



Debates

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EIGHTH ASSEMBLY

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Tuesday, 17 September 2013

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Tuesday, 17 September 2013

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

**Justice and Community Safety—Standing Committee
Scrutiny report 11**

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

Justice and Community Safety (Legislative Scrutiny Role)—Standing Committee—Scrutiny Report 11, dated 9 September 2013, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR DOSZPOT: Scrutiny report 11 contains the committee's comments on six bills, four pieces of subordinate legislation and one government response. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

**Planning, Environment and Territory and Municipal Services—
Standing Committee
Report 2**

MR GENTLEMAN (Brindabella) (10.02): I present the following report:

Planning, Environment and Territory and Municipal Services—Standing Committee—Report 2—*Draft Variation to the Territory Plan No. 308—Cooyong Street Urban Renewal Area*, dated 4 September 2013, including dissenting comments (*Mr Coe and Mr Wall*), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

Mr Coe: On a point of order, Madam Speaker, I seek your advice as to whether this is, in fact, an authorised report of the planning committee as approved by the committee in consideration of the report.

MADAM SPEAKER: Members, Mr Coe raised this matter with me before the Assembly commenced; so I have had some notice of this. There is some concern whether this report was signed off by the committee. I have discussed it with the Clerk and I would have to seek advice from the Clerk on the basis of the extracts of

the minutes that have been provided. I am not in a position to rule on Mr Coe's point of order and I will need some time to reflect on it to give me and the Clerk the opportunity to read the minutes before I can rule on Mr Coe's point of order.

That being the case, I am not quite sure how we proceed from here. I honestly cannot rule on the point of order. I do not have enough information before me.

Mr Corbell: With your indulgence, Madam Speaker, presumably the chair of the committee is presenting a report that is the endorsed report of the committee and I assume that that report is able to be tabled. Whether or not there is a question as to the validity of the committee's proceedings, as you have indicated, is a matter that should be subject to your further consideration.

MADAM SPEAKER: Yes. I think Mr—

Mr Corbell: Nevertheless, I do not see why the chair cannot present the report. If there is some question about that after the event, then I am sure that can be appropriately dealt with by this place. But I do not see how simply taking a point of order means that the report cannot be presented when you have not ruled on that matter.

MADAM SPEAKER: Mr Coe, I will hear from you and then I will—

Mr Coe: Thank you, Madam Speaker. The crux of the issue here is that there was no motion that the report be adopted by the committee. And as such, I believe there is doubt as to whether this document attracts privilege, whether it is, in fact, the authorised report of the committee. Therefore, before it is tabled and presented, I think that receiving appropriate advice on the best way to proceed would be worth while. As such, I therefore suggest that we adjourn the tabling of this document until a later hour of this day.

Mr Corbell: Again with your indulgence, Madam Speaker—

MADAM SPEAKER: This is uncharted waters, Mr Corbell; so yes.

Mr Corbell: Thank you. It would be unprecedented in the history of this place for a decision to be taken to say to a committee chair, "You cannot table a report of the committee." It would be unprecedented. And all we have is Mr Coe's assertion. That is all we have on this matter. Mr Coe is welcome to make that assertion but, unless it is adjudicated upon, it would be unprecedented for this place to refuse to accept that a report be tabled.

There is no motion before the chair; there is no question before the chair at this point.

MADAM SPEAKER: The question is that the report be noted.

Mr Corbell: Mr Gentleman has not yet actually presented the report. He has not actually got to his feet and done so.

MADAM SPEAKER: Yes, he has.

Mr Corbell: It would be unprecedented for the Assembly to refuse to allow that process to be embarked upon.

MADAM SPEAKER: Just to clarify—thank you, Mr Coe; and I do acknowledge that I am in the Assembly’s hands here to a great extent—Mr Gentleman has presented the report. The Clerk has it. And it is necessary for that report to be presented so that the minutes can be perused by non-members of the committee.

That being the case, the report is presented. Could the way forward be that at this stage we adjourn the debate on the question that the report be noted?

Mr Corbell: That is a question for debate, Madam Speaker.

MADAM SPEAKER: I am looking for a way forward, because I have been confronted with a problem and I do not know the extent of it, and I think it needs to be deliberated upon. The options are that Mr Gentleman or someone adjourns the debate or, alternatively, that Mr Gentleman speaks to it and then, at the end of his speaking, the debate would be adjourned. I think one of those things would perhaps be the best way forward. I am in the Assembly’s hands as to what you would like to do. Mr Gentleman.

Mr Gentleman: Madam Speaker, thank you for the opportunity to speak to the report. And I—

Mr Smyth interjecting—

MADAM SPEAKER: Can we get more than a sentence out, please, Mr Smyth?

Mr Gentleman: Yes, I will finish. I had intended to speak to the report. The point of order has come up in the meantime and that is what we are discussing at the moment, the point of order.

MADAM SPEAKER: Yes.

Mr Gentleman: So I am happy, now that the report has been presented, to speak to the report and have an opportunity for the debate to be adjourned afterwards.

MADAM SPEAKER: Are members happy with that as a way of proceeding?

Mr Smyth: Does the report, by being tabled, attract privilege? And are we then tabling, in this guise of being able to speak to it, a report that has not been authorised by the committee?

MADAM SPEAKER: Sorry, the report has already been circulated out of session.

Mr Smyth: It has been circulated but it has not been tabled in this place.

MADAM SPEAKER: It has some level of privilege attached to it. It being tabled is an issue. I think the best way forward may be to allow Mr Gentleman to speak to the motion and then adjourn the debate. Then we will have to look at the issues that have been raised by Mr Coe. And if the issues raised by Mr Coe present us with some other issues, then we may have to look at the issues of privilege that may be attached to this report.

Mr Smyth: Can I suggest that that might be an unfortunate way to travel? If, as Mr Coe has said, there was no final vote—and those of us that have been on committees for some time know that the chair says at the end of it, “I move that the report as amended be adopted”—from what Mr Coe has said, that sounds like it has not occurred. If it has not occurred, then my understanding would be that Mr Gentleman is simply tabling an amended chair’s draft that has not been adopted by the committee. Therefore, he cannot table the standing committee’s report, because it does not exist. And this is the problem that you have.

Mr Corbell knocked the nail right on the head when he said it would be unprecedented not to allow an endorsed report to be tabled. It does come down to that word “endorsed”. And if it has not been endorsed by the committee, then it is not the committee’s report.

If Mr Gentleman wants to table his own report, then he should table it but he should not be tabling something that, on the notice paper, is the Standing Committee on Planning, Environment, Territory and Municipal Services report No 2, because it has not been agreed to by the committee. That does not exist. If we allow Mr Gentleman to speak to it, we may be seen to be giving tacit approval for something that does not exist. And I would suggest the easiest way is to just adjourn it immediately, and I am sure members would be quite happy for the Speaker and the Clerk to see the minutes.

Mr Corbell: Again, Madam Speaker, with your indulgence—

MADAM SPEAKER: Yes. This is a free-ranging conversation.

Mr Corbell: I think we are venturing into the realm of debate here. And I suggest to the Assembly that the most appropriate way forward is that the chair of the committee present the report and speak to the report and deal with whatever matters he feels he needs to deal with in that presentation.

Mr Smyth: But it’s not that report, Simon.

Mr Corbell: Assertions about whether or not the report is the report of the committee are just that—they are assertions.

Mr Smyth interjecting—

MADAM SPEAKER: Mr Smyth, please do not do this.

Mr Dospot interjecting—

MADAM SPEAKER: Mr Doszpot.

Mr Corbell: Madam Speaker is not in a position, as she has indicated, to make a decision on that at this time. So the most appropriate course of action is to allow the question before the chair to proceed—that is, that the report be noted—committee members can speak on the matter, make whatever comments they wish to make on the matter, the debate can then be adjourned and Madam Speaker can make a decision as to whether or not she believes any further action should be taken.

Mr Coe: I would like to move that the tabling of the document by Mr Gentleman be adjourned until a later hour this day.

MADAM SPEAKER: The document has already been tabled.

MR COE (Ginninderra) (10.12): I move:

That the debate be adjourned.

MADAM SPEAKER: I now have two questions before me. I have to deal with this last one first. Could you just bear with me a moment. The Clerk has pointed out to me that the motion before the Assembly is that the report be noted, and the only logical motion that comes from that, in the standing orders, is that the debate be adjourned. You would need leave to move any other motion.

MR COE: As such, I have moved that the debate be adjourned until a time when you have reached a determination on the validity of this report.

Question put:

That the debate be adjourned.

The Assembly voted—

Ayes 9

Noes 8

Mr Coe	Ms Lawder	Mr Barr	Ms Gallagher
Mr Doszpot	Mr Rattenbury	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Smyth	Dr Bourke	Ms Porter
Mr Hanson	Mr Wall	Ms Burch	
Mrs Jones		Mr Corbell	

Question so resolved in the affirmative.

Ordered that the resumption of the debate be made an order of the day for the next sitting.

Public Accounts—Standing Committee Statement by chair

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

Continuing resolution 5A was agreed by the Legislative Assembly on 23 August 2012. The requirements of the resolution set out a transparency mechanism to promote accountability in the consideration of statutory appointments. The resolution requires relevant standing committees which consider statutory appointments to report on a six-monthly basis and present a schedule listing appointments considered during the applicable period.

The schedule is required to include the statutory appointments considered and, for each appointment, the date the request from the responsible minister for consultation was received and the date the committee's feedback was provided. For the applicable reporting period—1 January to 30 June 2013—the committee considered 11 statutory appointments.

I therefore present, in accordance with continuing resolution 5A, the following paper:

Public Accounts—Standing Committee—Schedule of Statutory Appointments—
8th Assembly—Period 1 January to 30 June 2013.

Regional Development—Select Committee Alteration to reporting date

Motion (by **Ms Berry**, by leave) agreed to:

That the resolution of the Assembly of 28 February 2013 establishing the Select Committee on Regional Development be amended by omitting the words “shall report no later than the last sitting week in September 2013” and substituting “shall report no later than the last sitting day in November 2013”.

DisabilityCare implementation Ministerial statement

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (10.19), by leave: Today I am pleased to provide the Assembly with a further update on the ACT's progress in preparing for the national disability insurance scheme, currently called DisabilityCare Australia.

As we continue this work, the significance of this complex social reform to the way in which disability care and support are funded becomes more apparent. The ACT is at the forefront of the implementation of the national disability insurance scheme in Australia, not only as the first jurisdiction to agree to be a launch site but the first whole-of-jurisdiction rollout.

Since my last update in this place, I am pleased to note that there is now a national disability insurance scheme launch site agreed in all states. The ACT is fortunate in that we will learn from those jurisdictions that commenced their launch this year as well as inform DisabilityCare Australia on the full jurisdictional impacts.

Madam Speaker, I would like to inform the Assembly about the extensive work and achievements to date on the following issues: the grant round known as the enhanced service offer, innovations in housing for people with a disability, the work of the NDIS task force and advocacy organisations with people with a disability and their families and carers to support decision making, and sector development work with service providers to help transform their organisations and businesses.

There has been a tremendous response by the people in our community with disability and psychosocial disability to the enhanced service offer grants. I think it is testament to how well people are prepared to take advantage of the opportunities afforded by greater choice and control.

This represents \$7.7 million invested in one-off grants to eligible people in the ACT for supports which will improve their quality of life and independence while also providing a break for their families. Some 1,323 people submitted more than 2,300 applications for grants under the ESO. They consisted of 698 applications for aids and equipment, 947 applications for quality of life grants and 724 applications for flexible supports and services.

The ACT developed this initiative to prepare people with disability and psychosocial disability in the ACT and providers for individualised funding arrangements under DisabilityCare Australia. The grants were broadly advertised through radio, newspapers, the *Koori Mail*, Medicare Local, pharmacies, libraries, schools, health and therapy services and sites, multicultural groups and leaders, and community groups for Aboriginal and Torres Strait Islanders.

Over 400 people with very diverse needs and backgrounds and 120 workers from community and government organisations attended community information sessions about the grants and how to assist people to apply. Eighteen workshop sessions were held for people who need assistance and a computer to complete their application for round 1. The ACT NDIS task force and the team of six individual planners have worked through the housing gateway, the Rainbow Room in Watson, Carers ACT and the disability information support hub to meet people and provide information.

It has been a big task for the panel of 36 assessors to sort through the applications and undertake the moderation process. However, we have now completed that task and the panel chairs are preparing to make recommendations on the allocations of the grants. Not everyone who applied will receive a grant or everything they have asked for. In total, more than \$12,600,000 worth of equipment and services were requested.

The assessing panel members have worked hard to ensure they consistently considered each application on its merit and within the publicised selection criteria. Hundreds of Canberrans will now be able to receive a small grant which may make a significant difference to their quality of life whilst waiting for the transition to DisabilityCare Australia.

Through the assessment, a number of people have been recommended for follow-up by the enhanced service offer individual planning team. These included people the assessors thought might be able to be better linked to formal supports and services now.

There was significant diversity in the requests received—for example, support to take part in swimming, dancing and other sporting activities, funding for furniture, water tanks and dental work and support to purchase equipment such as computers, software, companion dogs and hearing aids.

I would like now to talk about one application from a young lady who has launched a jewellery-making business. The grant she applied for was to attend classes and undertake courses to develop unique handcrafted jewellery based on shapes and designs from nature. The photography course will help build her skills and, combined with her brand of imagination, expand her jewellery business to include special pieces supporting charities such as the Starlight Foundation or pink items for breast cancer awareness. Her mother describes this as a very exciting venture, which confirms her daughter's own beliefs in what she herself can achieve.

Round 1 applicants will be advised of the outcome of their request from 23 September. Applications for the second round of grants will open on 30 September. The second round of grants will be slightly revised based on our learnings from round 1 and I encourage people to attend the information sessions that we will be holding, as we did for round 1.

Having described the outstanding success of these grants and the sorts of activities in the community that people are choosing when they have the money in their own hands, I want to refer to the recent announcement about access to more traditional support, centre-based respite. The ACT government recognises the importance of respite and respite-like services and supports. However, there has been a steady decrease in the demand for centre-based or out-of-home care for adults with disabilities, especially in government-operated services. I would expect that this trend will continue in the new DisabilityCare environment.

Building capacity within the non-government sector, developing new capabilities and skills in the workforce and investing in people with disability and families to support

alternative ways of thinking about what is possible in their lives will ensure participants and providers can operate effectively under DisabilityCare.

That, along with under-utilisation, is why the government is transitioning the management of its centre-based respite services to non-government providers. Further, we will be taking the opportunity to introduce a host family respite model, home2home, that will provide flexibility for families. These changes will allow for greater flexibility in the provision of respite support in an out-of-home environment.

The ACT is well positioned in the lead-up to DisabilityCare with a number of successful innovative disability housing models. The intentional community, which was officially opened in May this year, is the first of its kind in Australia. The intentional community comprises 25 homes, three of which are allocated to three young Canberra men with a disability. This gives the young men the opportunity to live independently with the informal support of an inclusive, diverse community where residents believe in the importance of being good neighbours.

Work is also progressing on project independence, a housing development for up to 10 residents with a mild disability to live in one of three interconnected properties in Harrison. The ACT government is providing both capital and land for this initiative. The new model of home ownership was developed by local businessman Glenn Keys and will enable residents to have equity in their own home.

Under DisabilityCare it will be increasingly important for people with disability to have access to a wide range of tenures and supported accommodation. Work needs to be done to facilitate the growth of these products, including affordable housing options, private rental and home ownership.

The ACT is leading national work with other state and territory housing officials to develop innovative, affordable housing for people with disability. This will give the ACT the opportunity to showcase our achievements on the national stage as we roll out our DisabilityCare launch site next year.

In the last month officers from my directorate have inspected cutting-edge use of assistive technologies in smart housing in other jurisdictions, the Summer Foundation and TAC in Melbourne and the Boulevard Apartments and Jackson Technologies in Adelaide.

Madam Speaker, smart housing is about using IT applications to make it easier for people with a disability to live more independent lives. People with disabilities use computers, tablets or iPhones to control the environment they live in—for example, climate control and opening of windows and doors. It also allows support agencies to monitor what is happening without necessarily having someone on site at all times. The aim is to create an environment where the person has a greater level of control and independence over their life.

With ACT government funding, Housing ACT will undertake design work for disability housing and for older public housing tenants. The potential to incorporate smart housing support will be part of the design brief for these properties.

True and lasting change will be driven by the choices people with a disability and their families make when they have the resources to purchase the supports they want, and the preparedness of the community to meet those changes. The ACT government was successful in its bid for \$500,000 worth of funding from the commonwealth to help prepare people with disability in the ACT for the introduction of DisabilityCare.

This funding will be invested in working with the mental health community to prepare people with psychosocial disability for DisabilityCare, including developing a gateway where people with psychosocial disability can connect with disability and mainstream supports and mental health services, developing a peer workforce in the ACT that is able to work within a DisabilityCare context, and by helping supported decision making for people with psychosocial disability.

A peer working group for people with a disability has been established and it will work with the NDIS task force to develop and potentially lead local conversations with people with a disability and their families around the issues and opportunities that DisabilityCare can bring to the ACT. The peer working group has already met to discuss potential topics, including how to support people who make some mistakes and how to be an employer or get employment.

Funding has also been used to develop the capacity of people with disabilities and their families to take advantage of choice and control under DisabilityCare. This will develop strong, connected and empowered communities.

Madam Speaker, it is well known nationally that Aboriginal and Torres Strait Islanders are significantly under-represented as users of disability and mental health services. To address this in the ACT, the task force is working with the Office for Aboriginal and Torres Strait Island Affairs, the elected body and Winnunga health services, amongst others, to receive advice on what people in the Aboriginal and Torres Strait Islander community need to prepare themselves for DisabilityCare Australia. A series of workshops which help build the capacity of people with disability to make choices and envision a good life for themselves and their families can be delivered.

Funding has been provided to develop a digital storytelling project which allows people to tell their story in video format. The completed videos showcase the choices people have made and how these choices have changed their lives. The videos can also be used to start discussions about how others can change their lives.

Family leadership as a way of supporting control and choice will also be supported. A project is being developed which will foster family leadership, build the capacity of families to make choices and to develop skills, and also foster the independence and positive aspirations of the family members with a disability.

In addition to working with people with a disability and their families, we have commenced jointly funded ACT and commonwealth work with service providers. The introduction of the NDIS will mean dramatic change for service providers in the way that they receive their funding and the way they deliver their services.

Initiatives have been developed in consultation with the community and based on what people with disability and their families have told us and on what providers have told us they need to prepare for the implementation of DisabilityCare Australia.

The ACT NDIS task force have developed reference groups and steering groups to assist their work and to guide and advise me as minister. A steering group comprising National Disability Services, the ACT Council of Social Service and the ACT Mental Health Community Coalition is working with the task force to deliver regular forums for service providers across the ACT.

I have talked before about the NDIS expert panel that I convened in August last year to provide advice and the benefit of their lived experience. That advice goes to the task force and the government.

The Community Services Directorate has also funded training and professional development activities for the sector to prepare for the NDIS, including sessions on business development for organisations, values-based leadership development workshops, creating person-centred organisations and person-centred support for self-direction.

As the scheme will impact across the whole of government there are also working groups which include health, education, corrections, youth justice, child protection and housing to ensure that the complexities and the impacts related to the transition to DisabilityCare Australia are identified and worked through. These initiatives build on the local initiatives our government has commenced in preparation for future changes.

Through Disability ACT we have funded a range of activities that will provide learning opportunities for both the community and service providers, such as funding a pilot self-directed funding program called my choice. The findings from the ongoing evaluation of this pilot will create a body of evidence that will be shared with the sector and the community to build capacity and understanding of self-managed approaches in anticipation of transition to DisabilityCare Australia.

Behind the scenes too there is significant activity occurring across the government in the lead-up to formalising the bilateral agreement in February next year. Negotiations are ongoing between officials. I am pleased that the project board, consisting of directors-general from ACT government directorates, will be joined by the General Manager of DisabilityCare Australia, signalling a truly collaborative approach to the implementation of this scheme in the ACT.

As minister for disability here in the ACT, I am proud of the progress the ACT has made and its commitment to be the first jurisdiction to have all people transition to DisabilityCare by June 2016.

Making a difference to the lives of people with a disability is what this is all about. Many hundreds of people will receive some help through their enhanced service offer. Real and lasting change for people with disability will take time, and we know from the experience in other launch sites that we still have a lot to learn. But here in the

ACT I believe we are on the right track to fundamental, once-in-a-generation, life-changing reform. I want to thank all those involved in the transition to DisabilityCare in the ACT—gratitude and appreciation for their efforts. I present a copy of the following paper:

National Disability Insurance Scheme—Ministerial statement, 17 September 2013

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

Throughcare extension initiative Ministerial statement

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (10.37), by leave: I thank the Assembly for the opportunity to outline this very significant development in dealing with some of the people in our community who have been detained by ACT Corrective Services. With the commencement of our throughcare initiative, the ACT is seeking to break new ground in addressing the behaviour of individual offenders, improve the safety of the ACT community and, over time we hope, reduce the numbers of those who reoffend and return to detention.

The concept of throughcare is not new and nor is it a concept invented in the ACT. The goal of reducing the detainee population is not unique to the territory. Every state and territory is working hard to respond to the increased demands placed on corrections, some by building bigger jails, some by focusing on community corrections, and some, like us, exploring every possible avenue.

Throughcare is the concept that corrections authorities should manage offenders in a continuous, coordinated and integrated manner. The throughcare concept says that this should happen from the offender's first point of contact with correctional services through to their reintegration into the community. The idea that you can and should manage behaviour change throughout a person's time in custody is something done not only in Australia but also overseas and, as a best practice concept, has existed for many years.

The special thing we are doing in the ACT is extending the provision of throughcare assistance to a period of 12 months after release from custody. This is unusual in Australia. When combined with the significant partnership between community and government in developing and implementing this initiative, the ACT has produced something unique, and something of which we as a community should be proud. We think that by providing assistance for a period of 12 months, we will really enhance the capacity of individuals to turn around their lives in those crucial months after release from custody.

Before I speak on this change further, I want to give some background to this initiative. Our enhanced throughcare model came about because of the partnership between government and the community. A number of key community service providers joined forces in 2009 to create the Community Integration Governance Group or CIGG. The CIGG was formed by agencies such as the ACT Council of Social Service, Northside Community Service, Directions ACT and the Aboriginal Justice Centre, to name just a few, and was created to advocate for coordinated policy and service responses for ACT detainees.

The CIGG and government agencies such as ACT Corrective Services and the broader Justice and Community Safety Directorate, as well as the Chief Minister's directorate, established a working group to map offender needs against services and the service delivery system as a whole. It examined access and equity, coordination and effectiveness. It also identified opportunities for improvement in current service delivery.

The working group report *Seeing it through* was released by the Chief Minister, Katy Gallagher, in December 2011. The key finding of this report was the importance of throughcare being available beyond the custodial environment in order to ensure that sufficient rehabilitative support is provided for offenders after release.

On the basis of the work done by this collaboration of community and government, a proposal was put to government to expand the delivery of throughcare. The government accepted this proposal and funding was identified to commence work towards implementing this initiative in the 2012-13 budget. This is a terrific example of how policy development can work, and signifies the incredible benefits of a whole-of-government approach. Community agencies identify a need. They work with government agencies to develop a response to that need. That proposed response is put to government for funding approval. Approval is given, and the learning begins.

The government allocated more than \$1.1 million of funding in the 2012-13 budget to extend the throughcare model beyond the end of an offender's custodial sentence. It was extended to support the transition of offenders into the community with the aim of reducing their risk of reoffending. The funding has been allocated to ACT Corrective Services for two years. The decision to put the funding to corrections was done on the basis that an integral component of the proposal was the identification of a central organisation responsible for throughcare policy, planning and coordination. This also recognises the crucial role that Corrective Services has to play in the broader justice arena, and the skills and expertise that exist.

So what is the funding doing? The funding creates a small throughcare unit established during the second half of 2012 within ACT Corrective Services to implement the model. The throughcare model in the ACT covers the period from release through to 12 months post-release and includes the following elements: a single point of service coordination, client-centric case management, services responsive to offenders' needs, the establishment of links with providers prior to release and clear governance arrangements.

The throughcare unit is responsible for supporting the coordinated release of all sentenced detainees exiting the Alexander Maconochie Centre and all women, remanded or sentenced, exiting the AMC. As part of that coordination, the throughcare unit has been working with stakeholders in 2013 to develop a number of packages that are focused on what are seen as the key areas of rehabilitation. These packages are designed to coordinate service delivery to offenders by a range of government and community service providers.

The key areas for detainees upon release from the AMC are health services, such as physical, mental, social and financial health; housing, which may include transitional accommodation, government housing, other longer-term housing and maintenance of accommodation; connections, be they cultural, to family, to friends, and how these can be facilitated, including through enhancing access to transport; and finally jobs, including job assessment, skills development, maintaining employment and improving employment prospects.

The unit has recently commenced coordinating service delivery in these four key areas through service providers such as ACT Housing, Centrelink, the Job Network and St Vincent de Paul, to name just a few. The throughcare unit also engages with ACT Policing, the Women's Services Network, Aboriginal Services and the Aboriginal community, and ACT Corrective Services staff working at the AMC and in the probation and parole unit.

This additional engagement enhances understanding of the services available and of the needs of specific clients. It is from this understanding that the throughcare unit and its partners have confirmed that two particularly vulnerable client groups need special assistance under our extended throughcare model. These are Aboriginal and Torres Strait Islander detainees and women detainees.

We know that Aboriginal and Torres Strait Islander detainees are massively over-represented in the criminal justice system and face endemic problems with social and community disadvantage. We know that those women who are incarcerated have usually faced severe social and economic disadvantage and typically have themselves been victims of crime. To respond to the special needs of these groups, the throughcare unit and its partners are working together to provide additional services and coordination.

As I noted earlier, all women, be they sentenced or remanded detainees, can access extended throughcare upon release from the AMC. The throughcare unit has since found that its women clients need additional assistance. As a result, it is now establishing with women's services providers special coordination meetings which examine the needs of each client. Similarly, coordination meetings have been established with agencies providing services to Aboriginal and Torres Strait Islander clients to examine the needs of each client.

To ensure that the throughcare unit and other service providers are across changes in the delivery of services over time, an advisory group has been established to inform the implementation. The advisory group, which meets monthly, consists of

representatives from a wide range of stakeholders, including ACT Housing, the Department of Human Services, Justice Health, the Mental Health Community Coalition of the ACT and the Aboriginal and Torres Strait Islander Elected Body, amongst others.

As well as establishing the throughcare unit, the government's funding also provides brokerage money of up to \$1,500 per released detainee to assist offenders transitioning to the community. This funding will be managed by the community sector organisations with responsibility for individual case management.

Another key governance element is the establishment of a throughcare governance group. This group consists of senior representatives from Corrections, Justice and Community Safety and the Chief Minister and Treasury Directorate, as well as from the Community Integration Governance Group, which I mentioned earlier. It will have the oversight of the throughcare extension and will provide a biannual report on the initiative to the ACT's cross-directorate management forum, the strategic board.

One particular issue that needs to be addressed is the health of released detainees. The Australian Institute of Health and Welfare report *The health of Australia's prisoners 2012* included findings that 84 per cent of the prisoners were smokers, 54 per cent reported drinking alcohol at risky levels and 70 per cent reported using an illicit drug in the previous 12 months.

Research led by former Burnet researcher, Associate Professor Stuart Kinner, published in the *Medical Journal of Australia* estimated that the number of deaths of recently released prisoners in Australia is 10 times higher than the total number of deaths in prison each year, highlighting the extreme vulnerability of this population on return to the community. This research demonstrates the urgent need to establish a national system for routine monitoring of ex-prisoner mortality and improved health outcomes for this profoundly marginalised group.

Prisoners and ex-prisoners in Australia and elsewhere are disproportionately affected by social disadvantage, chronic ill health and preventable disease, including bloodborne and sexually transmitted infections, mental illness and high rates of substance misuse, often a continuation of problems experienced prior to imprisonment.

While throughcare is still a relatively new program, I want to talk about how this initiative can impact and is already starting to impact on real people. The following story is based on a real person. However, we have changed some details in order to protect their identity. John was released from the AMC in June this year. He is in his mid-30s and has a criminal history stretching back to his late teens. He has a history of violence and his most recent period of imprisonment was for a violent assault on a male cousin.

He has drug and alcohol dependency issues, has a tendency to minimise his responsibility for crimes, to breach court orders and only superficially engage with rehabilitation programs and support services. When he was released, John had finished his sentence and was not required to engage with ACT Corrective Services. He is a tenant of Housing ACT, and he returned to his flat.

He has engaged with the throughcare unit twice weekly during the first fortnight after release and then weekly thereafter. He is currently engaging for the purpose of receiving support around his white card, which will enable him to apply for employment. There was a delay in relation to this with his job service provider and it was necessary for the throughcare unit to advocate for him to ensure this was actioned.

John was asked if his experience of release from prison was any different this time. He commented that he was amazed by the level of support he had received. To date, John has not reoffended. However, his criminal history indicates a pattern of approximately six to 12 months between offences; so we will not know for quite some time whether John has made a significant change.

Of most interest in this case is the level of engagement with throughcare by this client who is not under a supervision order and therefore not mandated to do so. That is a promising step. John has continued to engage with the throughcare unit on a regular basis and has received the benefits of brokerage funding available for basic needs, such as food, clothing, household goods, transport and communication.

How will we know whether this initiative is working? That will be a challenge because it is hard to address what are often endemic behaviours in a relatively short period of time. It is also hard to know if individuals have changed their ways until you have given those persons time to stay straight and clean and employed and out of trouble. It may be that where a person like John has a history of reoffending after six to 12 months, increasing duration between relapses may be an initial success.

However, it is important to not minimise these successes. Measuring recidivism is a highly complex area and cannot be defined as black and white. Over time a reduction in reoffending is still a realistic goal. What we do know from all the literature, the academic and anecdotal evidence combined, is that this kind of intensive support in the first three to six months post-release has many social, health and justice benefits. Measuring these benefits can be financial as well, as wraparound services that are properly targeted and effective in the short term pay off in the longer term.

During 2013-14 we will undertake a process of evaluation of the throughcare extension to determine if the model is appropriately structured and is functioning correctly. This will help inform us but it will not measure the success of the initiative because it will still be too early to tell if those being assisted have made the necessary changes in their lives. We will need more time to assist more people and allow time to see if those we have assisted have changed. We will need to further consider in future budget processes extending this program beyond 2013-14 to really allow it time to show us if it works. But we will already have some indication if it is a positive program. I will work with my colleagues in government in regard to this goal.

Having said that, I am really excited about what can be achieved by this initiative. I want to see people who have offended against their families or community once again making a positive contribution to their families and their community. I want to see people who have been incarcerated at great cost to the community working and paying taxes. I want to see dads who are separated from their families by prison

fences or estranged from their families because of their behaviour providing positive role models to their children. Ultimately, success will be in terms of outcomes for the children of these detainees. I think that our throughcare model can help make that happen. I table the following paper:

Throughcare—Ministerial statement, 17 September 2013.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

Business development strategy Paper and statement by minister

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (10.53): For the information of members, I present the following paper:

Growth, Diversification and Jobs—A Business Development Strategy for the ACT—2013 Implementation Report.

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

Leave granted.

MR BARR: Today I would like to take the opportunity to update the Assembly on the government's strategy to promote innovation and the creation of jobs in the ACT. Just over 12 months ago I launched *Growth, Diversification and Jobs: A Business Development Strategy for the ACT*. The strategy outlines a vision for a growing Canberra economy building on a commitment to private sector growth and jobs that is a hallmark of ACT Labor government.

The Gallagher government is committed to ensuring our economy continues to grow and continues to provide jobs. Our private sector is growing, becoming more diverse and creating a wider range of knowledge-intensive jobs. The ACT government intends to support this growth by providing the right environment in which businesses can invest, employ and innovate and we are doing this through the business development strategy.

In the 21st century, growth in modern industrialised economies and regions such as the ACT will come not from smokestacks and mines but from high-tech, knowledge-intensive businesses. The good news is that the ACT has a strong foundation in this area and a strong private sector on which to build. The business development strategy provides the right support to capitalise on the strong foundations that we have. The strategy is already helping to create the right investment environment and the right settings to encourage the private sector to grow and to create jobs. The strategy

outlines a responsible, innovative and collaborative approach to growing the local economy. It rejects the 1990s cargo-cult and cowboy approach of business development and growth. We have undertaken to promote business development by focusing on the following strategic imperatives: fostering the right business environment, supporting business investment, and accelerating business innovation.

The business development strategy implementation report, which I have tabled this morning, reports against the 26 actions set out in the strategy. I would like to highlight some of the major achievements of the last 12 months against the strategic imperatives that we set ourselves.

In fostering the right business environment we have implemented a local procurement policy. Under the policy ACT and region small and medium enterprises will receive a favourable weighting when bidding for ACT government contracts. We have raised the payroll tax threshold to \$1.75 million, the highest in the country, and, as a result, 110 additional local businesses were excluded, no longer required to pay payroll tax, putting nearly \$7 million back into the pockets of businesses in the territory. We will progressively raise the threshold further to \$2 million over the term of this parliament which will save another 80 businesses from paying any payroll tax.

The red tape reduction panel, which I chair, has overseen the abolition of registration labels for light vehicles, has increased the majority of business licences to a three-year maximum term and is reviewing police checking and business signage processes. In addition we have established the fix my red tape website to allow businesses to bring red-tape issues to the government's attention 24 hours a day, seven days a week. We have also been working to reduce red tape through the Australian business number and business name registration project and other COAG reforms.

The ACT integrated its business naming function with the national system last year and now delivers business licence information through a nationally coordinated Australian Business Licence and Information Service. The ACT was one of the first jurisdictions to complete the transition. Through Canberra BusinessPoint, our business advisory service, we have delivered 842 one-to-one client connections and a further 1,290 client connections via workshops, seminars and networking events last year. These outcomes exceeded the 2012-13 key performance indicators and the program continues to grow.

In supporting business investment we have established InvestACT to promote the ACT as an investment destination. Following extensive consultation, the ACT investment strategy will be launched later this year. In the meantime InvestACT has been actively working behind the scenes. The recent solar options were extensively promoted by InvestACT through the Austrade network resulting in over 150 expressions of interest.

We have obtained \$1.3 million from the commonwealth to prepare businesses and residents for the NBN. The first five months of operation of the digital hub and the digital enterprise centre have provided training to more than 500 individuals and 200 businesses. Over 14,000 Gungahlin residents now have access to the NBN and the take-up rate is the highest in Australia.

The ACT government has listened to a number of industry sectors and recognised the need for and benefit of an integrated city brand for Canberra. Through Brand Canberra the ACT government, in cooperation with a number of Canberra-based industry and community groups, will create a fully integrated city brand that provides a consistent, cohesive and creative approach to marketing Canberra both nationally and internationally as an inviting city, a connected community and a great place to visit.

The brand project is simply not about developing a logo; it is about creating a platform for people to better understand and engage with Canberra as a place to live, a place to work, a place to invest or a place to visit. It provides a new way for Canberrans to talk about ourselves and to showcase who we are, what we do and how we do it. Brand Canberra will promote the role Canberra plays in finding solutions to major local, national and global challenges. It is a place where a culture of innovation and creativity breeds extraordinary achievements across science, research, education and business. It is where people come to share big ideas that can be shared with the nation and, indeed, the world.

The Lighthouse Business Innovation Centre, in addition to providing services for investment-oriented young companies, provides management support to the Capital Angels high net worth investors network; has delivered the entrepreneur development fund, has established the CBR Collective, a retail shopfront in the Canberra Centre for Canberra-based designers, and it has delivered the brilliant idea micro credit program to provide no-interest loans to women on low incomes with a business idea.

The redeveloped business.act.gov.au portal was launched in March this year. As well as providing a much better information service to our business community, it now features a blog with commenting functionality as well as linkages to the new business development Twitter and Facebook accounts.

We have also taken the lead in ensuring that we make it easy for skilled workers to migrate to the ACT. In July last year a new online skilled migration processing system went live and incorporates the skills branding site, “Canberra: create your future.” The website consists of three key portals—migrating, learning and living—to promote the benefits of living, working and studying in Canberra.

In relation to accelerating business innovation, the innovation connect program received over 80 applications in 2012-13, of which 26 received funding. Additional funding was provided for a clean tech stream to support early-stage projects that improve environmental quality, reduce environmental impacts and lead to the development of new, innovative clean technologies and services. Examples of funded programs included: Clarus Technologies to develop phase one of its cyber kinetics artificial muscle, Trade Up to develop a mobile management system for subcontractors managing workflows in construction projects, StalkThis to allow online shoppers to stalk products and services on the web so they can be alerted to price changes, and QHopper, a smart phone ordering system for stadiums and arenas that allows customers to skip queuing at service counters.

The strategic opportunities fund provided grants of \$347,000 to four Canberra research groups to develop leading edge collaborative research projects. Of particular interest was a grant of \$150,000 to the University of Canberra for the development of an environmental chamber at its sports hub. As a result of this funding, the AIS contributed a further \$100,000 to the facility.

Our commitment of \$1.5 million in this year's budget for the global connect program has seen the first ever ACT trade mission to Indonesia, ScreenACT's first trade mission in France and the establishment of the Centre for Exporting Government Solutions to build ACT exports, particularly to other public sector markets focusing on the United States and Asia.

The establishment of study Canberra recognises the importance of education exports. Over the last 10 years exports from the ACT's services sector have increased from \$800 million to \$1.4 billion, an increase of 75 per cent. The education sector has played a major role in this growth, and the government is committed to working with the sector to achieve further growth.

The Chief Minister recently accompanied the vice-chancellors of the Australian National University and the University of Canberra on an education mission to China. The mission demonstrated our strong commitment to growing our international student market, to reiterating the importance of the higher education sector to the ACT and to promoting the many benefits of studying and living in Canberra.

As a result of our work with the ANU and the business community, Entry 29, a shared working space incubator, was established in the ANU Exchange precinct. In 2012 we doubled the CollabIT budget to \$100,000. CollabIT does an excellent job in promoting SMEs as innovative companies and establishing partnerships between government agencies, small and medium-size enterprises and multinationals. A recent member survey found that CollabIT members contributed \$92,000 in revenue in 2012-13 to the program, and 81 per cent of respondents expected to derive business success in the 2013-14 fiscal year as a result of their engagement in the program.

And, of course, we continue to support the tourism industry. Tourism is another vital part of the ACT economy, both as an economic driver and, crucially, creating jobs. The tourism industry currently contributes \$1.65 billion to the ACT economy and is one of the territory's largest private sector employers, supporting 16,000 jobs. This represents 7.7 per cent of total employment in the territory. Recent tourism initiatives have contributed to growing overnight visitation in the ACT. There was a nine per cent increase in domestic overnight visitors to the territory for the year ending June 2013 and a 10.2 per cent increase in domestic overnight visitors during the first six months of Canberra's centenary year. This increase was dominated by growth in the visiting friends and relatives market, which saw an increase of 17.1 per cent for overnight visitors and 31.1 per cent for visitor nights. Domestic visitor expenditure also increased by \$159 million for the year ending June 2013.

When looking at international visitation to the ACT, there was a 10.4 per cent increase in international visitors for the year ending June 2013 and a 22.9 per cent

increase during the first six months of Canberra's centenary year. These figures are influenced by visitation generated through investment in major event activity and investment in centenary-focused interstate marketing programs that provided compelling reasons to visit Canberra in our centenary year. This follows a period of significant investment in promoting Canberra to domestic audiences through the human brochure and centenary tactical campaigns, as well as investment in the Toulouse Lautrec and *Turner from the Tate* blockbuster exhibitions at the National Gallery of Australia.

These are some of the stand-alone highlights of our first year under the strategy. I would like to reflect on some of the deeper and longer term positioning work we have been doing, the policy directions that give the strategy its foundation to develop a 21st century digital city in which innovation and commercialisation thrive.

Prior to 2002 the economic strategy of the ACT government was based on a cargo-cult mentality—throw money at multinational companies and the economy will grow: \$36 million in payroll tax waivers for EDS who relocated to Adelaide; \$24 million for IBM, who never achieved the employment targets that the government hoped for; \$10 million for Fujitsu; \$8 million in cash for Impulse Airlines—remember them; and, of course, there was the V8 supercars fiasco. The Labor government stopped the cargo-cult mentality and decided to commit to developing an innovation ecosystem built on a research community that understands the need for business linkages and a busy community that can work with new ideas, the capital to fund commercialisation and the skilled talent to bring the system together.

The government's first commitment was to the funding of National ICT Australia—NICTA. This was a major opportunity to establish a new building block for the innovation ecosystem in the ACT. It was an opportunity to link research and commercialisation in a new and fundamentally different way. The ANU, Australia's premier research university, was a partner in this new approach. The ACT government has re-funded its founding member association with NICTA on two occasions. NICTA is now recognised internationally as a premier ICT research organisation, and its Canberra research laboratory is undertaking world-leading and world-renowned ICT research activities.

NICTA Canberra has now graduated over 300 PhD students. Its Canberra researchers, including the current crop of around 55 PhD students, are engaged in challenging collaborative projects across the country that are transforming major industry sectors. Indeed, NICTA's Canberra researchers are working with the ACT government, ACT companies and other research groups at the ANU and the University of Canberra in areas including smart grid developments, solar energy output prediction, transport optimisation and social media monitoring. For example, NICTA has headquartered its e-health living laboratory at the University of Canberra's faculty of health clinical teaching building. The lab aims to develop technology and business processes that will enable healthcare providers to deliver better services, increased access and open new opportunities for businesses.

NICTA in Canberra also hosts the Australian e-government cluster, a combined initiative of the ACT government and NICTA, together with support from the

Canberra Business Council and local industry. The cluster promotes collaboration between government, industry and research in finding innovative ICT solutions to the increasingly complex problems faced by government today.

An independent analysis by Deloitte estimates that two of NICTA's projects based solely in the ACT—the ePASA and automap projects—will have a combined annual impact of \$354 million a year on the national economy either through cost savings or increased productivity. The same Deloitte study quantified NICTA's current impact on the national economy at \$2 billion per annum through productivity and efficiency savings. It is a great shame, therefore, that the incoming federal government does not value the work NICTA perform and has decided to slash funding to NICTA, one of the most short-sighted decisions the new government has made in its very short time since the 7 September election.

The ACT's innovation ecosystem also is blessed with the ANU, the University of Canberra and the CSIRO. The ANU is Australia's premier research university. As smart cities throughout the world have demonstrated, the right research environment is the key to industry innovation. The ACT government has worked closely with the ANU to strengthen links between the university and the business community.

The regeneration of City West is an excellent example of collaboration to build the infrastructure necessary to foster innovation and to develop knowledge-based business opportunities. The location of NICTA in City West was the key to its redevelopment. Indeed, NICTA was one of the first buildings to emerge from the dirt car parks you might remember in City West just 10 years ago.

The new City West is a testament to how the government and research institutions can provide the infrastructure that drives innovation. The government's city to the lake vision builds upon what has been achieved in City West. City to the lake reinforces Canberra as a smart city, as an exemplar of a progressive, inclusive and vibrant city with a distinctive urban culture. It is fundamental to making Civic more than just a "drive through" city centre, delivering over 1.2 million square metres of mixed use development for over 10,000 new residents located in the most accessible location in the city around West Basin and City Hill and along Constitution Avenue. This land is also the most strategically important land in the capital. It enables further growth for knowledge-based businesses in the corridor between the ANU and the CSIRO, the City, Russell and the airport.

City to the lake will be a world-class project. The project has been nationally recognised for design excellence, innovation and sustainability with receipt of the 2013 Australia Award for Urban Design. Having similar ambition and scope to other major waterfront projects in other Australian cities such as Barangaroo, Docklands in Melbourne, South Bank in Brisbane and the Perth waterfront, it enhances the ability for the city to attract and retain creative industries and people.

Rather than turn its back on the lake and Commonwealth Park, the city will embrace these assets of our national capital. Connectivity between the city, the ANU and existing and new lake-side national attractions will be dramatically enhanced with a grand new public waterfront at West Basin. The daily life of the city will engage with

the lake. Combined with a new multi-use stadium, the Australia forum and the lake-side aquatic centre, Civic will become a place which is more attractive to residents and visitors, where people will happily stay longer. It will be more active, safer and more accessible, with diverse activities during the day and at night.

The ANU's Advanced Instrumentation Technology Centre at Mount Stromlo, built with part of the ANU's insurance proceeds from the 2003 bushfires, is creating a new national centre for the Australian space community, connecting researchers and industry partners from around the country and across the globe. ACT company Electro Optic Systems, a world leader in space debris laser-tracking technology, co-located at Mount Stromlo, is partnering with the centre to develop a space industry innovation precinct at Mount Stromlo.

Recently the commonwealth government announced that EOS and the ANU had successfully bid to develop a space and spatial industry partnership at Mount Stromlo under the commonwealth government's industry partnership program. In addition to EOS and the ANU, another key player in the partnership is the ACT company Locata, whose technology expands GPS capability and allows it to be used in areas the GPS service cannot reach—for example, open-cut mines and inside buildings.

This outcome is a wonderful opportunity for the ACT. The future importance of this industry cannot be overstated. Australia's space industry is involved in earth observation, global positioning, communications and defence activities. The spatial sector consists of fields such as surveying, remote sensing, location-based services, mapping, aerial imagery, land development, environmental management and geographic information systems.

This partnership will bring the two together for the benefit of a whole range of industries—for example, mining, agriculture, utilities, defence, emergency management, communications, transport and infrastructure. The partnership aims to create more than 10,000 new high-technology jobs, expand exports and grow revenues of up to \$12.5 billion per annum by 2023. Although the partnership is to have a national focus, with its headquarters located at Mount Stromlo we can expect that a large proportion of this growth will occur here in the territory.

I would like to take this opportunity to publicly thank Dr Ben Greene of EOS for taking the lead in this partnership. Dr Greene is keen to ensure that the partnership quickly develops a commercial focus. If businesses in the partnership can replicate EOS's success in generating 90 per cent of its \$400 million in revenue through exports, then, Madam Deputy Speaker, if you will excuse the pun, the sky is the limit for this partnership.

To support the partnership, we have pledged in-kind support of \$120,000 per annum by providing the services of a business development case manager to the partnership to give businesses access to the government's business development services. In addition, we have agreed to look at the business case for providing the partnership with a capital injection for the development of an incubator facility at Mount Stromlo.

The CSIRO also plays a key role in our innovation ecosystem. The government made a \$1.1 million co-contribution to establish the High Resolution Plant Phenomics Centre. This has leveraged \$19 million of Australian government funding for the centre and the establishment of a Canberra node of this national facility at Black Mountain.

The centre adds greatly to the CSIRO's plant industry capability in the ACT. Indeed, Black Mountain is the nominated location of the CSIRO's national plant industry precinct. What has been created is a unique knowledge capability here in Canberra that is now attracting interest nationally and across the globe. To give one example, the centre is participating in a multinational consortium funded by the Bill & Melinda Gates Foundation to develop the technology to double rice yields by 2050.

The University of Canberra is similarly delivering new approaches that drive innovation and job growth in Canberra's economy. The government's commitment to the development of UC's allied health facility has directly led to the development of the University of Canberra public hospital, the headquartering of NICTA's eHealth Living Laboratory at UC and the establishment of the university's sports commons.

The first stage of the sports common, the sports hub—partly funded by a grant of \$5 million from the ACT government—will see community sporting organisations and the Brumbies located on the university's campus. In addition, through the strategic opportunities funding program, we have provided \$150,000 for the establishment of an environmental chamber in the sports hub building. As I mentioned earlier, this has leveraged a further \$100,000 in investment from the Institute of Sport towards the facility.

The strength of the sports common has now been recognised by two recent commonwealth announcements. The first one is the establishment of the sports technology partnership under the industry innovation partnership program. While it is not headquartered in Canberra, the presence of the University of Canberra as a core partner, and its proximity to the AIS and the Sports Commission, will ensure that many of the benefits will flow to the Canberra community.

The second announcement was that Regional Development Australia will provide \$10 million in funding for the university to build the next phase of the sporting commons development. The new building, which will include large indoor sports facilities, will be used to help promote the physical literacy of people in the region—teaching them to become active, to enjoy being active and, importantly, to keep active throughout their life.

With the establishment of the sports technology partnership, strong connections to the AIS, which is considering a joint professorial appointment, and the Australian Sports Commission, the sports commons will not only attract more students in the sport and sports medicine fields but also attract companies wanting to commercialise the innovative ideas that come out of it.

It is important to see these approaches as more than investment in research. What they are about is investing in new knowledge capability—knowledge that attracts talent, investment and the creation of intellectual property with commercial value that can attract and form new businesses. A strong research community is only one part of an innovation ecosystem. The right business environment is also critical for success, and the government has played a major role in delivering this.

We have worked hard to position our innovation and entrepreneurship programs to ensure that there is a clear commercialisation path in the ACT for ideas with commercial potential. The ACT government's popular innovation connect grant program, which provides early-stage funding to progress novel solutions to a proof of technology stage, has supported over 110 projects, with funding of over \$2.8 million.

The government's sponsorship of the Lighthouse Business Innovation Centre, which delivers peer support and expert advice to innovators and entrepreneurs, has also been significant in linking projects into the innovation connect path and then into complementary programs along that commercialisation path.

The ACT's capital market has matured; local innovative businesses now have greater access to early-stage capital. For example, firms at the proof of concept and early commercialisation stage can now access the discovery translation fund, ANU Connect Ventures, the Canberra business development fund and the Business Angels network. Ten years ago, there was only the Canberra business development fund, with just \$2 million available for investment.

The ACT government invested \$10 million in the ANU Connect Ventures equity fund to leverage a flow of investment of \$20 million from the Motor Traders Association of Australia. Nearly \$8 million of that investment is currently under active management, with investments through both the equity fund and the discovery translation fund.

The ACT government has also increased the original investment in the CBDF, administered by Australian Capital Ventures Limited. The ACT government funding now totals \$4.5 million, which has been matched by the Hindmarsh group. To date, the fund has created some 80 new jobs and leveraged an extra \$162 million from private and commonwealth sources.

The ACT Business Angels network, which received a small establishment grant from the ACT government, is now a well-organised and active angel investment community, making regular investments into innovative ACT companies. Now operationally linked to the other major institutional players in the innovation system, the angels network continues to grow and broaden. The network also partners with the Lighthouse Business Innovation Centre to identify potential high-growth businesses requiring early-stage investment.

Let me now highlight some of the examples of successful companies that have been supported along the ACT commercialisation path.

Sage Health, the developer of SmartWard, a practical health informatics solution to revolutionise patient care in hospitals, has been facilitated through programs including Lighthouse, innovation connect, the discovery translation fund and, recently, Commercialisation Australia.

Digitalcore, which is a leading provider of revolutionary 3D high-resolution image-based core analysis and petrophysical services to the oil and gas industry, emerged from the ANU and received support from ANU Connect Ventures, trade connect and Lighthouse. Digitalcore recently joined forces with Numerical Rocks from Norway and, now known as Lithicon, is a fully integrated imaging and analysis service provider to the global market.

Quintessence Labs, another ANU spin-out, a developer of ultra-secure encryption technology to protect networks, has gained international attention as the runner-up in the IBM Global SmartCamp and has established an office at NASA's Ames research facility in Silicon Valley.

The ACT is a smart and clean city, and we will continue to promote the city's competitive advantages in this area.

As members are aware, the government is committed to making the ACT Australia's solar capital and achieving a target of 90 per cent renewable energy by 2020. The recent decision to build solar facilities at Mugga Lane and Coree, along with the previously approved Royalla solar farm, will generate, through renewable energy, power to 10,000 Canberra homes. This in turn provides opportunities for showcasing Canberra and developing innovation and commercialisation opportunities. As I mentioned earlier, InvestACT played a supporting role in promoting the solar auction process and facilitated the involvement of local, national and international companies participating in the auction. Already, partnerships are being developed between project developers and research institutions that will contribute to the further development of our growing clean energy sector.

In addition, NICTA's Canberra Research Laboratory is teaming up with solar energy experts from the ANU, ActewAGL and local ACT companies Armada Solar and LAROS Technologies to develop ways of predicting the expected power output from rooftop solar energy systems. Forecasting solar energy production over a time span ranging from minutes to hours is important in order to stabilise the energy grid, decrease operational costs and ultimately achieve a high penetration of distributed solar energy production.

The ACT business community now has a reputation for being export focused. The ACT's export statistics continue to be impressive. The value of goods and services exports from the ACT increased by 9.4 per cent to \$1.3 billion in 2011-12, above the national rate of growth of 6.3 per cent; the ACT had the highest year on year growth rate among jurisdictions in 2011-12; and the five-year trend growth rate in ACT exports is 6.8 per cent.

We have played a major role in facilitating this growth. Through the Canberra Business Council, we established the ACT Exporters Network to bring successful

exporters and emerging exporters together. The network plays a pivotal role in promoting trade development, in connecting companies to services and in the delivery of ACT government-led trade missions. We supported the establishment of the Centre for Exporting Government Solutions to assist local innovative firms that sell to government to access other public sector markets around the world. The focus in the establishment period has been on the US market; however, there is significant opportunity arising in developing markets of Asia and the South Pacific.

As I mentioned earlier, in April of this year I led the ACT government's first-ever trade mission to Indonesia, themed around the ACT's competitive strengths in areas of international education, knowledge-intensive business services, ICT services and expertise in public administration.

Over the last 12 months Aspen Medical has continued its breathtaking rise as a multi-disciplinary health services provider in the defence, humanitarian and resources sectors. Its revenue grew by \$32 million to \$95 million over 2012, with its global footprint expanding in Asia, the Middle East, North America and Europe.

Seeing Machines, which emerged from ANU research and development, signed a significant strategic agreement with Caterpillar Global Mining, the world's leading manufacturer of mining equipment, for use of its in-cab fatigue monitoring systems.

Bearcage Productions signed the first-ever formal co-production agreement for a documentary television series between Australia and China Central Television's documentary channel. *The Story of Australia* is a six-part series that will be broadcast on China Central Television and internationally.

Datapod, the complete solution modular data centre manufacturer, deployed units to PNG and Sweden in the 2012-13 fiscal year and I can assure you that touring the facility at Fyshwick where these data modules are pieced together is quite an experience.

As I have also mentioned earlier, we have taken a positive approach through study Canberra to our biggest export earner, the export of education services. The "reverse good" to exporting is of course inwards investment. A growing innovative economy needs to be open to both capital investment and the recruitment of people with skills and knowledge.

It should come as no surprise to members to learn that Canberra has become home to an emerging networking of cyber security industries. After all, Canberra is home to ASIO, ASIS, the Department of Defence, the Australian Government Information Management Office and the National Cyber Security Centre. As a result, there are strong linkages between international firms and Canberra SMEs that have niche expertise in this area.

In 2012 the Chief Minister opened the global integrator company Lockheed Martin's \$10 million NexGen Cyber Innovation and Technology Centre in Kingston, and the international defence and security giant Northrop Grumman purchased a local

Canberra company M5 Network Security to provide increased cyber security and communications to its Australian clients.

Similarly, Canberra has a strong competitive advantage in the more traditional defence-related industries. The presence of the headquarters of the Department of Defence in Canberra means that both prime defence contractors and innovative defence SMEs also need to be located here.

In May of this year three Canberra companies, EOS, CEA Technologies and Insitec, were selected by Northrop under the Australian Defence Materiel Organisation's global supply chain program. And as a result, the companies will share in contracts valued at \$7.4 million.

More surprisingly, there is a small but growing mining services cluster built around the activities of Geoscience Australia. Companies including Aspen Medical, Datapod, Corporate Air, Digital Core, Locata and Contractor Compliance are all active in the resources, oil and gas sectors.

These case studies form an important part of the profile of the territory as an investment destination. To build on this profile, a key priority of the business development strategy was the establishment of InvestACT. The InvestACT team is now taking shape and the investment strategy, an important piece of positioning work, will be launched later in the year.

The strategy has been developed following the completion of a benchmarking study that compared investment approaches in six other strongly public sector focused cities around the world. The strategy will be based on a proactive approach to investment promotion and strong collaboration between government and the private sector. In particular, InvestACT will target the re-investment pipeline, that is, the growing footprint of major Australian and international companies that already have a presence in the ACT or companies that we feel should be here.

We are not only keen to attract capital and investment to Canberra but also skilled workers. The skilled migration program has directly attracted over 1,500 workers to Canberra over the last five years. Many have brought with them skills that have been in high demand in the ACT's growing ICT sector. Significantly though, these workers have also brought over \$221 million of personal investment into the Canberra economy. In addition, over the last five years, the skilled migration program has assisted ACT employers to sponsor over 2,400 workers in a range of skilled occupations including the health, hospitality and academic sectors.

The government's business migration program has sponsored 52 business migrants who have invested over \$62 million into the ACT's hospitality and property development sectors. Importantly, skilled migration adds to our cultural diversity, it builds links and networks globally, it injects capital into our economy, and it is an important driver of population growth and the property market.

All of these activities come together to showcase a different Canberra to the one that we see constantly portrayed in the media. The support we provide for NICTA, the

ANU, the CSIRO and the University of Canberra not only drives research, innovation and business growth but also raises the profile of our city as a study destination for a new generation of students from both within Australia and overseas.

Through brand Canberra and in cooperation with industry and community groups, we are creating a fully integrated city brand that provides a consistent, cohesive and creative approach to marketing the ACT both nationally and internationally as a great place to visit, live, invest and study.

Through InvestACT, we will focus on promoting Canberra as an investment destination for Australian and international companies that fit with the territory's competitive advantages. We will profile the business success stories that we have seen emerge in the last few years. And I am pleased to have the opportunity to do so this morning.

Through the exporters' network and the trade mission program, we will continue to showcase ACT companies on the world stage. Through the skilled migration program, we will continue to deliver the skills the business community requires to innovate, to grow, to expand, as well as bring in the investment that our community needs, and to continue to drive population growth in Canberra. We will continue, through our taxation policies and commitment to reducing red tape, to support the innovation ecosystem in the ACT.

When I launched this strategy just over 12 months ago I undertook to report to the Assembly annually. The following figures indicate how successful these policies have been: the total number of actively trading ACT businesses has grown by 1.6 per cent, on the latest available data. And this is the highest of all states and territories and four times the national growth of 0.4 per cent.

Retail turnover grew by 3.3 per cent in the ACT in the year to July 2013, compared to 2.3 per cent nationally over the same period. In the year to August 2013, the ACT labour force grew by 1,600, whilst unemployment fell to 3.7 per cent, compared to a national unemployment rate of 5.8 per cent.

Over the last five years we have seen 13,200 new jobs and over the last 10 years 35,900 new jobs. Population growth, at 2.3 per cent per annum, remains above average for the ACT and well above the national rate. Over the last five years, service exports in the ACT have grown by an average of 6.9 per cent per annum, compared to national growth in service exports of only 0.8 per cent per annum over the same period. In 2011-12, the ACT's exports were worth \$1.27 billion, of which \$1.26 billion was in service exports. State final demand, consumer price inflation and wage price inflation are all on par with national averages.

There is one business statistic that I often see quoted that I would like to address this morning, and this relates to the survival rate for small businesses in the territory. It is true that the survival rate is marginally lower than the national average, but the business start-up rate, at an average of 3.9 per cent per annum over the last 10 years, is higher than the national rate. In a services economy such as the ACT, where there are very few barriers to transitioning from running a small business to moving into

paid employment and vice versa, it is not surprising that both the business formation rates and the non-survival rates are marginally higher than the national average.

Importantly, ASIC data indicates that the business failure rate in the ACT due to bankruptcy is comparable with national data and that poor economic conditions were only nominated in 14 per cent of bankruptcies as a cause of failure. This is half the national rate. Most importantly, the number of businesses has continued to grow. There are now over 2,000 more businesses in the ACT than there were 10 years ago.

The business development strategy is the right strategy for the future. It builds on the policies we have put in place. Our vision is to continue to build on these policies. We will continue to support research and innovation through the ANU, NICTA, the University of Canberra and the CSIRO. We will continue to support linkages between business and research institutions such as the space and spatial industry partnership.

We will continue to promote the benefits of the ACT as a business and tourism destination. We will continue to deliver programs that target the needs of innovative and growing businesses. We will continue to showcase innovative businesses to potential export markets. And we will continue to create the right environment for businesses to grow and expand.

The ACT is already one of Australia's best-performing economies. Our strategy to continue this growth, to diversify our industry profile and to create jobs for residents in the ACT both now and into the future is the right policy direction, the right direction to transform Canberra.

I move:

That the Assembly takes note of the paper.

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

Duties (Duty Deferral) Amendment Bill 2013

Debate resumed from 8 August 2013, on motion by **Mr Barr**:

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (11.41): The opposition will be supporting this bill. I note that this amendment bill fixes a significant oversight of the Treasurer's First Home Owner Grant Amendment Bill 2013. It makes amendments to the Duties Act which will allow applicants who had been eligible for duty deferral on the purchase of an established property under the first home owner grant scheme to retain access to the duty deferral scheme.

As members would recall, the debate on the First Home Owner Grant Amendment Bill was rushed on the last day of the August sittings, a week that for all intents and purposes is meant for the Appropriation Bill. On the day the bill was debated I noted in the chamber that this was a deceptively simple-looking bill but had overreaching

implications for first home owners in the ACT. Here we have it in the government's own words in the explanatory statement for this bill:

As an unintended consequence of retargeting the FHOG to only new or substantially renovated properties, access to the Duty Deferral Scheme to first home buyers who purchase an established property is removed.

You would think that the government would look to address unintended consequences like this as a first principle to get right when the bill was originally drafted. I thank the minister for the briefing. Officials briefed my staff and me a couple of days ago. I asked the question: did we have more up-to-date data on how many of those who got the first home owner grant when it was covering established homes? For the information of members, in the 2011-12 financial year there were 2,775 grants made. For established homes it was 1,821 grants and for newly constructed homes, it was 954. So 65 per cent of the grants paid in 2011-12 went on established homes.

In 2012-13, the financial year just finished, there were 3,037 grants made. For established homes there were 1,887 grants and newly constructed homes, 1,150 grants. Again, more than 60 per cent of the applications were for established homes. So it will be interesting to see the long-term effect of these government changes and we have warned about that.

That said, the Canberra Liberals will be supporting the bill. As outlined by the explanatory statement, this is a machinery of government bill and makes technical amendments. Given that the amendments will be taken to have commenced on 1 September 2013, we will also follow closely something that implements the retrospective activity of this bill.

MR RATTENBURY (Molonglo) (11.43): As has been explained, this is a very straightforward bill that keeps the status quo rather than making any policy changes. Given the circumstances, the Greens will be supporting the bill to maintain the current scheme. However, there are a couple of points that I would like to raise. Firstly, tying the scheme to the first home owner grant has brought about the need for the bill. Given that there are real question marks about the efficacy of the first home owner grant, one does have to question the wisdom in continuing the existing arrangements rather than taking the opportunity to assess the options for improvements.

Secondly, and more generally, is the issue of the way the various housing mechanisms work together. Attempting to have a coordinated approach that links the different programs is in principle the best way to tackle the issue. However, the problem of tying other schemes to one that is considered to not meet its objectives is obvious. One can legitimately ask whether someone buying a \$750,000 house should be entitled to defer their stamp duty liability. There should be measures in place to assist targeted groups of people through the housing continuum. Just how far housing assistance should extend is a matter, I think, for considerable debate.

In previous debates the Greens have made it very clear that we do not support providing assistance to those who can afford to spend \$750,000 on a house. Our view is that money would be better spent providing assistance to those who need it most.

We know there are many people eligible and waiting for public housing that we cannot provide for. We should look comprehensively at all the housing assistance measures the government provides to ensure that we are effectively providing the best level of support in the fairest way.

With those issues noted, for the time being it is reasonable that the current scheme continue until a proper assessment of housing assistance measures can be undertaken. As such, I will be supporting the bill.

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) (11.45), in reply: I thank members for their support, some in a gracious way and others in a less gracious way, as is normally the case on these matters. But I will take the unanimous support of the Assembly for this bill and thank those involved in its drafting. As I am losing my voice, I think I will stop speaking.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Crimes (Sentencing) Amendment Bill 2013

Debate resumed from 6 June 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MR RATTENBURY (Molonglo) (11.46): The issues currently being experienced in our Supreme Court are well known and we have debated them extensively in this place. I said in those debates that my view was that we should exhaust other measures to make the court as efficient as possible before we appoint a fifth judge. The chief justice in his recent retirement remarks observed that a fifth judge is inevitable, and that does seem to be a true statement. The debate clearly is about the timing of when that appointment will take place. I have no doubt that in time we will need to appoint a fifth judge, but we must first work to ensure that the court is operating in as effective a manner as possible.

The bill today has previously been considered by the Assembly. In that debate the Greens opposed the measure. At the time I expressed my concern about how it would operate and said that the better course of action was to undertake a comprehensive review of sentencing. It is important to say that I still believe that there should be a comprehensive review of sentencing and that the current inquiry by the JACS committee will make an important contribution to the debate. However, having had the chance to further reflect on the changes proposed in the bill, I have reconsidered

my position on the reform. I have thought about this at some length and I accept that there is potential for the changes proposed to have a positive impact.

I was concerned that the change could operate to the detriment of some defendants, leaving them excessively exposed to the advice of their lawyers and creating a somewhat cumbersome system that involved calculating risk taking, which did not sit easily with me. Having had the chance to further consider the way the proposed change has been administered in New South Wales, I do now consider that on balance there should be an additional mechanism to encourage defendants and their lawyers to act responsibly and assist the trial process.

Based on the New South Wales experience, I think we should give it a go here in the ACT. I think that the justices of the court will be able to appropriately balance the range of factors that they will be required to consider and deliver fair outcomes both for the community and offenders. As the Attorney-General mentioned, this is an initiative of now retired Chief Justice Higgins.

Related to the issue of how the changes will be applied, the scrutiny committee raised concerns about proposed new section 35A(3). The minister in his response to the committee noted that there are other sections, 23(2), 35(6) and 36(4), of the current act that use the same subsection as that proposed to be included by the bill and that it is necessary to include this to ensure the availability for appeals. I do not agree that it is necessary for appeals, nor is the fact that there is already a problematic section in the bill reason to replicate that shortcoming. I agree with the committee that the expression used is not the best and that it is probably unnecessary.

However, I do not believe that it indicates a lack of confidence in the judiciary by the Assembly. There are many examples where we require decision makers, both executive and judicial, not to act in a manner that we would not expect them to act in any way and for which the common law operates to restrain. Given that the clause proposes a consistent change and that it has not been problematic to date, I will support its inclusion today, although I will say that in the context of a broader review of the act this is something that I think can be improved as part of a package of further reforms to the act.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.50): I thank Mr Rattenbury for his support of this bill. I note that the Liberal Party have not indicated their position on the bill.

Mr Hanson: I am sorry; my apologies. This is the JACS bill?

MR CORBELL: Yes.

Mr Hanson: I was advised that this was the previous bill. My apologies for that.

MADAM DEPUTY SPEAKER: Mr Hanson, you wish to speak?

Mr Hanson: Yes, I do wish to speak.

MADAM DEPUTY SPEAKER: Yes, Mr Hanson.

MR HANSON (Molonglo—Leader of the Opposition) (11.50): The Canberra Liberals will be supporting the Crimes (Sentencing) Amendment Bill. Put simply, the bill, through the insertion of new section 35A, would permit the courts to impose a reduced sentence, including a reduced parole period, in cases where an offender assists in the administration of justice by cooperating in the trial process.

There are a couple of riders, however. Firstly, the lesser sentence must not be disproportionate to the nature of the offence. This would seek to ensure that this flexibility does not create excuses for sentencing leniency. Secondly, application of this flexibility does not apply where the assistance consists only of a plea of guilty or where the assistance is given to law enforcement agencies as distinct from the court process. To do so would double up on already existing provisions in that regard. Finally, as already applies to the other circumstances in which a lower penalty might be given, the court is required to provide a statement outlining the penalty it otherwise would have given and the reasons for the lower penalty. This, again, reduces the risk of sentencing leniency.

I also note that a similar provision exists in New South Wales in the Crimes (Sentencing Procedure) Act 1999. This similarity allows ACT courts to take some guidance from precedents created in New South Wales and, again, will assist in ensuring our courts maintain proportionality.

We will give this bill our support with a caveat. On 8 June this year the *Canberra Times* reported that the Law Society had concerns about this bill. Their primary concern was that this measure could “reverse the onus of proof back onto the accused”. The society was also concerned that it could “water down fundamental safeguards, including the accused’s right to silence”.

Countering this argument, the bill’s accompanying explanatory statement makes the bald, unsupported claim that this change in the law does not interfere with the right to silence, the right to plead not guilty or the right to be tried according to the law. With the government putting forward no basis for this claim, I was concerned that the Law Society’s caution on this matter has some substance. Accordingly, I followed up with the Law Society. For the record, I will quote their further advice to me in full. They say:

The proposed amendment could appear beneficial in some situations. However, there is concern that the proposed amendment undermines the notion that it is the prosecution’s responsibility to prove each case beyond reasonable doubt.

The amendment, effectively casts that responsibility back upon the accused, by failing to grant a benefit if the accused does not assist the prosecution and thereby treating the accused, who does no more than hold the prosecution to a burden it carries at law, pays a price for that.

This concern is more acute because often the issue of cooperation or assistance involves a decision of whether to assert the defendant's right to silence, from which in principle, no adverse inference should ever be drawn.

The types of decisions that will yield a discount are frequently going to be matters of forensic judgement by lawyers. There seems some difficulty in then giving a discount or not based on the quality of legal advice.

Decisions about what evidence is 'in issue' and whether to hold the prosecution to strict proof on continuity, or challenge tendency evidence, or an ID etc, are frequently matters upon which clients have little choice but to trust their lawyer's judgement.

It may become a mark or grading of the lawyer rather than any action or inaction of an accused. This is an inappropriate basis upon which to determine sentence which is solely visited upon the accused.

The Law Society conclude their remarks by saying:

On balance it is undesirable that any step be taken which waters down the fundamental burden of proof that rests with the prosecution or impinges on the right to silence. These safeguards exist for good reason.

The Law Society's concerns are well founded and serve as a warning that the intent of this bill—fair and reasonable as it may appear on the surface—may be overtaken by unintended consequences. It would be unfortunate indeed if an accused were to find themselves painted into a corner having done the prosecution's work for them. So we will watch how this new law plays out in the courts.

I note that the government will be presenting two amendments to the bill during the detail stage debate. These amendments provide clarification that assistance given by an accused during the pre-trial process, excluding a guilty plea or assistance to law enforcement officers, will count as matters for the court to consider in determining whether a reduced sentence is warranted. We will support those amendments because they are fundamental to the intent of the bill.

In summary, we will support this bill, but we will continue to monitor the effect of this bill in the courts, heeding the warning that has been provided by the Law Society.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.56), in reply: I thank members for their support of this bill today, which contains important amendments to the Crimes (Sentencing) Act 2005 to create a further incentive for defendants and their representatives to assist in the efficient administration of justice.

In order to assist with the interpretation and clarity of the bill, I will be moving during the detail stage a number of minor government amendments. The amendments will permit a reduced sentence to be imposed if an offender facilitates the administration of justice. This means that if the offender cooperates by ensuring trials are focused as

efficiently as possible on the real issues in dispute they are entitled to a discount if they are found guilty.

New section 35A will allow a court to impose a lesser penalty, including a shorter non-parole period, on an offender than it would otherwise have imposed having regard to the degree of assistance provided. The provision is designed to encourage offenders and their lawyers to cooperate to ensure that issues in dispute are the focus prior to trials. The consequence of this is a more efficient system. The ability for an offender to obtain a sentencing discount by narrowing the issues that are not in dispute before a trial saves the time of the court and the justice system overall.

The provision will extend to allowing a reduced sentence to be imposed where an offender, while still maintaining a plea of not guilty through to trial, has nevertheless facilitated the administration of justice through pre-trial disclosures, disclosures made during the trial or otherwise. Importantly, the bill will ensure that if the offender accepts parts of their conduct at sentencing the courts can take into consideration any assistance the offender has given and sentence them accordingly.

The assistance can take a number of other forms which not only help to streamline the hearing of matters but also have the potential to significantly alleviate the distress experienced by victims and their families through the trial process. This is because the victim and their family are less likely to be required to endure drawn-out or protracted inconsequential evidence that unfortunately can sometimes characterise matters heard in Australian criminal courts.

Despite seemingly “similar provisions” in the Crimes (Sentencing) Act 2005, there is currently no express power for the courts to take into consideration when sentencing the extent to which the offender assisted the administration of justice, and then offer a discount. A similar provision does exist in New South Wales and, accordingly, the case law that exists on this provision in New South Wales will serve as a guide to the ACT courts in applying new section 35A. The ACT judiciary will be able to use the New South Wales law as a guide and apply their own judgement to each individual case to achieve a fair and just sentencing outcome.

New section 35A also ensures that a lesser penalty imposed must not be unreasonably disproportionate to the nature and circumstances of the offence. This does not impinge on the separation of powers. The power to provide a discount is simply subject to the qualification that the lesser penalty imposed because of the discount is not to be disproportionate to the nature and circumstances of the offence. This is clearly saying to the courts that the legislature has given you this power and the intention in giving it to you is not so that you give an unreasonably disproportionate discount.

The intention of the Assembly in passing this amendment is clear. Being clear about intentions is not the same as expressing any doubt about the integrity or professionalism of the body that the legislature is expressing its intentions towards. I note that should there ever be an appeal in relation to what is an unreasonably disproportionate penalty it will be the courts themselves that consider and rule on that question.

The new section clarifies that the power is not intended to limit the operation of existing sections 35 and 36 which allow for reduced sentences in certain circumstances. While a plea of guilty or assistance provided to law enforcement agencies can be considered to meet the requirements of facilitating the administration of justice, the new section is designed to provide that other, further actions are required to trigger the reduction under the new section.

The amendments also require the court to give a statement if it imposes a lesser penalty for an offence under the new power. The court must state the penalty it would have imposed and the reasons for the imposition of the lesser penalty. This will ensure dual visibility of reductions: firstly, to ensure that the community are able to satisfy themselves that sentences continue to reflect the seriousness of the offence and, secondly, to ensure that defence counsel can advise their clients of the benefits of pre-trial and trial cooperation which ultimately may facilitate greater efficiency in cases before the courts.

As I have previously indicated, these amendments were suggested by former Chief Justice Higgins. I thank him for his contribution and hope that these amendments will serve as a further reminder of his contribution to the law.

As I mentioned earlier, the government will be moving amendments to the bill. The amendments are necessary to enable greater clarity within the act. They will provide a more transparent way for the courts to apply the discretionary discount on sentencing and make our legislation consistent with New South Wales provisions, which has been considered as an ideal model. The amendments seek to repeal section 33(1)(k), which deals with pre-trial disclosures, and insert reference to the assistance with the administration of justice. The new section 35A specifically references pre-trial disclosures as falling under the head of “administration of justice”.

These amendments will ensure that sentencing discounts are consistent so that offenders are eligible for discounts for assistance in the administration of justice that occurs throughout the criminal justice process. The reforms in the bill represent the government’s commitment to improving access to justice for our community. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (12.03), by leave: I move amendments Nos 1 and 2 circulated in my name and table a supplementary explanatory statement to the government amendments. [*see schedule 1 at page 3304*].

The amendments are minor and technical in nature. I have already spoken to the substance of the amendments in my closing remarks in the in-principle debate. I refer members to those comments and commend the amendments to the Assembly.

Amendments agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 12.05 to 2.30 pm.

Questions without notice

ACT Policing—alcohol enforcement

MR HANSON: My question is to the Attorney-General. Attorney, in the territory's 2010-11 budget, your government provided more than \$5 million over four years for 10 extra police to specialise in inspection and enforcement of responsible service of alcohol practices in licensed premises on weekends. You set the new liquor licensing fees at that time to provide for recovery of that cost. Attorney, when were those 10 police officers taken off their specialist role, what was the justification for it, and was it a ministerial or an operational decision?

MADAM SPEAKER: The Attorney-General, the minister for police, Mr Corbell.

MR CORBELL: I thank Mr Hanson for his question. This is an operational decision by ACT Policing. There has been no diminution or reduction in the expertise of the dedicated alcohol crime targeting capability of the former alcohol crime targeting team. I was advised by ACT Policing of its decision in the last week or so.

The decision is one which is a sensible one on the part of the Chief Police Officer. The Chief Police Officer is seeking to deploy his resources in the most effective way possible. Of course, it makes sense that, particularly on a Friday or Saturday night, the alcohol crime targeting team, which is in operation often in the Civic area, will work with and cooperate with the city beats team in any event. The Chief Police Officer has taken the decision to combine his resources to provide the strongest possible capability, particularly in Civic on a Friday and Saturday night, but this does not result in any reduction in the capability of the new dedicated combined team to focus on alcohol-related crime and violence, and those activities will continue, I am advised, unchanged.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, what is the annual cost of providing those specialist services? How much of it is recovered in liquor licensing fees?

MR CORBELL: Those figures are previously on the public record. I do not have them immediately to hand but I am happy to make them available to the member.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, given that the additional liquor licensing fees were to fund additional police operations, will the liquor licence fees now be refunded to publicans?

MR CORBELL: No, because we still have additional police doing liquor licensing enforcement, and there is no getting away from that assertion. These are police funded, in part, through the increased liquor licensing arrangements to ensure that the community sees a further reduction in alcohol-related crime and violence.

That has been the overwhelming result of this government's liquor licensing reforms. We have seen a drop in the number of criminal incidents related with alcohol. That has been confirmed by the hospitality industry. They themselves are seeing those results and they welcome them. We expect, and the government expects, those results to continue. There is no reduction in police. There is no reduction in the focus provided to alcohol-crime targeting. There is no certainly no argument around the fees.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, why have you failed to follow up on your commitments on inspections and enforcement of responsible service of alcohol?

MR CORBELL: I do not know how that is relevant to the earlier question, but I have not.

Environment—carbon pricing

MR COE: My question is to the Minister for Environment and Sustainable Development. The federal coalition government that was recently elected has pledged to abolish Labor's carbon tax. Has the carbon tax been beneficial for Canberrans and if so, how?

MR CORBELL: Madam Speaker, I am happy to make some general comments about the value of putting a price on carbon but I would note that these are not matters that are directly within my responsibility as minister for the environment, given that we do not have a carbon pricing scheme administered by the ACT government. But since I have been invited, I am happy to make some general observations.

Of course, putting a price on carbon is universally recognised as the most economically efficient way of ensuring that industry and the economy respond to what is otherwise an externality that is not appropriately priced. Of course, what we have from the incoming federal government is a policy that junks what is universally recognised as the most cost-efficient way of reducing the cost of greenhouse gas emissions and at the same time a policy called "direct action", which is now

acknowledged as not being able to meet the costs of achieving the bipartisan five per cent reduction in greenhouse gas emissions that both sides of the federal parliament say they support.

On the one side you have got a policy which is recognised as capable of and starting to reduce emissions at an economically efficient price. On the other side you have a policy that junks that, replaces it with a budget-funded scheme which is now being recognised as not being sufficiently funded to achieve the five per cent reduction in emissions necessary. That is a tragedy for the very pressing and immediate challenge that our country faces in relation to the issue of climate change.

We hear a lot of hysteria from the federal opposition on a whole range of issues but nothing about the fact that in the past 12 months we have seen record temperatures across the Australian continent, the warmest winter on record nationally, the warmest winter on record here in the ACT, the earliest start to spring and warm conditions on record and apparently this is not a national emergency, Madam Speaker.

Members interjecting—

MADAM SPEAKER: Order, members!

MR CORBELL: We hear from their counterparts—

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson!

MR CORBELL: about all these so-called budget emergencies and national emergencies. What about the climate emergency, Madam Speaker? What about the fact that our climate is—

Mr Hanson interjecting—

MADAM SPEAKER: The Leader of the Opposition will come to order.

MR CORBELL: warming at a dramatically increasing rate, a rate that outstrips all of the predictions of all the recognised climate scientists and institutions around the world? Those opposite think it is some sort of laughing matter. It is not a laughing matter. It is not a laughing matter. Our climate is changing in dramatic and potentially dangerous ways. The consequences of that are more severe heat episodes, more severe bushfires, more severe droughts and floods. All of those have a direct and immediate consequence on our community. Those opposite should not be thinking that it is some sort of big joke.

MADAM SPEAKER: Order, members! Before I call Mr Coe for his supplementary question, could I just draw your attention to the fact that you are in question time and not in the playground. When I call you to order, I expect you to come to order. Mr Coe, your supplementary question,

MR COE: How much does the carbon tax cost the ACT government?

MR CORBELL: Those figures are on the public record, and they have been on the public record for some time. I would refer Mr Coe to those.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what is the territory government's commitment to a carbon tax and/or a price on carbon?

MR CORBELL: The government's position is that it is supportive of the most economically efficient mechanism to reduce the impact and the level of greenhouse gas emissions in our economy. That is why we have supported national reforms to reduce greenhouse gas emissions in an economically efficient way that delivers the lowest possible cost to consumers and taxpayers. It is remarkable, and it always has been remarkable, that the party that says it is an advocate of the market and market-based mechanisms is not interested in a market-based mechanism that reduces carbon pollution.

This government's policy in relation to economically efficient market-based mechanisms to reduce the cost of greenhouse gas emissions and put a price on the externality of that pollution is well known and well understood. It is the same reason that this government has introduced legislation to save Canberra households money and reduce their greenhouse gas emissions through the energy efficiency laws that have been rolled out to 70,000 households across the ACT. Those laws save households money. There is a market-based mechanism that saves households money—on average, \$300 a year per household—and cuts greenhouse gas emissions over the life of the scheme by three-quarters of a million tonnes.

That is an example of a market-based mechanism that reduces emissions and helps save households money on utility costs—another law that was opposed by those opposite.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, why is it important to reduce greenhouse gas emissions?

MADAM SPEAKER: Mr Corbell. It is a bit marginal, but I actually think that, on reflection, the initial question was a bit marginal as well.

MR CORBELL: It was. I thank Dr Bourke for his question and I will address the question in the context of the ACT community. Canberra, as a city, is obviously Australia's largest inland city. It is located in one of the most climate vulnerable parts of the Murray-Darling Basin. It is highly reliant on and highly vulnerable to shifts in weather patterns in relation to its water supply and in its vulnerability to severe weather events such as extreme heat events and associated bushfire risks.

So climate change has a direct, real and immediate impact on the safety, security and viability of our city. Therefore, as a government, we must ensure that we take responsible and reasonable steps to reduce our own city's greenhouse gas emissions as part of a national and global effort to reduce and ameliorate the worst impacts of a changing climate.

Let us understand what it means. It means that the number of severe heat days in the ACT over the next 30 to 50 years will double. We all understand what these days mean. They mean heightened fire risk, severe or catastrophic fire risk. And if you are talking about the number of days like that doubling, you are talking about the prospect of severe bushfires doubling in that same period.

If you are talking prolonged drought effects, you are talking about the potential for further vulnerability to Canberra's water supply, regardless of the significant capability that has now been put in place through the government's water security projects. So those are the real and immediate impacts.

We know, for example, that severe heat means increased mortality rates for the elderly, the infirm and the very young. That is the consequence of a severe heat effect. And for all of those reasons, climate change has a real and direct impact on our community. (*Time expired.*)

Federal government—election

MS PORTER: My question is to the Chief Minister. Chief Minister, what is the ACT government response to the election of a coalition federal government?

MS GALLAGHER: Last Monday I wrote to the new Prime Minister elect, Tony Abbott, congratulating him and the coalition on their election win. The ACT government has worked with federal governments of both political persuasions in the past, and I have worked with Mr Abbott when he was health minister in the Howard government. We look forward to continuing to work with the federal government over the next three years.

Whilst, from my point of view, we are disappointed with the lack of women in cabinet, and indeed with some of the portfolios as they have been announced, we will work in good faith with the commonwealth government in the range of areas which matter to the local Canberra community, including in the areas of the territories portfolio and, of course, in areas of national importance like health and education.

It was good to see that Labor performed very strongly in the ACT. Congratulations to Andrew Leigh and Gai Brodtmann on their re-election to the House of Reps and of course to Kate Lundy on her re-election to the Senate. It appears to be a bit early to congratulate Zed Seselja, as he continues to fight for the second Senate seat in the seat of Canberra.

One of the main issues the government remains concerned about—indeed, it is probably an issue that should concern the Assembly—is the promised cuts and

efficiencies being sought for the public service. The appointment of Senator Abetz to the role of assisting on matters of public service means that this is already being given a very prominent focus in the Abbott government. We do remain concerned about the way that those efficiencies will be sought to be delivered. It is unclear to the ACT government at this point in time how those efficiencies will be gained and what will be the timetable for them. All we have to go on is the comments that have been made during the election campaign and over the last three years.

I do hope that we will be able to engage in positive dialogue with the Prime Minister and his team, and always urge him to act in the interests of the Canberra community just as he will be acting in the interests of a range of local communities around Australia. Canberra is no different from any other community, and it deserves the respect and consideration of the Prime Minister as he rolls out his agenda in government. I would hope that we would have universal agreement across the Assembly for that.

There are some other areas. The announced cuts to NICTA are deeply concerning. That is a \$42 million cut over the next two years. I think there are some genuine concerns about whether NICTA would be able to continue in the way that it has with that magnitude of cuts.

In terms of our agenda going forward, the government will continue unchanged on the commitments that we went to the election with. We will continue to roll out DisabilityCare and the better schools plan, and we will work with the commonwealth and look for commonwealth support as we continue with our plans around the University of Canberra public hospital; our plans for capital metro light rail; some of our regional interests, including roads in the region; in support of the work that the Treasurer and Deputy Chief Minister has been doing around direct international flights to the city—and we look forward to continuing to work with the airport on that—and, of course, greater support for the National Capital Authority and the national institutions in this town.

If there are to be significant cuts to the public service and to the expenditure from the commonwealth government in the ACT economy, we would expect that there would be significant structural adjustment provided to the ACT from the commonwealth government, just as there is for every other community when they undergo significant adjustments in terms of jobs and industries in their own local economy. (*Time expired.*)

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Chief Minister, what has the government done or what is it doing to make sure that the ACT's priorities are heard with the change of government?

MS GALLAGHER: I thank Ms Porter for the question. The government has been a very vocal advocate for our community over many months in the lead-up to and in the days since the federal election. I made representations to both leaders during the campaign in terms of priorities for the ACT community. I have requested a meeting with Prime Minister Abbott as soon as possible. I understand he will have competing

pressure on his time during the early days of his prime ministership. I note that Senator Abetz was yesterday named as the Minister Assisting the Prime Minister on the Public Service, so I anticipate Senator Abetz will also be important in the discussions that we are to have.

We will be seeking that the announced job reductions are only achieved through natural attrition, as has been promised, and that they will not be unfairly concentrated in Canberra. We will also argue against the redeployment of jobs out of Canberra. It was a decision of the previous federal government, and one we did not support, about the relocation of NDIS to Geelong. We still do not believe that is the right outcome for that agency. Indeed, it is not in the interests of our local community. I think it has the potential to not deliver the policy outcomes that have been sought through DisabilityCare. There is also the announcement of a proposed agency of 300 to go to the Central Coast.

We will continue to lobby against funding cuts to NICTA and we will urge caution in the scope and the response to the commission of audit that will be commissioned. Again, we have seen in Queensland how the commission of audit recommends often deeper and more significant cuts than would have been announced in the federal election campaign.

I think at this time Canberra's public servants need strong representation. The new government needs to be fully aware of the impacts its policies are likely to have, not just on Canberra but the region. We are better placed to cope with some of the changes that have been talked about than we were a decade ago, but the APS still remains Canberra's single biggest employer. Drastic changes in staffing levels will impact on our economy. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Chief Minister, does the change of federal government affect the ACT government's long-term plans for our economy?

MS GALLAGHER: It is difficult without any detail around some of the changes that will come in and affect Canberra with the change of federal government. At this point in time the government remains committed to the plans that we have outlined for our local economy. In fact, it makes those plans even more important. It gives a great impetus to the ACT government's agenda to broaden the economic base, build resilience in the economy, and we have already shown that we will continue to work on this.

Tax reform will continue. Red tape reduction will continue. Support for the housing sector will continue. Capital metro and other major infrastructure projects will continue. Support for the business sector and diversifying the economy, as outlined in an extensive address to the Assembly this morning by the Deputy Chief Minister—all of that becomes even more important now.

I think the Canberra community expect us to lead from the front. They want us to protect the things they love about Canberra, and we will do that. Hopefully, we will do it in partnership with other members in this place.

MADAM SPEAKER: Supplementary question, Mr Gentleman.

MR GENTLEMAN: Chief Minister, what sort of structural adjustments will you be discussing with the Prime Minister?

MS GALLAGHER: That remains to be seen and I would welcome the advice from the new federal government around their specific plans for Canberra. We have heard a lot of speculation and talk in generalities but we do not have any detail around the timetable for those changes, the speed with which the federal government intends to move. All we have got to work on is 12,000 to 20,000 jobs by natural attrition over two years, but there have been other efficiencies announced in the election campaign.

In other cities where there has been loss of jobs in the order of 200 or 300, there have been significant investments made by the commonwealth government, whether it is packages around retraining or investments in other industries, to grow other industries. Of course, we have a range of infrastructure projects that we would welcome commonwealth support for.

I think the issue I am putting on the table now is this: in every other local community where there is a significant change or a reduction in employment or a change in the industry base, the federal government comes and they invest and they look after their fellow Australians. The point I am making is that that approach should be seen and be taken in exactly the same way towards Canberrans as it is in any other area around Australia.

Construction industry—long service leave

MR SMYTH: My question is for the minister for industrial relations. The government has recently announced an increase in the construction industry levy from 1.75 per cent to 2.5 per cent of gross wages. This is on top of last year's increase from 1.25 per cent to 1.75 per cent. In justifying this, you have been on the record noting that the very clear advice from the board—that is, the Long Service Leave Authority board—is that this is the level it needs to be set at to achieve the ongoing viability of the scheme. Minister, why is the fund not delivering the adequate investment returns for this portable long service scheme to work?

MR CORBELL: It is not delivering it because of the downturn in investment returns made by the board in its other investments, both in terms of the financial market and at an earlier stage in relation to some of its property investment.

I am pleased to say that, in relation to its property investment, as a result of steps taken by the board the return on its property investments has considerably improved. But the long-term consequences of the downturn in investments in the global financial markets have had an impact on the funds available to the board to administer the long service leave arrangements for the construction industry.

As minister, my view has been consistent and clear on this issue. Actuarial advice consistently provided to the board, and subsequently provided to me, has confirmed

that, without an increase to the percentage that I announced in the last week or so, the board would increasingly face challenges in meeting and paying the entitlements of workers as they fell due.

It would be negligent of me and of the government if we allowed the fund to be in a situation where workers were not able to be paid their long service leave entitlements. That is why the government has taken the steps that it has taken, because that does guarantee that workers' entitlements will be paid as they fall due. That is the right and proper thing to do, based on the clear and detailed advice both of the board and of the actuaries that advise the board.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, at a time when the construction industry is considered to be slowing, why are you increasing costs for businesses, and should you not be encouraging employment instead of putting up barriers to it?

MR CORBELL: I can just imagine the outcry from those opposite if workers were not paid their entitlements when they fell due if the fund was not able to finance and pay their entitlements.

Mr Coe: Companies are going bust right across Canberra.

MR CORBELL: So that is all right, is it? Workers can lose out on their entitlements? Is that your position, through you, Madam Speaker?

Quite frankly, the government has adopted a reasonable and staged approach to this. The government did stage the increase. The government staged the recommended increase over a period of close to two years. It did not do it all in one hit, it did it in two stages. It did it in two stages, to recognise the fact that industry did need time to adapt. But at the same time, we are not going to allow construction workers in this town to not be paid their long service leave entitlements because those opposite think it is too much.

The fact is that these workers have accrued their entitlements over periods, often, of two to three decades, and they are entitled to be assured that when they call on those entitlements they will be paid. And let us be very clear about the current economic circumstances. If there is a downturn in the construction industry, that means there are fewer people working in the construction industry.

What will those workers who have accrued their long service leave entitlements do? They will go and access their entitlements. We have already seen advice from the board that there is an uptake in the level of access to the entitlements that workers have under the long service leave scheme, and that puts more pressure on the fund. We must make sure the fund is in a position to pay workers' entitlements. That is the right and proper thing to do.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Minister, can you assure employers that there will be no further increase in the construction industry levy? And are you planning to further increase levies in other sectors?

MADAM SPEAKER: Mr Corbell, before I call you, could I ask Mr Wall to repeat the question.

MR WALL: Minister, can you assure employers that there will be no further increases in the rate of the levy in the construction industry? And are you planning to increase the levy for other sectors?

MADAM SPEAKER: I think I can rule the first bit in order, but I do not think you can answer the second bit, Mr Corbell, because that is asking for—

Mr Wall: Point of order, Madam Speaker.

MADAM SPEAKER: Yes.

Mr Wall: The minister is responsible for the long service leave board—

MADAM SPEAKER: Yes, but you are asking him to announce policy. The minister can answer the first part of the question about the assurances.

Mr Hanson: Madam Speaker, just on your ruling, if I could.

MADAM SPEAKER: Yes.

Mr Hanson: Is a decision of a superannuation board, a long service leave authority board, actually an announcement of policy? I would have thought that that is not actually government policy: that is a matter for a board, and that is not a policy matter.

Mr Corbell: No. The minister increases the rate, not the board.

Mr Hanson: I would have thought that it would be within order.

MADAM SPEAKER: Mr Wall's wording was something along the lines of "Are you planning any other increases in the other schemes?" That is a responsibility of the minister, and my reading is that that is asking the minister to announce policy one way or the other. I am ruling that part of the question out of order. Mr Corbell.

MR CORBELL: In relation to the construction long service leave fund, the government is not contemplating any further increases to the fund at this time.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, what would be the consequences of the ACT government not pursuing this policy?

Mr Smyth: Point of order, Madam Speaker. On the same basis on which you ruled the second part of Mr Wall's question out of order, she is asking about or anticipating something that might happen. I would ask for consideration of whether or not it is hypothetical.

MADAM SPEAKER: Can you repeat your question, please, Ms Porter.

MS PORTER: Yes. Minister, what would be the consequences of the ACT government not pursuing this policy?

MADAM SPEAKER: No, I do not have a problem with that question. Mr Corbell.

MR CORBELL: Thank you, Madam Speaker and I thank Ms Porter for the question. Clearly, if the fund is not able to meet its entitlements, that means that there is a direct call on ACT taxpayers to honour the commitments of the fund. So that level of risk to taxpayers is something that I would have thought those opposite would be interested in avoiding. But perhaps not. Perhaps they think that taxpayers should be paying these costs rather than employers.

From my perspective and from the government's perspective, this has been a difficult decision. It is a difficult decision because we understand that at a time of a lower level of activity in the construction sector, budgets are tight amongst construction companies. It is worth highlighting, though, that the costs for the majority of businesses in the fund—about 1,600 employers pay the levy into the long service leave fund and 900 of those employ fewer than 20 people—the cost per employee is less than \$50 a week.

Most of them employ less than four people. So what we need to understand is that the cost impost is relatively modest. It can be recovered through a very minor increase in their overall billing that they bill through jobs. We think for those reasons that we have taken a reasonable and considered approach.

But the consequence, as asked of me by Ms Porter, of not acting is that the fund is not able to pay workers long service leave entitlements. That is a completely untenable situation that we must act to avoid and do so in a prudent way consistent with the advice of the board and its actuarial advice.

Uriarra Village—proposed solar farm

MR WALL: My question is to the Minister for the Environment and Sustainable Development. Minister, on 19 August you announced via a media release:

I am pleased to announce two new solar farms will be developed in Canberra as a result of the Solar Auction process ...

Were you or your directorate aware of the proposed locations of these projects prior to the solar auction process?

MR CORBELL: No, because before a bid is made in the auction process the government is not aware of the intentions of developers.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, when did you first become aware that the proposed location of one of these large-scale solar projects was only 100 metres away from homes in the Uriarra Village?

MR CORBELL: I became aware once I received the recommendations of the expert advisory panel that recommended to me who should be considered for an awarding of a fit entitlement consistent with the solar option legislation.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, what discussions did you or your directorate have with the proponents prior to the solar auction about the suitability of the sites they selected?

MR CORBELL: I had no discussions with this proponent prior to the commencement of the solar auction. I only became aware of the circumstances of the proposed site when it was recommended to me by the expert advisory panel.

MADAM SPEAKER: Supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, how important is it to encourage solar uptake across the territory?

MR CORBELL: I thank Mr Gentleman for the question. This, of course, is central to the question of the impact of climate change on our community. Of course, as I said in my earlier answer to Mr Coe, we are a very vulnerable city to the extremes of variability in climate. More hot weather, heightened bushfire risk, and more full-on drought or severe flood or storm events, have a particular, real and immediate impact on our community, particularly on communities on the western side of the ACT like Uriarra Village. Their heightened risk of bushfire, flood and storm means that as a city we should be doing everything we can to ameliorate the impacts of climate change and address our city's greenhouse gas emissions.

The government's solar auction process has been recognised nationally and internationally as one of the best examples for driving the uptake of large-scale renewable energy. We have a 40 per cent greenhouse gas reduction target and we have a 90 per cent renewable energy target. These three plants, if they are approved and developed, will deliver 1.4 million tonnes worth of greenhouse gas abatement. And they will do so at a very affordable price to consumers—a very affordable price to consumers.

The point of the solar auction process is to deliver value for money when it comes to renewable energy. If these projects are approved, we will be host to three of the largest solar renewable projects in the country—something that we can be very proud

of as a city, because not only are we reducing our greenhouse gas emissions; we are bringing over \$100 million worth of investment into our local economy and we are creating over a hundred jobs through these projects.

Tourism—visitor numbers

MS BERRY: My question is to the Minister for Economic Development. Can the minister update the Assembly on any recent data on the number of visitors to the ACT and also advise the ACT government's initiatives that are being undertaken to help support and grow the ACT tourism sector?

MR BARR: I thank Ms Berry for the question. I am pleased to report that the ACT has fared very well in the most recent surveys of national and international visitors. The number of international visitors who came to the ACT in the 2012-13 fiscal year was the city's highest year-ending June total reported since the Olympic year—180,380 visitors in this fiscal year. During the first six months of Canberra's centenary year, international visitor numbers increased by 22.9 per cent, compared with the same period last year. The ACT performed strongly in the number of visitors coming for leisure purposes, with international holiday visitation rising by 10.3 per cent, and those visiting friends and relatives increasing by 7.9 per cent.

The top five international travel markets to the ACT in the year ending June 2013 were China, which accounted for 12.3 per cent of international visitors; the United States, 11.2 per cent; Singapore, Malaysia, Thailand and Hong Kong, 10.7 per cent; the United Kingdom, 9.8 per cent; and New Zealand, 7.3 per cent.

The ACT also recorded a very strong result for domestic visitors. The amount of domestic overnight visitor expenditure in the ACT economy increased by \$159 million in the 2012-13 fiscal year, and domestic visitor nights in the ACT were also at their highest year-ending levels since 2000.

The increase in visitor numbers has been generated by investment in major events and investment in interstate marketing programs that have provided compelling reasons to visit Canberra in our centenary year. These figures are likely to grow, with more great events on offer through the duration of 2013. A strong program of events and activities is vital to encouraging people to visit, and the ACT government is proud to support numerous events occurring across the territory this year.

Floriade is now underway and runs until 13 October, with NightFest running from 25 to 29 September. The theme for Floriade this year is beautiful innovation. The flower bed designs reflect the Canberra plan and the national institutions. There are a million flowers throughout Commonwealth Park in 12 designed garden beds, showcase gardens and other dedicated planted areas.

This year Floriade NightFest will again feature state of the art lighting effects both inside and outside the garden beds. There will also be an immersive lighting experience that audiences can walk through and be entertained in at the rhododendron gardens and at Nerang pool.

In addition, in just under a month, the Australian and New Zealand netball teams will meet at the AIS arena as part of our centenary celebrations. This match will be broadcast nationally and throughout New Zealand. Tickets went on sale on 19 July and sold out in 12 minutes. Due to the demand, the ACT government, in partnership with Netball Australia, will be hosting a live site adjacent to the AIS arena for an additional 3,300 fans. Tickets for the live site are now on sale through Ticketek. The hosting of an event of this magnitude provides a unique opportunity for both Canberra and Netball Australia to leverage the event on a national and international scale.

These are just two examples of the events coming up that have been supported by the ACT government. I also recently announced a further partnership with the National Gallery of Australia for their blockbuster summer exhibition.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, what infrastructure planning is the government doing to support the growing tourism sector?

MR BARR: The government is continuing to invest in world-class infrastructure in the city. The Chief Minister has recently outlined a number of key projects that will certainly assist in developing that world-class infrastructure. It is not only of benefit to Canberrans; it also helps bring more tourists to the territory.

The government is committed, as part of our parliamentary agreement with the Greens party, to bring the Australia Forum to investment-ready status during the 2013-14 fiscal year. The Economic Development Directorate is holding a workshop later this week with industry experts and key stakeholders, including the Canberra Business Council and the Canberra Convention Bureau. The workshop will review and confirm the functional requirements for the Australia Forum and identify the requirements to bring the project to investment-ready status, including options for funding and delivery.

In addition, I can advise that significant work is underway at Manuka Oval, as we speak, to increase the seating capacity and improve the playing surface and spectator amenity. I can update the Assembly that this work is progressing well and is due to be completed in time for the Prime Minister's XI match in January. The work is being undertaken to meet the growing demands of AFL and, importantly, to prepare Manuka Oval for its role as part of the 2015 Cricket World Cup, which will be held in the first quarter of 2015. Combined with the Asian football cup, it will indeed be a strong economic driver for the territory in 2015.

MADAM SPEAKER: Supplementary question, Mr Gentleman.

MR GENTLEMAN: Why is it important that the government continue to invest in tourism?

MR BARR: The tourism sector contributes \$1.65 billion to the territory economy and is one of our largest private sector employers, employing nearly 16,000 people. The

government continues through its partnership with a number of tourism stakeholders in the business, education and leisure tourism sectors to grow our tourism sector. We have seen significant growth in recent times. Our long-term strategic plan for tourism is being developed and is aligned with the longer-term strategic goals for tourism in Australia.

We look forward to investing more to attract more business tourism to the territory and to provide assistance to the growing education tourism sector. It is disappointing that new measures to support growth in the tourism industry were not supported by the Canberra Liberals in the most recent budget.

ACT public service—background checks

MS LAWDER: My question is to the minister for industrial relations. Minister, the government announced this month that ACT government workers will have to pay for their own background checks as a result of the new working with vulnerable people laws. Minister, aside from the first check for staff engaged before November last year, why is the government requiring its workers to pay for their own checks? And where is the government at in its negotiations with the CPSU on this matter?

MADAM SPEAKER: I am getting the impression that this is not a question for the minister for industrial relations.

Ms Burch: If I may, it is one of those where CSD owns the policy framework and ORS actually does the checking process. I am happy to answer that question.

MADAM SPEAKER: Thank you.

MS BURCH: The question goes to why public servants are asked to pay for the background working check. It is a reasonable proposition. This is a clearance that will allow them to have a card. That is transferable; it is attached to them. It is not attached to the job; it is attached to them. We are asking volunteers, who will not have a fee attached, but we are also asking for all our workers in the community sector to have a working with vulnerable people check and to cover that cost themselves. We think it is a fair and reasonable proposition.

MADAM SPEAKER: Supplementary question, Ms Lawder

MS LAWDER: Minister, has the government forecast any rise in the fees for the checks?

MS BURCH: There is certainly nothing in front of me. There was some discussion when the early policy work was coming forward about whether it should be a three-year or a five-year period between checking. The significant response back from the community sector was for three years. So that is why we have accommodated three years. There is a \$70 charge but that does not cover the full cost of actually going through the checking process.

Just last week I was looking at the numbers that were going through. Certainly many thousands of applications have been made. That is important to note because all applications for the first year will need to be in by 7 November.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, how much has the government paid for the first checks that were done for staff hired before November last year, and how much has the government paid on behalf of volunteers to cover their checks?

MS BURCH: I think no-one in the room would be surprised that I would not have that level of detail in front of me. Mrs Jones is showing a level of sympathy for me. I am happy to get the information that is available and bring it back.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, why is this government charging its employees for the right to work?

MS BURCH: Working with vulnerable people background checking is absolutely around providing as much safety and security as we can offer for people receiving a service. This is not about a fee to enable you to work. This is around protection for the most vulnerable in our community—children, those suffering from mental health and those with a disability—those vulnerable adults and children that are receiving a service from the community sector, a government service or volunteer groups that are participating in a range of community activities. It is only right and fitting that this community has, to the highest standards that it can apply, safety and security for those vulnerable adults.

Mr Hanson: On a point of order, Madam Speaker, the question is very specifically about why the government is charging its employees this fee, not the merits of this particular action.

MADAM SPEAKER: Would you stop the clock, please?

Mr Hanson: The minister needs to be relevant and explain why it is that—

Ms Gallagher interjecting—

MADAM SPEAKER: Chief Minister, Mr Hanson has a point of order.

Mr Hanson: So if she could address the point of the question, which is why they are required to pay, not whether the actual policy has merit.

MADAM SPEAKER: Could I ask the minister to come directly to the question, which is why is the government charging its employees?

MS BURCH: As I think I responded to Ms Lawder's question, we put, and we believe, that it is right and proper that workers undergo these checks and cover the costs associated with it.

Crime—Gungahlin

MRS JONES: My question is to the Attorney-General. Attorney, there have been three drive-by shooting incidents in Gungahlin this year. Media reports suggest that these shootings are unrelated. These are not the only times that guns have been used in Canberra for criminal purposes. You will recall the shooting murder in Hughes in May 2010. Attorney, what have the investigations so far revealed in relation to the Gungahlin incidents? Have any arrests been made?

MR CORBELL: I thank Mrs Jones for the question. These three incidents in Gungahlin are very concerning. ACT Policing are dedicating significant resources and investigative capability to addressing and seeking to determine the circumstances that led to these three incidents and the people responsible for them.

I have been provided with a detailed briefing by ACT Policing in relation to each of the incidents. Whilst I am not at liberty for obvious reasons to be in a position to disclose the full circumstances that police are currently considering, I can confirm that the advice provided by police previously continues to be the case, that the three incidents are not related and that police continue to devote significant resources to their investigation.

They are three complex and, at a range of levels, difficult investigations. No arrests have yet been made but police continue with their investigations and they have the full support of the government in that regard.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: Attorney, were bikie gangs involved at all in any of these incidents, to your knowledge?

MR CORBELL: As I have previously indicated, it is not appropriate for me to disclose details that have been provided to me as part of the investigation, because that could compromise the investigation. Police have set out a range of circumstances in their public statements as they have sought to keep the public informed as to the nature of the incidents and what matters they are pursuing. Members would be aware that police did execute search warrants on the premises of one outlawed motorcycle gang in Tuggeranong—I think it was last month—and that is clearly part of their ongoing investigations.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, what work has your government done to identify whether these incidents reveal a shortcoming in gun control laws, common law, laws relating

to bikie gangs or perhaps police resources; and, if none, have you instructed your directorate to undertake the work, and when will that begin?

MR CORBELL: I am in direct discussions with the Chief Police Officer in an ongoing manner in relation to the nature of these incidents and whether they do warrant any action on the part of the government. At this point in time we have not reached a conclusion on that question. Indeed, police themselves are still in the process of briefing the government on issues arising from these incidents that they believe the government should have regard to. So the government is engaged closely with police in relation to these incidents.

I have every confidence in their investigation. They are devoting considerable resources to these investigations because the use of guns is always a concerning development when it occurs. I am pleased to say that the overall level of gun crime in the ACT has either remained at a constant or declining level and the overall level of crime in the ACT continues to decline. We are not experiencing any increase in the level of gun-related crime or, indeed, overall crime trends. But we do treat these circumstances very seriously.

Whilst it would appear they are unrelated, we continue to work closely with ACT Policing. If any issues arise that the police believe the government should be giving close attention to, the government will be giving close attention to those matters. At this point in time there has been no recommendation to me from the Chief Police Officer on matters that he believes should be considered further but I will be having further discussions with the Chief Police Officer in the coming weeks on those matters.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Attorney-General, what public safety and security assurances can you give the people of Canberra, particularly Gungahlin residents, that these are isolated incidents that will not be repeated?

MR CORBELL: I cannot give any guarantee that crime will not be committed at some point in the future, and it would be foolish for me to do so. But what I can say is that the level of crime in the ACT continues to decline. The level of gun crime and armed offences continues to decline; the level of property theft continues to decline; motor vehicle theft continues to decline; alcohol-related crime continues to decline. That is because of this government's investment in police, in CCTV and in crime prevention activities, as well as in a strong legislative framework to deal with crime when it occurs.

That is why we see motor vehicle theft at a 10-year low, burglary at a 10-year low, and continued reports, through national surveys, that across Australia Canberra is considered either the safest or the second safest city in the country to live in. That really speaks for itself in terms of the strong community spirit in our city. People look out for themselves and their neighbours; we have a professional and capable police service; and we continue to see low levels of crime.

Bushfires—preparedness

MR DOSZPOT: My question is to the minister for emergency services. The Auditor-General's report on the ACT's bushfire preparedness noted that, with regard to the Emergency Services Agency, there is currently no target level of incident management team capability and, therefore, no means to determine how many officers need developing and in what roles and to what level. This is from the bushfire preparedness report on page 151. Minister, since the publication of the bushfire preparedness report, has the government taken any measures to address this? If yes, what has it done? If not, why not?

MR CORBELL: The Emergency Services Agency continues to take measures to ensure that we have appropriate personnel trained to deal with different levels of incidents in accordance with the national arrangements for incident management. I am happy to provide further detail to the member in relation to those measures.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, without a capability target, how does the agency determine how many officers need developing and in what roles and at what levels?

MR CORBELL: The responsibility of incident management capability falls in the first instance directly upon the heads of each of the four emergency services, the chief officers of each of those services. The government relies on the advice of those officers. I am happy to provide further details to the member in relation to the steps taken by those services to ascertain their operational requirements and what steps they are taking to ensure that they are being put in place.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, when were you made aware that there are no target levels for incident management team capability?

MR CORBELL: It is not a matter that I believe I was aware of prior to the Auditor-General's report being known, but I would be very happy to check the record and confirm that or otherwise to the Assembly.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, why are you allowing bushfire risk levels to be elevated by an inadequate capability strategy?

MR CORBELL: I am not.

Supreme Court—workload

DR BOURKE: My question is to the Attorney-General. Attorney, can you please advise the Assembly what the data is showing for hearing waiting times in the Supreme Court?

MR CORBELL: I thank Dr Bourke for his question. I am very pleased to say that recent data for the last 12 months of operations of the ACT Supreme Court confirm that we have seen a 45 per cent average reduction in waiting time for a matter to be heard in the Supreme Court. This is very good news. It confirms that the government's strategy of putting in place better case management, the blitz on outstanding matters and the introduction of a docket system are all delivering significant results.

As a result, we see the backlog of cases pending for more than a year decreasing. In 2012-13, there were 92 criminal matters awaiting finalisation for more than a year. That is down 47 per cent on the previous year, when there were 174 taking more than a year for completion. Civil matters have also dropped by 31 per cent over the same period for the same measure.

This really does highlight that the government's emphasis on improving work processes is capable of delivering significant results with the same resources. This, of course, has always been the government's argument. Our court is not a busy court. Indeed, the number of criminal lodgements in the last 12 months before the Supreme Court dropped by over a quarter. This is not an indicator that workload in the Supreme Court continues to increase; indeed, quite the contrary. Therefore, measures to improve work practice and case management within the court are capable of delivering significant results.

I am pleased to confirm to members that we have seen a 45 per cent reduction in the average waiting time for matters being heard before the court. The government will continue to work with the court in ensuring that we see further improvement on top of these excellent results. I look forward to working with our new Chief Justice when she takes up her position in October, welcoming her to the ACT and working with her and drawing on her extensive experience as a judge of the NSW District Court in further improving the efficiency and operations of the ACT Supreme Court.

MADAM SPEAKER: Supplementary question, Dr Bourke?

DR BOURKE: Attorney, what can this reduction in delays be attributed to?

MADAM SPEAKER: Sorry, Dr Bourke, I did not hear anything that you said. Can you try that again.

DR BOURKE: Attorney, what can this reduction in delays be attributed to?

MR CORBELL: As I outlined earlier, the introduction of case management has made a big difference. What that means is that there is more dedicated control on the part of individual judges on their lists. So rather than matters slipping to another judge at each individual instance, the case is maintained with a single judge throughout. That provides a discipline on both parties before the judge to make sure they are meeting time frames, they are ready to go when the date for hearing is scheduled, and there are fewer unexpected adjournments or delays. And equally, at the same time, it means that if a matter is not able to proceed because it settles or because it is vacated for

some other reason, if the hearing time is vacated for some other reason, another matter can be brought on.

For example, we had a matter last month where a judge of the court was due to hear an eight-week murder trial involving two individuals. Those individuals changed their plea to guilty on the day of the hearing, therefore effectively vacating eight weeks of that judge's time. As a result of the case management system, that judge is able to reallocate time and bring forward other matters and have them heard in a timely way.

This is what case management is all about. This is what more efficient practices in the court are all about. This is what improving access to justice is all about. I am very pleased to confirm that we have almost halved the waiting time in the last 12 months for matters being heard in the Supreme Court, and we will continue to work with the court to further improve on those excellent results.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Attorney-General, do you agree with the former chief justice that a fifth Supreme Court judge is required?

MR CORBELL: No, the government does not agree. That will be of no surprise to those opposite or to the broader legal community. At this point in time we do not believe that a fifth resident judge is required. These figures demonstrate very clearly why that is the case. Through a process of better case management you can cut waiting times and improve the efficiency of the court while still utilising the same resources of the court. I would have thought those opposite would have been all for a more efficient court system that uses taxpayers' money wisely and efficiently. I am very pleased that the government is delivering those results for the community.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Attorney-General, how did such long waiting times develop in the Supreme Court in the first place?

MR CORBELL: There are a range of factors for that, and those include the lack of a docket system and case management system, rules that needed to be improved and updated, changes to the jurisdiction of the Supreme Court so that other matters were dealt with in the lower courts such as the Magistrates Court where appropriate and, regrettably, vacancies created in the resident judges bench because of retirement and also, in one instance, an unanticipated and tragic loss to the court. So all of these were factors that contributed to the build-up in the backlog. No one factor is to blame, alone, but they all contribute.

The government has worked systematically and collaboratively with the court to improve the circumstances of the court and its waiting times. As a result, we have cut waiting times in the court by almost half in the last 12 months. And it is all directly a result of collaboration between the executive and the courts and, most importantly, the introduction of a docket system and the blitz to put the court in a much better place to manage its workload moving forward.

Schools—canteens

MR GENTLEMAN: My question is to the minister for education. Minister, you recently released the report of the school canteens task force. Can you detail the recommendations of the task force and, in particular, how the government will respond?

MADAM SPEAKER: Have you already announced how the government is going to respond? Would you like to rephrase that question, Mr Gentleman?

MS BURCH: I have issued a media release on our response—

MADAM SPEAKER: Yes, I thought that you had.

MS BURCH: but not in this place.

MADAM SPEAKER: Ms Burch.

MS BURCH: I thank Mr Gentleman for his interest in the school canteens. Yesterday I released the report of the ministerial task force on canteens and the government's response to its recommendations. The task force report represents many months of work by all those involved to build better canteens in our public schools.

I would like to thank those involved who have contributed to its development—in particular the ACT School Canteen Association, Nutrition Australia ACT, the Healthy Kids Association and the ACT Council of Parents and Citizens Associations, in particular Hugh Boulter, who has in many ways taken a leading role in this work. The commitment of these organisations and individuals is to be congratulated.

The task force made 10 recommendations to support our parent-run canteens. Among these, it recommended the introduction of an online ordering system to help parents and to provide canteens with greater certainty in ordering. It recommended a standard contract for schools entering into agreements with P&Cs to operate canteens and a similar licence contract for those non-P&C canteens.

It recommended that school canteens be encouraged to increase the range and quality of healthy food and drink. The ACT P&C association, ACT Health and the Healthy Kids Association will work together to support schools to implement sustainable business practices into their canteens to help them deliver healthy food choices.

The task force also supported the government's commitments to improve canteen sustainability and healthy eating options in our public schools and to deliver water bottle refill stations.

There are other recommendations, for those who are interested. I think there were 10 recommendations and we have agreed to them all. Suffice to say the government has agreed to the 10 recommendations and has committed \$200,000 to support their implementation. These funds will be provided to the ACT parents and citizens

association to support P&C-run canteen services in public schools, to promote healthy food choices for our students and to provide access to an online ordering system.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, how important are school canteens to ensuring a vibrant and involved school community, and how will the government assist in supporting these communities?

MS BURCH: Having an involved school community is not simply a matter of nicety but really is essential to improving the education outcomes of students. Learning does not happen just in the classroom but it also happens at home. When parents are involved in their children's schools, the outcomes for their children are improved.

For many years now across Canberra, ACT public school canteens have been a component of a vibrant and involved school community. Viable school canteens are important to families and students. Parents appreciate the support that a school canteen can provide in contributing to the healthy eating and drinking habits of their children.

The work of the ministerial task force on canteens recognises the vibrancy and the value of school canteens and helps to plot a way forward for their continued growth into the future. With the ACT Council of P&C Associations, we have joined together to give our canteens that future. The government's response to the recommendations of the task force is unequivocal. We support them all and are getting on with the work.

We are funding the P&C council to introduce online ordering systems, business support and purchasing support that will assist the school canteens to be financial, viable and sustainable. We are subsidising canteen managers' training in safe food handling, hygienic practices for food safety and menu development. And we will continue to work with the task force members so that our combined work will best support the delivery of these in ACT public school canteens.

Each canteen in each school is responding to the needs of its students and its local community. I am glad that we are able to work with them in ensuring the ongoing viability of many school canteens.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, you budgeted a large amount of dollars to address these issues. Why did you not provide the \$200,000 earlier—funds that were required urgently and requested urgently?

MS BURCH: We have provided \$200,000 to the ACT P&C council, and I would just draw Mr Doszpot's attention to the fact that he did not support that offering of funds to the P&C council.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, will the school canteens initiative support healthy eating in our community?

MS BURCH: I thank Ms Porter for her interest in school canteens. We have a longstanding commitment to promoting health and healthy food options for students and their families. We understand that there are strong links between health and education. We also know that healthy children are better able to learn. We believe that school canteens play an important role in educating our young people about the value of eating more fruit and vegetables. The Education and Training Directorate and ACT Health have partnered with school canteens to introduce healthy eating and drinking menus.

This work is ongoing and is given greater clarity and impetus by the work of the canteen taskforce. As a government, we have signed up to the national partnership agreement on preventative health. Work in this area will support the creation of a culture of promoting healthy food and drinks in schools. The subsidised canteen managers training program will deliver training that focuses on food safety, safe handling of food and menu design.

Our canteen support budget initiative will see ACT P&C associations working closely with our public school canteens to provide, as I have said, the online ordering system that will enable parents to better participate in healthy food choices for their children. The new ACT public school food and drink policy currently being developed will provide consistent best-practice advice for schools on healthy food provision in ACT government schools. The new standard agreements with all canteen operators will include the need for healthy food menu reviews.

I am proud that the taskforce has brought all the stakeholders together in pursuit of the goal of health and sustainable ACT public school canteens. I look forward to our young people and the community benefiting from these changes.

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

Planning, Environment and Territory and Municipal Services— Standing Committee Statement by Speaker

MADAM SPEAKER: I would like to follow up on the matter that arose this morning. Following the presentation by Mr Gentleman of report No 2 of the Standing Committee on Planning, Environment and Territory and Municipal Services entitled *Draft Variation to the Territory Plan No 308—Cooyong Street Urban Renewal Area*, Mr Coe took a point of order. Mr Coe's point of order was to query whether the report presented by the chair had been agreed to by the committee.

I have examined the extracts of the minutes of proceedings of the committee which were tabled by the chair of the committee. These minutes show that two members of the committee do not support the report and that two members do. It also shows that,

contrary to the well-established practice based on House of Representatives practice and outlined at page 709 of *House of Representatives Practice* that a committee consider a motion that the report be adopted, no such motion appears to have been considered or resolved in this case.

The resolution of appointment for standing committees which was passed by the Assembly on 27 November 2012 authorised the planning committee when inquiring into draft variations to, where it had completed consideration of a report, send that report to the Speaker or the Acting Speaker when the Assembly was not sitting. From my examination of the minutes and from my knowledge of committee practice, it is my view that there is a real question as to whether the committee had completed its consideration of the report when it was sent to the Acting Speaker.

Section 74(2)(a) of the Planning and Development Act 2007 requires the minister not to take action “until the committee of the Legislative Assembly has reported on the variation”. Because of this, it is important that the Assembly ensures that the committee has agreed to the report.

As the Speaker, I have limited powers in relation to the operation of committees, and this is clearly outlined in *House of Representatives Practice* at page 262. However, the Assembly as a whole may wish to ask the committee to clarify whether the report presented today has been agreed to by the committee. If the Assembly believes there is some doubt, one option would be for a member to move that the matter be referred back to the committee and ask the committee to consider a motion that the report be adopted. However, if there is no doubt, the Assembly could simply consider the report in the normal way.

Mr Smyth: Thank you for your determination, Speaker. On behalf of the Assembly I am happy to ask Mr Gentleman as chair of that committee whether the question was put to the committee that the report as amended be agreed to and give Mr Gentleman leave to answer that question.

MADAM SPEAKER: Sorry, there is no scope for that. We are not in question time.

Mr Smyth: Yes, sure. I am happy to seek leave.

MADAM SPEAKER: Sorry, no. Question time is over, and because the report is tabled, it is no longer a subject on which Mr Gentleman can be asked a question. I have suggested—

Mr Smyth: He is still the chair.

MADAM SPEAKER: He is still the chair, but the report is possibly completed—I do not know. As a result of consultation and discussions I have had with the Clerk, I have suggested a way forward—that is, somebody might like to move a motion that the matter be referred back to the committee and that the committee be asked to consider the motion that the report be adopted.

Report 2

MR HANSON (Molonglo—Leader of the Opposition) (3:48), by leave, I move:

That Report 2, entitled *Draft Variation to the Territory Plan No. 308—Cooyong Street Urban Renewal Area*, be referred back to the Standing Committee on Planning, Environment and Territory and Municipal Services and the Committee consider whether the Report should be adopted.

It is quite clear there is some confusion, some ambiguity and some concern as to whether this report is valid. It is important that it is clear that any report tabled in this place is actually a report of the committee or whether it is simply a chair's draft. It would appear that the investigations subsequent to the report being deliberated upon in the committee make it clear, to an extent, that the motion that the report be adopted should be moved by the chair. As the standing orders are silent on this, *House of Representatives Practice* therefore takes precedence, and that guides us at page 709, as you said, Madam Speaker.

I think there is significant doubt as to whether it is actually a committee report or simply a chair's draft. It would be prudent for the committee to reconsider the report and, in line with House of Reps practice, the chair move that the report be adopted, that it be voted on and brought back to this place subsequent to that vote.

MR GENTLEMAN (Brindabella) (3.50): I am happy to talk to this and am happy to have the report come back to the committee for any further clarity, but I will take you to the minutes of the meeting that you referred to, Madam Speaker, and go through a little of the process that occurred in deliberation of the report. The minutes reflect at 4.11 that the chair submitted a draft report circulated on 27 August 2013 and recirculated on 2 September 2013. For members' interest, the report of 27 August was a bare-bones report and I as the chair asked for input from all committee members to the final report. At 4.12 the minutes show that no alternative draft report was submitted. At 4.13 the chair proposed to consider the draft report paragraph by paragraph in accordance with the standing order 248. The committee agreed to the chair's proposal.

This is where the committee agrees on a process to deliberate on the report, Madam Speaker. Standing order 248 states:

At a meeting convened for the purpose, the Chair shall submit the draft report which may be considered at once. Copies shall be circulated in advance to each Member of the committee. The report shall be considered paragraph by paragraph or, by leave, paragraphs may be considered together. Appendices shall be considered in order at the conclusion of the consideration of the report itself. A Member objecting to any portion of the report shall move an amendment at the time the paragraph to be amended is under consideration.

This is exactly what occurred, Madam Speaker, and that is reflected directly in the minutes. You can see where members agreed to paragraphs. For example, at 4.14 the committee considered and agreed to paragraphs 1.1, 1.2, 1.3, and this continues right

through the minutes of the meeting. And you can see where the committee voted on particular motions put forward by opposition members in regard to the recommendations. We went right through the report to the very end, where the committee considered and agreed to appendices A and B. However, as I said earlier, if some clarity is needed, I am happy to reconvene a meeting for discussion and clarity on that report.

MR COE (Ginninderra) (3.53): As one of the members of the committee I think it is important that I shed some light on the deliberation that took place on 4 September. I do not believe the minutes are completely accurate. I sought to have them amended, but that was not acceptable to the chair. In particular—

Dr Bourke: Point of order, Madam Speaker, the place for seeking amendments to minutes is at a meeting of the committee. There has been no meeting of this committee since 4 September.

MADAM SPEAKER: That is not a point of order; Mr Coe was outlining his position.

MR COE: Thank you, Madam Speaker, but on the interjection, for the final meeting, it is actually not for a meeting of the committee.

Paragraph 4.1.4 of the minutes and similar paragraphs say the committee considered and agreed to paragraphs. That is not correct. We did not consider and agree; the question the chair put to the committee was, “Do you want to exclude any of these paragraphs?” It was not, “Do you agree with them?” Had it been that, it would have been two-all. The question the chair asked of members was, “Do you disagree and, if so, will you move a motion?” And we did move motions.

Mr Barr: A bit like the estimates process, wasn't it?

MR COE: It is interesting Mr Barr should mention the estimates process, because during the deliberations Mr Gentleman told us that the motion that the report be adopted was not put at the estimates committee. Mr Gentleman advised our committee that the basis of his decision was advice provided to the estimates committee and that he, in fact, had not abstained on the question that the report adopted. Well, the minutes differ considerably to what Mr Gentleman said in the planning committee. In actual fact, the estimates committee minutes show that Mr Gentleman did, in fact, abstain on the question that the report be adopted.

Mr Gentleman: Of course. I spoke about it in the chamber.

MR COE: No, you did not. That question was not put in this consideration by the planning committee of the report. This is now my fifth year on the planning committee, and for all variation inquiries—in fact, for all committee inquiries I have been a part of—the question has been put at the end that the report be adopted. Mr Gentleman did not put that question to the planning committee, and the onus was completely on other members to have paragraphs or recommendations excluded rather than Mr Gentleman putting forward a motion which, in effect, affirmed the report. It is for that reason that paragraph 4.1.67 of the minutes state that Mr Coe and Mr Wall

wish it to be noted that they do not support the report and do not support the process undertaken for report deliberation.

This was poor process, and if it stands it means that from now on any committee chair will be able to write whatever they want, and as long as they have just one colleague to back them up, it will be rammed through as the words of the committee. That is very risky indeed. If something is a draw in this place—if there is a tie at two-all or eight-all or seven-all or any number—it is deemed not to have passed. Yet in the committee process, if what Mr Gentleman did is endorsed by this place, it would mean that for all time in committees with a two-all draw, as long as the chair is the author of the report, that would be enough to get something through. That is a very risky precedent for this chamber to endorse.

I am pleased it seems both sides of the chamber will be supporting the referral back to committee of the document Mr Gentleman tabled and which he said was the view of the committee. We look forward to deliberating on this and that the motion that the report be adopted be fairly put to all members.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (3.58): The government will support this motion. It is disappointing that this matter has come to the Assembly today and was not resolved within the committee. I was out of the chamber this morning, but I seem to recall that Madam Speaker said she had previous knowledge that this matter was going to be brought to the Assembly today. The chair of the committee did not appear to have previous knowledge.

The message I am trying to put is that we have a committee system in place and the Assembly has expressed its view about how that is to work. Now it is up to individual committees to make sure it works. Where there are problems, Mr Coe, they should be agitated through the committee process and members should work with the chair to resolve them and get on and deal with them so we do not have this sort of situation. This is really a bit of a stunt pulled to demonstrate the fact that you are not happy with two-all committees. It is unseemly that this should come to the place as it has. It needs to be resolved in committee. You are masters of your own destiny. You have a voice, Mr Coe. Use it in the committee.

MR SMYTH (Brindabella) (4.00): Yet again the Chief Minister shows her ignorance because if she knew the practice of this place and if she knew the practice of the place that fathered us, the House of Reps, she would know that where there is dissent or concern about the processes of a committee, then the place to resolve it is the chamber. And what are we doing? We are following House of Representatives practice by resolving it in the chamber.

Let me read to you from page 662 of the *House of Representatives Practice* sixth edition where it says:

Any concern about committee procedure or authority can be brought to the attention of the House in a special report, a dissenting report or in a debate on a motion that the House take note of a report.

And what are we doing? We started it this morning with a debate on a motion that the Assembly takes note of the report, and we are continuing that debate. To get up and give a sanctimonious little tirade about how we are the ones letting the committee system down is out of order and out of place.

You go to the rule to be adopted. You go to the report. Since day 1 this place has finished these debates. And it is interesting that Mr Gentleman quotes standing order 248 because he does not then go on to finish the process. Yes, 248 sets out part of the process but *House of Representatives Practice* details the rest of the process.

We can put all of this bit by bit into the standing orders if you want and we will turn it into a document three or four times the size of what it is now because of the committee system that you have set up. But let me read the full paragraph from page 708 of *House of Representatives Practice*:

The committee may consider groups of paragraphs together, by leave. Amendments may be proposed by any member and are determined in the same way as amendments to a bill during the consideration in detail stage. The committee may divide on any question. When all paragraphs and appendixes have been agreed to, with or without amendment, the question is proposed 'That the draft report (as amended) be adopted'. The date which appears under the chair's signature in the report is the date on which the report was adopted.

It would appear that this report was never adopted and that Mr Gentleman, as chair of the committee, I think, has got serious questions to answer about his leadership in this role by trying to bring a document to this place that he purports is the adopted report of a committee. In some ways that is misleading this house. And he has done it deliberately. He has tabled a document that he said is the report of the—

Mr Corbell: On a point of order, he will have to withdraw that.

MADAM SPEAKER: It is all right. I am with you on that one, Mr Corbell. Mr Smyth, you will have to withdraw that.

MR SMYTH: In some ways perhaps it could be considered and it may need to be looked at as to whether or not there has been a misleading in this place.

MADAM SPEAKER: No, Mr Smyth, you have to withdraw.

MR SMYTH: I withdraw. But perhaps there is more to come out of this. To stand up and say it is a report that has been adopted by the committee when it is not is a very serious thing to do in this place. So it is a good thing that it is going back to the committee. Hopefully the committee can resolve it.

DR BOURKE (Ginninderra) (4.02): The level of sanctimonious hypocrisy which has come from the other side is astonishing, for me. As a member of the committee, I too am particularly disappointed that Mr Coe here today decides to try to rewrite history. He has had the draft minutes for this since 6 September. Has he sought to ask the chair to convene another meeting in the interim to deal with this matter? No. There is

no evidence of that. Has he communicated to other committee members his concerns about the minutes? No, he has not.

Mr Coe: Hang on, Dr Bourke. You've got to get your facts right. You might want to clarify it next.

Mr Smyth: Don't mislead, Chris.

DR BOURKE: Clarify? You are muddying the waters.

MADAM SPEAKER: Dr Bourke, sit down. Mr Smyth, withdraw the allegation.

Mr Smyth: Sorry, I withdraw.

DR BOURKE: The attempt by Mr Coe to muddy a very clear process which happened in that committee meeting is very disappointing.

MADAM SPEAKER: Sit down, Dr Bourke. I would like to draw your attention to the statement that I made. You just said that it was a very clear process. In my statement, having reviewed the matters, I have come to the conclusion that it was not a clear process and that there is doubt. I would ask you, when you are addressing your remarks, to ensure that you do not cast aspersions on a ruling of the Speaker.

DR BOURKE: Thank you, Madam Speaker, and it was not my intention to do so. The processes which happened included, as Mr Gentleman has clearly pointed out, no motion coming from the opposition members to adopt the report. There was no sense of need to go any further with this matter. There was not. But the chair has very graciously said, "Let's take the report back. Let's do some work on it in the committee and we can do it there." So let us make that our process.

MR HANSON (Molonglo—Leader of the Opposition) (4.05), in reply: I would like to thank members for their support of my motion. There has been a little bit of to and fro but certainly it is important for the practice in this place to make sure that we do conform with standing orders, that we make the best use of the committee system, such that it is, and that we have some clarification around how committee reports are to be considered.

Standing order 248 is a little ambiguous, and the standing orders are silent in respect of the final consideration of the report. But what is very clear from the convention of this place and the committees and from *House of Representatives Practice*, as pointed out by Mr Smyth and you, Madam Speaker, is that the chair will consider the report and the committee will consider the report either by inclusion or by exclusion, para by para or page by page, however that may be done. But ultimately, at the end of that process, it needs to be moved by the chair that the report be adopted. And that is very important so that we know whether it is the committee's report or simply a chair's draft.

Mr Gentleman knew that, and it is quite clear from the evidence presented by the members of the committee that he tried to make an illusion that that was how it was

done in the estimates report. Let me be very clear, because there is a lot of brouhaha around my chairmanship of the estimates report, that the way that we considered the estimates report was exactly the same way as Mr Gentleman chaired this planning report. Remember how critical he and Dr Bourke were of the way I chaired the estimates report. He did exactly what I did, except what I did at the conclusion of that consideration was that I moved that the report be adopted. And Mr Gentleman failed to do that. That is the key point of difference and that is why we have ended up in this place.

Mr Gentleman, if he is going to take the role of chair of a committee of this place, if he is going to take the money for being chair of a committee of this place, has the responsibility to do his job properly. He has failed to do that in this place. And I am disappointed that it has reached a point where he has tried to sneak through a committee report that is simply a chair's draft, he has tried to create the impression that it is a committee report.

I think it further illustrates the fact that we have a problem with the four-member committees and any suggestion, as was made by the Chief Minister, that there is some attempt from the opposition to somehow manipulate that process or drag the committees down or make them dysfunctional is, I think, shown in stark contrast by the fact that the person who has attempted to do that, the person who has attempted to circumvent the practice of this place and the House of Reps practice, is actually Mr Gentleman. And that is what he has done.

This side of the chamber has at all times conformed with the House of Reps practice and the conventions of this place, and we will continue to do so. And I call on that side of the chamber to make sure that, where members of the Labor Party are chairs of a committee, they do not try to sneak around the standing orders or House of Reps Practice.

So it is good that this draft chair's report will go back to the committee, and I look forward to seeing whatever comes back to the Assembly. Hopefully what we will see back here is a proper report from the committee.

Question resolved in the affirmative.

Papers

Madam Speaker presented the following papers:

Standing order 191—Amendments to the Construction and Energy Efficiency Legislation Amendment Bill 2013, dated 20 and 21 August 2013.

Ethics and Integrity Adviser for Members of the Legislative Assembly for the Australian Capital Territory, pursuant to Continuing Resolution 6A of the Assembly of 10 April 2008, as amended 21 August 2008—Report for the period 1 July 2012 to 30 June 2013, dated 5 August 2013.

Estimates 2013-2014—Select Committee—

Schedule of outstanding answers to questions on notice at 6 September 2013.

Answers to questions on notice Nos. E13-138 and E13-178.

Financial Management Act Papers and statement by minister

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

Financial Management Act—Instruments, including statements of reasons, pursuant to—

Section 14—Directing a transfer of funds within the Economic Development Directorate, dated 13 September 2013.

Section 16—Directing a transfer of appropriations from the Environment and Sustainable Development Directorate to the Capital Metro Agency, dated 13 September 2013.

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

Leave granted.

MR BARR: As required by the Financial Management Act 1996, I table two instruments issued under sections 14 and 16 of the FMA. Advice on each instrument's direction and the statement of reasons must be tabled in the Assembly within three sitting days after it is given. Section 14 of the FMA allows for transfers of funds between appropriations when endorsed by the executive.

This package includes one instrument which transfers \$1 million of the Economic Development Directorate's controlled capital injection appropriation to net cost of outputs. The transfer relates to the provision of funding to the ACT Brumbies for their new training facility which was originally appropriated as a capital injection for improvements to Griffith oval. The Economic Development Directorate has requested the transfer of the appropriation on the basis that the funding will be provided as a grant to the ACT Brumbies for their training facility at the University of Canberra.

Section 16 subsections (1) and (2) of the FMA allow the Treasurer to authorise the transfer of an appropriation for a service or function to another entity, allowing a change in responsibility for that service or function. This package includes one instrument that is budget neutral. The instrument facilitates the transfer of \$433,000 in controlled capital injection appropriation from the Environment and Sustainable Development Directorate to the Capital Metro Agency for planning the first stage of the ACT light rail network.

Additional details regarding all instruments are provided in the statement of reasons accompanying each of the instruments I have tabled today, and I commend those instruments to the Assembly.

Papers

Mr Corbell presented the following papers:

Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquest into the death of John Tasman Bacon—

Report, dated 12 April 2013.

Executive response.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Animal Welfare Act—Animal Welfare (Mandatory Code of Practice) Approval 2013 (No 1)—Disallowable Instrument DI2013-223 (LR, 29 August 2013).

Cemeteries and Crematoria Act and Financial Management Act—Cemeteries and Crematoria (ACT Public Cemeteries Authority Governing Board) Appointment 2013 (No 1)—Disallowable Instrument DI2013-210 (LR, 6 August 2013).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2013 (No 2)—Disallowable Instrument DI2013-219 (LR, 19 August 2013).

Dangerous Substances Act—Dangerous Substances (Fees) Determination 2013 (No 2)—Disallowable Instrument DI2013-208 (LR, 7 August 2013).

Health Act—

Health (Local Hospital Network Council—Member) Appointment 2013 (No 2)—Disallowable Instrument DI2013-213 (LR, 15 August 2013).

Health (Local Hospital Network Council—Member) Appointment 2013 (No 3)—Disallowable Instrument DI2013-214 (LR, 15 August 2013).

Health (Local Hospital Network Council—Member) Appointment 2013 (No 4)—Disallowable Instrument DI2013-215 (LR, 15 August 2013).

Health (Local Hospital Network Council—Member) Appointment 2013 (No 5)—Disallowable Instrument DI2013-216 (LR, 15 August 2013).

Long Service Leave (Portable Schemes) Act—Long Service Leave (Portable Schemes) Building and Construction Industry Levy Determination 2013—Disallowable Instrument DI2013-225 (LR, 29 August 2013).

Medicines, Poisons and Therapeutic Goods Act—Medicines, Poisons and Therapeutic Goods Amendment Regulation 2013 (No 1)—Subordinate Law SL2013-24 (LR, 29 August 2013).

Planning and Development Act—Planning and Development (Exempt Lease Variation) Amendment Regulation 2013 (No 1)—Subordinate Law SL2013-22 (LR, 23 August 2013).

Public Place Names Act—

Public Place Names (Casey) Determination 2013 (No 2)—Disallowable Instrument DI2013-212 (LR, 15 August 2013).

Public Place Names (Crace) Determination 2013 (No 1)—Disallowable Instrument DI2013-209 (LR, 8 August 2013).

Public Place Names (Deakin) Determination 2013 (No 1)—Disallowable Instrument DI2013-226 (LR, 5 September 2013).

Public Place Names (Lawson) Determination 2013 (No 1)—Disallowable Instrument DI2013-228 (LR, 5 September 2013).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2013 (No 5)—Disallowable Instrument DI2013-224 (LR, 26 August 2013).

Retirement Villages Act—Retirement Villages Amendment Regulation 2013 (No 1)—Subordinate Law SL2013-21 (LR, 15 August 2013).

Road Transport (General) Act—

Road Transport (General) (Public Passenger Services Licence and Accreditation Fees) Determination 2013 (No 1)—Disallowable Instrument DI2013-218 (LR, 15 August 2013).

Road Transport (General) Amendment Regulation 2013 (No 1)—Subordinate Law SL2013-23 (LR, 29 August 2013).

Road Transport (Safety and Traffic Management) Act—Road Transport (Safety and Traffic Management) Amendment Regulation 2013 (No 1)—Subordinate Law SL2013-25 (LR, 5 September 2013).

Surveyors Act—Surveyors (Surveyor-General) Practice Directions 2013 (No 1)—Disallowable Instrument DI2013-217 (LR, 15 August 2013).

Taxation Administration Act—Taxation Administration (Amounts Payable—Eligibility—New and Substantially Renovated Homes and Land only—Home Buyer Concession Scheme) Determination 2013 (No 2)—Disallowable Instrument DI2013-227 (LR, 30 August 2013).

Utilities Act—

Utilities (Electricity Distribution Supply Standards Code) Determination 2013—Disallowable Instrument DI2013-221 (LR, 26 August 2013).

Utilities (Electricity Service and Installation Rules Code) Determination 2013—Disallowable Instrument DI2013-220 (LR, 26 August 2013).

Utilities (Management of Electricity Network Assets Code) Determination 2013—Disallowable Instrument DI2013-222 (LR, 26 August 2013).

Petition—Out of order

Petition which does not conform with the standing orders—Belconnen Wests Tennis Club—Government charges—Ms Porter (645 signatures).

Ms Burch presented the following paper:

Education Act, pursuant to section 66A—Government Schools Education Council—Existing processes relating to in-principle approval and registration of non-government schools in the ACT—Advice, dated 5 August 2013.

Erindale group centre parking Paper and statement by minister

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

Erindale Group Centre—Parking—Church Parking Study—Summary Report, dated August 2013, prepared by Brown Smart Consulting for Roads ACT.

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

Leave granted.

MR RATTENBURY: For the information of members, I have tabled the government's response. The Assembly passed a resolution on Tuesday, 7 May 2013 to examine the parking situation around the Erindale group centre, including options for using the adjacent land to the church as an additional parking area. I have presented a summary report undertaken by Brown Consulting on behalf of Roads ACT entitled *Erindale Group Centre—Church Parking Study*. The objective of the study was to review the parking issues around the Erindale group centre, including on Sunday mornings, and identify whether the land adjacent to the group centre could be used for additional parking.

The government agrees with the details contained within the summary report and recognises the parking challenges. At the same time, it is important to acknowledge the study found that there was underutilisation of the Wynne Street car park near the Erindale College on Sunday mornings during the time of the main church service.

The Erindale master plan, which was completed in 2012, is used to guide future development proposals. The master plan proposes that the adjacent land could be utilised to provide a new road and car park and identifies provisional time scales to achieve this between five and 15 years.

The current zoning status of the adjacent land, which is classed as a community facility zone, prohibits the use of the land being developed into an additional car park. In line with the Erindale master plan, the Environment and Sustainable Development Directorate is preparing to release a draft variation to the territory plan, DV320, in relation to the Erindale group centre, for public consultation in the near future. I am informed that the current draft includes a change of the zoning status of block 48 to CZ business, which will allow provision of a new street and car park in line with the Erindale master plan.

In the meantime, I would like to draw the community's attention to the parking areas in Wynne Street around the corner on Sunday mornings when the church car park is full. I recommend that the Legislative Assembly note the Brown Consulting report.

Autism—early intervention programs

Discussion of matter of public importance

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

The importance of providing intensive early intervention programs for children with autism in the ACT.

MS LAWDER (Brindabella) (4.17): It gives me great pleasure to rise today to talk about an important topic—early intervention services for children with autism. Autism spectrum disorder, or ASD, is a complex neurobiological disorder that typically lasts throughout a person's lifetime. ASD encompasses characteristics varying in severity across domains of cognitive, communication and social development with restricted interest and repetitive behaviour.

Individually, each child who appears on the spectrum is different from the next, but sadly ASD is not rare. One in 100 children in Australia is diagnosed with ASD. As a previous member of the National People with Disabilities and Carer Council, I know very well the challenges that families face when they have a family member with a disability. For those families who have a child with autism, there can be further challenges that come with a lack of understanding of ASD in our community.

Commonly, a child with ASD is overlooked, with the assumption that they are just being naughty or simply the result of lazy parenting. It is an enormous undertaking for any family along the time line from when they suspect their child is not developing as quickly or in the same way as others to when they are able to get a diagnosis, help and support. We need to be doing more in the ACT to assist families in this.

Research has proven that the earlier an ASD diagnosis is made and the sooner intervention services can be provided with intensive therapy, the more likely it is that a child with ASD will learn skills and be able to move into a mainstream school and maintain a relatively stable life. We have programs to assist in the ACT now, but they are nowhere near the standard they need to be to have the best chance of helping our children.

The programs are sometimes described as fragmented, that diagnosis is too slow, that support is hard to access and that there are just too few early intervention services. The ACT is one of only two jurisdictions in Australia that do not have a specific early intervention centre for children with ASD. The federal Labor government a few years ago, as part of their helping children with autism program, built six autism-specific early learning and care centres around Australia, but not one in the ACT. These centres provide early learning programs and specific support for children aged zero to six years with ASD.

These autism-specific early learning centres provide parents with much more support than they would otherwise be getting. These valuable centres, through their affiliation with universities and hospitals, also assist with research and workforce training to achieve a better understanding of ASD in our community.

For reasons unknown to us, the federal Labor government did not think the ACT was worthy of this and, along with the Northern Territory, we missed out. The Canberra Liberals disagree wholeheartedly with the idea that the ACT does not need or deserve a centre such as this. We understand the importance of providing intensive early intervention programs for children with autism in the ACT and we believe an autism-specific early learning centre is vital. In fact, the Canberra Liberals took a policy to the ACT election last year to fill the hole we have here in the ACT. It was a fully funded, fully costed policy that we took to the election to have an autism-specific early intervention centre for children aged 2½ to six years here in the ACT.

The school was to be purpose built to cater for up to 40 children in this age bracket with a high staff ratio of two to one. The autism-specific early intervention school was to be modelled on the successful AEIOU Foundation schools already operating throughout Queensland. Unfortunately, the government and the Greens last year smacked this proposal down. They did not want to engage on the merits of the policy. They did not list this as a priority, and they ensured the policy did not get any headway. Again, as recently as April this year, the Canberra Liberals brought a motion into this place encouraging the government to support this policy, because we wanted this centre to go ahead, regardless of politics, because it is not about politics. It is about priorities; it is about people's lives and the future of our children.

Our priority here is supporting those families in the ACT that are most impacted by ASD. Research has shown that 75 per cent of those with ASD who complete a two-year program with the AEIOU early learning centres transition successfully into mainstream school. I repeat: 75 per cent. Can you imagine the pressure this takes off those families? Can you imagine the optimism these families would then feel when their child was able to attend a mainstream school and when their child, as a result of early intervention, was able to learn new skills and communicate functionally? I do not understand why this was rejected for so long.

The AEIOU annual report has the following quote from a mother with an autistic son, which I would like to share with you:

AEIOU has changed our lives. We moved from Canberra so that our little boy could take up the place he was offered and we've never looked back. The professional and loving staff we've met through our time as part of Park Ridge have moved us and we've often been in awe of their skill, dedication and patience.

This family should not have had to leave the ACT to get the support they needed. We need to be doing more here. We need to apply early intervention best practice and really enable those children with ASD to achieve their full potential.

Another story I read in the media only a couple of months ago emphasises why we need an early intervention program here in the ACT. A Canberra family made the tough decision to pack up their Canberra home and move to Manchester in England to give their autistic sons better treatment. The mother said, “When he was diagnosed, my younger son was non-verbal and it was quite a battle to get speech therapy in Australia. Early intervention is key, and we weren’t getting any real assurances about the level of support he would have.”

Due to the early intervention her younger son was given in the UK, he has gone from being non-verbal to being quite a talkative and happy kid who is now able to say what he wants rather than get angry. Why would a family need to go to the UK to get this type of support? We should be able to provide it here in Australia.

New Canberra Raiders coach Ricky Stuart, who has a daughter with autism, saw the value in this policy and last year publicly pledged that all moneys raised by the Ricky Stuart Foundation would go towards this school, should it become a reality. Last year that amount was in excess of \$250,000, which would have gone quite a way to helping these families.

We are hopeful that an AEIOU centre may be under consideration at the University of Canberra. I would like to congratulate the University of Canberra for the efforts they have made so far. It is disappointing that the government have not taken a bipartisan approach to this policy. They rejected our motion in April. But I now encourage the government to do whatever they can to support the university towards their undertaking.

I would very much look forward to an early intervention centre being operational in the ACT at some point in the future and I very much look forward to seeing the benefits within the Canberra community that early intervention for children with autism will provide. Thank you.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (4.25): I am pleased today to speak to the matter of public importance that considers the importance of providing intensive early intervention programs for children with autism in the ACT. Ms Lawder may not be aware of this—actually, I think she is aware of some of the history of this—but it was only last May that I presented to the Assembly a comprehensive report on services available to ACT families and individuals affected by autism. I am quite happy to provide that to your office.

Again, it was only a few months ago that Mrs Lawder’s predecessor, Mr Seselja, made much the same speech to this place when speaking to a motion. It is now quite ironic that Mr Seselja is aspiring to be a member of a government that does not even have a minister recognising disability. Indeed, Ms Lawder should note that at the last election there was only one community support policy offered by the Canberra Liberals, the ticket that you espoused. That was for the AEIOU school to be established here. There was no other disability commitment, no other community

support, no support for therapy or for children or community services, other than this quite singular support.

As I have said in this place, on its merits it works for some children, but it is not a universal program for all children with autism. That is what I think that many on your side of the chamber seem to forget, Ms Lawder. I ask you to read through that document on broad support for early intervention. I will make sure that I put through to your office.

During Autism Awareness Month, I outlined the government's ongoing commitment to assist families to access the services they need and the significant changes to services that will be available under DisabilityCare. As members of the Assembly are aware, autism is a lifelong disorder that affects as many as one in 100 people across our community. Every child with autism is unique, as Ms Lawder has rightly identified.

Support required for individuals is different depending on different circumstances and responses. It depends on the person's capabilities and on the family's capacities and aspirations. For example, a child with autism may require substantial assistance with communication and behaviour while another is more affected by sensory issues and educational concerns. So no single early intervention program will assist every child with autism.

The government understands that early intervention for children with autism is the most effective way to support children and to provide those better outcomes. Research indicates that there are benefits from early intensive family-based therapy programs so long as they are adapted to the child's capabilities and take into account the family circumstances.

Factors in early intervention programs that are backed by rigorous research evidence include individualised supports and programs, highly structured and supportive environments, supported transitions between settings, a functional approach to behaviour management and family involvement. Consistent with these factors, the ACT government has invested in a full range of diagnostic, intervention, education and family support services for children affected by autism. Families seeking support for children with autism largely do so by connecting to either Therapy ACT or the health and education directorates.

The services available through these government agencies provide families with the knowledge, skills, and support for the needs of their children to optimise their child's development and to increase their ability to participate in family and community life. There are a range of early intervention services that are available to families. At Therapy ACT, professional staff provide services to approximately 240 children with autism, from diagnosis to the age of eight years across speech pathology, psychology, occupational therapy and social work services.

Intensive support is provided through this team, recognising the need for intervention early in the life of the child, and also early in the identification of difficulties that the family may be facing. Social workers meet with families, providing support,

counselling and linkages with community and to other services. Speech pathologists assist families with communication and social interaction goals, occupational therapists with sensory processing and fine motor skills, and psychologists with behavioural issues.

The priority is working in partnerships with families affected by autism. When a child receives a diagnosis, allied health professionals spend time with families identifying the specific goals that they have for their children. Families are invited to join the series of family support groups and workshops, and this program forms the starting point of therapeutic intervention.

As children with autism may have trouble generalising new skills to different settings, interventions are developed that can be incorporated into family routines and play activities so that learning is incorporated into activities that take place every day and give the child with autism their best chance of learning. This may include setting up support in the home and in the school. Therapy ACT work closely with other service providers, such as teachers and support staff, to provide continuity of service across the autism-specific settings available in the ACT and also into mainstream settings such as playgroups and preschools.

The therapy assistance in schools program provides face-to-face early intervention for more than 250 children with developmental delays and disability each year, including children with autism in specialist and mainstream schools. Therapy ACT continues to develop new and innovative early intervention programs for children with autism. This year they have implemented two pilot trials of children's friendship training for children aged between seven and eight and nine and 12 years.

The children friendship training is an evidence-based social skills program developed by the University of California, Los Angeles. It is designed for primary school children who are on the autism spectrum disorder. It is an intensive 12-week program run in a group format with concurrent sessions for the children and, importantly, their parents. It enables parents to play an active role in their children's social skill development and to support the transfer of these skills into their child's own unique setting.

Early intervention services available through the Health Directorate include medical services provided through community paediatric and child health services, input into paediatric multidisciplinary assessments and ongoing care for medical conditions arising from the diagnosis of autism.

Ongoing care for medical conditions is an important aspect of early intervention for children with autism, ensuring that families have access to appropriate advice to support their children's health and wellbeing. As a result of sensory disorders, children with autism may experience nutritional deficiencies and behavioural issues that require appropriate medical interventions. Early intervention programs for children with autism are not only delivered by government services. In addition, the ACT government supports Autism Asperger ACT to deliver family support programs and to coordinate grants available through the commonwealth government for eligible children.

A range of non-government providers offer services for people with autism, and families may choose to purchase intensive early intervention programs from non-government and private providers with funds they receive through the helping with children package. Families rightly want to have choice and control of the services that they access for their family member with autism. This is the key principle of the NDIS. We understand that the system reform will be needed to deliver on this new response. Under NDIS, true and lasting change will be driven by the choices of people with a disability and their families when they have the resources to purchase the support they want.

In preparation for the NDIS, grants are being offered through the enhanced service offer. Some families with children with autism have chosen to apply for early intervention programs while others have identified other supports. It goes to the fact that there is not one single response or program that is the answer to all children with a disability.

I do thank Ms Lawder for bringing this to the Assembly. I think that the Community Services Directorate, Therapy ACT, Disability ACT, and the child and family centres, in addition to health and education, provide a range of services that do support children with autism. I know that there is a continued interest from those opposite for this school. I do not dismiss it outright but there are many changes afoot. I think we need to consider where it fits in in the broader scheme of things. With the sound support and the sound offerings of programs we have, I think our response to our community is solid indeed.

MR DOSZPOT (Molonglo) (4.35): I thank Ms Lawder for bringing this matter of public importance before the Assembly today—namely, the importance of providing intensive early intervention programs for children with autism in the ACT. The Labor government's efforts on autism are shameful. Ms Burch, once again I think you have simply chosen not to listen—

Ms Burch interjecting—

MR DOSZPOT: Not to listen to the issues at stake. The issues are early intervention, and early intervention, Ms Burch, starts from two years of age.

The ACT is one of only two jurisdictions in Australia that do not have a specific early learning centre for autistic children. Why? Because the Greens and Labor have both continued to dismiss out of hand the Liberals' policy that would do exactly that—establish a unique autism-exclusive early learning centre for children two to six years of age designed to address with intensive therapy the needs of young children, Ms Burch. It was well researched and properly costed, and it was a policy modelled on a Queensland centre that had delivered outstanding results over several years.

We were told at the time, and again in April this year when we moved a motion of support urging the government to adopt our motion, that our policy was expensive and not properly costed and that it would not deliver anything different from what was already available. But we know that is not true, Ms Burch. We know that families are

eligible to access federal support, and do so. Early intervention is key. We know that intensive therapy is vital, and correct and quick diagnosis underpins the chance of success.

Interestingly, and not without coincidence, the University of Canberra, where a former Greens leader is now employed, is about to deliver an AEIOU centre for early intervention education for children diagnosed with autism. It is exactly the model that the Canberra Liberals said was so needed for Canberra and so ideal for Canberra families. We congratulate the University of Canberra for this initiative. It will not only benefit the families of children with autism disorders but also help to provide more opportunities for university undergraduates studying teaching, psychology, speech therapy and other disciplines that form the successful team used in the AEIOU model.

Member for Brindabella Andrew Wall and I had the great opportunity to visit the centre at Griffith University recently. It confirmed all that I had read and researched about this program. I have seen other autism therapies in other states and other countries, but the AEIOU model has the most complete range of services and, not by coincidence, the highest success rate for moving students into a mainstream setting. They have a number of core outcomes for all young children moving through their centre. These include that all children will be vocal and all children will be able to socialise. For families with children not afflicted by this disorder, these might seem small steps, but they represent enormous progress for families dealing with these issues.

I hate to think what might have resulted if the University of Canberra had not picked this up—hopefully they will pick this up. We would probably be bringing this motion on, yet again, next year. And we would have families with autism continuing to be politely patient, hoping that it might soon be their turn for good news. In the meantime, how many young people would have had their chance for the best education and life skills outcomes denied?

Ms Burch, we are calling on you, we are calling on the government and we are calling on the Greens. Mr Rattenbury, you have your chance to actually show that what is being done in Queensland is something that could and should be done here. Well done, University of Canberra, to date. Hopefully they will come to a conclusion. At this point I have to say: shame, Labor, and shame, Greens, for not supporting the motion that we originally placed and what the University of Canberra is now trying to do.

MR RATTENBURY (Molonglo) (4.40): I would like to thank Ms Lawder for today raising for discussion this issue about the provision of adequate and specific services for children diagnosed with autism spectrum disorder. It is a very important topic.

I also note that when we discussed the motion around establishing an autism school in May here in the Assembly, the minister undertook to provide information to the Assembly about the nature of the services provided in the ACT to people on the

autism spectrum and the impact of the NDIS on autism services. She did that on 16 May this year, and I will return to that in a few moments.

Autism spectrum disorder is primarily a disorder of social communication that is generally identified in young children from around two years of age. There are three main areas in which children on the autism spectrum have difficulties: social interaction, communication and associated behaviours such as rituals, obsessions and sensory issues. There are no firm conclusions that have been drawn, as I understand it, about the causes of ASD, but there is increasing evidence that the rate of autism is increasing in the community, with autism now affecting around one in 160 people, with a higher prevalence amongst boys than girls. There is no cure for those with ASD as such, but certainly evidence indicates that specific early intervention can bring improvements, and there is no doubt that a clear pathway for assessment, and then support and therapeutic input, is something that is highly valued by parents of children with ASD.

The nature of ASD in very young children often means that there a range of difficulties experienced that are language related, but also behavioural. There are also challenging behaviours for parents to manage—repetitive behaviours, rituals, poor play skills, obsession with objects or routines, and aversions to particular textures or tastes of food that make mealtimes difficult. It is little wonder that parents and carers need support and guidance.

While the finer details of intervention are not the same for every child, there is a broad suite of strategies that are considered to be a good place to start when commencing intervention. It is those things that mean that specific autism facilities can be established specifically geared to meet the communication needs of children with ASD.

Over the past two decades there have been significant changes to the services that are provided to children with ASD in Canberra as government has sought to respond to an increased number of children being diagnosed. The government has outlined the services that are now available in the paper that was tabled in the Assembly, but it is safe to say that 15 years ago most of the specific ASD services did not exist. The federal government's funding, through the helping children with autism initiative announced in 2008, acknowledged this growing need in the community for support for access to early intervention and provided up to \$12,000 per child once a diagnosis had been made. There are more community advocacy and support groups and, hopefully, a growing community awareness.

I assumed, when I saw this MPI today, that Ms Lawder was here to prosecute the case for an autism-specific school in the ACT, something that was confirmed by Mr Doszpot's media release. I must admit to being slightly disappointed that Mr Doszpot has sought to politicise this issue in the way he has made his comments. I made it clear in my speech when we debated this in the Assembly recently that I was open to discussing this idea further, both with Mr Doszpot and with parents and autism advocates. However, there has been no approach to me in that regard since that debate.

To read this afternoon that I said an autism-specific school was “not required” is a misrepresentation of my position. What I actually said was that I would want to see more evidence that this is what parents of children with autism want for their children. That would obviously require further information and further discussion with autism advocates, and a clear indication that the level of service delivery being provided by government was not adequate and was not providing best practice intervention. Further, there would need to be discussion about what the level of government support should be and how any support would be offered.

As I said at the time, it may well be that some parents want an autism-specific school but other parents might prefer that their child is in an autism intervention unit with an integration day at their local preschool. It may be that this delivers a good level of intervention and occurs closer to the child’s home, allowing less disruption to the whole family. Some parents are passionate about ensuring children are integrated, with support, into a mainstream environment, and would not wish for their child to attend a special-needs school.

I would like to note that the information tabled by the government outlined a comprehensive menu of assessment and therapy options for children with ASD, but it is clear that the government does not offer the kind of six hours a day, five days a week model in a single setting that is being advocated for by the Canberra Liberals as being what is required. Rather, there is a combination of services, including playgroups, autism intervention units and early childhood units, combined with mainstream preschool for those who are eligible.

Ms Lawder’s MPI today makes reference to the importance of “intensive early intervention programs” for children. To be honest, I am unclear as to whether there is a technical definition of what constitutes “intensive”, but I have been told that there are differing opinions on the required intensity of therapeutic models to deliver the best outcomes. However, I would not profess to be an expert in that area. It would seem to me that what we want to do is offer the best possible service we can within the resources that we have and within a framework of best practice. Once again, I would reiterate that this is a complex policy discussion and I believe that some kind of in-depth discussion about the service delivery model would need to be undertaken with government before anything else happened.

I highlighted that I thought there were attractions to a single educational facility that provides services to the bulk of children with ASD—such as a single uniform curriculum that was developed and tweaked to suit over time. I would add that a specific school might also be in a good position to provide the very structured setting that children with ASD often require—a setting that is specifically tailored to meet their needs in the early years, where the appropriate visual information can be provided and used consistently. I understand that when routines are established for children with ASD, and some communication supports are put in place, other behaviours can often improve and their anxiety can reduce, which then means that a child with ASD is more switched on to learning. Mainstream integration could then be something that follows at a later stage and can be managed in a staged way.

I am confident, looking at the information provided, that the government has done a pretty good job of streamlining the ASD assessment process, with the establishment of the Therapy ACT autism assessment team, a multidisciplinary assessment which involves home and school visits, and specific follow-up, developing programs and support for children who are diagnosed.

I am a little confused when it comes to what is happening at the University of Canberra. Mr Doszpot's press release states:

... the University of Canberra ... is in the final planning stages of establishing such a centre for children with autism.

Yet in the discussion today, Mr Doszpot, you said you hoped that the University of Canberra would go down that path. That is quite different from being in the final planning stages. I am a little unsure, but I am quite certain that the Community Services Directorate and the government more broadly will be very much open to having a conversation with the University of Canberra about what the model might be and what government support would be provided.

I would like to thank the minister and her directorate for providing the comprehensive summary of information about services for people with ASD in the ACT, and for an update on the implementation of DisabilityCare. That was one of the key outcomes from the motion that we discussed earlier in the year, and that has provided a good level of information both for members of the Assembly and also for parents and advocates.

I would also like to thank Ms Lawder for raising this in the Assembly today. I remain open to further discussions about how services are best provided. As I said, since the last time this came up not one person has approached me. To have Mr Doszpot come in here today and, as he is increasingly doing in debates in this place, make it very personal—getting stuck in and basically saying, “You do not give a stuff about this,” which is the tenor of the comments that are being made—is a long way from the reality of the fact that not one person has approached me since this Assembly last discussed this matter earlier in the year.

It is important to reflect that in the context of the conversation it is not good enough to come in here and take the occasional political pot-shot for the purposes of scoring points. These matters are actually complex—as, hopefully, I have outlined in my remarks today. I see the complexity in this issue. I see that the different advocates in this discussion have quite different views on the matter. Coming in here and simply having a go at each other is not a way to proceed with this matter. We need to sit down and have some serious discussions about it if the concerns are still there and if the supports identified in the government's summary back to the Assembly are not considered adequate by the community.

MR GENTLEMAN (Brindabella) (4.49): I thank Ms Lawder for bringing this discussion forward today. I would like to discuss what this government is doing in relation to autism and education. The government recognises the specific needs of

children with autism and the importance of early intervention in preparing them for lifelong learning and for life in their schools and communities and the wider society. We also recognise the needs of families and that some may prefer larger settings with more children whilst others prefer smaller groups according to their child's needs. In response to this, the Education and Training Directorate provides a range of programs prior to school entry to support children's learning and to prepare them for life in their schools and their community.

All children attending early intervention have individualised programs developed in consultation with families. All early intervention programs are staffed by experienced early childhood special education teachers and learning support assistants. Placement in these programs is facilitated by early intervention school psychologists, and parents are involved in all placement decisions.

The early intervention program includes communication and social awareness playgroups for children two and three years of age for 2½ hours a week. This provides a structured playgroup for up to six children with autism or severe communication and social awareness difficulties. Parents and carers attend these sessions with their children. The focus of the program is on developing play, communication and social skills.

The autism intervention units are for children between three years and school entry, and attendance is for nine hours a week. These units provide an autism-specific program and cater for four students in each unit. They are based on local preschools and managed and supported by the primary specialist schools.

Early childhood centres are for children between three years and school entry for between eight and 15 hours a week. These are based on local preschools and managed and supported by the primary specialist schools. They provide an early intervention program for children with moderate development delay or autism. A maximum of eight attend these programs.

Early childhood units are for children between three years and school entry. They provide for children who have severe development delay or autism. They are located at the primary specialist schools Cranleigh and Malkara.

Early intervention units are for children between three years and school entry for 5½ hours a week. They provide for children who have had or are at risk of having delays in development, autism or disability, are at risk from social or environmental factors, or have severe communication and social difficulties and/or multiple disabilities. There are a maximum of 12 children in these programs. They are managed and supported by the local primary school.

The support at preschool program is for children attending their local preschool. Preschools are able to access additional support for children with autism attending their programs. This support is usually additional learning support assistance time to ensure the child with autism is able to access and participate in the preschool program.

The directorate works in collaboration with staff from Therapy ACT to provide evidence-based professional learning for staff in these programs. Through the positive partnerships program to support students with autism, the directorate works with Therapy ACT and the Catholic Education Office to provide parent and carer workshops each year.

Through these programs, the government demonstrates its strong commitment to ensuring that children with autism are given every opportunity early in life to access and participate in an individualised program of learning to meet their needs.

MR WALL (Brindabella) (4.53): Ensuring there is a wide range of options available to parents of autistic children is an issue close at heart to all members of the Canberra Liberals, and I thank Ms Lawder for raising the importance of early intervention programs for children with autism in the Assembly today.

Recently Mr Doszpot and I had the privilege of visiting the AEIOU Foundation in Brisbane. AEIOU currently operate nine early intervention centres across Queensland. Their aim is to be the leading provider of quality early intervention learning for children with autism and to ensure that every child is provided with the maximum opportunity to reach their potential.

The AEIOU centre that I visited is located within the Griffith University campus. The co-location of the centre with the university offers benefits to both the foundation and the university itself. The university is able to provide an environment where students and academics are able to observe the different teaching methods used in the classroom without disrupting the day-to-day operation of the centre. AEIOU gains benefits from the research that is carried out on the university campus in the hope of better understanding autism and its causes and how best to manage it.

A relationship like this in the ACT would not only offer increased options to parents of autistic children who live in and around the ACT but would also increase the opportunity of the ACT's tertiary institutions in the fields of research and development.

It has been noted in much of the research that surrounds early intervention for children with autism that there is no one-size-fits-all solution. A wide variety of intervention models are available, each with varying amounts of research and evidence to support the outcomes that are claimed to be able to be achieved. However, there is much consensus that there are some key elements to shaping a successful intervention program: an autism-specific curriculum focusing on attention, compliance, imitation, language and social skills; highly supportive teaching environments which deal with the need for predictability and routine and which have the capacity to support challenging behaviours, obsessions and rituals; support for children as they transition in and out of the program as well as support for the family members; and a partnership with the professionals involved in treatments. It is on these principles that the AEIOU Foundation delivers its program with great success.

I would like to briefly touch on some of the long-term benefits of early intervention for children with autism. There are significant long-term benefits to the territory beyond what my colleagues have already outlined today. The lifelong costs associated with supporting an individual with a disability such as autism are significant. AEIOU have done some modelling around the impact of their early intervention programs and what changes they may have on the quality of life of an individual over a lifetime. For the purposes of the study, individuals were broken into three different groups depending on the severity of their disorder.

Group 1 was of children with a severe intellectual impairment, likely to be non-verbal and suffering from significant behavioural issues and anxieties. That forms about 20 per cent of the childhood population of autistic kids. Group 2 was children with a mild to moderate intellectual impairment, likely to experience difficulties with language and communication, particularly in social settings. Group 3 was of children with a high-functioning autism. While not suffering from intellectual disabilities, these individuals can experience difficulties in other areas of their lives and the long-term impacts can be often quite severe. This, again, forms about 20 per cent of children.

In the education years, of the children of group 2 who did not undertake an early intervention program, 80 per cent required full-time special education, with the balance of them entering into a mainstream school but still requiring regular special ed, compared to only 40 per cent of children who received early intervention requiring full-time special education, with 60 per cent managing to enter mainstream schooling.

Of the children in group 3 who did not receive early intervention support, only 20 per cent managed to attend a mainstream school without any additional support while 65 per cent of those who received early intervention were able to enter mainstream schooling without any other support or assistance.

Later in life the employment prospects of those individuals who went through an early intervention program are significantly improved, with 95 per cent of those belonging to group 3 and 70 per cent from group 2 going on to maintain employment at or above minimum wage. The most significant improvements can be found and measured in living independence for individuals in group 1—80 per cent of those who did not receive any early intervention are expected to require full-time care compared to only half that number for individuals who received early intervention in those formative years. There are significant improvements in these figures across all groups, with 70 per cent of those classified as group 3 and who received early intervention support managing to live completely independently.

To put these benefits into dollar terms over the lifetime of an individual with autism, the savings to the community for a group 3 individual are estimated to be at around \$750,000, ranging through to \$1.3 million in savings to the community for an individual belonging to group 1. This highlights that early intervention is the best recipe for improving lifelong outcomes for those with autism.

I thank the AEIOU Foundation in Queensland for extending an invitation to Mr Doszpot and me to come up and visit their centre and to experience at first hand their great work and the success they are having up there. I again pledge the support of the Canberra Liberals for the establishment of a centre based on the AEIOU model here in the ACT, and I urge the government to do all that they can to expedite the establishment of an early intervention centre in the territory.

Discussion concluded.

Adjournment

Motion by **Ms Burch** proposed:

That the Assembly do now adjourn.

Brindabella Women's Group—photographic exhibition

MR SMYTH (Brindabella) (5.00): On 22 August this year I had the pleasure to go to the Artworks gallery in Cumberland Court in Fyshwick. Run by Mr and Mrs Jones—Marion Jones and her family—they do a number of great works in that they provide their gallery for photographic exhibitions. On 22 August, with Ms Lawder and Mr Wall, we attended the opening of the Brindabella Women's Group *My Bella Life* photographic exhibition. The Chief Minister was also there. She did the launch.

I said to the Brindabella Women's Group that I really appreciated the work that they did. I said that if they wanted to give me a summary of why they were doing what they did, how they did it and what they hoped to achieve, I would be delighted to read it out in the Assembly in an adjournment speech. So, on behalf of the Brindabella Women's Group *My Bella Life* photographic exhibition:

Brindabella Women's Group 'My Bella Life' photographic exhibition was launched on 22 August 2013 by the ACT Chief Minister Katy Gallagher MLA. Brindabella Women's Group (BWG) is a local support group for mothers, funded by ACT Health. Each week in school terms BWG—

as they know themselves—

provide respite through childcare and a social activity for mothers. Every year, the women of BWG try find a way to give back to the local community through a Community Arts Project.

This year the group decided to hold an exhibition and silent auction to raise funds for Boundless Canberra—

which no doubt Ms Berry will be very pleased about—

This cause is particularly significant for BWG members past and present who have children with special needs.

Although at the outset, the idea of selling images of themselves seemed a daunting prospect for the women, they gained the courage and built self-esteem

throughout the project, realising that the photos were not about their egos but about a greater cause. The group wanted to promote wellbeing for women in general, and mothers in particular. In doing so, the exhibition incorporates three major themes:

Firstly, by challenging the narrow stereotype of women often presented in the media and the way in which women who do not fit this stereotype are made to feel inadequate. Here the Brindabella women worked with Dr Vivienne Lewis of the University of Canberra's and her book on Positive Bodies.

The second strand of influence was the question: "*When mothers die where are all the photos?*" Often mothers feel more comfortable behind the camera than in front of it but their families would like to see the memories captured. BWG wanted to say that all mothers are worth photographing.

Thirdly, the exhibition adds to the dialogue created by an internet project where mothers held signs with words of wisdom for other mothers.

Each woman was tasked with creating her own message and an accompanying image. The group then engaged 2010 Canon AIPP Professional Documentary Photographer of the Year, Emily Hanna to capture the message of each woman.

Honouring the unique spirit of each woman, no stylistic guidelines were imposed. There is an amazing diversity in the images, which may be a welcome addition to a range of public spaces.

This exhibition, held at Artworks in Fyshwick also showcases many talented individuals who run small businesses in Canberra including Lib Creative, The Artworks, Zoe Barton hair and make up and Viki Alison of Do or Dye Hair. The group will hold a "*Stories behind My Bella Life*" afternoon tea with Dr Vivienne Lewis and Emily Hanna and the women from the group sharing their experiences from 2pm - 4pm on Sunday 15 September. The exhibition will run until the end of September 2013.

As a consequence of that, I think they have sold maybe 17 of the 20 photographs and have raised something like \$1,200. That is money that will go to Boundless for the project that I am sure we all support. I think it is very important that, as *My Bella Life* says, there are women out there who are all different sizes and all different shapes and they all have different views on life. But what you got from this exhibition, if you managed to see it—and if you have not managed to see it, you have still got a few days left—is that there is a great rejoicing in life from these women.

I would like to thank the Brindabella Women's Group and, in particular, Bianca Williams, their president, for the good work that they do. I also thank the secretary, Veronica Elliott, who helped put the whole thing together. They have done a fabulous job not just for the women of the group but for the community in highlighting what a great place Canberra is, what a diversity of people we are, how different we all are and how we all have something to offer to this community.

Landcare awards

MR GENTLEMAN (Brindabella) (5.05): I recently had the pleasure of attending the 2013 ACT Landcare awards. I want to start with a bit of background on Landcare in the ACT; many members will be familiar with it.

Landcare groups in the ACT are supported by the three catchment coordinators and Landcare coordinators who work closely with local communities and across the border into New South Wales. These coordinators play a vital role in helping new groups to form and support existing groups in their development and effective operation. Some examples of issues being addressed by Landcare in the ACT are soil degradation, animal pests, weeds, vegetation loss, stream bank erosion, water quality, and urban land degradation.

Landcare in the ACT is strongly supported by a wide range of partners, including ACT ParkCare, Waterwatch, Urban Landcare, Rural Landcare, and regional partners. The Urban Landcare partnership is facilitated by the ACT government's Territory and Municipal Services Directorate.

These are non-government organisations, NGOs, who are regionally focused community-based groups who partner with Landcare ACT. They include the ACT Catchment & Landcare Association, the Conservation Council ACT Region, Conservation Volunteers Australia, Greening Australia, Murrumbidgee Landcare Inc, the Upper Murrumbidgee Catchment Coordinating Committee, the Upper Murrumbidgee Landcare Committee, and Kosciuszko to the coast, K2C.

The biennial awards I attended on 5 September recognised the tireless work of the countless volunteers that improves the natural area of the ACT, but also recognised contributions to enhancing and improving our rural lands, conservation areas and other areas. The winners of these awards have become finalists for the 2014 national Landcare awards.

The Junior Landcare Team Award went to the Lanyon cluster of schools giving to the environment project in my electorate, with the North Belconnen Junior Landcare Group being highly commended. This year's Indigenous Land Management Award went to the Yurung Dhaura Aboriginal Land Management Team. The Qantas Landcare Innovative Community Group Award went to the Hughes Garran Woodlands Group, with Friends of Aranda Bushland being highly commended. The Individual Landcarer Award went to Caroline Wenger, the convenor of the Umbagog Landcare Group; Jenny Horsfield, Minders of Tuggeranong Homestead, was highly commended in this category. The Landcare Facilitator or Coordinator Award went to Angela Calliess of Greening Australia Capital Region, with Pauline Carder of the Upper Murrumbidgee Catchment Coordinating Committee being highly commended.

The Innovation in Sustainable Farm Practices Award went to the Majura Valley Free Range Eggs group. The Partnerships with Landcare Award went to ACTEW's source water protection program; Rob Thorman of the Land Development Agency was

highly commended. The Westpac Agribusiness Innovative Young Landcare Leader Award went to Karina Paloma Bontes Forward from the Dirty Beanstalk ANU Food Co-op.

The ACT government sponsored two awards, these being the Quiet Achiever Award and the Environmental Community Support Award. The Quiet Achiever Award was jointly awarded to Ken Hodgkinson of the North Belconnen Landcare Group and John Fitzgerald from Friends of Grasslands. The Environment Community Support Award went to Glenys Patulny, the chair of the Southern ACT Catchment Group; Stephen Skinner, the Molonglo Waterwatch Coordinator, was highly commended.

I would like to congratulate these hardworking volunteers, as well as other volunteers associated with Landcare ACT, and also to thank Minister Corbell for making those awards on the day. Finally, I would like to acknowledge the hard work of Joslyn van der Moolen, the ACT Regional Landcare Facilitator, for her organisation of the event. Thank you.

Cafe Ink

MS BERRY (Ginninderra) (5.09): I recently had the opportunity to attend the re-opening of Cafe Ink at the Woden library. There were many other supporters at the opening that I would like to recognise in this place tonight, and they were Mr Pe Thein Zar, Mrs Nyo Nyo Win, Annette Rennie from Libraries ACT, Lisa Higginson from CatholicCare, Dinpla Hongsa from the Mon Association, Vesna Golic from Companion House, Mr Layehtew Suvannabhum, president of the Mon Association, Mr Tin Aye, Vice-President of the Mon Association, Mon Sine Min from the Mon community, and Emma Walter from Woden Community Services.

I am sure that there have been many speeches in this place about the previous successes of this social enterprise. After its recent brief closure it was great to see it reopen under the leadership of a member of Canberra's thriving Mon community, Loka Chanmi.

Loka is an amazing example of the contribution refugees who have settled here in Canberra make to our community. Loka came to Canberra from a refugee camp on the Thai-Burma border. With the support of the Canberra Mon community, which is the largest Mon community in Australia, and the wonderful migrant and refugee support services, Loka and his family have been able to make a really positive contribution to this city. He has also been an excellent example of the fantastic work the Canberra Institute of Technology does in helping people, who arrive in Australia with English as a second language, settle into our community both through language skills and vocational training.

Loka began his study at CIT in adult English as a second language classes. He finished his study five years later when he graduated with a diploma of commercial cookery in 2006. During and after the training, Mr Chanmi worked across Canberra in many local restaurants and eateries. In fact, he has worked in so many establishments I would not be surprised if most of us have eaten a meal that he has had a hand in preparing.

Loka is striking out on his own, with the assistance of Social Ventures Australia and mentoring from Companion House. In many ways, he has come full circle, with a commitment to help people starting out in a new country or a new industry just like he did. With the assistance of SVA, Loka will be employing two young people who have come to Australia through our humanitarian programs as well as providing work experience to those who are undertaking the same workplace training he received at the CIT.

I had a great time at the opening and I would like to wish all the best to Loka Chanmi and his team: Mikhin Chanmi, Loka's wife; Seik Taw Win who is a member of the staff; Khit Tami and Aikhine Hongsa who are also staff members. I can highly recommend the coffee and the cakes and the delicious fresh sandwiches and I recommend that next time you are down at the Woden library you get in to Cafe Ink.

National Deaf Netball Club Championships

MS LAWDER (Brindabella) (5.12): On Saturday 21 August I was invited to the 13th Margo Allen National Deaf Netball Club Championships where I was privileged to present the second and third place awards for the women's competition, with the first place medallions being presented by the daughter of the late Margo Allen in honour of her mother, who worked to provide this netball event for deaf women to encourage participation in the sport and social inclusion. Today I would like to raise awareness of the event and acknowledge the people who volunteered their time to make sure this was a success.

The National Deaf Netball Club Championships were run from 30 August to 1 September at the ACT netball centre in Lyneham. Thirteen teams from across Australia, including, of course, the ACT, came to compete in the competition. Many people asked me how deaf players hear the ref's whistle, and the answer, of course, is that they do not. The refs use red flags to attract attention and stop the play. Other than that, the rules and skill levels are on par with any netball championship.

The event ran very smoothly and was a great success, which would not have been possible without DeafACT and the DeafACT Netball Subcommittee. I would like to pay tribute to David Brady, Chloe Nash, Mark Parkinson, Diana Ciuffetelli, Virginia Dixon and Tamara Bishop for all the work that went into organising this event. From the logistics of rosters to referees, there is much more to putting on an event like this than meets the eye.

I would also like to acknowledge the work of other volunteers who assisted over the weekend, including Laurie Riley, Reuben Farruqia, Steve Cooper, Milena Cooper, Rachel Muntz, Simone Farruqia, Claire Perry and Sheree Murray and all the rest, including Martin Kerridge. It is fantastic to see events such as this being brought to Canberra.

On a more sombre note, I would also like to make special mention of a man who has been part of the ACT deaf community for many years. In fact, he volunteered his interpreting services over that weekend at the National Deaf Netball Club

Championships. Gary Summerell was a freelance Auslan interpreter and volunteered his time for this event. Sadly, Gary passed away unexpectedly a few days ago at only 41 years of age, just two weeks after he volunteered his time at the deaf netball championships. I would like to pass on my condolences to his friends and family and pay tribute to the work he did for the deaf community over a number of years.

Water—Lower Molonglo

DR BOURKE (Ginninderra) (5.15): I am very proud of the people of my electorate and the essential services located in Ginninderra serving all Canberrans. Tonight I want to highlight a service we all use, a service that is crucial to any city and a service we can all be proud of, as it is performed to a higher standard than in any other Australian capital city. It is also one of the biggest employers in west Belconnen with around 70 people involved in the 24-hour-a-day operations of ACTEW Water's Lower Molonglo Water Quality Control Centre.

The centre is in one of the prettiest parts of the ACT above the confluence of the Molonglo and Murrumbidgee rivers with beautiful views across to the Brindabellas. It is not far from the lowest spot in the ACT where the Murrumbidgee River crosses the New South Wales border. The fall in height allows the two sewer mains from Belconnen and south Canberra that meet at the centre to be gravity fed for most of the system. Micro-organisms that help breakdown the sludge are just one of the multiple processes that ensure the clear, treated water discharged to the Molonglo does not harm the rivers downstream in the Murray Darling basin. Solids are carefully incinerated at the centre to produce Agri-Ash, a soil conditioner for farmers distributed by a company based in Gunning.

When constructed in 1978 the centre attracted water treatment engineers from around the world to see its innovations. In the 1970s Australia was undergoing a sewerage revolution, initiated by the Whitlam government elected on an urban renewal mandate to connect every home in every Australian capital city to sewerage. It was the broadband of its time. Neville Wran once praised Whitlam:

It was said of Caesar Augustus that he found Rome of brick, and left it of marble.
And of Whitlam I say, he found Brisbane unsewered and left it fully flushed.

Together Canberra and Queanbeyan's population make up a fifth of the people living in the Murray-Darling basin. As Australia's largest inland city Canberra has a special responsibility that the treated water we feed back into the Murray-Darling basin does no damage. Our waste is treated to a much higher standard than in the state capital cities which discharge treated sewerage into the seas to disperse. Griffin's original sewerage scheme of collection tanks dispersed around the city discharging it into the lake was rejected for a centralised plant at Weston allowing for more treatment of the city's waste.

Our sewerage system still incorporates the heritage-listed main outfall sewer built between 1915 and 1926 from the Parliamentary Triangle to the old treatment plant at Weston Creek. Engineers Australia's wonderful centennial gift, the 330 page book *A Century of Canberra Engineering*, observes that several parliamentary hearings and a royal commission affected the stop-start construction of the then controversial sewer.

Later north Canberra was joined to this sewer through a pipe incorporated into Commonwealth Avenue bridge with a vent, or stink pipe, in one of the four bridge towers that were built to disguise this fact. The Weston plant was replaced in the 1970s by the lower Molonglo centre, which has been upgraded over the years to keep pace with world's best practice and Canberra's population growth. We can be very proud that our city's affluence is matched by the quality treatment of our effluent.

Western District Rugby Union Football Club

MR COE (Ginninderra) (5.18): I rise today to speak about the Western District Rugby Union Football Club—or Wests, as it is more commonly known. The club has a strong culture which extends beyond the field and into the families of all associated with the club. Wests has grown from humble beginnings in 1962 when the Lyneham Rugby Union Football Club was formed with an emphasis on junior rugby. The next year, the first senior Lyneham rugby team was entered into the ACT competition. The Western District Rugby Union Club in Jamison was opened in 1970 and signalled the formal change from Lyneham to Wests. The club continued to maintain its link to Lyneham High School with the club colours of maroon and blue and the rampant lion emblem.

The club was particularly successful during the 1970s, and in 1974 it was the first club in Australian history to win all four senior grade premierships. The 1980s and 1990s were a period of rebuilding for the club. During this time Wests juniors played an important part in the development of new players at the club. The highlight of the 2000s was the 2005 season when Wests became the first ACT rugby club to achieve grand final victories in all five senior grades.

Last Friday I was pleased to attend the Wests annual presentation night. I would like to place on the record my congratulations to all the award winners for 2013. The key club award recipients are as follows. The young lion of the year for the best under 18 player in the club was Harrison Lloyd. The best colt forward under 20 years was Harrison Lloyd. The best colt back under 20 years was Tim Small. The Ron Moloney award for on and off the field achievements was Gus McKerchar. The Reg Crilley clubman of the year was Graeme Cook. The president's trophy for the best player in first grade was Michael Smith and the JB Stokes award for the club player of the year in all grades was Michael Smith.

I would also like to pay tribute to the club's committee—the president, David Bensley, the vice-president, Graeme Cook, the treasurer, Tony Scott, the secretary, Richard Wyche, the club captain, Drew Southwell, the juniors president, Amanda Harris, and the juniors vice-president, Kev Whitton. Other members of the committee are Angus McKerchar, Craig Seaton, Shane Campisi—who is also the immediate past present of the club—Ben Coutts, Anthony Hayes, Jon McGrath, Luke Roberts, Paul Simmons and Neil Bensley.

At present the club does not have a permanent home. Whilst I commend the ACT government for bringing online Weetangera oval for the club, the club does need a clubhouse. Given the ACT and commonwealth governments have invested in similar

clubhouse facilities for teams in other sporting codes I think that serious consideration should also be given for an investment for Wests. Any facility would be a genuine community space where the club's proud heritage, youth development programs, family orientation and positive culture would be based.

Once again, I would like to congratulate all the 2013 award winners. I commend all those involved with Wests rugby, including all those who volunteer significant time to ensure that the club is able to provide such a rich and supportive experience to all those involved in the sport. For more information about Wests rugby, I recommend members visit their website at www.westslions.com.au.

Question resolved in the affirmative.

The Assembly adjourned at 5.22 pm.

Schedule of amendments

Schedule 1

Crimes (Sentencing) Amendment Bill 2013

Amendments moved by the Attorney-General

1

Clause 4

Page 2, line 9—

omit clause 4, substitute

4

Sentencing—relevant considerations

Section 33 (1) (k)

substitute

(k) any assistance by the defence in the administration of justice
(see section 35A);

2

Clause 5

Proposed new section 35A (4)

Page 3, line 8—

omit proposed new section 35A (4), substitute

- (4) For this section, *assistance in the administration of justice*—
- (a) includes a pre-trial disclosure by the defence; but
 - (b) does not include assistance—
 - (i) consisting only of a plea of guilty under section 35; or
 - (ii) given to law enforcement authorities under section 36.
-