary costs were $145,000 to date in 2012.

Papers

Ms Burch presented the following papers:

> Education Act—
>
> > Pursuant to section 66A—Government Schools Education Council—Budget Submission 2013-2014.
> >
> > Pursuant to section 118A—Non-Government Schools Education Council—ACT Budget Considerations for 2013-2014, dated 24 February 2013.

Annual reports—corrigenda
Papers and statement by minister

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

> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2011-2012—Education and Training Directorate—Corrigenda.
>
> Aboriginal and Torres Strait Islander Education—Annual Report 2011-2012, pursuant to the resolution of the Assembly of 24 May 2000 concerning Indigenous education, as amended 16 February 2006—Corrigenda.

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

Leave granted.

MS BURCH: I table the corrigenda to two reports of the Education and Training Directorate for the 2011-12 financial year. The reports are the Education and Training Directorate annual report 2011-12 and the Aboriginal and Torres Strait Islander education report 2011-12. The directorate's annual report was circulated out of session on 28 September last year and tabled in the Assembly on 27 November 2012. The Aboriginal and Torres Strait Islander report was tabled in the Assembly on 26 February of this year.

The Education and Training Directorate has advised me that the number and percentage of Aboriginal and Torres Strait Islander students achieving a year 12 certificate in 2011 in both reports have been identified as incorrect. Consequently I used the incorrect data when tabling the Aboriginal and Torres Strait Islander report in the Assembly and on two occasions that I am aware of on 22 February of this year at the annual report hearings of the Education and Training Directorate. The corrigenda correct the record.

The errors occurred due to methodological differences between the Education and Training Directorate and the office of the ACT Board of Senior Secondary Studies in reporting the number of Aboriginal and Torres Strait Islander students completing

year 12 studies and obtaining year 12 certificates. The Education and Training Directorate is developing a more rigorous approach to data capture and reporting and will ensure that this error does not occur in the future.

Paper

Ms Burch presented the following paper, which was circulated to members when the Assembly was not sitting:

> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2012—Canberra Institute of Technology, dated 22 March 2013.

Education and child care—investment
Discussion of matter of public importance

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

> The importance of investment in ACT early education and childcare.

DR BOURKE: (Ginninderra) (3.45): The ACT government is committed to high quality, affordable education and care for children, because we recognise just how important it is to the families of the ACT that they can access quality education and care services for their children.

Over the last few years the national quality agenda reforms have seen the implementation of a national quality framework, which has set out a new national standard for education and care services. A key component of the national quality framework is well-trained, professional staff. We know that those people who work in early childhood care and education are hardworking and dedicated, and we know that they can make a great difference to the quality of a child's care and learning. A professionally paid workforce is critical to implementing the highly acclaimed national quality reforms and to meeting children's developmental needs. We know that the education and care sector has particular difficulties in recruiting and retaining skilled educators. This is the message that educators have been telling the government and the minister through the Children's Services Roundtable and the ACT Children's Services Forum.

I would like to commend the minister for the collaborative approach to working with the sector to identify and solve the issues it faces. I know that the sector greatly appreciates the effort that she, and indeed the government as a whole, has been putting into this sector.

We know workforce capacity is an ongoing challenge for both government and the sector. We know these quality reforms are important for our children. This

government does not shy away from that, and we are taking steps to assist the education and care sector to address these workforce issues.

That is why I welcome the very recent Australian government announcement that it will establish a $300 million early years quality fund to support quality outcomes for children. This commitment is a historic first step in ensuring Australia has the professional workforce needed to provide quality early childhood education and care on which families can rely.

The fund aims to assist early childhood services to attract and retain qualified, hardworking professionals. Funding will be provided directly to services to improve quality outcomes for children by supplementing pay increases. This wage increase for early childhood educators will assist in raising the professional standard for our hardworking and dedicated early childhood educators.

Eligible services will receive grants to promote productivity and increase wages for employees with a certificate III by $3 per hour from 1 July. There will also be a proportional increase for staff across the existing classification scale. All long day care centres approved for childcare benefit can apply for the funding. Funding will be approved through an application and assessment process using a defined set of eligibility criteria. Funding will also be conditional on service commitment to participate in negotiations to achieve or maintain an enterprise agreement in the workplace. Eligible services must demonstrate a commitment to improve quality outcomes for children, including workforce plans to attract and retain qualified staff.

Providers will also need to commit to ongoing affordability for families by agreeing to restrain fee rises to reflect only actual increases in operational costs. This will ensure improved fee transparency for families and assist with maintaining the affordability of early childhood education, which is also supported through the Australian government's childcare benefit and childcare rebate.

In addition, the Australian government is establishing an early years quality fund advisory board to assist in the implementation of the fund. The board will consist of representatives from employer and employee organisations, representatives from the early childhood sector and officers from the Australian government Department of Education, Employment and Workplace Relations.

This great reform from the Gillard Labor government sits alongside our own reforms and initiatives to reform the sector. Indeed, only the Labor Party went to the last ACT election with a comprehensive policy on supporting early education and care. The supposed alternative government was silent on this issue, despite its importance to ACT families. To contrast, I am proud that the Labor government has been very active in trying to tackle the issues facing the sector and their families in our community. We have engaged in a policy of targeted land release. We are building new community facilities to house new services, as well as providing upgrades and refurbishments of other centres to not only meet the requirements of the new national standards but expand and upgrade their offerings.

However, this is not all. On top of the support for the infrastructure of child care, we have invested in the early education workforce. This Labor government has had in place a scholarship program to support those wishing to upgrade their skills to a certificate III level. This program has been highly successful in helping the workforce to gain a foot in the sector and delivering high quality early childhood education.

The government has also made a commitment to provide scholarships to those wishing to undertake degrees in early childhood education. Again, this measure will not only ensure the provision of quality child care but, when combined with the federal government's commitment, provide some level of job security and career progression for the workforce.

Through all of these initiatives we have faced criticism from those opposite all the way. But the proof is in the pudding, as they say. The ACT government investment has helped the education and care sector grow substantially over the past decade. Since 2001 the number of available places has doubled, with just over 8,300 long day care places now being offered to families in the ACT. The ACT government has an ongoing commitment to raising the quality of early childhood care and education. We do this because we know that there are now more children in care than at any time in history, and their families deserve to be reassured that their children are getting the very best.

The research is absolutely unquestionable about the critical importance of these early years. We now know that 90 per cent of brain development occurs in the first five years of a child's life. What happens in these early years will not just impact on them now but impact on the social outcomes, the developmental outcomes and, of course, the educational outcomes which are attained by this individual throughout their whole life.

The most critical factor in the delivery of quality early childhood education and care is the workforce. They are early childhood professionals and they must be recognised and valued as such. I would like to thank all those who work in the sector and recognise their commitment towards the kids in our community and to ensuring that they are safe and happy in their care environment.

I would also like to acknowledge those behind the big steps campaign, seeking professional recognition and fair wages for early childhood educators. Their strong advocacy on this issue is to be commended. The announcement by the federal government addresses many of the issues raised by the sector in their big steps campaign. It is an important acknowledgement of early childhood educators and recognises not just their qualifications, but also the emotional investment that they make every day to the development of our children.

MR DOSZPOT (Molonglo) (3.53): I welcome the opportunity to speak to the matter of public importance brought on by Dr Bourke, and I thank him for doing so. Given Dr Bourke's former position as education minister in the previous government, Dr Bourke would be well placed to know and appreciate the importance of this sector. He would also be well placed to know that this Labor government—and, indeed,

previous Labor governments—has failed dismally and cruelly to support and encourage many initiatives in these areas. Perhaps Dr Bourke does not remember that this issue was dealt with in a debate in this chamber only last November. In an almost identical brief, Ms Berry called on this Assembly to note the significant investment by the previous government in early childhood education and child care. Mr Barr spoke about the cynicism, as he perceives it, from this side. I should just say that the cynicism still stands on our part.

Just referring back to the identical brief when Ms Berry called on this Assembly during that last MPI, she went on to include the promises Labor have made in respect of new centres in McKellar, Giralang, Holt, Conder, Gungahlin and Macarthur. Pardon my cynicism but, after four years of dealing with the government's rhetoric, I have learnt one thing—that is, they make these claims over and over and over again, all too often and all too cruelly. Their promises add up to nothing more than a pinch of salt. The sad reality for parents with preschool age children living in these areas is that these children will be in high school before these centres are built—if, indeed, they ever get built.

As my colleague the Leader of the Opposition highlighted in disputing Ms Berry's optimistic and perhaps somewhat naive beliefs in November, the sad reality is that the government have a poor track record in delivering. They promise much in and out of election campaigns and deliver little. Just ask the people of Gungahlin. In the case of swimming pools and grandstands, people have started and finished their sporting careers before these facilities are finished. When they do commit funding, all too often they manage it poorly. There can be no better example of that than the provision of the additional childcare places at Flynn. Do you remember that, Ms Burch? Long promised and, when it was finally delivered, an additional 10 childcare places cost a staggering $4 million. By any measure—

Ms Burch interjecting—

MR DOSZPOT: this was a poor use of taxpayer funds. Of course, it was not an isolated example. I do not think you want to hear the rest, Ms Burch. As Minister Burch and others outlined last year, there are a heap of proposed and promised "into the future" offerings, so typical of this government. We hear about the $42 million for an early childhood school in Franklin. That will include a 120-place education and childcare service. We have a proposal to spend $7.5 million on a childcare centre in Holder that will provide places for 125 children. That works out at a cost of $60,000 per place. Indeed, the minister told us a DA had been lodged. I note, by comparison, that a childcare centre was built by a community organisation in Harrison at a cost of $28,000 per place, considerably below the Labor government's proposed investment. So perhaps we should hope this government continues to fail to deliver on its promises.

It is all very well for this government to pontificate about the importance of investment in child care, because it has failed abjectly to do so. Indeed, until the Canberra Liberals forced the issue, this government was more concerned about loading the childcare sector with more regulations and requirements. In loading up this sector with regulations and requirements, this government refused to

acknowledge the impact these regulations and requirements would have on the cost of service delivery.

This government refused to acknowledge that increased costs mean increased childcare fees and an increase in the cost of living for Canberra families. This government refused to accept any responsibility for those fee increases. Indeed, it unashamedly washed its hands of that responsibility, simply saying that childcare fees were a matter for the service providers, not the government, even though the government was responsible for much of the increase in the cost of service delivery.

This government has refused to acknowledge that the ACT has the highest childcare fees in the country. The Minister for Disability, Children and Young People has tried to equate childcare fees to cups of coffee. Well, that simply does not wash. According to ROGS 2013, the cost for child care in the ACT in 2012 was $69 per week per child higher than the national average and fully 11 per cent higher than the next highest jurisdiction, New South Wales.

This government made much of the national quality framework, a policy of the federal Labor government to which this ACT Labor government signed with little more than a tug of the forelock. This ACT Labor government asked no questions. This ACT Labor government did no analysis. This ACT Labor government just tugged at its forelock. It did not care about the impact its forelock tugging would have on the capacity of childcare centres to implement the new standards. It did not care what impact it would have on the ability of childcare centres to recruit people with required qualifications from an already tight employment bank. It did not care what impact it would have on the cost of living for Canberra families. It is only thanks to the Canberra Liberals that this ACT Labor government finally put its collective brain to work and put its hand in its pocket to assist the childcare sector.

Ms Burch interjecting—

MR DOSZPOT: Even that was a case of being dragged kicking and screaming, Ms Burch. When the kicking and screaming stopped, it was little more than tokenism, especially for childcare centres operating from their own premises. Government-owned premises would get some money to help with infrastructure modification required to meet the new standards. Did it matter that this would put them at a competitive advantage? No. The government did not care about that.

What about the skill base? The government threw money at that too but, again, only after the Canberra Liberals had shamed them into it. Even so, their strategy is so shallow that it will provide no guarantee of continuity of service in the childcare sector. But do not worry, Mr Assistant Speaker, the portable long service leave scheme will save the sector like a knight in shining armour, or so say the ACT Labor government.

This matter of public importance does highlight the need for investment in early education and child care. But that is all it does do, Dr Bourke—highlight the importance. This government needs to put the rhetoric into action with a comprehensive, holistic plan that takes responsibility for government decisions.

MR RATTENBURY (4.02): I am pleased to be able to speak on this issue today. Indeed, investment in early education and child care is a very important issue for families of young children here in the ACT. Securing access to affordable child care has long been a major issue for many parents and my understanding is that the challenge continues. Waiting lists for child care and early education continue to be significant and families and carers still find themselves under pressure juggling care arrangements with work commitments.

There may also be other reasons why a family may seek child care, such as personal illness or changed care arrangements like kinship foster care. Individual circumstances, the imperative of coordinating family life, taking into account a child's special needs or changes in family circumstances, such as a new workplace for a parent or carer, can put additional pressures on the requirement for child care. It is not easy in the ACT to change days of care or location of care and families can feel additional pressure if the care that is available is not suitable for their child or children.

The Greens believe that all Australian families are entitled to access high quality, affordable child care when they need it. We understand how important it is for families, especially as they plan a return to work, to feel reassured not just that their children will be well cared for in a supportive environment but also that this is integrated with high quality educational programs.

The Greens believe it is important to enhance the availability of a mix of adequate and affordable high quality childcare services for ACT families through initiatives to support social inclusion and culturally appropriate care. We have also strongly advocated for improvements to conditions, remuneration, training and career opportunities for childcare workers as we know that this not only values the important role childcare workers play but also means we can deliver better quality child care.

The years between zero and five are precious ones. Whoever we entrust our children to, they are impacting on our children's social, cognitive, physical and emotional development at a crucial stage of their lives, where new skills are being acquired at a rapid rate and patterns for future life are being laid down. Research into brain development and early childhood psychology has clearly highlighted this. As such, there is a clear imperative that child care and early education teaching must be evidence based. This is something that I believe the sector takes seriously.

Child care is expensive and there is no getting around that. It can impact heavily on a family budget, particularly low income families. We ask that the ACT government continue to work with their federal colleagues to seek relief for these parents. We do know, however, that most parents value improvements to services and do not begrudge small increases in cost that might have come about as a result of changes that have occurred in the last two years—standardised qualifications for professionals in the sector and increases in the number of childcare professionals for each child, and ensuring children have better access to qualified professionals. Improved staffing began in 2012 with a certificate III qualification becoming the entry level required for the profession by 2014. Of course, the ACT had already commenced introduction of the new requirements so the transition was easier than for other jurisdictions.

The Greens believe that people working in the childcare sector should be fairly remunerated for the work they do. Our federal colleagues have consistently called for an immediate increase in the pay rate for childcare workers and the phasing in of much larger increases to reflect the skill level required in, and importance of, childcare work.

We know that it is not always possible to have control over childcare costs as there are some agencies that operate more on a business or corporate basis. The government is limited in what it can do in this regard. However, it can help ensure that the regulatory burden for childcare providers—necessarily imposed to ensure the standards around health and safety are addressed—is not too severe and does not result in higher costs which are then passed on to families.

The ACT government do have a role in working with their federal counterparts to do whatever is possible to bring costs associated with the high demand and the childcare industry skill shortages down. I acknowledge the work of government to date in trying to support new childcare places, the construction of new facilities and the ACT's implementation of childcare certification for new and existing workers.

In the ACT, access to child care in locations which enable families to drop off and pick up their children in line with their work and family demands is essential. The Greens are committed to both the long-term sustainability of the sector and to providing more childcare spaces for our growing city. We are supportive of the government's policy to build more publicly funded community-based and not-for-profit childcare facilities. There has continued to be growth in the childcare sector over the last decade as we try to keep up with growing demand. However, it is clear that the ACT needs to plan these centres strategically and in accordance with population movements and areas of greatest need.

It is also important that the ACT government ensures these childcare centres are afforded some security of accommodation so that childcare providers can offer security and stability to their staff and the parents using their services. It is difficult for centres to make commitments to families about services for the future when the long-term viability of the accommodation of the childcare centre, play school or preschool may be under threat.

On the matter of suitable accommodation, the issue of accommodation for playgroups is another that the Greens are well aware of, and the concern of ACT playgroups that one of their largest impediments to running playgroups across the ACT is a lack of safe, accessible and affordable venues. This was a key focus for the Greens in the term of the last Assembly. I would urge the relevant government agencies to take consideration of this difficulty in accessing community space in their infrastructure planning, particularly in the growth areas of Molonglo and Gungahlin in my own electorate.

One area of child care that is not as often included in the debate is that of family day care. Family day care can provide a unique role in the continuum of childcare services—the provision of care in a home-based setting that suits many families and

many children and has added flexibility to accommodate the needs of families who might need vacation, overnight or casual hours. As the government plans for future support of the childcare sector, it will be important not to forget the family day care sector which, while mostly federally funded, could benefit from organisational support and access to training.

In closing, the ACT Greens strongly believe in the importance of good investment in the early education and childcare sector and we recognise the lifelong benefits that such an investment can bring to the life of a child and their family. We will continue to support the role that government has to play in the delivery of these investments.

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) (4.09): The ACT government is implementing a range of measures aimed at supporting services to continually improve and sustain the growth and development of the early education and child sector. The ACT government has, indeed—and it is on record and it is a reality—increased the number of places available for child care in early education settings, in long day care and in the family day care environment. We have increased choice for families.

That is in stark contrast to the opposition. Despite your rhetoric over there when you stood up with, I assume, your education spokesperson hat on, Mr Doszpot, the Canberra Liberals through you have not delivered a single policy, not a word, not a dollar, to support Canberra families in early education and care. That is the record. The Canberra Liberals have come into this place and have put on record the notion of a centralised waiting list for child care, which was unanimously derided by the sector, and nothing has come into this place in the form of policy since then.

We as a government are continually looking at measures to support Canberra families. Indeed, as Dr Bourke noted, since Labor has been in government, the number of available childcare places has grown to over 8,300, and the government's $9 million recent commitment to education and care capital upgrades is continuing to progress. Thirty-three additional places have recently become available in Charnwood and Braddon. A further 116 places are expected to be created in government-owned facilities between 2013 and 2014, and additional places will be created in the suburbs of Campbell, Narrabundah, Greenway, Fyshwick and Forrest. New centres and extensions of existing centres will assist in meeting the demand for education and care places and reduce pressure on affordability.

The ACT government supports education and care providers to establish new centres through the direct sale of land and advisory support during the planning and regulation approval processes. Providers of new services planned for Canberra have consulted with the ACT government to develop their plans. New centres in the suburbs of Giralang, Holt, Holder, Taylor, Crace and Gungahlin are expected to create an additional 550 places in 2013 and 2014.

As important as they are, the bricks and mortar are not enough; they are only effective if there are qualified and supportive workers to greet these children every morning.

Mr Rattenbury referred to family day care. In addition to long day care it is important that we recognise and value the role of family day care in the provision of services and support to Canberra families. I made reference in the latter part of last year when we spoke on this subject of the government supporting the addition of new family day care providers in the ACT.

In addition to providing support to the workforce, I want to congratulate the big steps campaign on its perseverance and dedication in supporting the education and care workforce. Policies such as the early childhood scholarship program launched last year by the ACT government is a scholarship providing more than 80 full scholarships for educators to obtain a certificate III qualification. Due to the success of this program, the ACT government has committed to extend the program for another three years, providing funding for up to 90 additional scholarships—real benefits to real people working in the sector.

This scholarship program was designed to make training more accessible through the removal of barriers to study. These scholarships provide full course fees, start-up payments and financial support for employers to replace educators during study hours. Scholarships are available for educators in long day care, independent preschool and in family day care programs.

We are also committed to providing additional funds to support the participation of up to 10 Aboriginal and Torres Strait Islander people in the program. These extended scholarships will address some of the barriers to Aboriginal and Torres Strait Islander people completing tertiary study as well as encouraging more Aboriginal and Torres Strait Islanders into the education and care sector.

In addition, the ACT government has committed to delivering a new scholarship program for up to 25 educators. This scholarship will subsidise educators for some of the costs associated with obtaining their university degrees in early childhood education. We are collaborating with the ACT Children's Services Forum and the sector in implementing the ACT education and care workforce strategy. The strategy focuses on four key objectives: attracting new educators to the sector, retaining existing educators, developing and upskilling the sector workforce, and raising the professional profile of the sector in the ACT community. This campaign, along with other initiatives, will serve to increase the capacity of the education and care workforce to meet the requirements of the national quality framework and the continuing demand for education and care places.

As Dr Bourke mentioned in his opening comments, the early years are the most important years. This is where we set the stepping stones, the foundation stones, of a young child and their capacity to learn and send them on their life's journey. They are the critical, important years. This government will not step away from supporting the national quality framework or, indeed, putting moneys into bricks and mortar or into the workforce to support the sector.

We are disappointed that this collaborative work with the sector has not been met with bipartisan support. Indeed, as I mentioned earlier, I am only aware of one other childcare policy—which was a centralised waiting list—put forward some years ago

by the Canberra Liberals. This was, as I have said earlier, widely rejected by the sector, and since then from the Canberra Liberals there has been silence. In fact, again as Dr Bourke pointed out, ACT Labor was the only party to take a policy to the community about supporting and growing the childhood sector.

Mr Assistant Speaker, for you to come in here and to say that we have done nothing in this space shows your complete lack of awareness and refusal to accept the over 8,300 places that are now in the sector and the significant moneys going into upgrades in community and government-owned facilities that are improving opportunities and choice for Canberra families. It is a great disappointment that the Canberra Liberals have let down the community of Canberra.

Mr Rattenbury commented about playschools and playgroups, and I also recognise these play an important part and have an important place within families. They provide opportunities not only for families to take their children to a place of play and learning but also for mothers and fathers to get together for what is a much-needed bit of peer support when we are raising our young children.

I assure the community that this government understands the importance of affordable and quality child care, and we will continue to work with the sector to deliver opportunities, expand the number of places, improve the quality and keep costs down for Canberra families.

MS BERRY (Ginninderra) (4.17): Mr Assistant Speaker, as you would be aware and as you noted earlier today in your contribution, I have spoken a number of times in the Legislative Assembly on the importance of investment in early childhood education. This matter of public importance is an opportunity to discuss and talk about the success of ACT Labor and the federal Labor government's commitment to the sector. What a shame that the opposition used it as an opportunity to disrespect the professionals who work in the sector.

It is a pleasure for me to again speak on this issue because I know an investment in early childhood educators is an investment in our community, our workforce and our families. The importance of the work early childhood educators do cannot be overstated. Early childhood educators play a vital role in the development of our children. These are the first people parents entrust with the care of their children. They are responsible for helping children to learn to play with others, to interact in new environments and to build characters that will last with them for the rest of their lives.

Both the ACT and the federal Labor governments know the success and stability of the early childhood education sector is not just about investment in bricks and mortar but in jobs and training for the people who make the sector function. The federal government funding commitment will support ACT government investment in training by encouraging workers to stay and grow into leadership roles in this sector. But this is only the first step in the big steps campaign, and it is a long road to the full professional recognition of early childhood educators. I know we will be hearing from big steps campaigners and their union as they move forward in achieving this goal.

Acknowledging the need for further action, the federal government has also announced the establishment of a pay equity unit within Fair Work Australia tasked with working out long-term funding arrangements to provide professional wages across the sector. The establishment of a pay equity unit recognises the systemic gender disadvantage experienced in predominantly female sectors. It will inform the work of the Fair Work Commission by compiling specialist pay equity information necessary for the consideration of relevant applications made under the Fair Work Act and modern awards.

As well as annual minimum wage reviews, and as the skills and qualifications of educators increase, this unit will ensure that remuneration accurately reflects the professional status of their work. The workers who choose these challenging but rewarding careers in early childhood education deserve this ongoing commitment to investment in their sector and careers so they can continue the vital work they do educating our children and supporting our community.

The ACT government have been supporting children by recognising and acknowledging the scientific evidence that the early years are so important in the development of our young people. We have supported the workers by listening to the various voices of the education and care sector, and we have supported parents by recognising their needs in providing quality care. Unlike the opposition, we will not forsake the people who work in early childhood education and child care.

Discussion concluded.

Adjournment

Motion by **Ms Burch** proposed:

> That the Assembly do now adjourn.

Australian National Capital Artists

DR BOURKE (Ginninderra) (4.21): In this very big year of birthday celebrations, I rise tonight to celebrate a 21st birthday. Australian National Capital Artists is much better known by its acronym ANCA. The artist-run initiative owns and operates artist studios in Mitchell and artist studios and a gallery in Dickson.

On Friday night, I had the pleasure to officially open one of the two simultaneous exhibitions ANCA is holding to celebrate its 21 years of operation. Over 200 artists have benefitted from the use of the studio space at ANCA over the last 21 years. An exhibition of works by the current tenants of the studio spaces is currently on show in the ANCA Gallery in Dickson, and Friday night's launch was for the exhibition *Intensity of purpose: 21 years of ANCA*, showing works by past tenants at the Canberra Museum and Gallery or CMAG, which is just across Civic Square from the Assembly, not far to walk at all.

I commend the exhibition and also congratulate CMAG as one of Canberra's cultural gems, along with ANCA, for hosting this retrospective showing the depth of talent within the national capital's artistic community. The completion of 35 purpose-built artist studios and their Dickson gallery 21 years ago followed substantial lobbying and submissions developed by artists and consultants between 1985 and 1988.

The committed and determined individuals who laid the foundations for ANCA's conception included David Williams, Jan Brown, Michael Le Grand, Bruce Townsend, Bruce Radke, Meredith Hinchliffe and Mary Meadows. Former federal Labor Minister for the Arts and Territories, the late Clyde Holding, approved funding for the ANCA works from the community development fund reserve, prior to the ACT Legislative Assembly's first election held on 4 March 1989. After the initial government allocation of $1.9 million to build these studios, ANCA has maintained its financial independence. In 1989, ANCA was incorporated as a not-for-profit organisation. In 1991 artist studios were completed at Mitchell, and in 1992 the Dickson campus was opened.

This exhibition, just across the way there, is beautifully curated by CMAG's Allison Bell and celebrates just some of those ANCA achievements. The 23 artists chosen for the 21st birthday celebration are just a small representation of the artists who have had an intensity of purpose in their time at ANCA and since in their careers both nationally and of course internationally.

ANCA has enabled several generations of Canberra artists to stay in our town, in the nation's capital, and continue to practise their art and contribute to the story of the arts here. The *Intensity of purpose: 21 years of ANCA* exhibition coincides with the exhibition *ANCA NOW!* at the ANCA Gallery in Dickson. That exhibition presents the work of 27 of ANCA's current studio artists. Together, the two exhibitions demonstrate how ANCA continues to nurture Canberra artists and nurture the role of art in the national capital to delight, to engage and to question.

National Youth Week
Youth homelessness

MR WALL (Brindabella) (4.25): I rise this evening to acknowledge National Youth Week, which runs from 5 April until 14 April. The theme of National Youth Week this year is: "Be active. Be happy. Be you." National Youth Week is an annual event that celebrates and recognises the contribution made to our society by young people.

In the ACT, our week-long celebrations kicked off on Friday with the National Youth Week festival in Garema Place. A number of stalls and activities were set up, highlighting a number of initiatives available from a diverse range of community groups and organisations who provide services for young people in the ACT. Live music and performances, along with art activities and sporting demonstrations, featured at the festival. I would particularly like to acknowledge the hard work of the Youth Coalition in coordinating the calendar of events, along with the various participants who have been and will be contributing throughout the week.

Yesterday I went out to the PCYC rocks open day at Erindale. Again, lots of young people were there, trying out activities from rock climbing to box tag, all done to the background of live music and DJ sets.

Other events happening this week include a young carers breakfast being hosted at the National Zoo & Aquarium by St Vincent De Paul for young carers and their families. The Lanyon youth festival is on this Friday at Lanyon, hosted by the YWCA.

There is Youth Homelessness Matters Day, which will be launched tomorrow here at the Assembly. I am very pleased to lend my support to this initiative and be a youth homelessness day ambassador in 2013. The aim of Youth Homelessness Matters Day is to increase the awareness within the community of the vast number of young people who do not have a safe place to call home. It is concerning that almost half the homeless population are aged under 25, and many of these people are not necessarily sleeping on the streets, as is the common image of a homeless person; they are, instead, often couch surfing or sleeping in their cars.

Many of the homeless youth in the ACT are seeking to better themselves by attending one of the great tertiary institutions in the ACT or are undertaking a trade-based apprenticeship. Given the sometimes high costs associated with maintaining transport and acquiring the tools of the trade required to undertake further study, often there simply is not enough money left over each week to access stable accommodation within the ACT.

As part of Youth Homelessness Matters Day, the community are encouraged to take the pledge to go without their bed on 10 April. I would encourage all members of this place to experience what it is like to be without proper accommodation for just one night.

I know many of my colleagues have already been out at Youth Week activities. I encourage all members to get out and have a look at what is on and support the various activities that celebrate the young people of our great city.

Older Canberrans

MS BERRY (Ginninderra) (4.27): Today I spoke with my constituent Mrs Mary Pearson, who reminded me that often it is small things that have a big impact on social participation and quality of life for older Canberrans.

In 2012 Mary wrote to government members requesting an extension to a footpath that would safely connect her house to her bus stop and improvements to city transport facilities that would allow her to move about central Canberra. After appropriate assessment, the extension of her footpath has been delivered and improvements which had been planned for the city have been implemented.

I was speaking to Mary today. She told me about the value of public transport to herself and other older people. She told me that without access to a private vehicle, public transport is an important link to the rest of the community.

In the way she lives her own life, Mary is a great example for ageing well in our city. As an older Canberran, Mrs Pearson makes good use of her ACTION gold card to stay fit by travelling to a regular jazzercise class in the city senior citizens club.

Mrs Pearson's story reflects the importance Canberra's social and transport plans place on high quality pedestrian infrastructure. Mrs Pearson speaks highly of the lateral approach that has improved pedestrian access and city footpaths by moving cyclists onto the new separate cycle network.

Mrs Pearson also stays fit by doing her own gardening. Since she does not have a car, she makes good use of the home help service, which sees people undertaking community service remove green waste from eligible properties. This service allows Mrs Pearson to keep up her hobby by stepping in to do only the things she cannot do herself.

Mary is not only a physically active person; she exemplifies the active citizenry that lies at the heart of the ACT social plan. When Mary contacted my office wanting a solution to her problems that would benefit all other people who use the services, she needed a little assistance to access. She has a vision for a stronger, more active community that she pursues through participating in feedback, both to the government and to the community sector, through bodies like BCS and the Council on the Ageing.

I am proud to be part of a government that can provide the small pieces of support which are having a big impact on the lives of older Canberrans and I have enjoyed getting to know Mary and hearing about someone looking for positive ways to keep active as they get older.

Youth homelessness

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) (4.30): Like Mr Wall, I would like to acknowledge tomorrow's Youth Homelessness Matters Day. For those who are not aware, it is a nationally recognised event that seeks to raise public awareness about youth homelessness and the factors that cause it.

Most people have an image of homelessness as being about older people sleeping rough on the streets, but for many young Canberrans that is not the whole story. The Australian Bureau of Statistics estimates that there were 1,785 homeless persons in the ACT on census night in 2011. Of these, 1,105, or 62 per cent, were in supported accommodation for the homeless, 18 per cent were staying temporarily with other households, 16 per cent were living in severely crowded dwellings and just 29 people, or two per cent, were sleeping rough.

Importantly, and disturbingly, approximately 30 per cent of these people were under the age of 25—in other words, young people. I simply cannot imagine what it would be like to be homeless and young in the ACT, and I hope that these figures are turned into real-life stories that will assist us, as a community, to better respond to challenges they are facing.

But the day tomorrow is also about celebrating the resilience of young people. As we will see tomorrow, the day is a positive chance to convey a message that young people experiencing homelessness are homeless, but not helpless. Youth Homelessness Matters Day aims to communicate that with good support, positive inclusion and stable accommodation, young people can move forward and live their lives productively.

I would like to take a moment here to acknowledge the hard work of the Community Services Directorate in their recent efforts to develop new ways to deal with some old issues. The ACT Youth Homelessness Matters Day event will involve the launch of artworks created by young people experiencing homelessness in a series of art workshops that were held in March and April and were facilitated by Megalo print studio. Young people accessing homelessness services attended these workshops and worked towards telling the story of their experience of homelessness through art.

Tomorrow, at 12.30 in the reception room at the Assembly, I will be honoured to launch this year's Youth Homelessness Matters Day, which has the theme "Tell your story". I am sincerely looking forward to listening to the young people who will be presenting their art and telling their story. I gather Mr Wall will be there, and I would encourage other members to come along and support this event. I think it is going to be very interesting and quite informative for those of us who perhaps could really do with hearing more about the stories of some of these young people.

Diversity ACT—twilight fair

MR GENTLEMAN (Brindabella) (4.32): I rise tonight to talk to the Assembly about a fantastic event I attended a few Saturdays ago, on 23 March, the twilight fair of Diversity ACT. Diversity ACT was opened last year, with sponsorship from the ACT government. Diversity ACT provided a hub for diversity in Kambah, and whilst the building was run down a bit, Diversity was able to obtain sponsorship from Masters Home Improvement and various other Canberra businesses to bring the property up to scratch and allow the operation of its establishment.

Diversity ACT was established in August last year by Ian Goudie as the community organisation to encompass all of the community services provided to the GLBTIQ community. The ACT government provided a $90,000 grant to assist with the start-up costs. The months have passed and the support line provided by Diversity has received over 150 calls since its establishment.

The event a few Saturdays ago was opened by the member for Canberra, Gai Brodtmann, and our Chief Minister, Katy Gallagher. It was also attended by Andrew Barr, Joy Burch and me. There were about 50 stalls at the fair and we had about 1,700 people attend during the whole day. It was a fantastic operation. I think I could describe Diversity as an inviting, an inclusive and a friendly organisation, to say the least. It was a very enjoyable event.

I would like to acknowledge of course that Diversity is auspiced by Northside Community Services. Its major sponsors are Cube Nightclub, Elringtons lawyers, LJ

Hooker Queanbeyan and Masters Home Improvement, whom I mentioned. The president of the board is Ian Goudie; vice-president, Lynne O'Brien; secretary, Adrian Brown; treasurer, Kim Ware; youth president, Russell Nankervis; and membership secretary, Brett Jones. The board members are Damian Coburn, Jo Delaney, Jamie Gray, Tom Hoffman, Delia Quigley, Krishna Sadhana, Adam Skillicorn and Maz Wakamatsu.

Diversity ACT are currently reaching out to all other community organisations to stamp out homophobia in our city. With recent partnerships with the Canberra Uniting Church, all ministers of the church now will be allies to the LGBTIQ services. Along with many of my colleagues, I congratulate the great work currently being done by Diversity ACT as part of making the ACT the most GLBTI friendly city in Canberra.

Evatt Primary School—environmental fair
Hawker Primary School—fete

MS PORTER (Ginninderra) (4.35): I would like to speak about two school fetes that I attended over the weekend. The first—also attended, I note, by a number of members of this place—was the Evatt Primary School environmental fair which was held on Friday evening. Mr Doszpot and Mr Rattenbury, I believe you were there, and I noticed Ms Berry. There were lots of us there anyway. I hope you all enjoyed it as much as I did.

I have attended a number of their environmental fairs over the years. I noticed this time that there has been continuous improvement on the environmental and sustainability measures that they are introducing. I have noticed these over the years. Many have been driven largely by the students themselves. I was glad to be accompanied around the fair by three young students, clearly proud of their school and its achievements. I thank the principal, Ms Susan Skinner, and other staff, parents and students for their work.

I would also like to thank, similarly, the principal of Hawker primary, Mandy Kalyvas, and her staff, parents and students for what they are achieving in their school. I attended the Hawker Primary School fete on Sunday. It was a very well-attended fete, clearly being enjoyed by all. As usual, the second-hand books and children's toys were in great demand. I was able to buy a number of books for my younger grandchildren, five of whom were visiting my husband and I that evening.

As well as thanking the two principals and their school communities, I would also like to thank the various business owners and sponsors of various improvements at the schools and for the way that they assist with these fetes.

Question resolved in the affirmative.

The Assembly adjourned at 4.38 pm.

Schedule of amendments

Schedule 1

Crimes Legislation Amendment Bill 2012 (No. 2)

Amendments moved by the Attorney-General

1
Clause 5
Page 3, line 16—

omit clause 5, substitute

5 Meaning of sexual intercourse in pt 3
Section 50 (1), definition of sexual intercourse, paragraphs (a) and (b)

omit

vagina

substitute

genitalia

2
Clause 8
Page 4, line 9—

omit clause 8, substitute

8 Section 50 (2), new definition of *genitalia*

insert

genitalia includes surgically constructed or altered genitalia.