



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**EIGHTH ASSEMBLY**

**16 MAY 2013**

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**Thursday, 16 May 2013**

**The Assembly met at 10 am.**

*(Quorum formed.)*

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

## **Education, Training and Youth Affairs—Standing Committee Report 1**

**MS PORTER** (Ginninderra) (10.02): Pursuant to the order of the Assembly of 14 February 2013, as amended on 9 May 2013, I present the following report:

Education, Training and Youth Affairs—Standing Committee—Report 1—*Report on Annual and Financial Reports 2011-2012*, dated 15 May 2013, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I am pleased to report on the *Report on annual and financial reports 2011-2012*. Annual reports, as you know, are in principle the most authoritative way in which chief executives and chairpersons account to the Legislative Assembly and other stakeholders, including the public, for the way in which they discharge their statutory and other responsibilities and the way they have utilised public funds over the preceding year. Provision of meaningful operational financial information by government to parliament and the public is an important basic element of our accountability process.

On 14 February 2013, the Assembly referred annual and financial reports for all government agencies for the calendar year 2011 and financial year 2011-12 to this and other standing committees. The education, training and youth affairs committee examined, and now reports on, the annual reports for the following: the ACT Building and Construction Industry Training Fund Authority; the Canberra Institute of Technology; the Community Services Directorate, for arts policy advice programs, including artsACT; the Community Services Directorate, for children, youth and family services; and the Cultural Facilities Corporation.

The committee held public hearings on 22 February and 14 March 2013. At these public hearings the committee heard from the responsible minister, Ms Burch, accompanying directorate and agency officers and members of the governing boards. The committee examined the annual and financial reports in relation to their compliance where relevant to the following legislation: Annual Reports (Government Agencies) Act 2004; Chief Minister's annual report directions 2010-11; Financial Management Act 1996; and Territory-owned Corporations Act 1990.

In its report the committee considered issues raised in the annual reports with regard to accountability, governance and effective reporting by public sector agencies. The committee report includes discussion on significant issues raised during the inquiry and makes nine recommendations. Several of these recommendations are directed in a generic sense to ensuring that matters of importance identified by the committee are covered in further annual reports, updating activities and how they are progressing.

In addition, the committee more particularly recommended that the Canberra Institute of Technology report on matters related to its internal administration issues, which have been under review over the last year, and that the Education and Training Directorate provide updated details on service to students requiring special support, including Aboriginal and Torres Strait Islander students, and details of outcomes from its professional development and career planning for ACT teachers, especially preschool teachers. Further, the committee recommended that ETD ensure that communications between ETD and ACT Health improve, to ensure the delivery of more integrated services for special needs students in all special needs schools in the ACT, and ensure that full-time nursing be provided on an equal and permanent basis across all special schools in the ACT. It recommended that ETD work more closely with TAMS and ACT Policing, through the Safe Schools Taskforce, on traffic issues affecting students' safety at and around schools, and that the Community Services Directorate provide updated details on outcomes from the administration of youth justice services, especially recommendations from the Human Rights Commission review of youth justice and the Youth Justice Implementation Taskforce.

As 2012 was an election year, the committee recognises that the report is later than usual, that being because of the caretaker period and the election. The committee nevertheless looks forward to the government responses to the committee recommendations.

I would like to conclude by thanking my committee colleagues, Mr Steve Doszpot, Ms Yvette Berry and Mrs Giulia Jones, Minister Burch and her accompanying directorate and agency staff, and members of governing bodies for providing their time, cooperation and expertise during the course of the inquiry, and committee office staff who compiled this report, particularly Brian Lloyd, Lydia Chung and the committee secretary, Andrew Snedden.

I commend the report to the Assembly. My committee colleagues may want to add to my comments.

Question resolved in the affirmative.

## **Health, Ageing, Community and Social Services—Standing Committee Report 1**

**DR BOURKE** (Ginninderra) (10.08): Pursuant to the order of the Assembly of 14 February 2013, as amended on 9 May 2013, I present the following report:

Health, Ageing, Community and Social Services—Standing Committee—Report 1—*Report on Annual and Financial Reports 2011-2012*, dated 2 May 2013, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Annual financial reports for 2011-12 were referred to standing committees on 14 February 2013. The reports referred to the Standing Committee on Health, Ageing, Community and Social Services were those of the ACT Health Directorate and sections of the Community Services Directorate.

The committee held five public hearings over four days—14, 15 and 22 March and 4 April—and heard from the Minister for Disability, Children and Young People; the Minister for Multicultural Affairs; the Minister for Women; Minister for Health; the Minister for Community Services; the Minister for Aboriginal and Torres Strait Islander Affairs; the Minister for Housing; the Minister for Ageing; and relevant departmental officials.

Twenty-one questions were taken on notice. They have all been responded to and are available on the committee's webpage.

The committee made six recommendations:

... that the ACT Government consider central data collection for information on cross-border access of ACT Aboriginal and Torres Strait Islander services.

... that future annual reporting for all ACT Government Directorates include five-year data trends on Aboriginal and Torres Strait Islander employment within the ACT Public Service.

... that the Minister for Women report back to the Committee outlining the likely alternatives to the International Women's Day awards and identifying the preferred future approach to the recognition of women by the ACT Government.

... that CSD consider utilising data on the number of Care and Protection related complaints addressed to the Children and Young People's Commissioner when reviewing the successes of the Directorate's new complaints unit and independent decision review processes.

... that future CSD Annual Reports provide additional detailed data on the recruitment and retention of staff within Care and Protection Services.

... that the Minister for Health provide the Committee with a detailed update of each health infrastructure project currently underway or in planning by 30 June 2013.

The committee thanks ministers and directorate officials for their time and cooperation during the course of the inquiry, as well as the committee office staff who assisted in the preparation of the report and conducting of the inquiries.

Question resolved in the affirmative.

## **Justice and Community Safety—Standing Committee Report 1**

**MR DOSZPOT** (Molonglo) (10.11): Pursuant to the order of the Assembly of 14 February 2013, as amended on 9 May 2013, I present the following report:

Justice and Community Safety—Standing Committee—Report 1—*Report on Annual and Financial Reports 2011-2012*, dated 6 May 2013, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I rise today on behalf of the Standing Committee on Justice and Community Safety, to table its inquiry report on annual reports for 2011-12.

In this place, annual reports and estimates inquiries, together, support the accountability of the executive government to the Assembly in important ways. Each instance of this process gives the committee the opportunity to see how things are travelling with administration, policy and implementation by the executive. The matters that come up in hearings for these inquiries are often long-term issues. And it is in connection with these issues that the committee system, with its emphasis on scrutiny, frequently delivers significant value to the overall work of the Assembly.

In this case, there were three areas the committee considered particularly important and made recommendations on.

In recommendation 1, the committee recommends that the ACT government consider establishing a single secretariat or administrative unit for independent agencies with responsibilities for rights in the ACT. During the inquiry process, the committee noted the close relationship between rights agencies, which are created as independent agencies by statute, and executive agencies. An example is the relationship between the Human Rights Commission and the Justice and Community Safety Directorate. In the committee's view, this is a departure from both the wording and intent of legislation creating the commission. A greater degree of structural separation would be desirable. Factoring in questions of economies of scale and the smaller size of the ACT jurisdiction, the committee has asked government to consider making a structural separation by putting rights-oriented agencies, including the Public Advocate, in a separate independent agency.

In recommendation 2 the committee recommends that the government endorse the Director of Public Prosecutions' recommendations such that there be greater pre-trial exchange of materials and witness lists between prosecution and defence counsel in court cases. In the committee's view, this would lead to better use of the court's time.

The committee accepts that these are matters entirely within the purview of the courts, but through this recommendation asks the government to put a moral weight behind these proposals given the gravity of problems which arise when justice is delayed.

In recommendation 3, the committee again takes up this issue, urging the government to continue to address the delays in justice of which the committee was advised in public hearings. It was also told of the human cost of these delays, which it considers significant.

I would like to thank my fellow committee members, Mr Gentleman, Mrs Jones and Ms Berry, for their input and contribution to this report. In particular, and on behalf of all the committee members, I wish to express our sincere thanks to the committee secretary, Dr Brian Lloyd, for his much appreciated support and valuable contribution to the drafting of this report. I would also like to express the committee's thanks to Ms Lydia Chung for her contribution to our work.

I ask the government to give due consideration to the recommendations, and I commend the report to the ACT Legislative Assembly.

Question resolved in the affirmative.

### **Official Visitor Amendment Bill 2013**

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

Title read by Clerk.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.15): I move:

That this bill be agreed to in principle.

I am pleased to present the Official Visitor Amendment Bill 2013. The bill makes technical and other amendments to the Official Visitor Act 2012 to ensure that the official visitor scheme will operate effectively when it commences.

Official visitors have operated in three environments in the territory: youth justice rehabilitation facilities, secure mental health facilities and adult correctional facilities. The Official Visitor Act 2012 added two new environments to this scheme: disability services and crisis accommodation services.

The Official Visitor Act was passed with some deficiencies, which were acknowledged at the time. Members expressed the expectation in the last Assembly that these problems would be resolved before the act's commencement. This bill represents the government's agreement with that expectation and that responsibility.



Madam Speaker, when the Official Visitor Act was passed, you expressed the expectation that there would be conversations with the community about how the scheme should operate, that the bill would be “tweaked to be really effective”. This is what the government has done.

The government has undertaken extensive consultation with members of the community to ensure the scheme will offer the most effective protections for vulnerable people. Put simply, the Official Visitor Amendment Bill clearly defines where official visitors will go and what they will do. It makes technical changes to the act to ensure each scheme reflects strong and consistent core standards but also provides for necessary operational variation.

In presenting this bill, I would like to acknowledge the efforts of my officers to reflect the views and concerns of stakeholders. The bill represents collaboration across the government and with the community to achieve a delicate and difficult balance, for example, the balance between providing broad access to vulnerable people and maintaining appropriate privacy protections for entitled people and their families and the balance between attempting to capture every facility that might possibly be relevant and identifying target areas that may be serviced now.

I would like to place on the record my particular thanks to the following community organisations for their willingness to share their experience and insights in the development of the bill: Women with Disabilities ACT, the ACT Disability, Aged and Carer Advocacy Service, Carers ACT, Mental Health Community Coalition, Mental Health Consumer Network and Advocacy for Inclusion. My thanks also go to the Children and Young People Official Visitor, Ms Hargreaves, ACT Corrective Services official visitors, Ms Whetnall and Mr Potas, and Mental Health Official Visitor, Ms Burton, for their advice on the operation of the current official visitor schemes and the functions of official visitors. It is also important to acknowledge the assistance of the Public Advocate, the Public Trustee and the Human Rights Commission.

As I have said, the bill reflects close collaboration between the Justice and Community Safety Directorate and the Community Services Directorate, Mental Health ACT and Chief Minister and Treasury Directorate to identify and resolve issues to ensure the new scheme meets the needs of its clients.

Official visitors are important safeguards against harm and abuse in environments where we find our most vulnerable. Their work is a manifestation of the human rights principles on which our society is based. Official visitors operate by visiting entitled people, assisting them in various ways and reporting to operational ministers and other public authorities. In these ways they improve transparency and accountability in their environments and act as safeguards against systemic dysfunction.

Official visitors are not advocates. They make no arguments or public recommendations. Nor are they guardians. They are not legally entrusted with the care of another person or property. Their role is not the same as a human rights commissioner or a public advocate.

Official visitors are dedicated individuals who employ their talent and experience to identify and resolve problems in environments where we find our most vulnerable people. They have a talent for keen observation. They are problem solvers. They can be relied on to get things done. They do have an exceptional ability to establish and maintain relationships and they channel these talents to support and protect vulnerable people and ensure the environment they operate in runs as it was meant to.

Official visitors have maintained important relationships with the ministers responsible for these closed environments. As I have explained, they are the eyes and ears of their ministers, observers of their environments and reporters of both function and dysfunction.

This bill reflects the experiences of the community about how a scheme to protect vulnerable people should operate. The Official Visitor Act introduced changes to the official visitor scheme. This bill clarifies elements of that scheme to ensure it can be implemented in the short term and operate well in the longer term.

The bill proposes that the Official Visitor Act should commence on 1 September this year, after the allocation of budget funding for the new official visitors under the new scheme. This bill broadly substitutes the words “inspect” and “inspection” in the act with “visit”, to clarify the functions of official visitors. The word “inspect” incorrectly suggests functions that are not undertaken by official visitors who visit entitled people to talk with them and to receive and consider complaints.

This position is consistent with the functions of visitors in other jurisdictions. Despite their legislative authority to enter visitable places, neither the New South Wales official community visitor scheme, the Victorian Public Advocate community visitor scheme nor the Queensland guardianship community visitor scheme operate as inspection schemes. Visitors in these schemes talk with entitled people and service providers to identify problems and inquire into the quality of services and care provided to residents and patients at visitable places. These visitors can inspect documents, report on matters relating to treatment and care and refer serious issues for investigation.

The substitution of the term “visit” is an important distinction to clarify the functions of official visitors in the new ACT scheme. It will not diminish an official visitor’s authority in a visitable place to inquire into the treatment or care provided to entitled people. The act sets out the clear consequences for a failure to provide assistance to an official visitor.

The bill will remove provisions detailing visit frequency requirements under the Children and Young People Act 2008, the Corrections Management Act 2007 and the Mental Health (Treatment and Care) Act 1994 so that these may, instead, be determined by disallowable instrument under the visit and complaints guidelines at section 23 of the act. Since the Official Visitor Act already indicates that the guidelines will provide for these operational details, this amendment maintains consistency with the structure of the act and ensures each scheme reflects strong and consistent core standards.

The bill amends the definition of visitable place under the Disability Services Act, the Housing Assistance Act and the Mental Health Act. Amendments to the disability services and housing assistance acts clearly identify the places that will be visited. This will ensure the official visitors in these schemes can effectively cover their respective environments and have the capacity to meet the needs of their clients. Without these amendments, the disability services and housing assistance acts official visitor schemes do not have clearly identified visitable places. Clearly defined and identified visitable places will ensure both official visitors and entitled people understand where official visitors will go.

The bill also defines “visitable place” under the Housing Assistance Act as “multiple occupancy supported accommodation for people who are homeless or at risk of homelessness, provided by an entity funded by the Territory”. This amendment clarifies that funding is provided by the territory, not under the Housing Assistance Act, and captures multiple occupancy crisis and transitional accommodation services, leaving out longer term family homes. This definition will capture 19 properties and approximately 88 existing clients when the new scheme commences. The amended definition will not include approximately 270 other family homes funded by the territory.

The amendments to the Disability Services Act define “visitable place” as “disability accommodation for respite or long-term residential purposes, wholly or partly funded by the Territory”. This definition of visitable place will capture 150 people with disability in approximately 64 supported accommodation and respite services provided by Disability ACT, 300 people with disability living in approximately 50 other locations and 75 people with disability living in residential aged care.

Discussions with stakeholders have emphasised the need to achieve balance between the policy objectives of the official visitor schemes and operational feasibility. These amendments aim to ensure the scheme is effective and responsive when it commences. I understand that further amendments to broaden this definition may be required after the commencement of the national disability insurance scheme.

The scheme will include residential aged care facilities that accommodate people with disability who are less than 65 years old. The government has considered the views of stakeholders expressing both support and concern for the inclusion of these facilities. The government is aware that the practice of accommodating young people with disabilities in aged care facilities is in the process of being phased out. The younger people with disability in residential aged care initiative is a five-year program agreed on by the Council of Australian Governments. It aims to reduce the number of people with disability aged under 65 who live in residential aged care. The suitability of including these facilities will be considered after the commencement of the NDIS, or DisabilityCare as it is now known, when the government has an opportunity to assess the application and appropriateness of current definitions of visitable place.

The bill amends the Mental Health Act to include “a place in a correctional centre where a detainee may receive treatment or care for mental dysfunction or mental illness” as a visitable place for the period in which treatment or care is given to a

detainee. The bill requires that a doctor or the correctional centre notify a Mental Health Act official visitor as soon as practicable after the detainee starts to receive treatment but not later than 24 hours after the detainee starts receiving treatment or care in the place. This amendment strengthens the operational effectiveness of the act and is consistent with the notice provisions elsewhere in it.

In response to feedback from community stakeholders and official visitors, the bill will provide more broadly for collaboration between official visitors across more than one operational area. For example, if a young person with disability is detained in a youth correctional facility, the official visitor for the correctional facility may ask an official visitor appointed under the Disability Services Act to accompany her on a visit to that facility. The amendment emphasises the government's broad intention that official visitors under the new scheme will operate collaboratively for the benefit of the vulnerable people the scheme seeks to serve.

The bill provides for official visitors to access any health record or other record relating to an entitled person at a visitable place if the official visitor has that person's consent. The bill also lists examples of the records official visitors may inspect. These may include behavioural plans, dietary plans, medication lists, records detailing the use of any restrictive practice, seclusion or the use of chemical restraint, day plans, lists of rostered carers and any other medical or care record.

The bill will require a request to see an official visitor to be notified to an official visitor as soon as practicable but not later than 24 hours after the request is made. This amendment reflects a more balanced approach to notifying official visitors, since the scheme is not designed as a rapid response model.

The bill establishes the Official Visitors Board. The board responds to concerns about the absence of collegiate and professional support and guidance for our official visitors. The board is proposed as a representative panel to arrange training for official visitors, facilitate interactions between official visitors, arrange for the provision of administrative assistance to them and exercise any other function given to it under this act or another territory law. The board would facilitate administrative separation from operational agencies.

Its composition will help to dispel notions of direction or control of official visitors by any single stakeholder and will operate to reduce the likelihood of official visitors being directed or influenced by any single board member. To ensure the board's independence and its appearance of independence, there will be no government representative on the board.

Official visitors will continue to communicate directly with their operational ministers, as well as reporting to the Attorney-General. It is not intended that the board will have any role in determining the functions of official visitors. The board will be made up of the Public Trustee as chair, the Public Advocate, a representative of the Human Rights Commission and two official visitor representatives. The Human Rights Commission will be represented by a commissioner as determined by the commission. This will allow flexibility and continuity in cases where there are issues around conflicts of interest in matters being considered by the board or where a commissioner is unable to attend a meeting.

The board model proposed in the bill meets concerns around independence and support, while still allowing official visitors to be largely self-determining. The Official Visitors Board represents the government's commitment to providing the broadest possible professional support to official visitors and will assist in reducing unnecessary overlap in the functions of official visitors and other government bodies responsible for protecting vulnerable people.

This bill reflects collaboration between this government and the community to refine a scheme that can effectively monitor environments where we find our most vulnerable people. It is based on extensive consultation with governments and stakeholders to identify a model that is capable of operating effectively from its commencement to protect vulnerable people in diverse environments. It will establish clear, operational requirements that will protect and maintain its objectives. It will remain responsive to the people it is designed to protect through the efforts of government and the community to refine those issues identified since the act was passed.

This bill represents the government's strong and steadfast commitment to the official visitor scheme. It takes nothing away from the current act but instead adds further detail to ensure the new scheme maintains its objectives and will operate effectively. This government has done what it was asked to do when the act was first adopted. I commend the bill to the Assembly.

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

## **Heritage Legislation Amendment Bill 2013**

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

Title read by Clerk.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.33): I move:

That this bill be agreed to in principle.

I am pleased to present the Heritage Legislation Amendment Bill 2013. It is fitting to be able to present this bill to the Assembly in our centenary year. This is a bill which will strengthen the ACT's existing heritage conservation framework. The Heritage Act was first passed in 2004 and provides for the recognition, registration, conservation and promotion of places and objects of natural, Aboriginal and historic heritage significance.

The act also provided for its review after five years of operation. We have used that opportunity to reflect on what has worked and those provisions that currently pose challenges and require reworking to achieve transparent, effective and sustainable outcomes.

In 2010 heritage consultant Mr Duncan Marshall was engaged to lead a review of the act. The review process is part of the government's commitment to creating regulatory processes that are effective and efficient. Wide-ranging consultation was undertaken as part of the review, followed by the finalisation of the report which contained 111 recommendations. From these, the government has identified a range of actions to strengthen and improve the current heritage system. This includes a suite of amendments to the act which will be complemented by a more strategic and proactive approach to heritage matters.

At the centre of this will be the development of a five-year heritage strategy to guide the assessment, conservation and promotion of the ACT's heritage. The proposed approach will ensure that reforms implemented from the review have a lasting, tangible and positive effect on the territory's heritage system and assets. The approach and framework for reform seek to foster a collaborative culture that balances conserving our heritage assets while also meeting the needs of a growing and changing community.

I will now highlight some of the key reforms in the bill. The amendments address two key policy issues and provide for a range of other technical and administrative arrangements. The first key policy issue is that which relates to the minister's involvement in heritage registration decisions. Under the current act there is a limited role for the minister to be involved in these decisions. A range of options was considered for the most appropriate registration model and the most appropriate roles and responsibilities for both the Heritage Council and the minister. The options include keeping the status quo, providing a ministerial call-in provision or enabling the minister to have responsibility for all registration decisions.

Of the nine jurisdictions in Australia, the Heritage Council is the decision maker in three: the ACT, Tasmania and Queensland. In four jurisdictions, the minister is the sole decision maker: New South Wales, the Northern Territory, Western Australia and the commonwealth. In two jurisdictions, the minister holds a veto or call-in power: South Australia and Victoria.

The government has considered that in the ACT the minister should not be responsible for all decisions. In many cases, there is benefit for the minister to distance himself or herself from heritage registration decisions, with an independent statutory body responsible for the decision-making process, to remove public and community scrutiny, pressure and lobbying.

The majority of registration decisions are uncontroversial and therefore do not require ministerial involvement. The government's view is that the most appropriate role for the minister, in the vast majority of cases, is to ensure that all matters have been appropriately considered prior to the Heritage Council making a decision on whether or not to proceed to registration. Reporting requirements in the current act, and also contained in the new bill, ensure that the minister is fully briefed on such matters by the council prior to them making a decision.

In determining the respective roles for the minister and council, consideration was given to the nationally accepted principle of separating the identification and registration of heritage places from decisions about their conservation and management, which is appropriate in the ACT. The identification and registration process should, in the main, be based primarily on an understanding and assessment of heritage significance. The Heritage Council is best placed and best qualified to make those decisions.

While decisions of the council are made in the interests of the community to protect and conserve the community's heritage, there are instances where it is beneficial for the minister to have a stronger role where he or she believes that a greater benefit for the community, government or business might be achieved through the minister determining a proposal themselves.

It is not reasonable to expect that the Heritage Council can consider these broader matters in those exceptional circumstances. Rather, this is a responsibility which should rest with the minister. The registration model in the amendment bill will achieve this by providing a stronger role for the minister in the decision-making process through a call-in provision for exceptional circumstances where a decision about the registration of a place or object raises a major policy issue, would have a substantial effect on the achievement or development of the object of the territory plan or has a substantial impact on public benefit.

In particular, this will enable a broader scope of matters to be considered at the time of registration, particularly for complex, large-scale or particularly controversial places and objects. The provision ensures open and transparent processes are followed, such as the grounds for the minister's decision being presented in the Assembly. It is proposed that no appeal against a decision called in by the minister be available.

Importantly, the current composition and independence of the ACT Heritage Council will remain, recognising the specialist skills and qualifications which those members bring to the recognition, protection and conservation of our unique heritage places and objects. In the majority of cases, the Heritage Council will remain the key body with responsibility for decisions affecting the territory's heritage places and objects, including at the time of registration.

The model proposed in the bill will enable the council to continue the practice of separating registration and identification of heritage places and objects from decisions about their conservation and management. However, the model will also allow scope for the minister to consider a broader perspective where there is a clear need to do so. In these cases, it is the minister who is best placed to consider matters other than heritage significance which may be of benefit to the territory. It is my expectation that this power will only be used in unusual circumstances involving complex and controversial scenarios affecting the future of the territory.

I have previously referred to provisions requiring the council to fully brief the minister on any submissions received during the public consultation period. These requirements are strengthened in this amendment bill to enable the minister to direct

council to not only further consider any matters raised in their public consultation report but also any other matter the minister thinks relevant and related to the functions of the council.

This provision will reduce the likelihood for the need for the minister to exercise the call-in decision. It is the government's view that these powers are necessary to achieve the best possible outcomes for heritage protection and conservation while also addressing the future needs, growth and prosperity of the territory. In calling a decision, provisions in the amended legislation will ensure that the minister must give consideration to the Heritage Council's assessment of heritage significance for the place or object.

If, on further consideration of the material provided after calling in a decision, the minister believes that he or she should not make the decision, there is provision for the minister to hand back the decision to the Heritage Council. The ministerial call-in provision provides for a balance between respecting the principles of the Burra Charter, a nationally accepted standard for best practice in the conservation of heritage places and objects; retaining the independence of the Heritage Council in relation to registration decisions; and bringing the ACT's legislation in line with ministerial involvement in registration decisions in other jurisdictions across Australia and with comparable legislation in the ACT such as the Planning and Development Act.

The second key policy issue raised by this bill relates to appeal provisions. An amendment is proposed that will remove the existing appeal provision against a decision of the council not to provisionally register a place or object. There is no strong natural justice argument for retaining this provision, particularly as the concerned party can provide a fresh nomination to the council with a new or redeveloped argument and evidence for listing.

There are unlikely to be any circumstances where a decision not to provisionally register a place or object directly impacts on a person's wellbeing or property rights. Most importantly, a property owner will still be able to seek review of a decision where property rights are affected through a decision to register. Across Australia the only jurisdiction with an appeal right not to provisionally register is the ACT. The amendment bill will bring the ACT in line with other jurisdictions on this matter. It will also bring reviewable decisions in line with comparable legislation in the ACT such as the Planning and Development Act, the Tree Protection Act and the Nature Conservation Act.

Of the range of technical and administrative amendments, perhaps one of the most critical is that which will introduce the National Heritage Convention, or HERCON criteria, as adopted by the Environment Protection and Heritage Council as a national standard for guiding heritage significance assessment. Many jurisdictions in Australia have moved to the HERCON criteria or are in the process of doing so. The overall coverage of the criteria is the same as the current ACT criteria but the HERCON criteria are more succinct.



Each jurisdiction has amended the wording of these criteria slightly to best suit their circumstances. The ACT has followed this trend with minor amendments to the wording to reflect that the ACT's heritage legislation protects places and objects and provides for the recognition, protection and conservation of natural, Aboriginal and historic heritage. The HERCON criteria do not include scope for economic consideration to form part of the process for significance assessment.

As already noted, it is important that decisions about registration reflect the heritage significance of the place or object. There is scope to consider economic factors at the time of decisions affecting management and conservation. It should also be noted that while not included in the HERCON criteria, and therefore not considered for the vast majority of registration decisions, the new provisions for ministerial call-in powers will enable some scope for the minister to consider matters which may include economics where this affects public benefit or government policy.

Further, the wording clarifies that the heritage register will continue to be used to protect those places and objects of territory-level significance and does not include places and objects of local heritage significance. I believe the ACT is in a unique position in Australia whereby "state-territory" and local significance are, in effect, one and the same. Given its geographical and population size and the relatively intimate scale of the territory, it is already comparable to what most other jurisdictions consider to be local.

In closing, I wish to reiterate that in order for the Heritage Act to be an effective tool it needs to be easily understood, transparent and describe robust processes. I believe the amendments and associated policy elements based on a review of the act's functionality after five years will achieve this. Prior to finalising the bill for debate, I intend to call for public comment to ensure that the bill is as closely aligned as possible with community and stakeholder expectations. The government may consider its own amendments to the bill at the conclusion of this process. I commend the bill to the Assembly.

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

## **Administrative Decisions (Judicial Review) Amendment Bill 2013**

**Mr Rattenbury**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MR RATTENBURY** (Molonglo) (10.48): I move:

That this bill be agreed to in principle.

The single most defining feature to indicate the quality of any executive government is the level of accountability that exists for the decisions it makes. There are many forms of accountability—the most notable in the ACT are this Assembly and the

second-last weekend in October each four years. But there are equally important accountability mechanisms that fill a space that the Assembly and elections simply cannot cover—these are freedom of information laws, integrity agencies and judicial review. Each of these plays a vital role in ensuring that the government exercises the power given to it on trust by the people it represents in a responsible and lawful way. Each of these will be the subject of reforming legislation presented by the Greens during the term of this Assembly.

Today I present the Administrative Decisions (Judicial Review) Amendment Bill 2013. This is the first of the three governance and integrity reforms that the Greens committed to deliver in the lead-up to the election. They are committed to in the parliamentary agreement for the Eighth Assembly. The bill I am presenting today has been refined from the exposure draft that I tabled in this place earlier in the year. Overall, submissions received were positive and provided very useful feedback that has been incorporated into this bill. The underlying intention of the bill is to improve the quality of administrative decision and ensure that government decisions are not above the law. The change will protect the public interest in all manner of areas, be that environmental, planning, economic or social outcomes such as the protection of vulnerable groups in the community such as children or people with a disability. It will remove the need to plaintiff shop to find particular individuals willing to take the risk and put themselves through the personal effort of litigation to protect important public interests. The classic enunciation of the principle is the often quoted statement by Lord Diplock when he said:

It would, in my view, be a grave lacuna in our system of public law if a pressure group, like the federation, or even a single public spirited taxpayer, were prevented by outdated technical rules of locus standi from bringing the matter to the attention of the court to vindicate the rule of law and get the unlawful conduct stopped.

Integrity agencies and freedom of information laws help to ensure that the public are aware of what the government is doing and how it is exercising its responsibilities. Judicial review ensures that it acts according to the laws passed by this place.

Since the US case *Marbury v Madison*, US courts have had the role of supervising the excesses of the executive. In the UK, courts of equity have had a historical interest in the remedying of public wrongs. In Australia we are very fortunate to have drawn from these doctrines in our constitutionally entrenched system of judicial review by an independent judiciary. We can be confident that should any given decision made by a member of the executive come before a court it will be the subject of a thorough, unbiased and open analysis.

The principle behind this is commonly known as the rule of law. No-one is above the law and everything is subject to the law. However, our existing legislation that governs judicial review does not give full effect to this most well-accepted principle. As observed in the legal text, *Douglas and Jones's Administrative Law*, when it comes to the issue of standing, “lawfulness is not a good which trumps all others”.

Public accountability for decisions should not be subservient to political expediency and it should not be the case that we have a law that can work against the enforcement

of other laws made by this place. The legislature makes the laws and we trust the executive to execute them correctly. A legislator should not support an arrangement where there is no remedy for a failure by the executive to apply a law correctly.

In the ACT, judicial review of administrative decisions and administrative action occurs under the Administrative Decisions (Judicial Review) Act, or the AD(JR). Put simply, we rely on the AD(JR) Act to ensure probity in government decision making. The act is an adapted replica of the commonwealth AD(JR) Act that is now more than 30 years old. The act was an ordinance of the commonwealth government put in place to take effect on the first day of self-government. Of course, since that time, there has been an exponential growth in the number of executive decisions made each year and yet this is the first and only major reform to the operation of the act that has occurred since self-government.

The current reality is that by operation of the “person aggrieved” test set out in the act, it is possible that, while a decision made in the exercise of a power given by this place may, in fact, be beyond the jurisdiction of the decision maker and therefore unlawful, it will remain in place and enforced simply because there is no-one able to make an application for judicial review.

Jurisdictional, justiciability and arguable case requirements already act as a filter on matters before the courts. Standing limitations unnecessarily supplement these requirements at the expense of government accountability.

The bill I am presenting is relatively straightforward. However the impacts of the changes will be significant. In *Onus v Alcoa of Australia Ltd*, Justice Brennan warned that to deny standing may be to deny to an important category of modern public statutory duties an effective procedure for curial enforcement. Since that case in 1981 the role of the executive and administrative decision making has grown enormously, and the importance of this reform has only increased.

Public law is different from private law; standing rules that developed in the private law context should not be applied to public law. They come from a time where there was reliance on the Attorney-General’s fiat, and the Attorney-General was not a member of cabinet and fulfilled a very different role to that of today. Because all members of the public have an interest in the government acting properly and according to law, any member of the public should be able to call the government to account for its administrative actions.

Last year the Administrative Review Council undertook a review into judicial review in Australia. The submissions to that review show a clear view across academics, public interest groups as well as statutory office holders that access to judicial law should be expanded. The submission from the Commonwealth Ombudsman stated:

... the Ombudsman supports measures to make government more accountable and transparent in its decision making. In this respect, proposals that are put forward to extend the rights of the public to have decisions judicially reviewed as opposed to restricting a person’s rights would be considered favourably by this office.

In fact, every law reform body that has considered the issue has recommended that the rules be changed and expanded. The current rules create an arbitrary, unnecessary and complex limitation. One has to ask why it would not just be easier to hear the cases and determine the merits or otherwise of the decisions concerned to help develop a body of law that is actually important to the community rather than an artificially contrived barrier to justice.

The current rules also create the strange situation where somebody may have standing to commence proceedings but then lose that standing because circumstances change during the case. This matter was considered by the High Court in *Allen v Transurban City Link*. The existing standing rules should not be applied to public law matters. By the very nature of the decisions themselves, they are distinct because they affect everybody in some way. We are all subject to statutory decisions, either directly or indirectly, every day. The quantity and scope of executive decisions is vast. They vary in the way they are expressed, how they operate, and the requirements imposed both on decision makers and on the subjects of those decisions. They are as vast in scope as they are in number, and there should be a public right to remedy errors in those decisions.

I doubt very much that anyone disputes the value of these sentiments. In all the court decisions or public and academic debate on the issue there has never been a single positive argument that the derogation of these principles is okay. Instead, they are always cast as speculation about what negative consequences may eventuate. This fact speaks volumes. In fact, on one of the few occasions where the merits of the requirement have been argued Justice Gibbs in *ACF v Commonwealth* suggested great evils would arise if everyone could challenge the validity of acts of the state.

The more rational argument was put by Justice Murphy in *Onus v Alcoa*, where he said, quite simply, that objections to allowing citizens wide access to the courts have no merit. The only arguments advanced to support keeping the status quo and against the proposed changes in the bill are that people will engage in reckless and meddlesome interference in affairs that are not their own or, more commonly, that the floodgates will open and the rush of unmeritorious litigation will break the courts and grind the community to a halt.

As far back as 1980 in the case of *Australian Conservation Foundation Inc v Commonwealth* this issue was dealt with in Justice Murphy's dissenting judgement. Since that time it has been shown repeatedly that those great evils simply do not materialise. One article by Jeremy Kirk SC and Dr Elizabeth Fisher published in the *Australian Law Journal* wrote of the floodgates argument:

This argument has been completely discredited by other writers and judges and need not be addressed again here.

The most commonly cited example to illustrate just how ridiculous the floodgates argument is is section 123 of the New South Wales planning legislation, which provides for open standing in perhaps the most controversial area of executive decision making. The former Chief Judge of the New South Wales Land and Environment Court, Justice Jerrold Cripps, noted:

It was said when the legislation was passed in 1980 that the presence of section 123 would lead to a rash of harassing and vexatious litigation. That has not happened and, with the greatest respect to people who think otherwise, I think that that argument has been wholly discredited.

The Hon Justice Peter McClellan AM, Chief Judge at Common Law of the Supreme Court of New South Wales, as he then was, in a speech to the Commonwealth Law Conference in 2005 on access to justice, dismissed the floodgates argument and stated:

... the opportunity for a plaintiff to bring proceedings without having to establish standing has meant that it has been possible to use the plaintiff's, sometimes limited, resources to debate matters relating to the operation of the relevant planning laws rather than debating issues of standing. Many of these cases have significantly enhanced the quality of environmental decision-making within New South Wales.

Here in the ACT we have stared down the argument and been proven right in relation to the Human Rights Act. At the time, the floodgates argument was run and rightly rejected. Since then the Human Rights Act has proven to be an increasingly valuable part of our jurisprudence rather than a burden on the courts or decision makers.

Perhaps the second most common argument against any change is that the court should have the benefit of argument from those people most closely affected by a decision. Firstly, nothing in the bill prevents this from occurring. It is important to also consider the view of the Administrative Review Council who considered this issue last year and came to this view:

People who are directly affected by a decision are often not in a position to challenge its legality. They may not have the resources, the time or the expertise to mount an action for judicial review. Such a situation does not mean that the illegality may not have detrimental effects on them or others, nor does it mean that it is in the interests of society that the decision be allowed to stand.

Additionally some judges have recognised that public interest litigants, especially groups, are perhaps more likely to present well-resourced and prepared cases. The bill recognises the very important role that organisations play in public interest litigation and provides that both incorporated and unincorporated associations and groups can make applications for review.

The argument is sometimes put that this creates a shield against costs or to give litigation that is essentially commercial in nature the appearance that it is community based. In relation to the first point, the court procedures rules deal with this issue. They provide for the court to require that a security be paid to the court before a matter is heard. The rules expressly cover this issue, and the ACT courts have demonstrated that they are willing to utilise the provisions.

In relation to the second issue of front groups, this has not been the experience elsewhere, and the reality is that people know when this is happening. You only have

to look at examples of anti wind farm groups, or climate change denial organisations funded by ExxonMobil to see how easily the community becomes aware of what is really going on.

Perhaps the better question is: why should we keep the current limitations? The only justification from those opposed to the changes is that it keeps out busybodies. Of course, the answer to this is that the courts already have a range of discretionary powers to deal with vexatious claims and that adequate mechanisms for preventing unmeritorious claims already exist without the need to limit standing.

Open standing to challenge government decisions is a logical part of open government, justified by a basic consideration of what our democracy should be and the nature of the powers that we should wish to give the government. Who can and cannot bring an action for review currently can only be characterised as arbitrary. Despite judges' best attempts to articulate the law there remains a significant grey zone, and reasonable minds can disagree on whether or not a particular applicant would have standing. Given the nature and breadth of contemporary government decision making, to have a clear line is practically impossible. There is no real purpose and no justification for the status quo.

The assertion that changing the rules for standing will encourage unmeritorious litigation denies the experience of other jurisdictions and the well-accepted reality that the litigation process is unattractive at best. As Justice Murray Wilcox said on the reality of the motivations of people that commence public interest legal proceedings:

Litigation—in the public interest and for no personal advantage, especially against a wealthy opponent and under a cost regime requiring the losing party to pay costs incurred by the victor—has some similarity to marriage as described in the Book of Common Prayers: it is not by any to be enterprised nor taken in hand, inadvisedly, lightly or wantonly.

Certainly at some point or another there will be a corporate entity that wishes to use the provision for commercial gain. This may be legitimate and it may not be. There are mechanisms for dealing with such a situation if it is completely unmeritorious, and to deny the whole community the possibility of correcting public wrongs because of the relatively minor risk that at some point in time a corporation may do the wrong thing would simply be bad public policy.

This is an important change. The ACT is a small jurisdiction and the number of matters before the Supreme Court is relatively small. I do not expect this will cause any significant increase in the number of cases. However, even if just one case is decided differently and one person is allowed to bring an action that they would not previously have been able to, it will be a good outcome—one that ensures that government action is lawful and that the community can have confidence that we have in place a robust system to address any deficiency in administrative process that may arise from time to time.

I commend the bill to the Assembly.

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

## **Children and Young People Amendment Bill 2013**

**Mr Rattenbury**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MR RATTENBURY** (Molonglo) (11.05): I move:

That this bill be agreed to in principle.

As members will recall, the catalyst for this amendment was an incident in 2011 involving the placement of a number of children with a care service that had not been deemed to be a suitable entity under the act. That incident gave rise to a report by the Public Advocate and subsequently a dispute over the application of the Children and Young People Act.

Following the publication of the Public Advocate's report the government sought advice from the Solicitor-General about the application of the act. That advice has thrown up a situation where, should that interpretation be adopted, it would mean that the quite detailed requirements of the act simply no longer apply and important requirements that were enacted by this place to protect particularly vulnerable children and young people could simply be sidestepped at any time.

The question is whether the act sets out a mandatory scheme or is simply directory of a particular course of action.

The problematic advice that the bill seeks to overcome was the subject of significant debate at the time. In relation to the advice itself, my colleague Ms Hunter went through the issues at the time and set out why the Greens did not believe the advice to be correct. Having had the opportunity to again consider that advice, I remain of the view that it is not correct and not in fact how the act operates.

Nevertheless, as Ms Hunter also said at the time, if any doubt remained about the interpretation of the act, the Greens would introduce a bill to rectify the uncertainty. This bill will do just that and put beyond any doubt that the scheme set out by the act is mandatory.

The fact that the advice remains on the directorate website, together with an assertion that "If the out-of-home carer options are not available, it is important that the director-general retain the ability to place the child in other suitable care arrangements", demonstrates how important it is that the issue is clarified as the Greens do not believe that this is how the act should be operating.

Given this comes about as a result of a particular incident, it is important to note that in proposing this change it is not my intention to re-litigate the conduct of the Community Services Directorate at that time. The issues are well canvassed in the Public Advocate's report and subsequent debate in this place and my view is that,

while there were some deficiencies in the process that occurred, the officials genuinely believed their actions were in the best interests of the children involved in what were difficult circumstances.

It is also important to note that in developing this bill the directorate has provided very useful feedback on the current operation of the care and protection system and engaged very positively with the proposed reform. I would like to place on the record my thanks to those involved.

It is the Greens' view that the extensive provisions already in the act relating to the obligations owed to, and the protections in place for the wellbeing of, children and young people in the care and protection system should be required to operate in every circumstance. This is how the act was previously understood to operate by those involved in the system and I believe how it was understood to operate by the Assembly when it passed the act.

The Public Advocate, who is one of the key oversight mechanisms for the care and protection system, was also of the view that this was how the act worked. Indeed, what was evident in her report is the view that this is how the act should work, which is a very strong indication of the merits of this bill.

The Children and Young People Act regulates how the state must look after children and young people when they fall into the care of the state because their parents are unable to look after them. The act charges members of the executive with the care of often the most vulnerable young people in our community. The consequences of the decisions made under this act will very often have a profound impact on the child or young person's life. In recognition of this reality, the act builds in a number of protections to ensure that young people are properly cared for and particularly that those entrusted with that care are suitable to exercise that responsibility.

The bill clarifies that these requirements are in fact mandatory and must always be followed.

The bill recognises that, whilst placing a child or young person with an out-of-home carer is the primary and far and away most common way of providing for the wellbeing of children and young people in care, there are a limited range of other circumstances where an alternative arrangement may be in the child's or young person's best interests.

The bill provides for four alternatives to placement with an out-of-home carer. The first is if a child or young person has an illness or disability that requires particular specialised care, which must be recommended by a doctor. For example, it may be appropriate that a young person with a severe eating disorder or with a disability that means they need a very high level of specialised care or treatment stays in a particular health facility that can provide for their needs.

The second situation is that it may be that a young person who is nearly an adult and has been assessed using accepted criteria as capable of independent living and who chooses not to live with an out-of-home carer should not be placed in such an



arrangement. As a result, it may be that the most appropriate arrangement that can be put in place for them is for them to live independently, with the appropriate supports and in line with a transitioning from care plan. Recent changes to the territory's responsibility now see the ACT come into line with other jurisdictions by providing care beyond the statutory age of 18, which can further increase the likelihood of a successful transition to independent living.

In each of these two scenarios the bill imposes clear criteria to ensure that such an arrangement is appropriate and that the territory continues to provide the level of support that is needed by the particular young person. It is not the case that a child or young person can ever be placed anywhere without the territory continuing to do what it can to provide for the welfare of the child or young person that we are responsible for.

I now turn to the third alternative to placement with an out-of-home carer. The act recognises that the best outcome is for a child or young person to be raised by their parents and that where this is possible this is the outcome that we want to achieve. The changes in the bill recognise this and provide that, where the director-general considers it appropriate, and of course where it is in the best interest of the child or young person, they may be placed in the care of their parents. This is not a departure from the current accepted best practise approach to family reunification, but simply a clear and transparent description of powers that currently reside with the director-general.

The fourth situation is essentially just a clarification that if a court orders that a child is to be cared for by a particular person or in a particular way that such an order must be given effect by the director-general and that there is no conflict with any of the requirements of the section. This recognises that, having had the opportunity to fully consider all the issues around the welfare of a child or young person, a court will always be in the best position to determine how they should be cared for.

These are the only circumstances where it is appropriate that the care of a child or young person is not entrusted to a suitably assessed carer under the requirements already in place in the act.

The bill imposes appropriate safeguards to ensure that the decision on how the child or young person is to be cared for, no matter how short that period of time, is made having properly assessed the person or entity that will be entrusted with the care of the child or young person. Alternatively, if another arrangement is required for the provision of daily care that best suits the young person's needs, that arrangement must meet the criteria required to ensure the wellbeing of the child or young person.

As I said at the outset of my speech, this bill is an important clarification of the operation of a very delicate statutory scheme, one where even relatively minor mistakes have the potential to have a profoundly negative impact on young lives. It is important that we get it right and that we have a clear framework in place for the people we trust to make the decisions under the scheme to operate in. This bill also offers greater clarity and guidance to the many service providers, families and advocacy groups and, importantly, the children and young people who are involved with the care and protection system.

I commend the bill to the Assembly.

Debate (on motion by **Ms Burch**) adjourned to the next sitting.

### **Fair Trading (Fuel Prices) Amendment Bill 2013**

**Mr Rattenbury**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MR RATTENBURY** (Molonglo) (11.14): I move:

That this bill be agreed to in principle.

Some months ago a constituent wrote to me expressing their frustration that service stations advertise fuel at a particular price on the large boards out the front but in fact when you get to the bowser a different, higher price is being charged. It is something I am sure we have all noticed at some point in time, the discrepancy from what we expected to pay to the actual price at the bowser.

The constituent strongly advocated the approach adopted in New South Wales. I have to say that I agree that the New South Wales regulation to deal with the issue and prohibit the practice is a good model to follow and the bill I am presenting today adopts the same measures as those put in place in New South Wales. It is a simple and sensible reform that should assist consumers as well as improving competition in the fuel market, better enabling smaller, independent retailers to compete with the large chains.

Since the big supermarket chains have expanded into service station operation, there has been a significant reduction in the number of participants in the fuel market. Advertising prices that are only available to those who have already shopped in the corresponding supermarket is essentially promoting an artificial price rather than the real, ordinary price and a mechanism of concentrating the market away from smaller retailers.

By world standards, petro fuels are very cheap in Australia. Reports from the International Energy Agency show this very clearly. For example, in many countries across Europe petrol prices have been well in excess of \$2 a litre for many years now.

The most recent IEA report demonstrates that peak oil most likely already occurred in 2006 and we will increasingly feel its impacts. It will mean significant changes in the market and significant increases in petrol prices. This is an enormous challenge for governments; one that needs to be addressed urgently to provide alternatives to fossil fuel based private transport.

The environmental consequences of fossil fuel use are also well known and finding alternatives is one of the key challenges we face, and one that will only get more acute.

Nevertheless, the need to move away from fossil fuels is not a reason not to take simple and sensible steps to promote fair competition in the fuel market and ensure that consumers are able to make decisions based on accurate information.

The bill essentially applies the recently adopted reforms in New South Wales to ensure that petrol stations must display the fuel price that is available to all consumers and not the price available to consumers who have already shopped with the retailer and have a discount voucher. Further, they must display the prices clearly and they must display the price of diesel and LPG if they sell those fuels together with the two most popular fuels other than diesel and LPG.

This also helps to prevent the practice of petrol stations advertising the price of one particular fuel and encouraging consumers to think that the petrol station offers competitive fuel prices overall. The consumer is then stung with a higher price when they actually get to the bowser and fill up with a different type of fuel.

As newer cars need different grades of fuel and different fuel options are being offered it is important that an accurate price is advertised so consumers can make an informed decision whether or not to pull in.

To complement this, the bill also requires that service stations must advertise the correct octane rating of the fuels they offer for sale. This is already common practice but the bill will ensure that a consistent standard is applied.

This is a sensible and straightforward response to what has become an annoying and at times deceptive practice for consumers. The same requirement will be enforced in New South Wales from 1 September, which is the same commencement date proposed for the bill that I am putting forward today. There will be no additional burden imposed on any service station in the ACT that is not required of a service station in Queanbeyan. The new obligations are not onerous and there should not be any difficulty for retailers to comply.

Again, this is a simple and sensible reform. I understand from a media release issued by the Attorney-General last week that this issue is being considered at COAG. Given that New South Wales and South Australia have already taken action on this issue, there is no reason that we should be delaying our response for a COAG process when we have a clear option to deal with the issue that will make us consistent with surrounding New South Wales. I commend the bill to the Assembly.

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

## **Health, Ageing, Community and Social Services—Standing Committee**

### **Statement by chair**

**DR BOURKE** (Ginninderra), by leave: At a private meeting on 2 May 2013 the committee resolved to conduct an inquiry into ACT public service Aboriginal and Torres Strait Islander employment. The ACT public service—ACTPS—employment

strategy for Aboriginal and Torres Strait Islander People 2011-2015 outlines the actions to be used by ACT government directorates to increase and maintain employment opportunities for Aboriginal and Torres Strait Islander people in the ACT public service.

The strategy was developed in response to recommendations arising from the 2009 ACT Aboriginal and Torres Strait Islander Elected Body estimates-type hearings in addition to the ACT's obligations under intergovernmental agreements with the commonwealth government. The committee is interested in the progress made to date in implementing the ACT public service employment strategy for Aboriginal and Torres Strait Islander people as well as looking at the nature and effectiveness of ACT Aboriginal and Torres Strait Islander training and employment initiatives more broadly.

The committee has adopted the following terms of reference:

To inquire into and report on ACT Public Service Aboriginal and Torres Strait Islander employment, with particular reference to:

- implementation of the ACT Public Service Aboriginal and Torres Strait Islander Employment Strategy;
- effectiveness of current attraction and retention programs;
- data collection, monitoring and reporting mechanisms;
- relevant experiences and learnings from Australian state, commonwealth and international jurisdictions; and
- any other relevant matter.

The committee will shortly be calling for public submissions to the inquiry.

## **Planning, Environment and Territory and Municipal Services— Standing Committee Statement by chair**

**MR GENTLEMAN** (Brindabella), by leave: This statement relates to the attendance of the Standing Committee on Planning, Environment and Territory and Municipal Services at the Planning Institute of Australia's 2013 national congress. From 24 to 27 March this year, I and two other members of the Standing Committee on Planning, Environment and Territory and Municipal Services, Dr Bourke and Mr Wall, attended the Planning Institute of Australia's national congress entitled "Celebrate the value of planning: past, present and future" which was held in Canberra and was an apt theme for Australia's capital city in its centenary year.

To coincide with the national congress the PIA's national young planners network committee also held its ninth annual conference for young planners, YPConnect. Mr Wall attended this event and he will provide a brief account shortly on that one.

The Planning Institute of Australia, which was originally created in 1951 as the Regional and Town Planning Institute of Australia, later became the Royal Australia

Planning Institute before finally assuming its current name in July 2002. It is a national organisation which represents the planning profession. Last year it represented 4,700 members nationally and internationally.

PIA seeks to achieve its vision of leading effective planning for people and places through advocating for better planning, developing high-quality planners and providing support for the planning community. In support of its aims PIA has conducted an annual national congress since the early 1980s as an opportunity for some 600 planning professionals from across the country to meet and hear from local planning specialists, allied professionals and international speakers to exchange views and gain new insights.

Each year the event moves to a different location. In the past this has included Christchurch, New Zealand in a joint event with the Planning Institute of New Zealand. The 2013 PIA National Congress was held over three days, with the young planners conference, YPConnect, held on the weekend preceding the main conference. The main conference was officially opened on Monday, 25 March by the Minister for the Environment and Sustainable Development, Mr Simon Corbell, who spoke about the vision for Canberra in the 21st century, the light rail proposal, solar farms and connecting the city centre with Lake Burley Griffin.

Attendees were then addressed via recorded video by His Royal Highness The Prince of Wales who talked about the evolution of city planning, including the design of Canberra and the garden city movement, which sought to address the problems of overcrowding, unhealthy living conditions, and the noise and pollution associated with industrialisation as well as the challenges that will be facing city planners in the future, having noted that over 50 per cent of all the world's people currently live in cities. For those interested in listening to his speech, it may be viewed via the PIA's conference website.

Dyan Currie, the current president of the Planning Institute of Australia, welcomed attendees and addressed the question of the value of planning, the importance of engaging with the community and ensuring that the best results are achieved through these collaborations. Dy was followed by Mitch Silver, the president of the American Planning Association, who gave an inspirational talk about planning in the 21st century.

He argued that planners have an obligation to look after the public interest and, importantly, to appreciate and communicate that there is a consequence for taking no action. Saying no to one thing is saying yes to something else. Planning needs to take account of environmental, economic and equitable dimensions—that is, people. Planners need to understand emerging issues and frame them for the public.

Mitch spoke about the planning implications of changing social circumstances—for example, the ageing population—discussed the value of smarter development; better, more efficient land use; and creative place making. He concluded with an overview of the work he was involved with in developing the liveable streets plan for Raleigh in North Carolina.

Following the plenary session the conference broke into five streams, including off-site workshops, to hear presentations on the themes of making a difference, achieving effective planning, collaborative action and planning practice. I will outline some of the issues raised during one stream, which looked at achieving sustainable communities. My colleagues may wish to comment on their experiences.

Tara Day and Anna Jakins from Stockland Property Group spoke about the role of community governance in building vibrant and sustainable communities. While noting that there is no one-size-fits-all community governance model, all types need to be ethics based, have a clear purpose and ensure the entire community benefits, and provide for the long-time empowerment of the community to manage development sustainably.

Community governance was defined as a collaborative and inclusive process to achieve outcomes which meet community needs. Tara and Anna identified 16 types of community governance structures, including government ownership, community title, community trust, joint ventures, partnerships, cooperatives, social enterprises and various combinations of these.

The various components which comprise community governance are: who is involved, who operates, who funds, who owns and maintains and what is the catchment? To determine the best governance structure, one needs to define the visions, purpose and stakeholders; identify existing social infrastructure; prepare a community profile; identify community strengths and weaknesses; and assess social infrastructure needs.

She went on to say that they need to define and agree with stakeholders the social infrastructure requirements and catchment; confirm the governance stakeholders and their responsibilities and resources; develop and agree on infrastructure ownership and a maintenance plan; align with other development targets and time frames; define a funding strategy; and develop an operational and service plan.

Tara and Anna explored two case studies. The first was the new development of Vale in Aveley, Western Australia. It is governed by a community trust with the trust board comprising council officers, the Stockland Property Group and community representatives. While noting the benefits of this governance structure, namely, the availability of funding for projects—Stockland Property Group contributes \$350 from every lot into the community trust—and the partnership approach between council and community, with applications for funding managed by council with decisions made by the community advisory group, one constraint is ensuring long-term funding.

A second case study was the Roundhouse Community Arts and Recreation Centre in False Creek, North Vancouver, Canada. Jointly managed by the Vancouver City Council and Roundhouse Community Society, the benefits there include having neighbourhood representatives and a strong community focus for programs. Described as a well-loved community hub, the constraints include long development time frames and high operational and maintenance costs. The centre, which was funded by the developer, is now owned by the Vancouver Board of Parks and Recreation.

Tania Asper from the Yarra Ranges Council outlined its urban triangle project which is seeking to create a self-contained community linking in the suburbs of Lilydale, Chirnside Park and Mooroolbark through urban renewal and local job creation. Lilydale is a major activity centre. Chirnside Park has experienced a lot of growth in residential and mixed use developments. Mooroolbark has a neighbourhood activity centre, a village high street and an old shopping centre. They all have individual structure and master plans and the project is aimed at integrating and implementing the plans through cross-organisational collaboration.

The challenges to be faced include cultural change, ensuring there is a commitment to act and budget availability. Tania concluded with an additional proposal to decommission the Lilydale lime quarry to make way for a new suburb and the implications that this would have on the urban area.

The next presentation was from Clare Wall of SGS Economics and Planning. She discussed planning for affordable housing and asked: what does affordable housing mean and how do we measure it? She outlined some of the measures of affordable housing, including the proportion of income spent on housing, the percentage of income required to achieve home purchase and the proportion of dwellings in areas that are affordable. Other associated issues include the relative affordability for renters vis-a-vis buyers, the quality and size of housing, overcrowding where there is no other choice, the costs associated with journeys to work or services and energy costs, of course—heating for the property.

To address the problem of housing affordability, a number of initiatives on the supply side can be adopted: smaller plot sizes, smaller houses and increased housing densities; planning and regulatory reforms to improve efficiency; setting aside a proportion of the new dwelling estates to be public and affordable housing; direct subsidies; and the deferred payment schemes. The latter two approaches have been realised in the commonwealth's housing affordability fund and the ACT's land rent scheme respectively. Other measures that could be considered include better up-front strategic planning, including reducing car park requirements, reducing barriers to innovation—for example, in housing design—and ensuring a consistent approach across jurisdictions.

Sustainable development is the key to the future growth of our cities. In his presentation Steve Rossiter from Elton Consulting addressed an area that often receives less attention in city planning, that of social rather than environmental sustainability. Continuing the theme raised by the Prince of Wales in his broadcast earlier in the day, Steve highlighted the research and everyday experiences that demonstrate the interrelationship between the physical form of a city and the social fabric of society, and observed that we are better at doing the buildings.

However, he acknowledged that the concepts of cohesion, quality of life, sense of community and wellbeing are more esoteric and difficult to grasp and measure, making it difficult to define social sustainability. He outlined an evaluation that was undertaken of the UK's new towns policy. These are towns that were planned, developed and built after the Second World War primarily to decongest larger

industrialised areas. The evaluation found that while good neighbourhood planning can facilitate community cohesion, interaction and integration, these outcomes are not determined by the physical design alone.

Creating the right mix of housing type and tenure plays a significant role in creating sustainable communities and developing appropriate community infrastructure which combines people, places and buildings. This is vital for achieving vibrant and cohesive communities. Steve outlined the key themes or building blocks that contribute to socially sustainable cities.

The first was the layout and design. The features that contribute to this theme include physical activity, diversity, local jobs, accessibility and safety. Second was gathering places and amenity. The management of open spaces is important here. And third, so-called third places such as village greens and community hubs, where people can just hang out and spend time rather than money. Steve added that it was important to incorporate flexible, adaptable and incremental infrastructure—the so-called “meanwhile places” or temporary space infrastructure. Finally, while it is necessary to plan new suburbs and cities with social sustainability in mind, Steve submitted that planning should not be so rigid that it inhibits flexibility or impedes the community’s ability to change and evolve.

Tamara Lowen from the McCaughey VicHealth Centre for Community Wellbeing outlined her project on identifying an indicator of access to services by older people with the aim of contributing to a body of knowledge on age-friendly cities. Community indicators serve a variety of purposes including promoting knowledge and engaging with the community; providing objective data to government bodies; assisting in measuring the responsiveness, effectiveness and accountability of councils; and promoting informed, engaging and integrated community planning and policy making.

For those interested in looking at this issue further, the community indicators Victoria website includes an integrated set of community wellbeing indicators to present data and reports on the wellbeing of Victorians. One of the noteworthy results of Tamara’s project was that the local government areas in Victoria’s south west and central west have the fewest services per 1,000 people over 65. But worryingly, these LGAs also have the highest density of people over 65. Tamara’s recommendations included using the indicator she developed to start discussions between communities and policy makers and to integrate the aspirations of older people into general policy.

Unfortunately, it was impossible for us to attend all of the presentations in what was a very comprehensive and event-filled three days, but I would like to mention a few of the other topics covered at the conference. Those include designing healthy cities, developing child-friendly communities, new approaches to development controls and balancing urban infill with greenfield development.

Dr Bourke and Mr Wall will outline their participation in the urban renewal and urban growth study tours. But I will just mention that we also had a masterclass devoted to planning with native title, which looked at the work of planners in remote Australia, their interaction with Aboriginal and Torres Strait Islander communities, and the



challenges regions face in accommodating mining interests, the environment, housing, tourism, land tenure and employment requirements.

A centres tour was also conducted, which included a visit to the Gungahlin town centre and a discussion on ideas around its original design and an assessment of how it is working in practice. The tour also looked, of course, at the popular suburb of Forde and its place within the broader town area.

Developers of the site of the new Loop redevelopment at Belconnen markets outlined their vision for a sustainable residential, commercial and retail precinct and some of the obstacles and opportunities associated with that project. The bus tour concluded with a drive along the route of the proposed light rail project. So there was a great focus on Canberra from PAA in its centenary year.

While on Canberra, we had one of our famous Canberrans, Professor Will Steffen from the university. He spoke on some of the records relating to climate change and its effect on planning. He said that records go back about a century looking at trending in warming. The last decade shows a clear temperature rise. Importantly, ocean heat is trending strongly upwards. He said that we are starting to understand more about the implications on sea level rise and how that works. It works a bit like a kettle where once the kettle is heated, the steam rises and then precipitation forms from that.

He spoke about the risks in Australia. We had 90 days last summer where we broke 123 records of weather events. Higher temperatures include seven days in a row with mean temperatures over 39 degrees. He said that human health was also affected and deaths in Melbourne rose directly in line with temperature increases in 2009. He said the Brisbane flooding was another climate indicator, with 2.5 million people affected and the cost estimated at \$5 million.

**Mr Seselja:** I thought we were told it was not going to rain again because of global warming. We were told it was not going to rain again.

**MADAM DEPUTY SPEAKER:** Mr Seselja!

**MR GENTLEMAN:** Rainfall is an indirect effect. Ninety per cent of Australia's rainfall is from the ocean and, as I said, he gave us the analogy of the kettle. He looked to the future and he said this means that, with flooding, by 2100 it will mean that the one in 100 year events that we see happening now will happen every year. So we will see a one in 100 event that we see at the moment happening every single year after 2100. He also said that the critical decades are from now until 2100, and if we do nothing we cannot adapt to the possible rise of seven degrees in that period.

Whilst we are on Canberra, we also had a presentation by Dr Karl Fischer, who described some of Canberra's planning from the early days and the work of the NCDC. He also talked quite a bit about public transport. He looked at it from about 1963, when we saw a move from the NCDC to support the motor car. The Y plan was developed, bringing freeways running between the town centres, and there was no progress at the time on busways. The Department of the Capital Territory was formed. He said there was opposition to the Molonglo freeway in 1973, and the NCDC renamed freeways as parkways.

In 1975 the NCDC reported an emphasis on moving away from cars to public transport and supported bike paths. In 1982 public transport became the favourite option for Canberra, and bus use tripled in four years, which was fantastic. In 1980 the challenges were falling back to population growth, and the NCDC moved back to support the car. In 1984 the NCDC moved back to the pre-Whitlam times and argued against public transport. So it was a pretty interesting discussion from Dr Karl Fischer.

Finally, a regional planning and development symposium was held at the PIA to discuss how planning can assist regions undergoing change arising from a combination of demographic, social, environment and economic factors.

We had a presentation from Dr Susan Parham. This was a masterclass on interactive urban design. She encouraged everybody to make sure they were working as a facilitator for economic development, and said that we needed to represent all involved, not just developers. She also focused on adaptation to climate change, and said that that would be the new norm in the future for planning.

All the speakers made fantastic contributions. They were exciting and innovative. I was pleasantly surprised to find that the speakers, while excited about design, were far more concerned about the effect of planning on the social fabric of society. As I mentioned, it was a great opportunity to showcase Canberra with the tours.

The PIA's national congress adopts a different theme each year to ensure that it is contemporary and that it is at the leading edge of thinking in relation to land use planning. I note that the PIA's next conference, entitled "Connecting People and Ideas" is to be held in Sydney in March next year.

It was not possible for all of us to make it to all of the conference presentations, but I hope I have given you a taste of what was on offer and some of the issues and challenges facing the planning profession in the 21st century. Members interested in reading more about the issues discussed at this year's PIA national congress can find many of the conference papers and presentations on the Planning Institute's website.

I would like to thank my committee colleagues, Mr Wall and Dr Bourke, who attended the conference, and a special thanks to Veronica Strkalj, our committee secretary, for her great organisation and hard work.

**DR BOURKE** (Ginninderra), by leave: I rise, too, to talk about the 2013 PIA conference. The 2013 PIA conference was an opportunity for planning committee members to hear a wide range of speakers talking about contemporary issues and practices in planning. Members were also able to reflect upon the achievements of planners focused on creating better cities and better regions.

The achieving effective planning workshop gave me an insight into how planning success had achieved the desired outcome in several Australian contexts. The transport oriented development—TOD—projects in Melbourne, Brisbane and Sydney demonstrated the problems facing planners and the solutions they adopted.

The conference was addressed by Chief Justice French of the High Court of Australia, who talked about planning decisions and their effect on property rights, and the interaction between planning law and policy and native title rights. There were also keynote addresses by Dr Susan Parham, Head of Urbanism at the University of Hertfordshire's Centre for Sustainable Communities, and Professor Will Steffen, Adjunct Professor at the ANU's Fenner School of Environment and Society.

Dr Parham's paper discussed the planning and design of low carbon and sustainable cities, outlining research from the mid-1990s to today. It indicated that the way cities are planned, designed and governed makes a huge difference to ensuring resilience. However, a gap between knowledge and planning has often resulted in action being taken only after irreversible changes have taken place. Importantly, urban environmental problems are interrelated, and addressing them requires changes to lifestyles, business practices and urban development patterns.

In the pursuit of sustainability, Dr Parham argued that a city's capacity to adapt should be a priority. Some of the problems facing future planners include: rural depopulation and the drift to cities; suburban sprawl; planning for "landscapes of consumption" that ignore the principles of place making—for example, town centres should be more than just a shopping mall; insensitive approaches to the renewal of existing areas; a focus on "object" architecture; areas that are difficult for people to access and move around; and difficulties or a failure to plan for sudden or severe climate change risks. Dr Parham also discussed food-centred regeneration in the UK and urban regeneration around food markets.

Clover Moore and Will Steffen emphasised the need for real changes in cities to address climate change, and that a societal transformation is required.

During a discussion of best practice case studies for achieving effective planning, Philip Roth from Places Victoria, a government agency responsible for overseeing sustainable development, discussed the Fishermans Bend urban renewal area, located on the south-western edge of the Melbourne CBD. The rezoning of the area to capital city zone was aimed at facilitating a major urban redevelopment of Fishermans Bend to include high-rise residential towers, terraced townhouses, offices, schools, local parks and other commercial opportunities. One of the issues to be addressed is the potential "gentrification" of Fishermans Bend and how to protect the existing 20,000 blue-collar jobs that are already there.

Some of the interesting statistics presented at the congress related to the demographic changes affecting the Canberra region. The region experiences a 1.6 per cent annual growth rate, while the growth rate in surrounding New South Wales shires is slowing. And while interstate and overseas migration is a major factor for capital region population growth, it remains volatile. The projected population growth for the capital region over the next 20 years is 600,000 and it will become Australia's largest inland population centre. Across the border, the new town of Googong, some four kilometres from Queanbeyan, is expected to have 16,000 residents within 25 years, which is about one-third the size of Gungahlin.

These issues were at the forefront of the study tour I attended, which included a stopover at the Canberra Airport and a discussion about the Tralee development, aircraft noise and Sydney's second airport debate. It was a valuable exercise for all of us, giving a new perspective on the planning vision for Canberra in our second century, where we have a special responsibility to get it right.

**MR WALL** (Brindabella), by leave: Dr Bourke and Mr Gentleman have given quite an extensive rundown on the main portion of the conference, but on 23 and 24 March, in the days leading up to the conference, I had the privilege of representing the committee at the Young Planners Connect conference, YP Connect, which was designed for young planners who are in the first five years of their career.

The weekend started with a reasonable amount of socialising and networking. We did a scavenger hunt around the city, which was an interesting opportunity to look at many of the sites and tourist opportunities that exist within the city from the eyes of someone who is not a local. That was followed by a networking and speed networking function, where there was the opportunity to meet and mingle with many of the young planners from around the country.

On the Sunday we attended a formal session which had a number of guest speakers. The young planners conference, YP Connect, was initially opened by Dy Currie, who is the president of the Planning Institute of Australia. She gave an enthusiastic rundown on her experiences in the planning industry, and stressed to young planners in the audience that planning matters and planning do in fact make a difference to the places in which we live.

She gave an extensive talk on the need to shift to a strategic planning outlook rather than planning simply focusing on development applications, and encouraged stronger community engagement at the beginning of the planning processes so that there can be a little bit more of a harmonious transition from the planning through to the construction stages.

We heard from Steve Quartermain, who is the Chief Planner in the United Kingdom Department for Communities and Local Government. He discussed the planning process and how that has evolved in the UK, including the national policy and planning framework, which is aimed at ensuring local community plans are the cornerstone of the planning system, making the planning system simpler and more accessible, ensuring that if there is no local plan developed for an area, the default position for any approved developments is that they are sustainable, that there is a focus on ensuring that strong environmental and historic values are preserved and that there is a high standard of design.

We also heard from a number of industry professionals. For example, MacroPlan Dimasi's general manager for New South Wales talked about the interactions between essentially economics and the planning system. Planners need to be aware of issues such as housing churn and the relative merits of establishing business parks versus developing CBDs, and the connection between growth and housing affordability.

The young planners conference then led into the main conference for the industry-wide group, which saw professionals and industry leaders come to Canberra to attend the conference about which Dr Bourke and Mr Gentleman have given an extensive run-down.

On the Wednesday I had the opportunity to attend one of the site visits which was focused on urban renewal. We had the opportunity to visit the Kingston foreshore precinct, new Acton and also sites in Braddon. It was a good opportunity for us as locals to showcase some of the great planning initiatives that are happening at a local level, get feedback from a different perspective and see where things could be improved, what they liked, what they did not like and what could be done better.

I thought it was a fabulous opportunity. It was a great learning curve for me, as a new member in this place and being new on the planning committee, to get a professional's perspective on how we view our city and how our city can be developed. Coming from a building background, that was an invaluable experience and it was well worth while.

## **Public Accounts—Standing Committee**

### **Statement by chair**

**MR SESELJA** (Brindabella): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts in relation to the committee's consideration of the Auditor-General's Office 2013-2014 budget submission.

Pursuant to section 22 of the Auditor-General Act 1996, the committee is provided with a role in determining the annual appropriation available to the Auditor-General. The committee considers the draft budget estimates of the Auditor-General and makes a recommendation to the Treasurer regarding the proposed appropriation and provides the Treasurer with the Auditor-General's draft budget.

This provision creates a process whereby the Legislative Assembly, through the committee, advises the Treasurer regarding the resources that should be made available for the operations of the audit office for the respective financial year. At the conclusion of its consideration of the budget estimates, the practice of the former public accounts committee was to make a 246A statement—informing the Assembly of the outcome of its consideration of the audit office's budget submission. The committee has agreed to continue this practice as an important transparency mechanism that contributes to public accountability.

Pursuant to section 22 of the Auditor-General Act 1996, the committee has considered the proposed budgets for the operations of the ACT Auditor-General's Office for each of the financial years from 2013-14 to 2016-17. The committee notes that the Auditor-General is not specifically requesting any additional appropriation in 2013-14 beyond indexation to cover increases in salaries and costs of services.

Pursuant to section 22(1)(a) of the Auditor-General Act 1996, I wish to inform the Assembly that the committee has been unable to reach an agreed position regarding any recommendation pertaining to the proposed appropriation that should be made for the operations of the Auditor-General for the 2013-14 financial year.

Pursuant to section 22(1)(b) of the Auditor-General Act 1996, the committee has forwarded to the Treasurer the draft budget for the operations of the audit office for the 2013-14 financial year as received from the Auditor-General.

## **Housing—homelessness services reform**

### **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), by leave: Significant changes have been occurring in the area of homelessness services in the ACT of late, and it is timely to provide the Assembly with an update on current issues being faced by both the government and the homelessness sector and new developments that are taking shape.

The ACT has felt repercussions from changes to federal funding resulting from long-term national policy changes on housing and homelessness. In 2008 the Australian government released its white paper on homelessness entitled “The Road Home”, in which the government outlined a national approach to reducing homelessness. Two national funding agreements then commenced in 2009—the national affordable housing agreement and the national partnership agreement on homelessness—which brought together commonwealth, state and territory efforts on housing and homelessness.

The national affordable housing agreement in 2009 enabled greater flexibility across the system. However, as a result of moving to a population-based funding formula, the introduction of the agreement resulted in an actual decline in funding for both housing and homelessness support services in the ACT. As a consequence of this, annual funding from the commonwealth to the ACT has declined from 2009 levels by \$3.7 million per annum in 2012-13 and will continue to reduce to \$5.9 million per annum below 2009 levels by 2014-15. Despite the significant reduction in funding from the commonwealth in 2009, the demand for services in the ACT has not declined.

Following a decision by the ACT government in 2009 to defer the impact of the cuts, Housing ACT has, to date, maintained the previous level of funding to the non-government sector through subsidisation of homelessness services from the broader Housing ACT budget and the capital funding allocated under the nation building and jobs plan.

This cross-subsidisation can no longer continue given the challenges facing Housing ACT, the scale of the reductions from the national agreements, and the uncertainty surrounding future national partnership agreements on homelessness. If current funding levels were to be continued to homelessness services, Housing ACT would need to reduce its current level of operations every year from now and into the foreseeable future to maintain the current level of cross-subsidy.

However, I understand that implementing the full level of commonwealth reductions on our homelessness services in one year would have significant consequences. As such, I have decided that the cross-subsidisation from Housing ACT will continue in the short term such that the actual reduction in funding to homelessness services will be \$3.6 million phased in over the next three years rather than the full \$5.9 million cut from the commonwealth.

With the national approach of a shift to per capita arrangements and the difficulty Housing ACT has in maintaining the subsidisation as it currently stands, we have worked with the homelessness service system to progress a reform of homelessness services that offers the best results in a very difficult situation. The reform process is to address the funding shortfall, historical funding anomalies and to continue the implementation of the ACT policy objectives.

The ACT has been moving to align the territory's policy with the national agenda and the national objectives to address homelessness using the three key strategies of early intervention and prevention, a better integrated service system, and breaking the cycle of homelessness.

The reform of homelessness services in the ACT is being undertaken by the Community Services Directorate in collaboration with the non-government sector. The reform takes into account the national reform agenda under the national affordable housing agreement and the national partnership agreement on homelessness, with the aim of improving outcomes for people across the social housing continuum and minimising the impacts of funding shortfalls.

The national affordable housing agreement is a specific purpose payment that brings together previous commonwealth agreements which separated the policy responses for housing and homelessness. It aims to deliver outcomes across the housing continuum from homelessness, social and public housing, affordable housing, home ownership and increased housing supply.

Throughout the reform process the directorate has been strongly committed to open engagement through ongoing consultation, collaboration and communication with its community partners. Discussions about a reduction in available funding were, in fact, initially held in 2009 when the shift to population-based funding first occurred. However, at that time, Housing ACT was able to relieve the burden of the reductions by subsidising the sector, due in part to the stimulus package and the nation building funding that existed at that time.

In January 2012 the directorate reopened this dialogue with homelessness services, and has maintained a very high level of consultation and communication. I have met with some of the stakeholders, and I believe the approach taken by the directorate has been open, transparent and fair.

The directorate has worked with services on funding models and service models to move forward with a consistent, transparent approach to specialist homelessness services in a genuine effort to reduce impacts on client services. This has included

working with the sector on developing new costing models, exploring outputs and outcomes and reviewing services streams. One underlying intention of the reform is that there will be no reduction in accommodation places—actual beds for people experiencing homelessness—and we will work closely with services to achieve this.

The directorate has now met with all organisations regarding the funding offer for their services. The directorate is committed to continue working with organisations on the effect reduced funding will have on programs, staff and service delivery over the coming three years as the funding reductions are applied in a transitional or step-down method.

Additionally, organisations will be supported to access a financial and governance health check through the community sector development program. It is anticipated that new service funding agreements will be finalised by November 2013. In addition to the shift in the national affordable housing agreement, the national partnership agreement on homelessness expires on 30 June 2013. However, the commonwealth announced in November 2012 it will extend the current agreement for 12 months and negotiate a new agreement in the near future based on matched funding.

The ACT became a signatory to the transitional national partnership agreement on 14 May 2013, continuing funding for support and early intervention services. In line with “The Road Home”, the national white paper on homelessness, the national partnership agreement on homelessness was a \$20 million matched-funding agreement over five years—\$10 million in commonwealth funding and \$10 million in matched ACT funding. It enabled the ACT to provide new service approaches to respond to service gaps that had been identified in the community.

The commonwealth has offered the ACT \$1.48 million for a 12-month continuation of the national partnership agreement on homelessness. The new agreement will continue to be framed by the core principles of prevention, early intervention and breaking the cycle of homelessness. To date, under the national partnership agreement on homelessness, initiatives have been introduced to address these three key strategies, including the Supportive Tenancy Service; FirstPoint, the centralised intake service for those needing to access homelessness services; a place to call home and OurPlace, the youth foyer service.

The Supportive Tenancy Service is an example of how early intervention can work to prevent homelessness in the ACT. The service works with people in all tenures who are experiencing difficulties in their lives that may place their tenancies at risk. From July to December 2012, 357 families across the ACT were supported to prevent the loss of their home.

The introduction of FirstPoint has enabled the ACT government to have a collation of data to understand the demand for homelessness services better than ever before. A place to call home was established as a core output of the national partnership agreement on homelessness. The program uses a housing-first approach which sees accommodation provided and then supported services put in place. The national partnership agreement on homelessness enabled a focus on participation with OurPlace, the youth foyer model that has participation in education, training and/or employment opportunities as the centre of its service delivery.



The ACT government is committed to continuing the work that was commenced under the original national agreements. This has already been seen with the reform of youth housing and homelessness services in the territory. During the reform of youth housing and homelessness services in 2011, research and consultation indicated that an effective service system needs to support people across a whole continuum, from prevention through to stabilisation and maintenance. Lessons learnt through the reform of youth housing and homelessness services were used to inform the current reform to the homelessness sector, with the directorate taking a whole of continuum approach to service delivery and applying a transparent funding base to all services affected by the reform.

I know that a concern of the sector to date has been about gauging the impacts of the reforms on services and clients. I have heard this clearly and can announce that an independent evaluation of reform of the homelessness service system will be undertaken in October 2014. The evaluation will include services provided to all cohorts, including young people, and will allow for a real examination of the full spectrum of homelessness services.

A common ground project was identified as a key priority under the Labor and Greens parliamentary agreement. We are making progress on the common ground development for the ACT. I see this as one more step in the path towards a more comprehensive continuum of housing and homelessness, as it will provide a tangible and practical response. Common ground will provide alternative housing options for vulnerable Canberrans who might not otherwise receive suitable long-term housing appropriate to their needs.

The provision of long-term housing is a cornerstone of this commitment and the foundation upon which all other support and assistance rests to enable people to live their life to the fullest. Establishing a common ground in Canberra fits within the social housing continuum and provides a link between homelessness services and social housing accommodation.

The initiatives I have discussed today all aim to address the common goal of reducing homelessness through early intervention, prevention and breaking the cycle. The ACT can take great pride in the work it has done under the current national agreements. We have a strong, passionate and committed sector, both government and community, and we are all responding to the difficulties as a shared burden.

I appreciate and commend the professionalism demonstrated by all players during this difficult process of reform, and I thank them for it. The collaboration between government and community will help ensure that, in the face of the funding challenges, we achieve the best possible outcomes for those who are some of the most vulnerable in our community. This is the outcome we all want to see, because we understand that through safe, secure and affordable accommodation, people are able to take advantage of opportunities—opportunities for education, training and employment and opportunities to improve people's health, social and financial wellbeing, thereby stopping the cycles of disadvantage.

## Statute Law Amendment Bill 2013

Debate resumed from 11 April 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR SESELJA** (Brindabella) (12.07): The Canberra Liberals will support this bill. It is important for there to be regular and timely checks of our legislation to ensure that it is consistent with modern statutory interpretation principles and provides clear direction to citizens and judiciary on the implementation of the law.

This particular statute law amendment bill provides non-controversial technical changes to a number of laws. However, there are a few minor amendments. This includes a change to the Health Act 1993 where section 106(5)(b) is amended to allow a wider field of potential arbitrators for the resolution of visiting medical officer negotiations. The Ombudsman Act 1989 will be amended to allow people who are 65 years of age during the term of the appointment to continue to serve instead of their term expiring on their 65th birthday. The Road Transport (Third-Party Insurance) Act 2008 will be amended to exempt a person entitled to early payment for medical expenses from the requirement to comply with the 30 working days' time limit under that section while the complainant is under a disability.

Whilst these changes are minor, they are important and will, therefore, have our support.

**MR RATTENBURY** (12.08): The Greens support this bill as it makes a series of minor and technical amendments that will clean up and improve the ACT statute books. In terms of technical amendments, as these statute law amendment bills regularly do, the bill corrects minor errors, brings language in line with common or new drafting practice and adds notes for clarity. These corrections are made across some 50 acts but also repeal acts which no longer have any practical effect in the ACT—the Truck Act and the Annual Leave Act.

The bill also makes several minor amendments which I am satisfied are sensible and uncontroversial. The bill will expand the field of arbitrators that can be used under the Health Act to resolve matters relating to establishing core conditions for service contracts for visiting medical officers that are not resolved by negotiations under section 103 or by mediation. And the bill also amends the Ombudsman Act so that the Ombudsman can be someone who is or will be 65 during the term of the appointment. This brings the ACT act in line with the commonwealth Ombudsman Act.

There are many other changes. Mr Seselja has made reference to one or two others that I had noted, but I simply conclude by indicating the Greens will support this bill 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) (12.09), in reply: I thank members for their support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Budget review 2012-2013**

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

That the Assembly takes note of the paper.

**MR SMYTH** (Brindabella) (12.10): The midyear review is an interesting document. It was released at the same time as the December quarterly and, of course, puts lots of information into the public arena. The midyear budget review showed that the current year deficit deteriorated from the original budget by some \$44.6 million, increasing the deficit this year to an enormous \$362.9 million, almost nine per cent of the total budget. And, of course, the March consolidated quarter financial reports also confirm the \$362 million has not shifted. Over the forward estimates, according to the document, the deficits have now been revised upwards by a total of \$100.9 million. The budget is predicted to be in surplus by 2015-16 by a mere \$29.3 million, less than one per cent of the budget—0.61 per cent.

For this to be the case, we are clearly relying solely on long-term capital gains on superannuation of \$89.4 million in the 2015-16 year. The actual operating deficit in 2015-16 is still \$60 million. So to put this into perspective, in 2012 the expected long-term capital gain on superannuation investments was budgeted at \$78 million, with an actual gain of only \$1.1 million. The government, I think, cannot rely on superannuation investment gains to put government in surplus. Their predictions are far from correct.

You only have to take into account the attacks on the ACT economy and, therefore, the budget by the federal budget last evening. The job losses in the public service, the loss of funding to the higher education sector, the proposed reduction in the amount of space that public servants will have on a square-metre basis are an attack on our property industry, and we see very little in return. The \$29 million is a thin margin and I think there should be concern about this government's ability to achieve that. We have certainly seen from Wayne Swan the total inability to achieve surpluses. It will be interesting to see what happens here.

Revenue is forecast to increase by at least five per cent per annum over the forward estimates. Total revenue has increased by \$91 million over the forward estimate from the original budget to the budget review. Mr Barr has stated that on a number of occasions but he said that revenue has softened across the forward estimates. That was in the media release on 14 February. Although the projected taxation revenue has decreased by \$38.6 million from the original budget, total revenue has increased and

taxation revenue is still projected to increase by 17 per cent. Obviously he is taking lessons from his mentor Wayne Swan where you refuse to acknowledge the fact that your revenue has gone up.

In particular, I think there are always interesting things like the lease variation charge, which has been revised downwards by \$4 million in the current year. However, no revision has been made in the future years and we now know that in the nine months leading up to 31 March the lease variation charge has still only collected some \$7 million, \$16 million short of the original budget. It is hard to see how we will now go from \$7 million to \$19 million just in the last quarter of the year. Yet there we are in the outyears with \$24.6 million, \$26.3 million and \$28.2 million in what we all know to be a softening market. Indeed, the property market is now likely to suffer the effects of a government that is reducing the space that it wants to contain the public service in. So when we look at the lease variation charge, we have to look at it with a great deal of scepticism.

The ICRC's review into regulated water and sewerage services at ACTEW has so far indicated that water prices will be decreased after the report is finalised on 12 June. As Mr Sullivan points out, this would mean ACTEW would not have the capacity to pay dividends for a number of years. With this in mind, more than \$350 million would be wiped off the budget bottom line over the next three years, which, indeed, would increase the deficit in future years and have a huge impact on the planned return to surplus in 2015-16.

For members' interest, the dividend in 2011-12 was \$69 million, in 2012-13, the current year, it is estimated to be \$85 million, but in the coming three years it is \$106 million, \$117 million and \$125 million, all of which the government needs to get to their surplus in 2015-16. If, as suggested by the ICRC, prices go down instead of the increase that ACTEW wanted and we take into account the comments that Mr Sullivan made, just that single initiative will, of course, see the very slim deficit disappear. So we need to also take that into account.

Under superannuation expenses, we see other superannuation expenses and superannuation interest costs have been revised upwards by \$150 million in the current year. However, they remain unchanged going forward. The interest expenses increase by \$56 million, totalling \$577 million in interest over the forward estimates.

When we look at capital works for the current year, \$250 million of the \$812 million originally budgeted has been pushed to later income years, predominately 2013-14 and 2014-15. And, of course, we have already seen the government walk away from some pretty major projects, much to the dismay of the industry. At a time when the industry was looking to the territory government, the withdrawal of, particularly, the hospital tender has caused the industry a great deal of grief, particularly those firms that had spent significant amounts of money to meet the tender, now to have the tender withdrawn. It is that callous disregard of the business community that is really leading people in the business community to simply question what the government is up to. Capital expenditure has been cut by \$41 million over the forward estimates.

If we go back just quickly to superannuation, the difference between the December quarter and the March quarter shows a further deterioration. The liability has grown from \$7.68 billion to \$7.765 billion, an increase of about \$85 million. And as the territory's largest single liability at 66 per cent of total liabilities at 30 December, it is now 67 per cent at 30 March. Again, there are questions about meeting these liabilities. They continue to grow. Although I am sure the government is happy to sit and say that the market will recover, it is a big liability and it is an enormous amount of money that will have to be found.

In regard to liabilities, according to the budget review, borrowings have been revised upwards by \$1.7 billion, increasing the total liability at the end of the forward estimates by \$593 million to a record \$2.9 billion, an increase of 47 per cent on current borrowings. Borrowings are projected to reach a peak of \$3.2 billion in the 2014-15 year.

We see all these things that come at an interesting time. There is a potential decrease in GST revenue from the federal government, the potential loss of the ACTEW dividend, the superannuation liability continually increasing and a government that cannot control its spending. The prospect for returning to surplus or being able to reduce our borrowings anywhere in the near future, based on these figures, seems very unlikely.

**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) (12.18), in reply: The government is very pleased with the progress in relation to the territory budget for 2012-13, and the review that I released earlier in the year confirmed our budget plan. Our goal is to return to a balanced budget and then surplus in the outyears.

The reason to undertake this restructure of the territory budget is to provide the capacity to fund significant and necessary future infrastructure projects and to continue to be able to provide high-quality services. This restructure of the budget also gives the territory the capability and flexibility to respond to changing circumstances locally, nationally and globally.

Pursuit of balanced budgets and then surpluses is not simply for the sake of such outcomes. There is no need to fall for the misguided economic folly of austerity, particularly when it imposes economic and social costs unnecessarily on a community. We do not believe in the simplistic mantra that all deficits are bad and all surpluses are good.

What we are seeking to do is restructure the territory budget through savings and revenue initiatives that are fair and responsible and that ensure our community is not adversely impacted. It is worth reflecting on why such a restructure is important—it gives the government the capacity to fund city building projects that will transform our city in our second century. It will give the government the capacity to continue to provide services and facilities that the community deserves and expects.

The government has outlined a strong vision for Canberra's growth and economic development in our second century. This includes capital metro and the city to the lake projects, the implementation of the Gonski education reforms and the NDIS, as well as new health infrastructure such as a new hospital on the north side. Each one of these is an important project in its own right, helping to create the foundations of growth for decades to come. The challenge, of course, is to ensure that the budget is in a position to fund them. As such, it was pleasing to note, within the budget review, the confirmation of the government's budget plan.

The budget review also confirmed that the fundamentals of the territory economy remained strong. We have low unemployment, well below the national average. Our economic growth remains robust. Population and income growth continue strongly. The territory maintains one of the strongest balance sheets in the country, and this is evidenced by key indicators such as net debt and net financial liabilities.

But the budget review confirmed what was reconfirmed in the federal budget—that is, there is a softening in revenue. As I indicated yesterday, it is clear that the prospect of a change of government at the federal level is certainly weighing heavily on the minds of potential homebuyers and investors in Canberra at the moment. The latest data shows that the number of sales and the value of sales in our property market are declining, and that is having an impact on revenues. It is noteworthy that, since handing down the 2012-13 budget, conveyancing revenue is estimated to have fallen short of the estimated amount by about \$55 million.

It is important that the transition away from this highly volatile tax continues. As such, there will be a commensurate impact in the budget next month. The volatility of conveyance revenue is further evidence, if it was needed, that stamp duty is a bad tax, and hence the government's moves to abolish it. It would appear that Mr Smyth is the only would-be treasurer, shadow treasurer, treasury spokesperson in the country who still thinks stamp duty is worth retaining. In fact, he supports increasing it.

As I indicated at the time of the issuing of the budget review, in order to maintain the budget path of balance and then surplus through the development of next month's budget, the government will be reviewing our borrowing strategy, our capital works program, our service delivery and our revenue lines, and this will involve decisions that will ensure the budget position is sustainable in the long term. In particular, we will be ensuring that expenditure is restrained. We will be seeking to drive savings and efficiencies in the use of consultants, advertising, travel and printing. We will be delaying some projects. We are continuing to review our capital program, and we will seek to drive further efficiency in the delivery of ACT public services.

However, this will be done in keeping with our strong fiscal objectives, which are a measured response to changing economic and fiscal circumstances which provide flexibility for adjustments in the future should circumstances change, which ensure that we do not harm our economy and community by undertaking knee-jerk responses, which ensure that we respond to growth in the need for services, particularly in health and education, and which allow us to properly engage with the community about service delivery priorities and where additional revenue may be raised or where savings should be made. The budget review confirms that the territory economy is strong and that our budget plan remains on track.

Question resolved in the affirmative.

**Sitting suspended from 12.24 to 2.30 pm.**

## **Questions without notice**

### **Transport—light rail**

**MR HANSON:** My question is to the Minister for the Environment and Sustainable Development. Minister, the cost of the light rail project has been cited as \$614 million by the government. The cost of the Cotter Dam was cited repeatedly by the government as \$145 million, but this blew out by 280 per cent to over \$400 million. If light rail blows out by the same amount, it will end up costing over \$1.7 billion. Minister, what assurances can you give that this project will be delivered for \$614 million and not blow out like every other project this government controls, from the dam to the GDE?

**MR CORBELL:** I thank Mr Hanson for his question. The government continues to refine costings in relation to the light rail project, as Mr Hanson would know. The cost projections have been continually revised downwards over the last six to 12 months, and that is as a result of more detailed analysis occurring. I can certainly give the assurance that the government will be continuing to refine its analysis to ensure that the cost is as accurate as possible. The current cost assessment includes a significant contingency for unknown factors. That is in the order of around 15 to 20 per cent of the total cost estimate that has been provided to date. I expect that cost estimate to continue to be revised as we continue to create a more detailed analysis of all the factors that will come into play in the cost of this very important project.

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

**MR HANSON:** Minister, has a cost-benefit analysis been done for this project? If so, what was the outcome? If not, why not?

**MR CORBELL:** Very detailed assessments have been done to date, both engineering and in terms of benefit-cost ratio. They have been undertaken to inform our submissions to Infrastructure Australia. Further assessments around benefit-cost ratio will continue as we continue to develop this project.

**MADAM SPEAKER:** Supplementary question, Mr Coe.

**MR COE:** Minister, what analysis has been done regarding knock-on effects of the construction such as disruption to traffic, water, gas, electricity and communication services?

**MR CORBELL:** These are all issues that will continue to be investigated. Initial investigations have commenced into a range of these factors such as the changes to traffic arrangements along the corridor that will be necessary as a result of the construction of a light rail route. At the same time, identifying and understanding the risks associated with utilities such as water, gas, electricity and telecommunications

are also part of the detailed analysis that has been undertaken to date and will continue to be undertaken to a greater and greater level of detail as we continue with development work on this project.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Minister, is this estimate only an initial estimate rather than a final handover budget cost for the light rail project and does it include elements such as profit margins and contingencies? Specifically, what contingency is allowed for additional costs such as rain delays?

**MR CORBELL:** The figure the government has released publicly is its most recent cost estimate. It is an estimate and it is subject to further revision. As I have indicated to Mr Hanson, it includes a significant contingency.

### **Budget—lease variation charge**

**MR COE:** My question is to the Treasurer. Last year a development application to remove the concessional lease status from block 5 section 24 Stirling, the site of the Weston Creek Labor Club, was approved. Treasurer, what lease variation charge revenue did the government receive as a result of that approval?

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

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Treasurer, how many other approvals have been given to applications to remove concessional leases held by clubs?

**MR CORBELL:** As Minister for Environment and Sustainable Development, I have the responsibility of assessing applications for removal of concessional lease status and the other mechanisms around that process. I am happy to take the question on notice.

**MR GENTLEMAN:** A supplementary question.

**MADAM SPEAKER:** Mr Gentleman.

**MR GENTLEMAN:** Minister, what is the process for removing concessional leases?

**MR CORBELL:** I thank Mr Gentleman for the question. The government has established a formal concessional lease removal process to provide clarity and certainty around this quite esoteric aspect of the ACT's leasehold administration system. The requirement provides for the leaseholder to make application to the minister. They must do so through a formal development application process. They must identify whether or not there has been a concessional component associated with the lease, and if there has been a concessional component and they wish to have it removed, they must pay for that removal. So they must pay back to the territory, to the community, the value of the concession for the use of the land as specified in the lease. Once that concession is paid out or cashed out, it is no longer a concessional lease.



That concession value is determined through an independent valuation process. I, as minister, have to be satisfied that it is overall in the public interest for that concession to be cashed out, and I do have discretion to refuse that should I believe it to not be warranted. In many instances I do agree to the removal of the concession because the reasons for the grant of a concession have simply been superseded by the events of time. The most recent example that I can give to members is in relation to the application to deconcessionalise an element of part of the lease of the old Canberra south bowling club, which is now occupied by Brumbies Rugby. That concession was paid out in full. They applied for the concession to be cashed out, to pay out the concessional component. They did so after my approval, and that returns the value to the community. (*Time expired.*)

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

**MR SMYTH:** It is possibly to both of the ministers if they both want to answer. Ministers, did you declare a conflict of interest in making these determinations?

**MR CORBELL:** No. There is no conflict of interest.

### **Education—public system**

**MS BERRY:** My question is to the Minister for Education and Training. Minister, next week ACT public schools will be celebrating Public Education Week. What activities to do you intend on attending in your capacity as minister for education, and what is the importance of this week in promoting public education as a high-quality choice for parents?

**MS BURCH:** I thank Ms Berry for her interest in public education. Public Education Week is an annual celebration of public schooling across Australia. It is a fantastic opportunity to showcase the achievements of the ACT public school system, its teachers, staff and students. In Canberra's centenary year we particularly celebrate our successes as an education system, a system widely regarded as the best in Australia. It is during this week that public schools across the ACT have the opportunity to show the broader community the work that they do and the high levels achieved by their staff and students. This achievement is reflected in the results of the 2013 ACT census, which shows confidence in the ACT public education system, with enrolments continuing a five-year trend of growth—a two per cent increase on last year.

The ACT consistently performs strongly at a national level in outcomes achieved by our students. These outcomes are achieved through a commitment to continuous improvement. The ACT is well placed to build on the current school reform in the five priority areas that have been identified by all states and territories. These are: quality teaching, quality learning, empowering school leadership, meeting student need and transparency and accountability.

In 2013 we are holding a school leadership conference engaging schools as well as our annual recognition of service awards, presentations that celebrate the contribution of our staff. These events are complemented by schools holding their annual open

nights and 2013 public education awards and musical performances by students in the city centre. I will be fortunate to be able to attend a number of the events during the week. I will be attending the school leadership conference and presenting awards for long service on 24 May. I will also be attending the public education awards dinner and awards ceremony.

I also recently attended the Australian Education Union's art exhibition celebrating public education. The exhibition will run until 31 May and showcases some of the amazing artistic talent of our students. I would urge all members of the Assembly to go across to Civic Library to see the exhibitions of paintings, drawings and other artworks in both 2D and 3D formats. Indeed, they are on exhibition across all the Canberra libraries until 31 May.

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

**MS BERRY:** Minister, what recent commitments has the ACT government made to support ACT public schools?

**MS BURCH:** The ACT government is committed to continuing the development of our ACT public education system as a high-quality choice for our parents and children. The ACT is already recognised for the priority it gives to funding public education. The latest Productivity Commission report on government services shows that the ACT provides around 12 per cent more than the Australian average on education.

Indeed, since being elected, this government has increased recurrent funding for public school education by more than \$180 million over the 11 years. This translates to a funding increase of around 67 per cent per student. In 2012-13, the government allocated capital funding of \$122 million to our public schools. As the Chief Minister has told the Assembly, we are committed to negotiating a good result for the ACT and for the country on the needs-based funding reform.

We have also made a commitment to improve teacher quality and this is evident in initiatives such as executive teacher (professional practice). These new promotional positions focus on exemplary classroom teaching and capacity building in teaching practice. Twenty-one positions will commence this year, with additional positions next year.

Our great public school system here in the ACT is based on good investment in our schools and the teachers. I would like to put on record my thanks and appreciation for our school principals and teachers who are dedicated to encouraging and educating our children and ensuring access to a positive learning experience.

**MADAM SPEAKER:** Supplementary question, Mr Gentleman.

**MR GENTLEMAN:** Minister, how does the government engage with the public education sector concerning their needs and priorities?

**MS BURCH:** I thank Mr Gentleman for his interest. As minister, I have made a clear commitment to engage with all of the education stakeholders, government and non-

government, and to work with them to make sure that the education system remains the envy of Australia. I have regular meetings with the ACT P&C council, as well as the Australian Education Union and the Principals Association. I am also fortunate to be well served by the Government Schools Education Council. The council provides opportunities for the community to have an important role in formulating advice to the government on education policy.

In August last year the ACT government created a student congress to provide a voice to students on their thoughts as to the priorities for education. Students are our most important stakeholder. I am committed as minister to make sure that their views are heard and considered. I will be visiting the congress at its upcoming May meeting and look forward to hearing their views on public education and how we can support our students to achieve.

However, beyond these formal bodies and mechanisms, I have been fortunate to visit many schools. I have met with parents, teachers, principals and students at their schools and seen firsthand how their schools work, the good work of students and teachers and what is important for them, because we know that every school is different. That is why I have made a commitment to get to as many schools as I possibly can.

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

**MR DOSZPOT:** My question is to the minister for education.

**MADAM SPEAKER:** Is this a supplementary question?

**MR DOSZPOT:** It is a supplementary, yes. I just prefaced it a little more because so much time has passed.

**MADAM SPEAKER:** No preamble.

**MR DOSZPOT:** As shadow minister for education, I attended the launch of the exhibition to celebrate Public Education Week and I was under the impression that, in fact, education week this year—

**Mr Corbell:** On a point of order—

**MADAM SPEAKER:** Yes. Mr Doszpot, supplementary questions should be without preamble. Can you get to the question.

**MR DOSZPOT:** Minister, is it true that Public Education Week has become public education month this year?

**MS BURCH:** I think Mr Doszpot has made reference to the comment Glen Fowler made, and rightly so, of what proud advocates they were for public education. He also went on to make a somewhat tongue-in-cheek comment that he is looking forward to Public Education Week being public education month because there is so much to

show, celebrate and showcase in public education. So I am not quite sure what point Mr Doszpot is seeking to make, but I think we should be celebrating public education for a week, for a month or indeed for a whole year.

### **Education—funding**

**MR DOSZPOT:** My question is to the Chief Minister. In yesterday's question time, in response to a question on Gonski funding, you said the ACT Labor government supports "extra funding going to those children to make sure that those children, even though they do not live in the ACT, get the education that my children and your children are getting". Chief Minister, why should ACT families be penalised to prop up educational systems in other jurisdictions?

**MS GALLAGHER:** The answer to the question is that they are not. The point I was making is that children in the ACT, when you look at it comparatively around the country, are in a very fortunate position where their education system is funded at a level that other jurisdictions are aiming to get to over the next six years.

The point I was making is that if a child is in Adelaide, in a remote part of Adelaide, why should they not get the same amount of funding that a child in Canberra gets so that they can get a good education in the interests of the country? That is the point I am making. National education funding reform does require people, I think, if you accept that education funding reform is required, and that the school resourcing standard is appropriate, and we apply that across the country—it does mean that the level of funding coming to the ACT will not be as great as for those children who are currently being educated well below the resourcing standard.

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

**MR DOSZPOT:** Chief Minister, do you have a mandate from the ACT electors to allow our educational standards to drop in order for children in other parts of Australia to catch up?

**MS GALLAGHER:** Mr Doszpot, I find it staggering that you would be sitting here and putting that allegation to me—that I am in some way seeking to reduce the standard of education here in the territory and that you would be prepared to run that as a public line. The issue—and I feel very confident—is that we went to the election last year with a very comprehensive policy about needs-based funding. We also went to that election with a commitment around education funding and it is all about improving—

**Mr Smyth:** And you went to the 2004 election with a policy of no school closures. How long did that last? Six weeks.

**MS GALLAGHER:** Mr Smyth, you can ask me a question about that. This question is about the 2012 election, and we went with a very clear policy around education funding, needs-based funding, and we will deliver on that.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Chief Minister, why did you lie about the fact that there would be no schools closing in 2004?

**MADAM SPEAKER:** Mr Hanson, please withdraw.

**MR HANSON:** I withdraw. I rephrase the question: minister, why did you not tell the community that you were going to close 23 schools in 2004?

**MS GALLAGHER:** I have answered this question in previous question times and, indeed, I have been measured on it in 2008 and 2012. I have answered the people of Canberra with every question they have had and the people of Canberra do not believe what you have just alleged.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, why did you yesterday refuse to guarantee that school funding to the ACT will not drop under Gonski?

**Mr Corbell:** A point of order. How is the supplementary related to the original question, Madam Speaker?

**MADAM SPEAKER:** The original question—if someone would like to correct my notes if I have got it wrong—was about Gonski, it was about extra funding and ACT families propping up other places. So it is about Gonski and it is about Gonski funding. Chief Minister.

**MS GALLAGHER:** Thank you, Madam Speaker. Yesterday I answered, in response to a very similar question, that the government is in the position of negotiating extra funding under the national plan for school improvement—extra, not less.

*Opposition members interjecting—*

**MS GALLAGHER:** Extra. I do not know what you do not get about that—extra funding, more.

### **Economy—global conditions**

**MS PORTER:** My question is to the Treasurer. Treasurer, how are global economic conditions affecting the ACT?

**MR BARR:** I thank Ms Porter for the question. The ACT is, indeed, impacted by global economic conditions, and the global financial crisis and its aftermath has been a period of heightened uncertainty in global financial markets. We have seen weak economic fundamentals in some regions and immense long-term structural changes occurring in many countries. Europe, in particular, has struggled with acute sovereign debt issues, weak international trade and poor economic fundamentals. The US has been somewhat weaker economically. I think it is fair to say that this region, the Asia Pacific, has fared much better, and the ACT is now well placed to take advantage of

opportunities in this region in what has been broadly accepted as the Asian century. Nevertheless, ongoing global economic uncertainty continues to present some risks to the ACT's economic and fiscal outlook.

While we have fared reasonably well in recent times, significant forces are buffeting our economy and driving structural change. Global forces are certainly negatively influencing consumer and business decisions to spend, invest and hire workers. Meanwhile, the high Australian dollar, lower commodity prices and corresponding constraints on federal government spending are certainly weighing on economic growth and, therefore, on the territory budget.

The higher Australia dollar impacts negatively here in the ACT on our small trade-exposed industries and certainly sectors that are linked to trade, such as transport and warehousing. Canberra's retail and education sectors also face significant challenges as a result of the strength of the Australian dollar, as a high dollar means imports are certainly more cost competitive and there is a significant fiscal deterrent for international students when the high Australian dollar makes the cost of studying at Australian universities higher than in other comparative parts of the world.

Household consumption and investment decisions have also been influenced by this global economic uncertainty. As you look at the trend over the last four or five years, four out of those five years since the GFC household consumption have been below trend. Households are becoming more cautious and have certainly responded to this economic volatility by rebalancing their own balance sheets.

**MADAM SPEAKER:** Supplementary question, Ms Porter.

**MS PORTER:** Treasurer, how are the global economic conditions impacting the ACT's fiscal position?

**MR BARR:** These economic conditions do flow through directly to the ACT's budgetary position. Ongoing financial market volatility is evidenced in fluctuations in our investment portfolio returns. Whilst—I think we were discussing this prior to lunch—our portfolio returns in 2011-12 yielded fairly flat outcomes on average, 2012-13 is in fact likely to see double-digit returns. In terms of our financial investment portfolio exposure, the debt investments have benefited from falling global interest rates. However, ongoing consumer caution at a national level has led to lower GST receipts, and as such the commonwealth wrote down the GST for 2013-14 from 48¼ billion in 2012-13 to 47.7 billion in the budget the night before last. This results in a reduction in GST payments for the territory of around \$49 million across the forward estimates.

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

**DR BOURKE:** Treasurer, how is the ACT government supporting our economy to deal with these global economic conditions?

**MR BARR:** One of the most important things that the government can do is to seek to create greater certainty both in terms of our policy settings and our own revenue

streams. That is why it is important when you see such volatility in the economy to have more stable revenue streams and it is why it is important to reform your tax base. It is why it is important to focus on business development strategies and to ensure affordability measures are in place for your housing market.

Why tax reform, Madam Speaker? Because it helps lower costs on businesses; it makes the tax system more efficient; and it reduces the excess burden in the economy. So nearly \$170 million worth of deadweight loss is lifted from the territory economy as a result of the shift away from inefficient transaction taxes. That money goes back into the pockets of Canberra businesses and households. That is the benefit of tax reform.

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

**MR GENTLEMAN:** Minister, would this have any effect on the ACT's credit rating?

**MADAM SPEAKER:** Mr Gentleman, in your question you say, "Does this have anything to do with the ACT's credit rating?" Are you saying, "Does the global financial crisis have anything to do with—"

**MR GENTLEMAN:** The ACT's fiscal policy.

**MADAM SPEAKER:** So your question is: will the ACT's fiscal policy have an impact on our credit rating? Is that what you mean?

**MR GENTLEMAN:** "The global economic conditions affecting the ACT" was the original question. My question is: will these conditions have any effect on the ACT's credit rating?

**MADAM SPEAKER:** I just wanted to get the connection between your supplementary and the original question. Mr Barr, the Treasurer.

**MR BARR:** I thank Mr Gentleman for the question. Of course the ACT is one of only two Australian jurisdictions with a AAA credit rating and a stable outlook. The ACT and Victoria, I understand, are the only two that share this at a state and territory level. Of course the commonwealth government has a AAA credit rating, achieved across all three major ratings agencies.

The ACT credit rating was, indeed, endorsed following last year's budget, and there was particular attention paid to the tax reform agenda of the government and the importance of that reform to maintain our AAA credit rating in the long term because it demonstrated the government's commitment to make the right decisions for our community and for our economy.

### **Federal government—budget**

**MR SMYTH:** My question is to the Minister for Economic Development. Minister, portfolio budget papers for the Department of Broadband, Communications and the Digital Economy note that funding for the commonwealth government's ICT centre of

excellence program is now to expire at the end of 2015. This is the funding for NICTA. Minister, as the single largest NICTA hub in Australia is located in Canberra, can you confirm that this research institution's commonwealth funding will be discontinued in the 2015-16 financial year?

**MR BARR:** I am not in a position to confirm it. I would need to seek advice from the commonwealth government.

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

**MR SMYTH:** Minister, why haven't you sought advice on this issue as this was released in the budget on Tuesday?

**MR BARR:** Because there are many things to follow up on following a commonwealth budget. We will be working through the detail of the budget, portfolio by portfolio, national partnership by national partnership, over the coming days and weeks.

**MADAM SPEAKER:** Supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, how many job cuts will this federal Labor initiative lead to, and what is the value of prospective commercialisation revenue forgone for the ACT?

**MR BARR:** The question is hypothetical, Madam Speaker.

**MADAM SPEAKER:** Supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, what will you be doing to stop this federal government cut?

**MR BARR:** The question is hypothetical at this stage, Madam Speaker.

### **Schools—priority placement system**

**MRS JONES:** My question is to the minister for education. The suburb of Rivett falls in a shared priority placement area for Chapman and Duffy preschools for preschool enrolments, and Coombs and Wright also fall in a shared priority placement area. Residents of Rivett who have gone to Chapman preschool to enrol have been turned away and told that Chapman residents get first priority. Duffy preschool has been able to accommodate Rivett preschool enrolments thus far, I believe, and residents for Coombs and Wright can enrol at Duffy or Curtin. What happens, minister, to children from Rivett when Duffy preschool is filled with children from Duffy? Do they have no school that will have to accept them?

**MS BURCH:** I thank Mrs Jones for her question. At the end of the question you became hard to hear. It was about where, as those new suburbs grow, those children come to enrol. Can you repeat that?

**MADAM SPEAKER:** Repeat the end of the question, please.



**MRS JONES:** Duffy preschool has been able to accommodate Rivett preschool enrolments thus far. I believe residents for Coombs and Wright can also enrol in Duffy or Curtin. But what happens to children from Rivett when Duffy preschool is filled with children from Duffy or Coombs or Wright? Do they have no school that will have to accept them?

**MS BURCH:** It is a good question. Priority enrolment areas shift occasionally. But we have made a commitment through our universal access to the government preschools to accommodate up to 15 hours of preschool. So I would say the intent is to accommodate families in suburbs in a preschool that is near to them. Also, I know there is capacity in the Weston area, in Weston preschool.

I am not able to give you a direct and clear answer because it depends on when those schools reach capacity and how we move forward. I am quite happy to see if there is information that the directorate can provide to me, but I think it is about responding to the need when it arises, and doing that forward planning.

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

**MRS JONES:** What does the priority placement system do for residents of Wright and Coombs when Duffy and Curtin are full?

**MS BURCH:** I will have to take some advice on that—other than the principle of supporting, as far as we can, access to a preschool that is as close to their suburbs as possible. But, as I have indicated, sometimes those feeder suburbs change as different capacity measures are met.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Minister, could you explain the priority enrolment policy for preschools to the Assembly?

**MS BURCH:** It is around ensuring access to the local families and communities at that preschool. As I have said, these boundaries change over time through enrolment peaks and ebbs. That often depends on the growth of families at the time. The suburbs, as we know, often have growth in enrolments, and we have seen that through Tuggeranong, Weston Creek and other areas. We will certainly see peaks of demand for primary school and preschool as the Molonglo suburbs come on.

**MADAM SPEAKER:** Supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, do we have a situation where preschoolers in some suburbs are not guaranteed a placement and are in second-class suburbs?

**MS BURCH:** To consider second class suburbs is really such a negative approach from Mr Doszpot. It is the way he has described our funding and our approach to Gonski. What I have indicated is that the boundaries for priority preschools change over time. We, this government, made a strong commitment to supporting families, providing education for the young ones through preschool, through our universal access hours. I think it is quite clear.

## **Crime—Tuggeranong**

**MR SESELJA:** My question is to the Attorney-General. I have been approached by a number of Tuggeranong constituents concerned about the safety of their neighbourhood, particularly following the violent assault on a young male at Erindale shops on 1 April. Attorney, what action is being taken in Tuggeranong to address violence on people and property in that area?

**MR CORBELL:** I thank Mr Seselja for the question. Any level of crime is obviously of concern, particularly to those individuals who are the direct victims of it. But I can assure Mr Seselja and other members that, overall, across the ACT most crime types are down and are down significantly. For example, assaults have decreased by 12 per cent in the 12 months to March 2013. There were 2,145 offences when compared to the 12 months to March 2012 with 2,447 offences. That is a decrease over the 12-month period of 302 offences. Equally, public order offences have decreased by 19 per cent to 866 offences in the 12 months to March 2013 compared to 1,066 offences in the 12 months to March 2012. That is 200 fewer public order offences.

This is a result of dedicated work by ACT Policing to target, in particular, recidivist activity amongst people committing these crimes and to bring them appropriately before the courts, It is also a result of Policing working in partnership with the government, particularly in relation to our property crime reduction strategy, which is delivering real results in diverting young people, in particular, away from certain crime types and focusing on the underlying causes of crime.

Clearly, any assault, any crime is of concern, particularly for those who are directly affected by it. If Mr Seselja would be prepared to provide to me, perhaps through my office, the specifics of the incident he is concerned about, I can certainly undertake to have ACT Policing follow the matter up further.

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

**MR SESELJA:** Attorney, what action has been taken to investigate the alleged violent assault at the Erindale shops on 1 April?

**MR CORBELL:** Obviously I am not privy to all the circumstances of every matter reported to ACT Policing, but I am happy to take the question on notice and provide further information, as appropriate, to the member.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Attorney, what police blitzes like those carried out in Civic have been extended to suburban areas such as Erindale?

**MR CORBELL:** ACT Policing have been undertaking targeted activities right across the city. They do not just do it in Civic. They do it right across the city and they do it based on the intelligence-led approach. So where there are particular hotspots of activity of concern, ACT Policing are targeting that activity.

ACT Policing have recently restructured their shift arrangements to provide more time for these types of specialist, targeted activities to occur in response to community concerns. And that is delivering results. Fewer public order offences, fewer assaults—those are the results of this work. We will continue to focus on it. Where there are concerns that members have, I am very happy to ensure that information is relayed to ACT Policing so that if it adds anything further to their knowledge, they are able to take advantage of it to target those who perpetrate crimes.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Attorney, what action can local residents take if they are concerned about violence in their neighbourhoods?

**MR CORBELL:** I thank Mr Wall for the supplementary. The best thing that residents can do is ensure that each and every instance is reported to police. Police are using an intelligence-driven model where they compile information holdings on the pattern of crime in a suburb. The more that residents report, the better the picture the police are able to build, even if it is after the event; even if police are not able to respond to that particular incident because it is after the event—that is, opposed to when the event is occurring.

If residents have knowledge and if they have information, I encourage them to report it to Crime Stoppers or to their local police station so they can help build the intelligence picture, because what we are seeing is that the intelligence picture being built by police is working. These information holdings and intelligence gathering efforts of our police are working. They are able to target the activity and drive down the crime rate. Public order offences were down 19 per cent in the last 12 months. Assaults were down 12 per cent in the last 12 months. Those are the results of intelligence-led policing. I would encourage all members of the community to further support their police by reporting any information they have that can assist police.

### **Crime—statistics**

**MR GENTLEMAN:** My question is to the Attorney-General. Attorney, can you please outline for the Assembly the latest results contained in the criminal justice statistical profile you tabled earlier this week?

**MR CORBELL:** I thank Mr Gentleman for the question.

*Members interjecting—*

**MADAM SPEAKER:** Order, members!

**MR CORBELL:** Yes, I can certainly outline to members the latest results in the profile. I have already mentioned a couple of them but I will mention a couple more because the results are very good. The results are excellent. I am very pleased to report that in the 12 months to March 2013, compared to the 12 months to March 2012, there have been across-the-board decreases in robberies, including extortion and related offences. They are down by 31 per cent.

Burglary and break and enter offences are down by 21 per cent. Sexual offences have decreased by 20 per cent. I have mentioned already public order and assault. I will also deal with property damage, including environmental offences. They are down by 15 per cent. Motor vehicle theft is down by 10 per cent and weapons offences are down by seven per cent.

These are excellent results for our community. They are a result of dedicated work by our police working in concert with other government agencies around our property crime reduction strategy. These have real and tangible benefits for our citizens. In particular, when you look, for example, at burglary and break and enter offences, there were 587 fewer offences in the last 12 months compared to the 12 months before. That is 587 fewer homes that were broken into or had property stolen from as a result of this excellent work by ACT Policing.

Equally, 115 fewer motor vehicles were stolen in the last 12 months compared to the previous 12 months before that. That really highlights the very important work being done by our police, this government's commitment to continuing to make Canberra a safe city—indeed, one of the safest cities and most secure cities in the country.

We intend to build on these results through the development and deployment of our property crime reduction strategy in particular, as well as the reforms this government has already put in place, such as our liquor licensing reforms that have put more police on the beat dealing with liquor licensing matters and which have seen a resultant reduction in the number of alcohol-related crimes occurring in our community.

This government has a strong record on community safety, on providing better policing services, and as a result we see the statistics that I have mentioned today. We will continue to build on those into the future.

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

**MR GENTLEMAN:** Minister, what initiatives has the government put in place to contribute to these excellent results?

**MR CORBELL:** I thank Mr Gentleman for the supplementary. As I have already indicated, the property crime reduction strategy is a vital part of this activity, along with the volume crime reduction strategy being implemented by ACT Policing.

The property crime reduction strategy in particular is designed to build on an informed evidence base of strategies to keep reducing the cycle of property crime in our community. This is about breaking cycles of offending and the associated cycles of vulnerability which are often the causes of crime—things like poor mental health, poor physical health, low levels of education, lack of a job, unreliable or no housing. These are all factors that contribute to people choosing to commit crimes. Therefore tackling these problems reduces the level of crime in our community.

The property crime reduction strategy outlines how vulnerable and at-risk youth will be engaged in education, training and employment to encourage them to choose an

education or a job over committing crime. These are the fundamental steps we need to take to ensure that we continue to drive down the level of crime in our community.

On top of that, ACT Policing, through their volume crime reduction strategy, is targeting known offenders, proactively patrolling public places to prevent property crime, and raising community awareness about personal safety and making homes, business and workplaces secure. For example, ACT Policing has undertaken its project safe plate, providing for special one-way screws to be attached to number plates to prevent them from being stolen, and therefore reducing opportunities for related motor vehicle theft. It is just one example of the type of efforts being undertaken across the city to deal with these issues.

**MS PORTER:** Supplementary.

**MADAM SPEAKER:** Supplementary question, Ms Porter.

**MS PORTER:** Attorney, how has the community been encouraged to contribute to a reduction of crime in the community?

**MR CORBELL:** I thank Ms Porter for the supplementary. There are a couple of things where we can see how police and government engage with the community to encourage them to assist in reducing crime and to reduce the opportunities for crime. For example, Policing have an excellent display at the Royal Canberra Show, a crime scene house that explains what happens at a break and enter scene in a home and what householders can do to try and prevent that occurrence from happening in their own home.

Equally, Policing are undertaking efforts to educate and inform parents and young people about issues around alcohol consumption and alcohol-related violence. These included the launch of a new social media campaign called “Don’t take your chances” to deter young people from under-age drinking as part of the recent Skyfire event around Lake Burley Griffin and also trying to send a message that it is okay to say no to alcohol.

These are two very good examples where police are engaging with the community, encouraging the community to understand risks, to understand what they can do to prevent crime and to keep themselves safe.

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

**MS BERRY:** Minister, this year ACT Policing celebrates its centenary of—

**MADAM SPEAKER:** Preamble, Ms Berry. Could you get to the question?

**MS BERRY:** Could the minister outline some of the features contained in the centenary of policing in Canberra coffee-table book which contributed to the evolution of policing in the ACT?

**MADAM SPEAKER:** I am sorry, I am not quite sure how a coffee-table book relates to crime statistics. I think I am going to have to rule it out of order.

### **Municipal services—street sweeping**

**MR WALL:** My question is to the Minister for Territory and Municipal Services. Minister, according to the street sweeping schedule for the year as published on the TAMS website, suburbs such as Ainslie, Turner and O'Connor are scheduled to be swept five times during the year. However, the vast number of suburbs in my electorate are only scheduled to receive two or three sweeps per year. Minister, why are streets in Tuggeranong and south Woden not receiving the same level of attention as suburbs in the inner north?

**Mr Seselja:** Shame!

**MR RATTENBURY:** Far from the shame suggested by Mr Seselja in a very parochial manner, there is actually a very good explanation for this. The standard procedure for all suburbs is to be swept twice a year but those parts of Canberra that have a large number of mature deciduous trees and therefore shed a significant number of leaves require additional street sweeping during the autumn season. So TAMS schedules additional sweeps at that time of year to clean up the significant number of leaves that fall.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, given the substantial rates increases residents in Tuggeranong have experienced, what increase in maintenance services are they receiving and why are they still receiving far less than the inner north?

**MR RATTENBURY:** Having answered the previous question, I think the premise of Mr Wall's question is shown to be flawed.

**MADAM SPEAKER:** It also had a preamble.

**MR RATTENBURY:** I can assure members of the chamber that all of Canberra gets as good a level of service as TAMS can provide. There is a whole range of services that TAMS provides to the community with the resources that are available to it. I have spoken in this chamber before, as have some of my predecessors, about those things. They included the regular litter picks that happen, street sweeping, the cleaning of public toilets and the maintenance of parks and reserves. All of these services are provided across Canberra as much as they can be within the resources available and on an equal basis, other than in some obvious things—like the street sweeping which I have spoken about—where there are particular geographic needs, and those do vary across different parts of town.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Minister, what explicit additional services have been delivered in Belconnen as a result of the revenue brought in by the LVC?

**MR RATTENBURY:** I do not know there is anything specific, Mr Coe. I am happy to seek some further advice on that. I think, as I have just indicated, TAMS is providing services right across the city. Things will vary from year to year. Certain parts of town will have certain additional resources invested as the need arises. So, for example, in the electorate of Ginninderra that you have just asked about, there is a very significant project going on down at the southern end of Lake Ginninderra to clean out the gross pollutant trap there which, over the years, has accumulated a significant level of pollution. There is quite a major revamp going on there. So that is a large investment that is taking place. But those sorts of things are happening around town all the time, as is required. I do not think it is about being parochial about one's electorate; it is about delivering the services the city needs.

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

**MRS JONES:** Given the increases in rates paid by residents in Gungahlin, are there any specific increases in services that have been provided to that area?

**MR RATTENBURY:** I refer you to the answer I just gave to Mr Coe.

### **Health—chronic conditions**

**DR BOURKE:** My question is to the Minister for Health. Can the minister outline the key elements of the government's chronic conditions strategy 2013-18?

**MS GALLAGHER:** I thank Dr Bourke for the question. This is an important strategy and it does not get a lot of attention in discussions about the ACT health system. The chronic conditions strategy, which we have just released and which is available online, sets out a clear direction for the care and support of those people living with chronic conditions in the ACT, for the next five years.

The development of the strategy was very consultative—with the community and stakeholders, including those involved in the delivery of health care, but also very much with consumer and carer organisations. The strategy contains several priority areas to improve care and services for people with chronic conditions, including the better use of existing services, improved access to services and improved early detection of illnesses.

Under the strategy, services in the ACT have agreed to work together to ensure that the health system is patient and carer centred, that it is evidence informed and that any person living with a chronic condition receives appropriate screening and early detection; receives the right care, in the right place, at the right time, from the right team; has a plan which supports active participation in their care; is aware of relevant support options and how to access them; is provided with the information and support to stay healthy and/or minimise the risk of other conditions; and does not have to repeat their story unnecessarily. I know that is a big issue for people who are frequent users of the health system.

Due to the complex and dynamic nature of chronic conditions, the strategy outlines a collaborative approach to their management. The strategy outlines a range of possible action areas to improve access and to enhance services, including the improved use of online directories to provide information available to patients; the expanded use of telehealth in the home to increase ease of access to home monitoring, coaching, video consultation appointments and home medication management; patient-centred chronic condition management plans to better incorporate the medical, psychological and social aspects for the person with a chronic condition; and a streamlining of cross-government directorate processes to reduce barriers to service as well as to employment opportunities, financial support and housing.

We have already delivered a range of services for the self-management of chronic conditions, including home telemonitoring and care coordination, to help people better manage their condition at home. However, this new strategy will increase the options available for the care and support provided to those living in the community with chronic conditions. The strategy also acknowledges the very important role for primary health care, complementary therapists, support and advocacy groups, family, friends and carers in the ongoing management of chronic conditions.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Minister, what effect do chronic conditions have on the overall health system?

**MS GALLAGHER:** I thank Dr Bourke for the supplementary. Chronic conditions present unique challenges to our health system and certainly create a lot of demand across the system. Whilst we enjoy a largely healthy community, the prevalence of chronic conditions is increasing, with 80 per cent of demand for disease and injury health care now due to chronic illnesses. Cancers, cardiovascular disease and neurological conditions are some of the most prevalent conditions which affect 19 per cent, 15 per cent and 11 per cent of the ACT population respectively.

So we do understand the need to invest in the care and prevention of chronic conditions to keep people well and well managed in the community and out of the hospital system. I do not think I have ever met somebody who wants to spend more time in hospital, and we also acknowledge that in the delivery of care the majority of recovery happens in the home, as is appropriate.

In recent years approximately half of the potentially preventable hospital presentations in the ACT were due to chronic conditions. It is certainly something that more often than not affects people over the age of 45. So if we are able to improve management of chronic conditions in the community, we will be able to better prevent unnecessary hospital presentations, and that of course is at the expensive end of healthcare delivery. There would be significant financial benefits that flow to the health system and also in the quality of care provided to people.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.



**MR HANSON:** Minister, what financial support is your government providing to community organisations that support the self-management of chronic illness?

**MS GALLAGHER:** I would have to take the detail on notice but the Health Directorate are one of the largest directorates across government that provide funding to non-government organisations. Certainly the Heart Foundation would, as one of the peaks, fit into that criterion. But they have a range of different programs. We have also engaged with Medicare Local from time to time as well. I will be able to get a full list of that and provide that to the member.

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

**MS BERRY:** Minister, what should individuals do to ensure that they are not prone to chronic health conditions as they get older?

**MS GALLAGHER:** The chronic conditions strategy addresses the care and support for people who have a chronic condition. However, the Health Directorate also undertakes a range of activities in health promotion and the primary prevention of chronic conditions to help people who have chronic conditions. All individuals in the ACT can ensure that they are not prone to develop chronic health conditions as they get older.

I should say that we are very mindful that not all chronic conditions can be prevented or managed through lifestyle modifications, but living a healthy lifestyle, making sure you are getting adequate levels of physical activity, eating well, not staying on your computer all the time, not smoking and looking after your blood pressure will all contribute to improved health outcomes.

According to the 2012 Chief Health Officer's report, only 57 per cent of ACT adults were sufficiently active, less than 10 per cent of ACT adults eat sufficient vegetables on a daily basis and more than 40 per cent of adults do not eat enough fruit. So there are some improvements we can make, but it is also important that we have a strategy that supports those who are living with a chronic condition and their families and carers.

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

### **Supplementary answers to questions without notice Federal government—budget**

**MR BARR:** In response to a question that was raised by Mr Smyth and a series of supplementaries from Mr Doszpot in relation to NICTA, I have some advice I would love to share with the Assembly. It is a lesson, Madam Speaker, in never taking what Mr Smyth says to be the truth. It turns out that the article that Mr Smyth appears to have been basing his particular information on, and his interpretation of the budget pages, in fact shows that NICTA is funded in the budget for the 2013-14 and 2014-15 financial years and that Minister Conroy has said that future funding will be considered in the context of next year's budget. Furthermore, a spokesperson for NICTA says:

No new funding was expected to be announced in last night's statement.

NICTA still has over two more years of funding under the existing four year program—

the \$185.5 million four-year program—

and continues to receive strong support across government and Parliament. We are in ongoing discussions about funding beyond the current term.

There is one government in this country that has cut funding to NICTA. That would be the Campbell Newman led government in Queensland. They ditched their funding for NICTA in the last year. So the question would be: what is Mr Smyth going to do to convince his colleague Mr Newman to renew funding for NICTA?

### **Economy—trade missions**

**MR BARR:** On a second matter, Madam Speaker, Mr Doszpot asked a question on Tuesday in relation to eligibility for Trade Connect grants. I can advise Mr Doszpot that the eligibility criteria are available on the business ACT website. He asked a question in relation to Trade Connect funding and the eligibility requirements. The details are outlined. I will not read them all out, but there was a specific question about whether you could access Trade Connect grants for any travel and living expenses. I am advised that you can. You must pay up-front, but you can seek reimbursement of up to 50 per cent of an economy class fare and 50 per cent of a daily living expense to a maximum amount of \$300 for two people only, up to a maximum of 14 days. You need to pay all costs in advance, and reimbursement of legitimate expenditure will occur following funded activity. There is no provision for funding in advance of any of the activities, and you must provide a funding activity report and receipts in order to receive any reimbursement under the scheme.

### **Personal explanations**

**MR SMYTH** (Brindabella): I would like to make a personal explanation under standing order 46.

**MADAM SPEAKER:** Do you claim to have been misrepresented?

**MR SMYTH:** I have been misrepresented, Madam Speaker.

**MADAM SPEAKER:** Leave is granted to make a personal explanation.

**MR SMYTH:** Thank you, Madam Speaker. Mr Barr has just said that I was wrong in the assertions that I have made over NICTA. The question that I asked, which he was unable to answer, was: can you confirm that this research institution's commonwealth funding will be discontinued in the 2015-16 financial year? When one goes to the budget papers for the current year, in 2015-16 NICTA was to receive \$20,363,000. In the coming year, the 2013-14 year, that space is empty. The funding has been cut. I did not ask about this year or next year; I asked about the third year. The minister is wrong.

I seek leave to table the two documents from the federal budget papers that confirm (1) that my question was accurate and correct and (2) that the minister is wrong.

Leave granted.

**MR SMYTH:** I table:

DBCDE Budget Statements—Copy of extracts (pages 26 and 28).

**MR BARR:** Madam Speaker, in 2010, I—

**MADAM SPEAKER:** No. Sorry, Mr Barr; you do not have the call. You cannot just stand up and talk.

**MR BARR:** I am seeking the call, Madam Speaker, in response.

**MADAM SPEAKER:** No, you cannot make a response.

**MR BARR:** I can add to questions from question time.

**MADAM SPEAKER:** No; I am sorry.

**Mr Hanson:** It is a personal explanation.

**MADAM SPEAKER:** A personal explanation is not a debate; it is a personal explanation.

**MR BARR:** I can seek to make a personal explanation then, Madam Speaker.

**MADAM SPEAKER:** You have to claim to be misrepresented.

**MR BARR:** I have just been misrepresented by Mr Smyth, Madam Speaker.

**MADAM SPEAKER:** You claim to be misrepresented.

**MR BARR:** I have.

**MADAM SPEAKER:** You have leave.

**MR BARR:** I will be clear, Madam Speaker. The commonwealth government indicated in 2010 that its \$185.5 million funding for NICTA would allow it operate until 2015.

**Mr Coe:** Point of order.

**MADAM SPEAKER:** No. Mr Rattenbury has the call.

## **Supplementary answer to question without notice Municipal services—street sweeping**

**MR RATTENBURY:** During question time Mr Coe asked me about the expenditure from the lease variation charge in the electorate of Ginninderra. I indicated that I could provide more information. I refer Mr Coe to budget paper 3 of the 2012-13 ACT budget, page 203, which outlines the expenditure for the urban improvement program funded by the lease variation charge. That identifies a number of specific expenditures in Ginninderra, including an upgrade of the Belconnen dog park, the Belconnen to City transit way, College Street section, and some other matters. It also includes expenditure across Canberra such as footpath improvements. Similarly, Mrs Jones asked me a subsequent question about Gungahlin. Again I point to the table on that page, which contains a number of Gungahlin-specific expenditures.

## **Public Accounts—Standing Committee (Seventh Assembly) Report 25—government response**

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

Public Accounts—Standing Committee (Seventh Assembly)—Report 25—*Review of Auditor-General's Report No. 1 of 2011: Waiting Lists for Elective Surgery and Medical Treatment*—Government response.

## **Report 29—government response**

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

Public Accounts—Standing Committee (Seventh Assembly)—Report 29—*Review of Auditor-General's Report No. 6 of 2012: Emergency Department Performance Information—August 2012—Interim Report*—Government response.

## **Papers**

**Mr Corbell** presented the following papers:

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquests into the deaths of Jun Liu and Kuei-Hsiang Tsou—

Reports dated 10 December 2012.

Executive response.

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Criminal Code—Criminal Code Amendment Regulation 2013 (No 1)—Subordinate Law SL2013-10 (LR, 9 May 2013).

Road Transport (Driver Licensing) Act and Road Transport (Safety and Traffic Management) Act—Road Transport (Police Driver and Rider Exemptions) Amendment Regulation 2013 (No 1)—Subordinate Law SL2013-9 (LR, 6 May 2013).

Road Transport (General) Act—

Road Transport (General) (Garbage and waste disposal) Exemption 2013 (No 1)—Disallowable Instrument DI2013-54 (LR, 9 May 2013).

Road Transport (General) (Police Motorcycle Rider) Exemption Revocation 2013—Disallowable Instrument DI2013-50 (LR, 6 May 2013).

Road Transport (Third-Party Insurance) Regulation—Road Transport (Third-Party Insurance) (Industry Deed) Approval 2013—Disallowable Instrument DI2013-51 (LR, 9 May 2013).

**Ms Burch** presented the following paper:

Autism Support Services—Report on support provided for autism diagnosis and services and the potential for further reforms resulting from the National Disability Insurance Scheme and the National Plan for School Improvement, dated May 2013.

**Federal government—budget**  
**Discussion of matter of public importance**

**MR ASSISTANT SPEAKER** (Mr Gentleman): Madam Speaker has received letters from Ms Berry, Dr Bourke, Mr Coe, Mr Doszpot, Mr Gentleman, Mr Hanson, Mrs Jones, 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 Mr Coe be submitted to the Assembly, namely:

The impact of the Federal budget on the ACT.

**MR SMYTH** (Brindabella): Under standing order 46 I think I have been misrepresented and wish to make a statement.

**MR ASSISTANT SPEAKER**: Please proceed, Mr Smyth.

**MR SMYTH**: Thank you, Mr Assistant Speaker. I am sure Mr Coe will be back from upstairs very quickly. Just following up from what Minister Barr read, it is quite unusual to make a statement and then read your own statement to confirm that you were accurate. What I did was to check again the funding figures that I have tabled,

and I ask members to look at the two documents I have tabled that confirm that funding was ongoing into 2015-16. Of course, that funding of more than \$20 million has now been withdrawn from NICTA.

**MR COE** (Ginninderra) (3:36): Mr Assistant Speaker, I seek to move a matter of public importance about the impact of the federal budget on the ACT.

**MR ASSISTANT SPEAKER:** You do not need to move it.

**Mr Hanson:** He doesn't normally win MPIs.

**MR COE:** That is right. I think this is only the second or third time I have won an MPI in the 140 times that I could have.

**Mr Barr:** You should get Tom Waterhouse odds on that bet.

**MR COE:** That is right. It could have been more certain if I had invested with Eddie Obeid. But of all MPIs to get, I am pleased to get one as important as the state of the current federal budget and, of course, the impact it will have on all territorians. The ACT budget, which will be handed down in a month, will be in an interesting situation as it will be in the shadows of this terrible federal budget. It is a budget which really goes against all that has been said by the Labor Party over the last five or six years both on the hill but also in this place. It is a budget which is true to what they have been saying—it is a Labor budget; it reflects Labor values and reflects the Labor Party's mismanagement of the economy.

At the forefront of this issue is, of course, the deficit. For a long time we have been hearing from the government that there are always externalities as to why they cannot deliver a budget surplus. There is always an excuse; there is always an explanation as to why the Labor Party is not able to deliver a surplus. Well, here we go, once again, we have another excuse. Despite revenue going up six per cent, despite revenue repeatedly going up, this government is unable to balance the books. And who has to pay for that? Not just current Australians but future generations of Australians have to pay for this government's mismanagement.

I think that, if we are going to have a deficit, if there were something to show for it there would be some acceptance. People would be far more inclined to say it was reasonable if we had something substantial to show for it. But the reality is that all the money that has been squandered over the last five or six years has genuinely been squandered. There is so little to show for it.

Here in the ACT we are going to struggle. In fact, here in the ACT it is estimated that 1,262 jobs will be shed. Those 1,200 jobs are jobs the government said would not be lost. Last year Gai Brodtmann, member for Canberra, and numerous other Labor MPs said there would be no job cuts here in the capital. They said the only risk to public servants here in the ACT would be a Tony Abbott government. Well, that was wrong. That was absolutely wrong. The fact is even the Labor Party—the so-called champions of the public service, the so-called champions of the public sector—have brought misery to many territory public servants.

The Canberra Business Council put out a commentary entitled “Another budget full of negatives for the ACT”. The Canberra Business Council is pretty diplomatic in its dealings with governments both at territory and federal levels, so for it to come out with a heading such as that is pretty telling. The commentary includes:

The reality is that there is very little in the 2013 Federal Budget to support jobs and growth in Canberra—on the contrary, the Budget flags a further cut to the Australian Public Service ... of another 1200 jobs.

It is true that we live in an uncertain world. Over recent years ACT businesses have been constantly exposed to:

- reports of global economic uncertainty;
- political leadership instability;
- the uncertainty and indecision flowing from a seven-month “claytons” election campaign;
- increasing taxes and regulations;
- constant speculation about the magnitude of likely cuts to the public service ...
- rising unemployment albeit of a low base.

Of those six dot points, just about all of them can be controlled by the federal government. Australia is a major player in the global economy but, of course, by no means can it be seen to be a dominant player, so there will be externalities, but there were externalities in previous administrations as well. There were externalities during the Howard government. Let us not forget the Asian financial crisis. What happened there? The federal government under John Howard had the only economy in the Asia region that grew throughout that period. That was not by chance; that was because of the then Liberal government’s ability to manage the books.

Quite a telling story is told in a chart produced by Sinclair Davidson and reported on the ABC. It says that the budget deficit for this financial year is \$19.4 billion. The budget deficit for the coming financial year is \$18 billion. But this is the particularly intrusive figure for taxpayers—Swan’s accumulated deficits to date are \$191.7 billion. Going back to what I said earlier, if you have those kinds of deficits but you have something really substantial to show for it, people would be more accepting. But the fact is that so much of that has been squandered. And they are just the accumulated deficits; they are not actually the bulk of the budget. In contrast, Costello had accumulated surpluses of \$97.4 billion. So there you have a clear contrast—one is Labor values and one is Liberal values. The Liberal values are living within our means. The Labor values are spending at all costs and leaving it for a future coalition government to pick up the scraps.

This Labor budget is one which the National Council for Single Mothers and their Children has described as completely devastating. Further:

“I’ve fielded calls from women who have been broken down since they’ve learnt that their plight has not been heard,” ... Terese Edwards told reporters in Canberra today.

“They were hanging onto a cliff by the skin of their fingers and they were pinning their hopes on this budget.”

Well, a Labor budget, Labor values, did not deliver for them.

The economic times require tough decisions to be made and the financial situation determines that cuts need to be made. A future coalition government will have to make cuts. In actual fact, I imagine tonight when the Leader of the Opposition outlines his speech to the nation he, too, will either endorse or foreshadow cuts. But why do those cuts need to be made? It is because of six years of a Labor government; six years of deficits; \$191.7 billion. That is the kind of money that has to be accounted for by a future Liberal government.

The Consumer Health Forum chief Carol Bennett said that the heavier costs that consumers are now facing will fuel the emergence of a two-tiered health system—one for those who can afford to pay and one for those who cannot. She said:

Unfortunately there is a growing number of Australians, particularly the aged and the chronically ill, who are struggling to afford necessary medical treatment ...

Medicare is already under strain. We expect to see GP bulk billing drop and even greater pressure on doctors to speed up patient consultations.

People in the ACT will feel the brunt of the federal budget when they go to a doctor, because when they go to the doctor, it is the gap, the out-of-pocket expenses, which Canberrans will now have to pay to make up for Wayne Swan’s deficit. Research conducted suggests that people who see a doctor are going to be out of pocket in excess of \$40 or \$50 as a result of the cuts that Wayne Swan brought down on Tuesday. They are very real costs. Here in the ACT we already know that many people avoid seeing a doctor because of the cost or because they cannot get in to see a doctor. What the government has done with regard to Medicare has made it very difficult for doctors to operate here in the ACT. There are even fewer incentives to open up a small practice and it is even more difficult, therefore, for a patient to go to see their GP.

One of the other things we are likely to see in the next year or two as a result of the budget deficit is paid parking in the parliamentary triangle. It is estimated to bring in \$73.3 million. Someone who seems to have been very quiet on this is Kate Lundy; she has been MIA when it comes to this issue. I do not think I have seen her reported at all this week, let alone talking about this issue. So what is the government’s stance on this issue? How much of that \$73 million is going to flow into the ACT? When is it going to be installed? There are a lot of questions about this.



Whilst some sectors of the community will support bringing in paid parking in the parliamentary zone, there will, of course, be many people that will be far worse off as a result of this. All this is because we have a federal government that cannot manage the bills. We have a federal budget that is \$191 billion collectively in deficit since the Labor Party came to office in 2007.

These are Labor values; this is a Labor budget. This is not an election budget; it is not a legacy budget. It is a Labor budget with a lot of misery. Some decisions have been made in the budget which the coalition, I am sure, will support. But the fact is, this is a missed opportunity because, had the economy been managed properly over the last six years, many more sweeteners would be on offer for all Australians, particularly here in the ACT. But the reality is that the government's poor fiscal policy has led to a situation where some very tough decisions have to be made. Unfortunately, it is here in the ACT where we will be feeling it the hardest.

**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) (3.50): I thank Mr Coe for bringing forward this MPI and for being here on time to do so. Mr Assistant Speaker, there is no doubt that the federal budget does impact the ACT. Canberra was founded to be the national capital and, as such, is the administrative heart of the country. Needless to say, given that the commonwealth budget contributes about 50 per cent of all economic activity in the territory—public consumption from the commonwealth government accounts for nearly \$25 billion of a \$50 billion state final demand figure—decisions taken in the federal budget each year certainly affect this city.

It is interesting that the MPI this afternoon is under the very broad topic of the impact of the federal budget, not any specific federal budget. Let us have a look at the history of federal budgets and how they impact upon the territory. It was a fascinating little trip down memory lane; before I was born, perhaps when the shadow treasurer was getting around in short pants. The Gang-gang column in today's *Canberra Times* gave an example of the impact of the federal budget on the ACT. The column talked about the "clear local outrage" at the budget handed down in 1951 by the then Treasurer, Arthur Fadden, which was epitomised by a local who scrawled "R.I.P., 10,000 public servants" onto a tombstone located at the front of the Public Service Board. It would appear that cutting the public service is part of the Liberal Party DNA all the way back to the 1950s. Some things never change.

But unreconstructed Liberal policies aside, the commonwealth's decisions on spending and employment are clearly pivotal to the ACT's economic fortunes. In recent years we have seen the positive impact of the commonwealth, which has helped to fund important projects in the ACT and to increase its level of employment. It is interesting when you go back and have a look at the level of growth in commonwealth public sector employment in the ACT since this government was elected. I will put the figures on the public record again to remind those opposite.

The Australian Public Service Commission head count of public servants employed by the commonwealth in the ACT in June 2007 was 56,709. That increased to 58,971

in June 2008, following the first budget of the Rudd government. By June 2011 it had increased to 64,759. In December 2012, the most recent data published by the commonwealth, there were 66,326 commonwealth public servants employed in the ACT—66,326 out of a total workforce of 209,400, which of course is an all-time record for employment in the ACT.

The commonwealth not only funds important projects in Canberra but also provides a significant level of employment, roughly a third of all employment in the city. Along with the funding committed by the federal government via the National Capital Authority, through its capital works commitments, and funding provided for specific national capital programs such as the Portrait Gallery, Anzac Parade and extensions to the Australian War Memorial, the federal government has in recent times also funded and contributed to a number of works programs delivered by the territory government through our own capital program.

That partnership has provided—just to give a few examples—funding for the Majura parkway, work which is progressing—\$144 million, the Constitution Avenue upgrade, the National Arboretum and Canberra's centenary celebrations. We are very pleased that the commonwealth made a contribution to the lights at Manuka Oval and the duplication of the Monaro Highway. The commonwealth provided funding for trade training centres in the ACT, the integrated cancer care centre, the Kings Highway upgrade, the black spot program and, of course, the upgrade of roads around the airport.

Under the nation building and jobs plan, since the 2008-09 fiscal year the ACT has been allocated approximately \$250 million worth of funding from the commonwealth budget for education, housing, transport and roads. The ACT government welcomes these funding commitments made in the federal budget to the ACT.

In the most recent budget that was handed down on Tuesday evening, we have again seen further contributions to the territory from the commonwealth. These include funding for DisabilityCare, extra funding for Geoscience Australia, the CSIRO, the ACCC—the Australian Taxation Office—and funding for a number of national partnerships. I am particularly pleased that Minister Rattenbury was able to sign off, on behalf of the territory government, on a continuation of the national partnership on homelessness funding—a very important measure—a 12-month agreement at this point whilst a longer term agreement is negotiated. We have also received in this budget funding for the Canberra Hospital.

Of course, the impact of the federal budget can be both positive and negative on the territory. Whilst we certainly have enjoyed the fruits of the commonwealth expansion of jobs and spending in the territory over the last six years—10,000 additional positions in the territory—we are, of course, impacted when the commonwealth contracts. This usually occurs in a countercyclical way. The commonwealth steps up its involvement in the national economy during periods of economic difficulty and the ACT economy tends to be somewhat countercyclical to the national economy as a result, given the relative strength of the commonwealth within the territory economy.

There is no doubt that efficiency gains that were made in the federal public service in the past couple of years have impacted on the territory economy. The growth rates that we have achieved would have been higher but for those efficiency dividends. It is pleasing, therefore, to see that the efficiency dividends have been wound back from four per cent to just over one per cent. As I indicated yesterday, the government will continue to focus on keeping our economy strong. We will continue to provide frontline services and support for key infrastructure projects. We will continue our support of the private sector to grow and create jobs through targeted assistance and funding.

It is interesting that in this place yesterday several of those opposite, in the motion they put forward on the budget, spent the vast majority of their time trashing the federal budget. Mr Hanson indicated some condemnation of the funding means for DisabilityCare. That was disappointing to hear. I fully anticipate, if what you see in the press is true, that the leader of the federal Liberal Party, Mr Abbott, will tonight endorse the Prime Minister's funding model for DisabilityCare. It is interesting that Mr Hanson was so disparaging yesterday, yet tonight it is anticipated that Mr Abbott will indeed support that measure.

If you are to believe what you read in the press, he will support all of the measures contained in the budget. It will be interesting if Mr Seselja gets on the phone to Mr Abbott tonight before his speech to have him rule out pay parking in the parliamentary triangle as part of his address-in-reply. It is always open for Mr Seselja to do that. It will be an interesting test of his influence with Mr Abbott, if that is indeed the position of Mr Seselja and the Canberra Liberals in relation to that particular budget measure and, indeed, all of the other measures that go to improve the structural position of the federal budget.

**MR SMYTH** (Brindabella) (4.00): I thank Mr Coe for bringing on this MPI. It is very important. Clearly, the MPI is about the current federal budget, but if we are going to explore other budgets then I will rattle off some of the achievements of previous Liberal governments. Everybody is happy to talk about the downsides of the Howard years, but we got the National Portrait Gallery. It was a Liberal Party initiative. The National Museum of Australia was a Liberal Party initiative. Indeed, I am quite proud to have announced that one in my first speech in the federal parliament. Various memorials were built while Mr Howard was in office. We had significant upgrades to places like the Australian War Memorial, the Mint and, in particular, the first stage of the redevelopment of the National Gallery of Australia that has given us the Gandel Hall. The magnificent Indigenous galleries started under the federal Liberal government.

We saw the Barton Highway upgraded and we saw the Federal Highway upgraded. We saw assistance to the airport, as well as the myriad other works that Mr Barr rattled off. There were roads programs and assistance programs that saw things being done in the hospital and in the local neighbourhood. There was a significant contribution from the previous Liberal government. What we do not see in this year's budget is a significant recognition of the ACT, except mainly on the negative side. We have seen the job cuts, we have seen the dilemma of the parliamentary triangle

pay parking and we have seen the hits to our public service as our biggest employer. Education is a big employer, property is a big employer and, indeed, ICT is a big employer. We should really clarify the whole issue of what is happening to NICTA because there is uncertainty over it.

**Mr Barr:** Not according to NICTA. NICTA are very comfortable.

**MR SMYTH:** No, you are selectively quoting the NICTA position. You are saying that there was no cut in this year's budget—that is true—but there was \$20,363,000 in the 2015-16 budget for NICTA. It is not there; it has gone. It has been taken out. There is no money for 2016-17 either. Minister, rather than arguing the toss, why do you not go out and find out what they are doing? Why do you not do your job to protect the local economy instead of just saying, "Oh, I've got an older budget where it says it wasn't going on"? Why do you not compare the two most recent budgets that simply say there was \$20,363,000 and now there is not? That is the problem. Where is the money going, Mr Assistant Speaker? It is going to the NBN. We are taking it out of NICTA to prop up the NBN. I think it is a very sad state of affairs when—

**Mr Barr:** So why did Campbell Newman cut his funding?

**MR SMYTH:** He can answer for himself. I am not Campbell Newman. Isn't it funny? You will attack me and say, "Go and find out what Campbell Newman is doing," but you will not even ask your federal colleagues. You are the Minister for Economic Development and you will not stand up for jobs in the ACT and the future of the ACT. You are a disgrace. The fact that you did not know—

**Mr Barr:** That's because it's not true, because you've made it up.

**MR SMYTH:** Oh, it is all made up? I see. I have so much influence now, Mr Assistant Speaker, I get to write the budget papers.

*Members interjecting—*

**MR ASSISTANT SPEAKER:** Members! Mr Smyth, take your seat for a moment. Minister Barr, would you stop interjecting. Mr Smyth, would you please pass your comments through the chair. That might serve to cease the interjections as well. Thank you.

**MR SMYTH:** He is very tender on this, Mr Assistant Speaker. He did not know. He has been caught out. He obviously has not read the budget papers. There are articles I think in *Startupsmart* and the *Australian*. It even made the *Register* in the UK. The UK managed to work out that NICTA was in trouble, but not our Treasurer; not our Minister for Economic Development. So there you go. I think it does warrant a response.

As Mr Coe pointed out, Senator Lundy, Ms Brodtmann and Dr Leigh go to ground; there is no defending of the budget there. You cannot find them anywhere. Gai Brodtmann is going to stand up for parking in the parliamentary triangle and have it put off. But as we heard from Dr Nelson on the radio this morning, this creates a great

dilemma for the national cultural institutions. I have worked at both Questacon and the National Library and parking is always at a premium in those areas. It affects the visitation to those institutions which, of course, the taxpayers of Australia have paid for. They have paid for those over the years. They pay their taxes to help maintain these institutions and they should at least be able to get a park.

I think it is detrimental for us to have pay parking in the parliamentary triangle. I can remember the department asking me to introduce it back in 1998, 1999 and 2000. I simply said no. I said no because I think it is quite different from the rest of the territory. On one hand, these places are the homes of the national attractions and, on the other, there is a certain lack of amenity for the people that serve there. These questions need to be answered.

I think it will take some days before we know the full impact of this budget on Canberra residents. What is curious for those that listened to the debate before lunch on the half-yearly update, and indeed the minister's response to the MPI now, is that clearly we are being softened up for something. The question about global impacts on the ACT economy in question time makes me wonder if things are a little bit worse in our budget than the minister is willing to admit.

If I heard him right, I think before lunch he actually admitted conveyancing was down something like \$55 million. I will check the *Hansard* and if I have misrepresented you, minister, I will be happy to correct it. The March update said we were about \$30 million down, but now suddenly it is 55. So there is a significant softening. It should come as no surprise that there has been the GFC. Suddenly the minister seems to think the GFC is still here and it is haunting our shadows. If he had actually read his own budget for this year he would know that on page 35 it states:

Weak growth in the international economy would inevitably have a negative impact on the ACT.

If the excuse for this year's budget failures is going to be that somehow it is the global economy that is at fault, he was totally aware of that when he published this document in June last year. I notice on the same page commonwealth government funding is listed in the summary of major risks. It is quite clear that the current federal Labor government is a risk because of what is happening to the ACT. What we have is a typical Labor budget and it is of concern to the ACT. I think it will take some days before we genuinely know exactly what is going to happen in our territory as a consequence.

*Discussion concluded.*

## **Adjournment**

Motion (by **Mr Barr**) proposed:

That the Assembly do now adjourn.

## **Justices of the peace**

**MR COE** (Ginninderra) (4.08): I rise today to speak about the important work of justices of the peace, or JPs, here in the ACT. Justices of the peace are appointed in the ACT under the Justices of the Peace Act 1989 and serve the community in a wide range of duties. JPs are given powers under various territory and commonwealth laws, including the power to witness a statutory declaration, administer an oath or affidavit, attest or certify a document, endorse a bill of sale and issue an order for an external search of a detainee in certain circumstances. JPs are unpaid volunteers and provide a valuable service to the community.

Many JPs in the ACT are members of the ACT Justices of the Peace Association. The ACT JP association was formed in 1990 to promote, support and protect the status and interests of JPs. The association now has a membership of about 270 JPs and provides opportunities for professional development, resources and support for its members.

The ACT JP association has nominated 2013 as the JP year of outreach. As part of its commitment to getting out into the community, the association has set up JP signing centres at the Belconnen, Dickson and Erindale public libraries as well as the Village in Gungahlin and the Magistrates Court. These signing centres offer a convenient place for members of the public to contact a JP and are expected to help at least 40 people at each two-hour session.

The association has a great website which can be found at [www.actjpa.org.au](http://www.actjpa.org.au). The website provides lots of information about the work of JPs and the ACT JP association. It is a great starting point for those looking for a JP or interested in becoming one. I recommend that all members have a look at the association's website to find out more about JPs.

I would like to acknowledge the office bearers of the ACT JP association. They are Rod Nicholas, Beverly Alley, John Coghlan, Paul Adams, Geoff Wood, Cissy Parker, Luba Neiden-Bach and Russell Hearne. The association's patron is Simon Corbell.

This morning 15 new justices of the peace were sworn in to the ACT Supreme Court. I would like to commend these new JPs for their commitment to serving the ACT community: Christopher Scally, Kar Kumar, Glenn Bellingham, Paul Thompson, Peter Launder, Niraj Mehta, Kelly Barry, Brian Franklin, Gary Green, Brenda Newham, Gregory Oberscheidt, Helen Palethorpe, Kattemalayadj Prakash, Rajnish Sharma and Pradnya Sood.

I would like to place on the record my thanks to all the JPs in the ACT who have given thousands of hours of service to our community. It is particularly appropriate to thank all these community volunteers during National Volunteer Week, and I hope that the government has given thought to an appropriate way to acknowledge those who serve our community in this way.

For further information about the work of JPs, I recommend that members visit the ACT JP association's website and if members would like to find a JP, I recommend they visit the JP database at [www.justice.act.gov.au/jp](http://www.justice.act.gov.au/jp).

**Art functions—attendance  
Canberra Symphony Orchestra**

**DR BOURKE** (Ginninderra) (4.11): Canberra is a city which embraces the arts. According to the Australian Bureau of Statistics 2012 culture report, 93 per cent of Canberrans aged 15 years and over have attended at least one cultural venue or event annually, 36 per cent attend popular music concerts, 46 per cent attended art galleries, and 23 per cent attended theatre performances.

*Mr Coe interjecting—*

**DR BOURKE:** Last Thursday night I attended the Canberra Symphony Orchestra's *Pictures at an exhibition* concert at Llewellyn Hall. The concert was supported by the embassy of the Russian Federation to Australia as a gift to Canberra in this centenary year. Thank you, Russia! It was a wonderful evening of fabulous music. The highlight was the Rachmaninov—

*Members interjecting—*

**MR ASSISTANT SPEAKER** (Mr Gentleman): Order, members!

**DR BOURKE:** Mr Assistant Speaker, could you stop the clock? Point of order.

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

**DR BOURKE:** Mr Assistant Speaker, I am being continuously interrupted by Mr Coe whilst I am talking about a matter which is important to hundreds, if not thousands, of Canberrans. I am talking about one of Canberra's most significant institutions. I am being interrupted by this ignoramus from the opposition.

**MR ASSISTANT SPEAKER:** Dr Bourke, thank you.

**Mr Coe:** Point of order.

**MR ASSISTANT SPEAKER:** I brought the member to order just before you raised your point of order; so we will continue with the adjournment debate, unless you have a point of order, Mr Coe?

**Mr Coe:** I do have a point of order.

**MR ASSISTANT SPEAKER:** Mr Coe.

**Mr Coe:** Firstly, Mr Barr was also interjecting. Secondly, it is probably appropriate for the good doctor to withdraw "ignoramus".

**MR ASSISTANT SPEAKER:** I do not think it is a word that is not inappropriately used in the chamber every now and again, Mr Coe.

**Mr Coe:** Sorry?

**MR ASSISTANT SPEAKER:** I have not seen it listed.

**Mr Coe:** Use some discretion here.

**MR ASSISTANT SPEAKER:** I will. We will continue with the adjournment debate and you will both be called to order if you interject again.

**DR BOURKE:** The highlight was the Rachmaninov *Piano Concerto No 2* with Konstantin Shamray. Those of you who are familiar with the Sydney international piano competition in 2008, which was broadcast on ABC FM, will know that Mr Shamray was the winner of this internationally prestigious competition for young pianists. At Llewellyn Hall his performance on the night was exemplary with a standing ovation from the audience.

Nicholas Milton, the CSO's chief conductor and artistic director, was a human dynamo at the podium. *Canberra Times* music critic Jennifer Gall wrote:

It was a joyous orchestral welcome back to Nicholas Milton, who conducted with passion and exhilarating movement.

Ms Gall was even more effusive about Konstantin Shamray:

He played with an intense focus so powerful that it created a profound silence in the auditorium, witnessed only once before in a concert by the Borodin Quartet.

In Saturday's *Canberra Times* Ian Warden wrote about the Wednesday night performance:

Orchestra and conductor Nicholas Milton and soloist Konstantin Shamray ... were superb but my special applause here is for the audience. In my time in Canberra I have seen the audiences at Canberra concerts go from being corsetted and mummified burghers afraid to show their feelings, to being the demonstrative flock they ... were on Wednesday. Everyone had left their corsets at home and the standing ovation for Shamray after he'd soared, skedaddled and caressed his way through Rachmaninov's second piano concerto was spontaneous and sincere. Canberra, and its Canberrans, become better every day. The Canberran who is tired of Canberra is tired of life.

The Rachmaninov piano concerto is one of my favourite pieces of music and formed the core of this concert. The Canberra Symphony Orchestra also demonstrated their virtuosity with a *Festival overture* by Shostakovich and pictures of an exhibition by Mussorgsky. I am very pleased to see that the ACT government recognises the important contribution of the orchestra to the ACT and fully supports the orchestra in its endeavours and aspirations. This is why the ACT government provides considerable funding to the CSO.

The ACT invests \$297,000 per year from the ACT arts fund to the CSO for its core costs. Another \$100,000 per year comes from the ACT government's ANU community outreach program for the cost of hiring Llewellyn Hall, and \$66,000 per



year for the noteworthy program. ActewAGL sponsors the CSO with \$31,000 per year. The community's high esteem for the CSO is also reflected through the ticket sales and sponsorship from St George Bank, Shell, the Molonglo Group, the Macquarie Group, BAE Systems and the many local businesses that provide valuable private support to the CSO.

Now we can also add the Russian Federation as an admirer of the Canberra Symphony Orchestra. Once again, thank you Russia for this wonderful gift, which brought so much pleasure to hundreds of Canberrans last week.

### **Education—public system**

**MS BERRY** (Ginninderra) (4.16): As we all know, next week is Public Education Week, and I thought it would be timely, again, to talk about the great things that public education contributes to our community. In this centenary year we should celebrate the achievements of the public education system here in the ACT. Australia was the first country in the world to have a nation-wide free, secular and compulsory public schools system. In fact, it is a system that pre-dates our own great city.

It should be a matter of pride for all of us in this chamber that a majority of parents choose to send their children to a public school. And why would they not? Canberra's public schools are some of the best performing schools in the country. Whether it is in English, maths, science, performing arts or social sciences, our public schools consistently perform above the national average.

The wonderful thing about public education is that it breaks down privilege and welcomes all children in our community to learn, play and grow together—kids from less fortunate backgrounds playing with kids from more fortunate backgrounds. I think some of the people in this place would have benefited from playing with kids from less fortunate backgrounds.

The families of the children help to shape the values of their schools, and they too learn from one another, thereby increasing the links in our community. And these values have a lifelong effect on our children.

Former justice of the High Court Michael Kirby, whilst being interviewed by Fran Kelly on Radio National, had this to say on the role that public education played in shaping his values:

In my opinion, where you're educated, your schooling, your values, the democratic secular values that I received in my public education, really are hardwired in me. And the values affect the decisions you make. We can pretend they don't. We can hide them. We can disguise them. We cannot reveal them in our judicial opinions. But they're down there, affecting the decisions, affecting the way we see words in the Constitution or statutes and so on.

I was very pleased to see the Public Education Week art show in the library last week and, like the minister and Mr Doszpot, I cannot wait until we spend a month celebrating our public education system.

## **National ICT Australia**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (4.19), in reply: I have received some further information from the commonwealth department in relation to NICTA that I thought would be useful to share with the chamber. It would appear that, once again, the scare campaign that has been run by Mr Smyth has proved to be incorrect. The department, the commonwealth Department of Broadband, Communications and the Digital Economy, has issued a corrigendum to the budget papers, and the department has made a clear public statement that NICTA is not being phased out and, as set out in the budget, NICTA has funding under the current four-year agreement for the next two financial years out to 30 June 2015. \$45.1 million is scheduled to be provided in 2013-14 and \$42.9 million in 2014-15.

The federal government has a longstanding history of support for NICTA and the groundbreaking research and innovation it undertakes. Discussions are underway about the best funding model for NICTA in future years, and a decision on the Australian government's contribution to NICTA will be made in the context of next year's budget.

So, to sum up, the federal minister has debunked Mr Smyth's position. NICTA itself has debunked Mr Smyth's position. And now the federal department has debunked Mr Smyth's position. Mr Smyth, you are wrong. The position put forward by NICTA, by the minister and by the federal department is clear. This was a scare campaign from the start. It is not—

**Mr Coe:** That required a corrigendum.

**MR BARR:** Because of the scare campaign. But the commonwealth has now made it very clear, by issuing a corrigendum and by making a clear statement at ministerial level and at departmental level, that what you have suggested this morning is not true.

Question resolved in the affirmative.

**The Assembly adjourned at 4.22 pm until Tuesday, 4 June 2013, at 10 am.**



## Answers to questions

### Health—health care access at school program (Question No 93)

**Mr Doszpot** asked the Minister for Education and Training, upon notice, on 10 April 2013:

- (1) When was the pilot Health Care Access Program started.
- (2) Is this a pilot program only; if so, how long will it operate.
- (3) What is the scope of the program, including (a) who is eligible, (b) what type of support is provided, (c) how many hours per child are provided, (d) is there a limit per child, (e) is there a restriction on which schools the program can operate, (f) how many children are able to access the program and (g) how are the children selected.
- (4) How is the program funded.
- (5) How will success be measured.
- (6) How was the program promoted and to whom.
- (7) What funds have been allocated for the pilot.

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

1. The Healthcare Access At School pilot commenced in February 2013.
2. The Healthcare Access at School is a pilot and no date has yet been set for the conclusion.
3. a. The model intends to support ACT public school students with complex or invasive healthcare needs to attend school. This can refer to, for example, care of tracheostomy, provision of nutrition and/or medication via gastrostomy, catheterization, and oxygen therapy during school hours.  
b. It is intended that support will be provided according to the individual student's healthcare need.  
c. The model responds to each child's needs individually and does not use a time metric to support students.  
d. The model is a school-based service for identified children. The model aims to continue while the student has complex or invasive health care support needs to attend or remain at school.  
e. The pilot currently involves one school.  
f. The pilot currently involves one student.

- g. This will be determined following the evaluation of the pilot. However it is proposed that identified students are referred to Healthcare Access At School. A health needs assessment will be undertaken by ACT Health to identify suitability for the program.
4. The pilot is jointly funded by ACT Education and Training Directorate and ACT Health.
  5. The pilot will be evaluated using, where possible, data from the student's parents or carers, the school principal, ACT Health and the ACT Education and Training Directorate.
  6. There has been no promotion as this is a pilot involving one school and one student.
  7. The pilot is funded from within existing resources.
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### **Planning—Kambah Village Creek Centre (Question No 94)**

**Mr Hanson** asked the Minister for Health, upon notice, on 10 April 2013:

- (1) What planning criteria were used in the decisions to relocate aged and rehabilitation services to the Village Creek Centre in Kambah in 2009.
- (2) What demographic data was used in the planning and decision process.
- (3) Was the sex or ability of those using the service considered in the planning process; if so, how was this considered and what influence did it have on the process; if not, why not.
- (4) Was the data for sex and ability used in correlation or separate during the process.
- (5) What is the relationship between public transport corridors to and from the Village Creek Centre.
- (6) Have any specific transport measures been adopted to assist individuals accessing the Village Creek Centre since 2009.
- (7) Do the current transport arrangements operate in a manner that positively or negatively affects the capacity of those with a disability to access the age and rehabilitation services provided at the Village Creek Centre.
- (8) Was a safety audit conducted when assessing the suitability of the relocation of age and rehabilitation services to the Village Creek Centre in Kambah; if so, when.
- (9) What were the findings of the audit.
- (10) Have any procedures or policies been implemented from that audit.
- (11) How many women with a disability have used the services at the Village Creek Centre in the last 12 months.
- (12) What is this as a portion of the number of women in the ACT.

(13) What is this as a portion of the number of people with a disability in the ACT.

(14) What is this as a portion of women with a disability in the ACT.

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

(1) A number of factors were considered in planning the relocation of some Aged Care and Rehabilitation Services to the Village Creek Centre at Kambah. These included:

- Consideration of future planning and infrastructure requirements.
- Expansion requirements for aged and rehabilitation services based on increased demand that were located on the Canberra Hospital Campus.
- Centralised efficiency – one point of contact.
- Opportunity to remove services that didn't need to be located at the hospital.
- Opportunities to co-locate services previously provided in different locations.

The Government also considered the benefits from adaptive reuse of former school sites.

(2) The Centre was designed with access to clients with highest need as a minimum design standard.

In the planning phase, the new site provided opportunity to ensure appropriate access for an aged and disabled population, for example; wide corridors, appropriately equipped and private clinic rooms and a central administration area.

(3) The Aged Care and Rehabilitation Service did not undertake any gender-specific planning as no gender-specific services are delivered from the Village Creek Centre.

Functional ability was a major consideration in the decision to move services and also in the design of the refurbished Village Creek Centre.

(4) See (3) above.

(5) There are two bus stops within 300 metres of the Village Creek Centre and one stop has a designated and approved disabled access pathway directly to the front entrance.

ACTION has scheduled easy access, wheelchair accessible buses for the majority of bus trips on Route 62 passing the Centre on Summerland Circuit.

(6) As part of the move to the Village Creek Centre, a significant amount of work was undertaken to develop thorough transport and communication strategies. These strategies investigated options and provided up to date information about transport services to clients of the Centre.

Subsequent meetings have been undertaken with representatives of Territory and Municipal Services (TAMS), specifically ACTION Buses, and also Community Services Directorate to look at strategies for further improving access to the Village Creek Centre.

- (7) There have been three consumer surveys undertaken with regard to the Village Creek Centre - one prior to the relocation and two since. The survey results indicate the majority of clients accessed these services via private transport pre and post the relocation of services to the Village Creek Centre.

Access to free parking has improved with the relocation.

- (8) Please be more specific about which aspect of safety you are seeking information about.

(9) See (8) above.

(10) See (8) above.

- (11) Across all the services provided from the Village Creek Centre from 1 April 2012 – 31 March 2013 the total percentage of women was 53%. As the ACT Health patient administration system is not required to capture data in relation to a person's disability status, the proportion of women with disability cannot be indicated, however a significant proportion of clients accessing services at Village Creek have a disability.

- (12) Information about the number of women in the ACT can be located at Australian Bureau of Statistics website ([www.abs.gov.au](http://www.abs.gov.au)).

(13) See (12) above.

(14) See (12) above.

### **National Broadband Network—rollout (Question No 98)**

**Mr Smyth** asked the Minister for Economic Development, upon notice, on 10 April 2013:

In relation to the National Broadband Network rollout in the ACT, can the Minister provide details on the (a) name of suburb, (b) level of work completed, (c) status of work, for example, on time or delayed, (d) anticipated delay and reason for delayed projects and (e) works where cables will have to be relayed, and extent of this work as a percentage of total project for identified suburb.

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

- (1) The ACT Government has no direct role in the ACT NBN Rollout; however, it has established an engagement and dialogue process with NBN Co and its local contractor - Silcar - to facilitate communications with relevant ACT Government service agencies, and to support the community consultation process around the project. In relation to the specifics of this question, there is detailed information on the NBN Rollout in the ACT on NBN Company's website.

**Health—visiting medical officers  
(Question No 105)**

**Mr Hanson** asked the Minister for Health, upon notice, on 10 April 2013:

- (1) What portion of current ACT Health staff are Visiting Medical Officers (VMOs).
- (2) What portion of specialists in the ACT are VMOs.
- (3) How many VMOs contracts are due to expire at the end of 2012-13.
- (4) What is the total dollar value of these expiring contracts.
- (5) How many of these contracts will be extended or continued.
- (6) What is the total dollar value of the contracts being extended or continued.
- (7) How much is the Government expected to save from the reduction in the indexation rate for VMOs.
- (8) Have there been any VMOs that will not be continuing in the ACT due to the change referred to in part (7); if so, how many.

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

- (1) Visiting Medical Officers (VMOs) are not staff of ACT Health.  
  
ACT Health has contracts with 184 VMOs.
- (2) ACT Health does not keep numbers of specialists across the health system. ACT Health has contracts with 184 VMOs.
- (3) There are nine VMO contracts due to expire prior to the end of the 2012-2013 financial year.
- (4) Until a contract has been finalised, and all invoices submitted, this cannot be determined. VMO contracts are for services, but do not specify a definite number of procedures, what those procedures will be, or an exact dollar value.
- (5) Of the nine contracts noted at item 3 above, new contracts are currently being finalised in seven cases, one is yet to be considered by the relevant managers, and one is a locum contract that will not be renewed.
- (6) As noted at 4 above, there is no specific dollar value specified in a VMO contract. Rather the intended number of sessions is specified. The actual value of a contract will depend on factors such as the actual procedures performed, the extent of participation in on-call rosters, the number of instances of call-back and the particular circumstances of individual patients/VMOs.  
  
Contracts with VMOs are outlined in ACT Health's annual report.
- (7) The Government has made an offer of 2% indexation for sessional VMO contracts. This is subject to negotiation, with the final outcome likely to be determined by



binding arbitration. Any change from the existing rate of 4% would only apply to new contracts, not existing ones and then on renewal of expiring contracts.

Based on current annual expenditure for sessional VMO contracts, once all contracts include indexation of 2%, the annual saving from this proposal would be approximately \$0.5 million.

- (8) The timing or motivation for any VMO electing not to continue in the ACT is a matter for the VMO.

Negotiations with VMOs are continuing.

### **Transport—light rail (Question No 106)**

**Mr Coe** asked the Minister for the Environment and Sustainable Development, upon notice, on 11 April 2013:

In relation to the Government's commitment to construct light rail, what is the breakdown of the expenditure to-date, broken down by financial year, on (a) recruitment, (b) the establishment of the Capital Metro agency, (c) consultancies, including engineering investigations, transport planning and economic and financing studies and (d) other associated research.

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

- (1)
- a) No specific recruitment expenditure has been incurred relating to the Capital Metro project. For costs of staff engaged in this activity, refer to my response to Question on Notice Number 66.
- b) Costs of establishing the Capital Metro Agency are being absorbed within current appropriations. No specific attribution of staff costs has been made by Directorates for work associated with preparation of material for Government consideration in deciding to establish the Capital Metro Agency. Costs attributable to establishing that agency are \$20,000 for advice sought from the company that assisted in the establishment of the Gold Coast Light Rail project and salary costs of around \$4,500 for the senior executive appointed as the interim project director.

c)

2011 – 2012	\$0.913 million	Consultancies expenditure associated with the Gungahlin to City Transit Corridor Study
2012 – 2013	\$0.511 million	Consultancies expenditure associated with the Gungahlin to City Transit Corridor Study
2013 – 2014*	\$0.300 million	Consultancies expenditure associated with the Capital Metro Light Rail Integration Study

\*committed expenditure against contracts expected to be invoiced in the next financial year.

d)

2012 – 2013	\$33,225	Other associated research
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**Education—Aboriginal and Torres Strait Islander students  
(Question No 108)**

**Mr Wall** asked the Minister for Education and Training, upon notice, on 11 April 2013:

- (1) What was the total amount of funding provided for Aboriginal and Torres Strait Islander students enrolled in ACT (a) government and (b) non-government schools.
- (2) What percentage of funding identified in part (1) is provided by the (a) Commonwealth and (b) ACT Governments.

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

- (1) (a) During 2011-12, the total amount of funding provided for Aboriginal and Torres Strait Islander students enrolled in ACT public schools from both the ACT and Australian Governments was approximately \$19 million. This includes \$4.7 million of specifically targeted programs for Aboriginal and Torres Strait Islander students.
- (b) During 2011-12, the total amount of funding provided for Aboriginal and Torres Strait Islander students enrolled in ACT non-government schools from both the ACT and Australian Governments was approximately \$2.2 million. Currently there is no specifically targeted funding for Aboriginal and Torres Strait Islander students in non-government schools.
- (2) Existing education funding arrangements are complex and reflect significantly different funding obligations for the Australian and ACT Governments in funding public schools and non-government schools.

The ACT Government currently has primary funding responsibility for ACT public schools providing around 90 per cent of total government funding and the Australian Government has primary responsibility for funding non government schools, currently providing around 75 per cent of total government funding.

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**Questions without notice taken on notice**

**ACTEW Corporation Ltd—management**

**Ms Gallagher** (*in reply to a supplementary question by Mr Seselja on Wednesday, 10 April 2013*): Since I became a Voting Shareholder in the ACTEW Corporation in 2006, and apart from the normal Annual General meetings, there has been only one other General Meeting of ACTEW members which was held on 8 August 2012.

The topics on the Agenda for that meeting were:

1. Notice of Meeting.
2. Minutes of the Seventeenth Annual General Meeting held on 19 September 2011.
3. Special Resolution to amend the Constitution to increase the number of Board members from seven to eight.
4. Other Business.

The outcome of the meeting was that the Voting Shareholders agreed to the Special Resolution to amend the constitution to increase the maximum number of members on the ACTEW Board from seven to eight.

### **Families—services**

**Ms Burch** (*in reply to a question by Mrs Jones on Tuesday, 7 May 2013*): The Member's question refers to an article in *The Canberra Times* dated 23 April 2013. The article reports on access by a small number of high needs individuals to a range of health, justice and social services provided by the ACT Government and community services. I have been advised that the background brief provided to *The Canberra Times* was focussed around access to high cost services by families and emphasised whole-of-life expenditure associated with long term service involvement.

In response to the Member's question, I can inform the Assembly that there are a very small number of individual clients receiving support from the Disability, Children and Young People portfolio which is over or approaching \$1 million in a 12 month period. The cost of their engagement in other family support and health, education and justice expenses is additional to this amount.

The focus of the government's efforts is on improving outcomes for the small number of individuals and families in the ACT who have very high support costs across health, education, justice and other community services. In particular, the Government is seeking to have a positive impact on the lifetime costs of a family accessing a high volume of services. The drivers of support costs vary from family to family, but primarily relate to the provision of high cost service interventions. These include statutory services and the duration of service provision.

The purpose of the Strengthening Families project is to understand patterns of service use in order to maximise outcomes for families from service expenditure. The project is working with ten families to develop a coordinated package of support that adequately meets their needs.

### **Cotter Dam—cost**

**Ms Gallagher** (*in reply to a supplementary question by Mr Hanson on Wednesday, 10 April 2013*): The shareholders have been regularly advised by the Managing Director of ACTEW Corporation Ltd about all aspects of the ECD construction.

The cracks were reported on in May 2012 and the shareholders were advised that the repair was being managed by technical experts.