



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**EIGHTH ASSEMBLY**

**24 OCTOBER 2013**

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## Thursday, 24 October 2013

Leave of absence.....	3767
Public Accounts—Standing Committee .....	3767
Education, Training and Youth Affairs—Standing Committee .....	3767
Canberra Institute of Technology—alleged bullying (Ministerial statement).....	3767
Heavy Vehicle National Law (ACT) Bill 2013 .....	3772
Heavy Vehicle National Law (Consequential Amendments) Bill 2013 .....	3774
Gaming Machine (Red Tape Reduction) Amendment Bill 2013 .....	3777
Health, Ageing, Community and Social Services—Standing Committee.....	3778
Legislative Assembly—members code of conduct.....	3778
Legislative Assembly—members code of conduct.....	3788
Members’ commitment.....	3788
Legislative Assembly—proposed commissioner for standards.....	3790
Executive members’ business—precedence .....	3798
Officers of the Assembly Legislation Amendment Bill 2013 .....	3798
Executive business—precedence .....	3813
Territory and Municipal Services Legislation Amendment Bill 2013.....	3813
Ministerial arrangements .....	3816
Questions without notice:	
Same-sex marriage—High Court challenge.....	3816
ACT Ambulance Service—cardiac monitors .....	3817
Health—healthy weight action plan .....	3818
Arts—Tuggeranong Community Arts Association .....	3820
Women—Women’s Information and Referral Centre .....	3822
Insurance—third party .....	3824
Disability services—insurance .....	3826
Gaming—memorandum of understanding .....	3828
Gaming—poker machines .....	3832
Women—Women’s Information and Referral Centre .....	3835
Animal welfare—animal sales code .....	3836
Supplementary answers to questions without notice:	
ACT Ambulance Service—cardiac monitors .....	3839
Health directorate—workers compensation .....	3839
Health directorate—staff numbers.....	3839
Executive contracts .....	3841
Papers.....	3845
Supplementary answers to questions without notice:	
Arts—Tuggeranong Community Arts Association .....	3845
Paper .....	3845
Roads—safety (Matter of public importance) .....	3845
Ms Celeste Italiano .....	3859
Adjournment:	
Diwali Mela festival .....	3860
Canberra Highland Gathering.....	3860
Ms Celeste Italiano .....	3861
Duo .....	3861
Belconnen Arts Centre.....	3862
Mr Don Allan—death.....	3864
National skateboarding championships .....	3865

Bravehearts .....	3866
Ms Celeste Italiano .....	3867
Schedules of amendments:	
Schedule 1: Officers of the Assembly Legislation Amendment Bill 2013 ..	3869
Schedule 2: Officers of the Assembly Legislation Amendment Bill 2013 ..	3869
Answers to questions:	
Legislative Assembly—contractor (Question No 145) .....	3871
ACTION bus service—patronage (Question No 147) .....	3872
Budget—lease variation charges (Question No 149) .....	3874
Budget—program allocations (Question No 150).....	3875
Land—rent scheme (Question No 151).....	3877

**Thursday, 24 October 2013**

**MADAM SPEAKER** (Mrs Dunne) took the chair at 10 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

### **Leave of absence**

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

That leave of absence be granted to Mr Corbell for this sitting day due to his attendance at an interstate diplomatic mission.

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

That leave of absence be granted to Ms Porter for the period 25 October to 25 November 2013 for medical reasons.

### **Public Accounts—Standing Committee Membership**

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

That Ms Porter be discharged from the Standing Committee on Public Accounts for the period 25 October to 25 November 2013 and Mr Gentleman be appointed in her place.

### **Education, Training and Youth Affairs—Standing Committee Membership**

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

That Ms Porter be discharged from the Standing Committee on Education, Training and Youth Affairs for the period 25 October to 25 November 2013 and Mr Gentleman be appointed in her place.

### **Canberra Institute of Technology—alleged bullying 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) (10.02): I ask leave of the Assembly to make a ministerial statement concerning the allegations of workplace bullying and misconduct at the Canberra Institute of Technology.

Leave granted.

**MS BURCH:** I present a copy of the statement:

Canberra Institute of Technology—Allegations of workplace bullying and misconduct—Ministerial statement, 24 October 2013.

I move:

That the Assembly takes note of the paper.

On Thursday, 26 September the Commissioner for Public Administration published his report of the review of allegations of workplace bullying and other misconduct at the Canberra Institute of Technology, *Colleagues, not cases: managing people and resolving workplace issues*.

This is a long-awaited and welcomed report. The commissioner conducted the review after consultation with the CIT chief executive, the Chief Minister and the Minister for Education and Training, following the release of the WorkSafe ACT report in April 2012. The report provides a systemic review of concerns raised about CIT's management of workplace issues, allegations of bullying or other misconduct, and its employees. It seeks to draw learnings for CIT and the wider ACT public service that might inform and improve ongoing management practices.

The commission found that CIT is not—I repeat: not—characterised by a culture of entrenched and systemic bullying. The report did identify some issues in relation to a small number of individuals and particular areas within CIT, some of which reopened historical matters and decisions made 10 years ago. The commissioner was clear in his report that those concerned should not be allowed to taint the whole organisation and that CIT staff members, almost without exception, are professional, behave properly, and are dedicated to the advancement of their students and the success of CIT.

The commission made nine recommendations. CIT has welcomed the report and has accepted all of the recommendations. Of these, two relate particularly to CIT. Recommendation 1 was:

That CIT acknowledge and apologise for past failures in the management of a small number of areas within CIT when dealing with workplace issues and when dealing with allegations of workplace bullying, and recommit itself to fostering positive workplaces with healthy workforce cultures. In so doing, CIT should continue to resource and consistently apply the initiatives set out in its response to the WorkSafe report of April 2012.

Recommendation 4 noted:

That CIT appoint additional Respect, Equity and Diversity contact officers in accordance with the RED Framework to support implementation of the framework and assist in the resolution of workplace issues.

CIT acted swiftly in relation to recommendation 1 and has written to the individuals the commissioner was in contact with in September of this year, extending a sincere apology. The CIT acting chief executive, through internal communication, has apologised to all CIT staff, noting the impact this has had on all involved. The acting CIT chief executive has also extended an invitation to all staff to speak with her directly about the content of the report, should they wish to do so. CIT has publicly recommitted to fostering positive workplaces with healthy workforce cultures and will continue to resource and consistently apply the initiatives set out in its response to the WorkSafe report of 2012.

In relation to recommendation 4, the engagement of additional RED contact officers outside the corporate area has been accepted, and options for implementation are being considered by the CIT people committee, with recommendations from that committee expected to go to the CIT board of management on 31 October this year.

The remaining seven recommendations are relevant to all agencies in the ACT public sector that engage staff under the Public Sector Management Act and are subject to the ACT public service code of conduct. A whole-of-government response to these recommendations is being prepared and will be provided in due course. CIT will be also considering how it will adopt these recommendations as it has a momentum of action in relation to these matters.

Since the release of the WorkSafe report in 2012 and the ministerial direction to the CIT chief executive, CIT has conducted a large body of work to improve its management of workplace bullying and other issues by ensuring managers are skilled in addressing these matters. CIT has also made significant changes to enhance its workplace culture. A comprehensive progress report outlining some of this work was tabled in the Assembly on 23 August last year.

The commissioner is of the view that CIT has demonstrated genuine commitment and goodwill in its response to the WorkSafe report of April 2012 and also acknowledges the very significant efforts made by the CIT executive through the course of 2012, in collaboration with staff and unions, to address the issues identified by WorkSafe and to improve CIT's policy and procedural framework for dealing with workplace issues.

The commissioner believes that CIT's new framework for managing workplace issues demonstrates leading practice in the ACT public sector and that this framework "should form the basis of a template to be consistently applied across all directorates and agencies". I am assured that the CIT acting chief executive has been very responsive to the complaints that were received by the Commissioner for Public Administration in 2012 in terms of both the recommendations regarding individual complaints and the overall recommendations of the commissioner's report.

The commissioner noted that CIT is not overrepresented in contemporary complaints to his office and that a number of the original complaints were withdrawn "based on their positive experiences of change following implementation of CIT's response to the WorkSafe report". This is testament to the progress that CIT has made in improving its practices around managing workplace issues and the workplace culture.

CIT has also acknowledged that its handling of some of the matters that were escalated to the commissioner should and could have been better managed. The learnings from CIT and this experience will contribute to the enhancement of the ACT public service for all employees.

The ACT government is committed to a public service where all staff adhere to the values of respect, integrity, collaboration and innovation enshrined in the ACT public service code of conduct and treat each other accordingly. Managing people is not always easy and straightforward, particularly within a large workforce of such diversity. To do this well is not easy and can be confronting for many managers. It takes courage, good leadership, clear direction and continual review of policies and procedures to make sure they are working effectively. CIT has demonstrated that with concerted effort you can change workplace culture.

I believe it is now time for the ACT government and the members of the Assembly to support CIT to rebuild its reputation as one of the ACT's chief educational assets.

**MR DOSZPOT (Molonglo) (10.10):** Let me record at the start, on behalf of the opposition, the bravery and courage of 42 current and former CIT employees who came forward to speak up about their treatment at one of Canberra's public education institutions. This has been a long, very painful process, and it continues.

Without their courage, the culture of bullying and harassment would have continued. As recently as 2012, and in the face of a negative WorkSafe report, CIT and its senior management, most of whom remain today, were still arguing that there was nothing wrong with its management. Come October 2013, we are now being encouraged to believe they are changed people. Let the evidence over time speak for itself.

I note the minister's comments, charitably perhaps because she has only come to this issue in relatively recent times. She could be excused for delivering such a glib, tokenistic response. The minister urges us all to "support CIT to rebuild its reputation". What about the reputation of the 42 current and former employees? Where is the call for us to help them rebuild their lives? The minister and the government remain, and have remained for several years, shamefully silent.

The minister says the report identified "some issues" in relation to "a small number of individuals". I do not regard 42 complaints as just "a small number". Neither do I regard systemic and ongoing workplace harassment that resulted in people being unable to work full time again as just some issue.

The report contains nine recommendations. Let me comment on two. Recommendation 1 says:

That CIT acknowledge and apologise for past failures in the management of a small number of areas within CIT ...

In relation to that, the minister advises that CIT has acted swiftly and delivered a sincere apology. The swift apology took years in the coming, and the level of sincerity is not for the minister to determine. It is for the victims to assess the sincerity of CIT's actions. For many, it will be a bridge too far.

Recommendation 6, “Training for managers”, is a very instructive recommendation. It says:

That the Head of Service and agency heads finalise as a matter of priority induction training for new managers, and an ongoing program of training and support to managers of people in line with the HR master classes initiative.

I have to ask how we can have senior managers in the ACT public service who do not have such basic skills and knowledge already. Such training would form part of any basic management 101 module. If indeed such basic skills are lacking, is it any wonder we have so many instances of workplace harassment and bullying by managers?

The remainder of the minister’s statement would lead us to believe that all matters are now resolved. They are not, Madam Speaker. Several matters, including some that involve allegations against current serving senior managers, remain under investigation.

The minister wants us to believe that CIT is a changed beast. She and the commissioner have indicated that CIT has demonstrated genuine commitment and goodwill in its response. Are genuine commitment and goodwill truly demonstrated when CIT senior management took seven months to respond to the claims lodged with them by the commissioner in December last year? Seven months! And it was not as if they were not aware of the issues. WorkSafe ACT had already delivered a stinging critique of CIT management, as did the former education minister when he issued an improvement notice, both of which were necessary because CIT simply did not accept it had a problem. I hesitate to call this a whitewash, but I am struggling to find another description.

Questions were asked of Mr Barr when he was the education minister. As far back as 2009 this was an issue well known and well denied. Dr Bourke’s actions need to be recognised because he was the first education minister to at least start the process of scrutiny.

Workplace bullying is not the exclusive domain of the CIT. We have seen it demonstrated also in the Department of Health, and no doubt there are more examples yet to be discovered. It is one thing to have workplace harassment. It is how we deal with it that is the critical measure. If we continue to paper over what is a serious cancer, we will learn nothing and it will continue. Justice must not only be done but appear to be done. I am not convinced that some of the victims have yet received the appropriate recognition of their trauma.

The Canberra Liberals will continue to expose failure to protect people in their workplace environment and will not hesitate to hold to account those found to be responsible. We cannot allow the bullies to win and prosper, and there remain too many victims who believe the bullies have won.

Question resolved in the affirmative.



## **Heavy Vehicle National Law (ACT) Bill 2013**

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

Title read by Clerk.

**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) (10.17): I move:

That this bill be agreed to in principle.

I am pleased on behalf of the Attorney-General to present the Heavy Vehicle National Law (ACT) Bill 2013 today. This bill is presented in conjunction with the Heavy Vehicle National Law (Consequential Amendments) Bill 2013. These bills allow for the application of a heavy vehicle national law in the Australian Capital Territory and for the National Heavy Vehicle Regulator to regulate heavy vehicle activities in the territory under that law. The introduction of these bills is an integral step of a key national reform process that will reduce red tape, improve the efficiency of transport operators and put in place for the first time a truly national framework for the regulation of heavy vehicles.

For almost 20 years now the heavy vehicle industry has operated under laws passed by each state and territory that were based on model laws developed by the National Transport Commission. The detail of those laws has lacked consistency across Australia as jurisdictions adopted the model laws with variations to cater for their individual needs and circumstance. By contrast, this heavy vehicle national law delivers a single national law that combines nine different sets of heavy vehicle laws into one. This will cut red tape to improve productivity in the heavy vehicle industry and the Australian economy.

The regulatory impact statement prepared to support the heavy vehicle national law identified potential savings in excess of \$12 billion over the two decades following the commencement of the National Heavy Vehicle Regulator.

The object of the heavy vehicle national law is to establish a national approach to the regulation of heavy vehicles on Australian roads in such a way that promotes public safety; manages the impact of heavy vehicles on the environment, road infrastructure and public amenity; promotes productivity and efficiency; provides for efficient road transport of goods and passengers by heavy vehicles; and encourages and promotes innovative and safe business practices.

The heavy vehicle national law reflects the 2011 Council of Australian Governments agreement to establish a national system of regulation consisting of a uniform national law administered by a single national regulator for all heavy vehicles over 4.5 tonnes. Queensland was chosen as the host jurisdiction for the national law and home for the

office of the National Heavy Vehicle Regulator. All other jurisdictions, with the exception of Western Australia, have recently made or are currently making laws similar to these bills that are applying the heavy vehicle national law in each jurisdiction. Although Western Australia is not part of the national agreement, it is expected to adopt mirror legislation in the near future.

The heavy vehicle national law creates a uniform regulatory framework that establishes the National Heavy Vehicle Regulator; provides for the national registration of heavy vehicles; imposes duties and obligations on operators, drivers and other persons whose activities may influence whether the vehicles or drivers comply with particular requirements; and includes measures to allow improved access to roads in certain circumstances.

The law also prescribes requirements about the standards heavy vehicles must meet before they can be used on roads, securing and restraining loads on heavy vehicles used on roads, preventing drivers of heavy vehicles exceeding speed limits, and preventing drivers of heavy vehicles from driving while fatigued.

The regulator will ensure the consistent application of the national laws across all participating jurisdictions, resulting in the same outcome in the same circumstances across Australia. Once the national regulator is fully operational, operators will be able to apply online for access permits through one national business portal; deliver Australia's freight tasks under the standardised regulations for mass, dimensions and loading; operate under harmonised, national standards for heavy vehicles inspections; take advantage of mutual interstate recognition of inspections and defect clearances, reducing vehicle downtime; and align businesses with nationally consistent fatigue management laws.

While the national regulator will be responsible for administering the national law and conducting heavy vehicle regulatory activities, many of these activities will continue to be delivered by state and territory transport agencies through service agreements with the regulator. For example, while vehicle inspectors will continue to be employed by the directorate they will deliver on-road compliance and enforcement of heavy vehicles on behalf of the national regulator. ACT Policing will enforce heavy vehicle offences under the national law.

In addition, while most aspects of heavy vehicle regulation will fall under the national law, it is important to note that several aspects of heavy vehicle regulation will continue to be covered by territory laws. These matters include driver licensing, public passenger accreditation, drink and drug driving, road rules and matters related to dangerous goods vehicles and also traffic movements.

While the territory is adopting all of the national law in its application bill, there will be a phased commencement of the law in the territory. There is a national agreement that the provisions relating to vehicle registration will be delayed until at least 2015 to allow an appropriate registration IT system to be developed.

The remaining components that will not be commenced until a later date reflect those parts of the model heavy vehicle law which are now part of the heavy vehicle national

law that were not previously enacted in the territory. These include elements relating to fatigue management—the work diaries—heavy vehicle speeding, the national heavy vehicle accreditation scheme and the intelligent access program. These elements were not previously applied in the ACT as either the ACT was not identified as a jurisdiction to which the reform applied or the benefit that would be derived through the introduction of a reform would have been significantly outweighed by the implementation costs for government and compliance costs for industries.

For instance, while operators who drive solely within the ACT are not currently subject to the heavy vehicle fatigue laws, they are subject to the Work Health and Safety Act 2011, which requires workers to work safely and for businesses to provide a safe work environment. Working or requiring a driver to work extensive hours or outside of the national best practice working—driving—limitations may not be consistent with the obligations under that act.

The elements that were not previously applied in the ACT will be phased in over a period of time. As the territory has not previously regulated aspects of the heavy vehicle law and the road transport authority does not currently have the capacity to do so, these elements will not apply in the ACT until such time as the regulator is able to administer these aspects directly. This will also give territory-based operators sufficient time to develop practices and procedures to ensure their compliance with the national law.

The heavy vehicle national law was developed in a process which included extensive consultation with a wide variety of stakeholders, including industry and union representatives, to ensure that this will be a workable, fair and, importantly, a safe national approach to heavy vehicle regulation. The new regulatory scheme will promote productivity, improve safety and reduce the burden and cost of regulation for Australia's heavy vehicle industry. I commend the bill to the Assembly.

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

## **Heavy Vehicle National Law (Consequential Amendments) Bill 2013**

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

Title read by Clerk.

**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) (10.27): I move:

That this bill be agreed to in principle.

Again on behalf of the Attorney-General I present the Heavy Vehicle National Law (Consequential Amendments) Bill 2013 to the Assembly, which accompanies and

gives full effect to the Heavy Vehicle National Law (ACT) Bill 2013—the application bill. The consequential amendments bill and the application bill form a package, and both bills need to be passed before the national law can be commenced. This two-bill approach allows the consequential amendments bill to be removed from the statute book once its amendments have commenced, ensuring that the ACT statute book is user friendly and of high quality.

Passage of the two bills will enable the territory to fulfil its commitments under the Council of Australian Governments intergovernmental agreement on heavy vehicle regulatory reform—the IGA. Under that agreement, jurisdictions agreed to the establishment of a national scheme for safety and road access regulation for heavy vehicles over 4.5 tonnes across Australia.

The purpose of the application bill is to apply in the ACT the national law that establishes a nation-wide system of heavy vehicle regulation, governed by one national law that brings together model legislation developed through national heavy vehicle regulatory reforms over the last 20 years. This includes registration, fatigue management, accreditation schemes, mass dimensions and loading limits, compliance requirements and enforcement powers for all heavy vehicles over 4.5 tonnes.

The consequential amendments bill primarily amends the suite of legislation known as the road transport legislation. Amendments to that legislation remove the heavy vehicle matters now covered in the national law and its application bill. In particular, matters only relevant to heavy vehicles, heavy vehicle sanctions and the chain of responsibility concept have been removed. To that end the bill repeals the Road Transport (Mass, Dimensions and Loading) Act 2009, the Road Transport (Mass, Dimensions and Loading) Regulation 2010 and legislative instruments made under that act. However, a range of ACT road transport laws will continue to apply in relation to heavy vehicles, including drink and drug driving, careless and dangerous driving, excessive speed and the Australian road rule requirements which are outside the ambit of the national law.

In some cases where there were equivalent enforcement powers in the national law and the ACT road transport legislation, the powers in the ACT laws have been amended to apply to light vehicles only. Other powers continue to apply to both light and heavy vehicles as it is necessary to have powers to enforce the offences that continue to apply to both types of vehicles.

To ensure the heavy vehicle national law scheme operates consistently across participating jurisdictions, jurisdictions have agreed that only Queensland administrative law should apply to the new National Heavy Vehicle Regulator, which is based in Brisbane. The national law specifically applies the Queensland Information Privacy Act 2009, the Queensland Public Records Act and the Queensland Right to Information Act to the regulator. Consequently, the ACT freedom of information and privacy laws will not apply to the regulator, nor will government procurement, annual reporting, audit and financial management requirements, although they will still apply to territory entities exercising functions under the heavy vehicle national law or under agreements with the regulator or by delegation.

The heavy vehicle national law provides that a person who commits certain offences under the national law can be issued with an infringement notice by an authorised person. Rather than create a new infringement notice scheme that just applies to heavy vehicles, infringement notices will be issued within the existing infringement notice framework of the relevant state or territory where the offence occurs. This bill makes necessary amendments to the road transport legislation so it can operate effectively as a scheme for issuing, serving and enforcing infringement notices for offences under the national law.

The national law contains a total of 330 offences. Maximum penalties range from \$1,500 to \$20,000, although the penalty for a severe risk breach of mass requirements may be punished by a maximum penalty of \$30,000. Due to variations in the value of penalty units across jurisdictions, expressing penalties in penalty units would produce inconsistent results across the nation. To achieve the national law's objective that industry will be subject to the same outcome in the same circumstances in all participating jurisdictions, maximum penalties for offences in the national law are specified as dollar amounts rather than as penalty units as would normally be the case in the territory legislation.

Given this need for "the same outcome in the same circumstances", the adoption bill for the national law also contains a number of aspects that depart from the normal ACT criminal law and human rights practices. Failing to include these aspects would be inconsistent with the territory's commitments as a signatory to the intergovernmental agreement. For instance, a number of absolute liability offences are created under the national law. The mistake of fact defence does not apply to these offences, which means that a person cannot rely on honest and reasonable mistakes of fact to escape liability for his or her behaviour.

Absolute liability offences should only be created in exceptional circumstances. In this context it is relevant that the offences in the national law are essentially regulatory measures, the purpose of which is to prevent harm through the enforcement of minimum standards of conduct and care. While the mistake of fact defence is excluded, most of these absolute liability offences include a "reasonable steps" defence.

The offences in the bill that exclude the mistake of fact defence are based on earlier provisions of model heavy vehicle laws developed by the National Transport Commission that were previously implemented by jurisdictions and which are now updated into the consolidated national law.

Despite these differences, the Attorney-General is confident that many limitations on human rights under the national law are reasonable and justifiable. The human rights implications of the national law have been considered by other jurisdictions as part of their application of the national law and by the ACT human rights advisors. The consensus of views is that the amendments are an appropriate and proportionate limitation of rights.

The introduction of these bills will deliver a single, national law that combines nine different sets of heavy vehicle laws into one. These reforms will remove inefficiencies arising from inconsistent jurisdictional requirements, streamline the regulatory arrangements, reduce the compliance burden for business and reduce transport costs. I commend the bill to the Assembly.

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

## **Gaming Machine (Red Tape Reduction) Amendment Bill 2013**

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

Title read by Clerk.

**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) (10.35): I move:

That this bill be agreed to in principle.

I introduce the Gaming Machine (Red Tape Reduction) Amendment Bill 2013, which reduces red tape associated with the approval of financial arrangements when gaming machines are being acquired or when existing gaming machines are being encumbered. The bill also improves processes in relation to arrangements for undisbursed jackpot amounts. The bill progresses the work that the ACT government committed to when I signed the memorandum of understanding with ClubsACT on 11 September last year which set out the policy and reform agenda for the licensed club sector over the next four years.

A key commitment in that MOU was that the government would conduct a broad review of the current regulatory regime faced by the club sector and identify areas for reform, and I am pleased that much of this work is already underway as part of ClubsACT's current representation on the government's red tape reduction panel. This bill is the result of this consultative work with the clubs sector, and we will continue to work with clubs to identify other areas where we can reduce red tape.

This bill will remove sections 101 and 102 of the Gaming Machine Act 2004 and will make it a one-step process for the application, approval and decision with regards to acquiring a gaming machine. This amendment will reduce red tape through reducing the time and effort spent by gaming machine licensees in applying to purchase machines, as it will not be necessary to seek approval of financial arrangements.

In addition, the amendments will remove the requirement for a licensee to seek approval of financial arrangements over existing machines, as this requirement does not fit with current commercial practice and is unnecessary, given other provisions of the Gaming Machine Act. The Gambling and Racing Commission also has powers

under the act to seek information and investigate financial and contractual arrangements if this should be required, such as where a third party may be receiving gaming machine revenue.

The amendments I introduce today also improve the processes for the disbursement of unallocated gaming machine jackpots. Many of us have seen the jackpot displays on gaming machines and where there is an accumulated jackpot amount that cannot be won due to circumstances beyond the control of patrons, the government's policy objective is that these funds should be returned to players wherever possible.

To do this, the licensee applies to the commission for approval of an arrangement to distribute the jackpot. At present, this approval must be granted within four weeks or the amount of the jackpot is payable back to the territory. Amendment to section 144 provides that where a licensee has a good reason for not obtaining approval of the redistribution arrangement within the four-week period, the commission will be able to extend that period, an arrangement may be approved and ultimately the jackpot funds can be returned to players rather than the territory.

The bill also includes minor amendments to correct and clarify language and amends associated provisions in the act.

This government is committed to reducing red tape, and the amendments I introduce today are part of our ongoing efforts to identify and address provisions which impose unnecessary burdens on business. I commend the bill to the Assembly.

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

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

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

That Mr Hanson be discharged from the Standing Committee on Health, Ageing, Community and Social Services and Ms Lawder be appointed in his place.

## **Legislative Assembly—members code of conduct**

Debate resumed from 19 September 2013, on motion by **Mr Rattenbury**:

That Continuing Resolution 5 (Code of Conduct for all Members of the Legislative Assembly for the Australian Capital Territory) adopted on 25 August 2005 (as amended 16 August 2006) be omitted and the following continuing resolution be adopted:

### **CODE OF CONDUCT FOR ALL MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

The Members of the Legislative Assembly for the Australian Capital Territory acknowledge that, in a parliamentary democracy they cannot command, but must

constantly strive to earn and maintain, the respect and support of those who have elected them to their positions of honour and privilege as Members.

In committing to this Code of Conduct, Members undertake, to the community and to one another, that the following principles will guide their conduct as Members in all matters:

- (1) Members will at all times act with integrity, honesty and diligence.
- (2) Members will act only in the interests of, and with respect for, the people of the Australian Capital Territory and in conformity with all laws applicable in the Territory.
- (3) Members will always act in the public interest, make decisions and choices on merit, and not seek to gain financial or other benefit for themselves, their family or friends.
- (4) Members will act independently and never place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their duties in a manner inconsistent with these principles.
- (5) Members will be reasonably accessible to the people of the electorate they have been elected to serve, and should represent their interests conscientiously.
- (6) Members will be transparent in, and accountable for, their decisions and actions, should avoid or appropriately resolve any actual or reasonably perceived conflicts of interest and should submit themselves to appropriate scrutiny.
- (7) Members will make only proper use of those public resources to which they have access.
- (8) Members will respect the dignity and privacy of individuals, and not disclose confidential information to which they have official access other than with consent or as permitted by law.
- (9) Members will observe proper standards of parliamentary conduct, and observe respect for differences and fairness in their political dealings.
- (10) Members should promote and support these principles by leadership and example, in order to maintain and support public trust and confidence in the integrity of the Assembly and the conduct by its Members of public business.

Consistent with the above principles, Members further undertake that they will:

- (11) Treat all citizens of the Australian Capital Territory with courtesy, and respect the diversity of their backgrounds, experiences and views.



- (12) Actively seek to prevent any conflict of interest, or the perception of such a conflict, arising between their duties as a Member and their personal affairs and interests, take all reasonable steps to resolve any such conflict or perception of a conflict that does arise, and:
- (a) comply with section 15 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwth);
  - (b) declare their pecuniary interests and ensure that their declaration is kept up to date pursuant to the resolution of the Assembly “Declaration of Private Interests of Members” agreed to on 7 April 1992 (as amended or replaced from time to time). Include in the Member’s Statement of Registrable Interests all gifts, payments, fees, rewards or benefits valued at more than \$100 received in connection with the Member’s functions as a Member; and
  - (c) disclose in a manner appropriate to the circumstances any other financial or non-financial interest that they may hold, or which they may be reasonably perceived to hold (other than as a member of the public or of a broad class of persons) which a reasonable observer, informed of that interest, might perceive as giving rise to a conflict of interest with the performance of the Member’s duty as a Member.
- (13) Not solicit to undertake, or undertake, any activity as a Member in return for the provision, promise or expectation of any improper benefit to the Member or to another person.
- (14) Not engage in any activities that materially impede their capacity to perform their duties as a Member.
- (15) Take care to consider the rights and reputations of others before making use of their unique protection of parliamentary privilege consistent with the resolution of the Assembly “Exercise of freedom of speech” agreed to on 4 May 1995 (as amended or replaced from time to time).
- (16) Not use information received by them as a Member that is not in the public domain in breach of any obligation of confidence applicable to their receipt of that information, or improperly for the private benefit of themselves or another person.
- (17) Use the public resources (whether staff, financial or material) to which they are provided access as a Member:
- (a) only for the purposes for which they are provided;
  - (b) in accordance with the terms and conditions on which they are provided; and
  - (c) in a manner designed to make effective, efficient and economic use of those resources.

- (18) In their capacity as an employer on behalf of the Territory under the *Legislative Assembly (Members' Staff) Act 1989*:
- (a) familiarise themselves and comply with the terms and conditions on which their personal staff are engaged and with all applicable policies and practices (including those related to occupational health and safety, discrimination, harassment and bullying, equal employment opportunity and use of information technology);
  - (b) not employ a family member as defined in that Act;
  - (c) direct their personal staff to be mindful of the Member's commitment to this Code of Conduct, and to assist the Member to comply with this Code of Conduct; and
  - (d) direct their personal staff to comply with any code of conduct applicable to those staff from time to time.
- (19) In all their dealings with staff of the Assembly and members of the ACT Public Service:
- (a) extend professional courtesy and respect; and
  - (b) recognise the unique position of impartiality and the obligations of Public Service officials.
- (20) Only make a complaint about the compliance of another Member with this Code of Conduct where they believe there are reasonable grounds to suspect non-compliance and not make any such complaint that is frivolous or vexatious or only for political advantage.
- (21) Cooperate fully with any official inquiry that may be commenced in connection with their compliance with this Code of Conduct, or that of another Member.

This resolution has effect from the date of its agreement by the Legislative Assembly and continues in force unless amended or repealed by this or a subsequent Assembly.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (10.40): I welcome the opportunity to speak to this motion today. It is an important motion that enshrines a new code of conduct for members of the Assembly. But before speaking to the motion, I wish to thank all members for their interest in this, and for their work in bringing a new MLA code of conduct into being.

As members would know, the government, under our integrity package which I announced a little while ago, revised the code of conduct for ministers in 2012. The revision of the MLA code of conduct will continue to build on the integrity frameworks that underpin the ACT's system of governance, to which the government

remains committed. It was at our initiative that the Assembly adopted as a continuing resolution the Latimer House principles during our last term, in partnership with the ACT Greens.

In terms of what this means, it simply updates the existing members code of conduct. It refreshes it. It is an important way, I think, of putting on the record very clearly to the community the expectations that they would have around members' conduct. We have been very well served by members in this place around their conduct, but it is an area where I do not think you can relax. The community expects higher standards from their politicians, and this certainly makes very clear to members the expectations on them, the principles that underpin them and the specifics in terms of guidance about how they undertake their duties as members.

Too often, politicians are given a bad name by the behaviour of a few, and it impacts on all of us. You can read the papers most days and see stories on the conduct of politicians, whether it be in the commonwealth or in the state parliaments, or even in the local government areas, where perhaps conduct of members has not been what it should have been. Other jurisdictions have ways and means of dealing with that. In the ACT we, as I said at the beginning, have been served very well by the members in this place since self-government, in that we have not had the scandals, the poor behaviour, that has existed in other jurisdictions. But there is no reason for complacency. With respect to the code as it has been drafted and the amendments that I have circulated, I now formally move the amendment circulated in my name:

Omit all words after "The Members of the Legislative Assembly for the Australian Capital Territory acknowledge that, in a parliamentary democracy they cannot command, but must constantly strive to earn and maintain, the respect and support of those who have elected them to their positions of honour and privilege as Members.", substitute:

"In committing to this Code of Conduct, Members undertake, to the community and to one another, that the following principles shall guide their conduct as Members in all matters:

- (1) Members should at all times act with integrity, honesty and diligence.
- (2) Members should act only in the interests of, and with respect for, the people of the Australian Capital Territory and in conformity with all laws applicable in the Territory.
- (3) Members should always act in the public interest, make decisions and choices on merit, and not seek to gain financial or other benefit for themselves, their family or friends.
- (4) Members should be reasonably accessible to the people of the electorate they have been elected to serve, and should represent their interests conscientiously.
- (5) Members should be transparent in, and accountable for, their decisions and actions, should avoid or appropriately resolve any actual or reasonably perceived conflicts of interest and should submit themselves to appropriate scrutiny.
- (6) Members should make only proper use of those public resources to which they have access.

- (7) Members should respect the dignity and privacy of individuals, and not disclose confidential information to which they have official access other than with consent or as permitted by law.
- (8) Members should observe proper standards of parliamentary conduct, and observe respect for differences and fairness in their political dealings.
- (9) Members should promote and support these principles by leadership and example, in order to maintain and support public trust and confidence in the integrity of the Assembly and the conduct by its Members of public business.

Consistent with the above principles, Members further undertake that they should:

- (10) Actively seek to prevent any conflict of interest, or the perception of such a conflict, arising between their duties as a Member and their personal affairs and interests, take all reasonable steps to resolve any such conflict or perception of a conflict that does arise, and:
  - (a) comply with section 15 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwth);
  - (b) declare their pecuniary interests and ensure that their declaration is kept up to date pursuant to the resolution of the Assembly 'Declaration of Private Interests of Members' agreed to on 7 April 1992 (as amended or replaced from time to time). Include in the Member's Statement of Registrable Interests all gifts, payments, fees, rewards or benefits valued at more than \$100 received in connection with the Member's functions as a Member; and
  - (c) disclose in a manner appropriate to the circumstances any other financial or non-financial interest that they may hold, or which they may be reasonably perceived to hold (other than as a member of the public or of a broad class of persons) which a reasonable observer, informed of that interest, might perceive as giving rise to a conflict of interest with the performance of the Member's duty as a Member.
- (11) Not solicit to undertake, or undertake, any activity as a Member in return for the provision, promise or expectation of any improper benefit to the Member or to another person.
- (12) Take care to consider the rights and reputations of others before making use of their unique protection of parliamentary privilege consistent with the resolution of the Assembly 'Exercise of freedom of speech' agreed to on 4 May 1995 (as amended or replaced from time to time).
- (13) Not use information received by them as a Member that is not in the public domain in breach of any obligation of confidence applicable to their receipt of that information, or improperly for the private benefit of themselves or another person.
- (14) In their capacity as an employer on behalf of the Territory under the *Legislative Assembly (Members' Staff) Act 1989*:
  - (a) familiarise themselves and comply with the terms and conditions on which their personal staff are engaged and with all applicable policies and practices (including those related to occupational health and safety, discrimination, harassment and bullying, equal employment opportunity and use of information technology);

- (b) not employ a family member as defined in that Act;
  - (c) direct their personal staff to be mindful of the Member's commitment to this Code of Conduct, and to assist the Member to comply with this Code of Conduct; and
  - (d) direct their personal staff to comply with any code of conduct applicable to those staff from time to time.
- (15) In all their dealings with staff of the Assembly and members of the ACT Public Service:
- (a) extend professional courtesy and respect; and
  - (b) recognise the unique position of impartiality and the obligations of Public Service officials.
- (16) Only make a complaint about the compliance of another Member with this Code of Conduct where they believe there are reasonable grounds to suspect non-compliance and not make any such complaint that is frivolous or vexatious or only for political advantage.
- (17) Cooperate fully with any official inquiry that may be commenced in connection with their compliance with this Code of Conduct, or that of another Member.

The amendment I have moved is minor. We have worked with other members in this place, including Mr Rattenbury and Mr Hanson, to reach agreement on a way forward with the code. With respect to the major part of the amendment, we have changed the word "will" to "should", which reflects the original advice from Stephen Skehill when he was doing the review into the code of conduct and the recommendation for a commissioner for standards.

It also omits some clauses which were vague in terms of how they were presented, and potentially could have provided challenges around interpretation. Those went to issues like members' conduct as members of political organisations, and what that meant. When you read the Stephen Skehill advice, he goes to some length to explain that the draft code that he has designed or proposed should only cover individuals' conduct as members, and not as members of a community or, indeed, members of a political organisation. However, there were a couple of clauses where that was suitably vague. Certainly, from my party room, members are happier with those clauses not being in the code.

Overall, I think this is very positive for the ACT Assembly. It is much better dealing with issues of a code of conduct and standards when there is not a particular issue on the table that is being argued about, in the calm of perhaps good behaviour, so that we are able to look rationally at the changes to this code—and, subsequently, at the establishment of a commissioner for standards in the calm nature of the world in which we are operating at the moment.

Having moved the amendment, I hope I have support for it. I look forward to seeing the code updated and providing that guidance to members about the expectations from the community regarding the performance of their role as members of the ACT Legislative Assembly.

**MR HANSON** (Molonglo—Leader of the Opposition) (10.45): I indicate at the outset that we will be supporting both the amendment and the motion as amended. All of us in this place would agree that we should be held to high standards of behaviour and probity. It is my belief that the members of this place and the members that have gone before us have a very good reputation for having done that.

This motion today and the amendment update the code of conduct. So, in essence, this is not something new. As the Chief Minister outlined, this is something that is updating and refreshing that code. And it is important that we do that. Although in my view we have a good record in this place on these matters, it is important that we be vigilant, and it is important that members of this place be reminded of our responsibilities when it comes to issues of probity in our standards.

The Chief Minister has outlined the case well. I will not duplicate her words, but I indicate that we will be supporting the amendments because what they do, in effect, is remove the duplication and the ambiguity that existed in the original motion. I would like to express my thanks to the Chief Minister for her cooperation with regard to the amendment, which I think does go some way to improving the original motion that was moved in this place.

**MR RATTENBURY** (Molonglo) (10.47): If members agree, I will speak to the amendment and close the debate. I thank members for their support for the revised code of conduct. It is valuable to update a document such as this from time to time. That was a recommendation that arose out of both the McLeod report and the work undertaken by Mr Skehill, our ethics and integrity adviser. Through that, they both identified there were areas that could be updated and clarified in a more modern context, and that it was time for a refresh.

I commenced this work in the last term, in my capacity as Speaker, and I am pleased to bring it to fruition today, more than 12 months later. It has taken us some time but we are finally here.

I do welcome that support. I think it is very necessary to have an up-to-date document, and one that does reflect the current thinking. Even though the old one was, if I recall correctly, probably not more than a decade old, from time to time the particular wording and how that is understood does change.

I want to reflect on some of the amendment because it is very interesting to see how members perceive issues and what should be in, and, perhaps even more interestingly, what should be out of, a code of conduct. With respect to the amendment that Ms Gallagher put forward, it was agreed by Mr Hanson that it contains some interesting textual changes. The first is that the original motion proposed the use of the word “will” and it is now replaced with the word “should”. For example, “Members ‘will’ at all times act with integrity, honesty and diligence,” has been replaced with “Members ‘should’ act with integrity, honesty and diligence.” I am glad it is optional for everybody and I hope that makes members feel more comfortable, because that is clearly something that was required in order to get agreement to move this forward.

Some of the other removals are very interesting as well. The original document stated that members will:

Treat all citizens of the Australian Capital Territory with courtesy, and respect the diversity of their backgrounds, experiences and views.

I am not entirely clear why, but I understand that members want to see that paragraph removed. I am unclear what the motivation for that is. I think that it is our job to treat all citizens of the territory with courtesy. That does not mean we have to agree with them, and obviously quite frequently we do not. At the end of the marriage equality debate on Tuesday morning, in the foyer I had a fellow come up to me and say that he thought what we had done was fundamentally wrong. This was in the middle of all of the celebrations in the foyer. To his absolute credit, he was very polite about it. We had an interesting conversation for a couple of minutes. At the end of it we agreed to disagree. That is obviously an issue that I feel strongly about; he did too. Yet we were able to have a courteous and essentially interesting conversation.

So I am surprised that members feel the need to remove that. It probably reflects the way some members conduct themselves in this chamber, because we certainly see a lack of courtesy in this place at times. The sort of belittling that goes on of some members at a very personal level on occasions probably reflects why members have discomfort with this sort of text. I think it is fair enough to come in here and be robust, but some of what is essentially teasing and belittling behaviour I have seen go on in this place is reminiscent of a schoolyard, and I think we should all reflect on ourselves at times.

I recall an incident earlier this year in which I stood up to speak at the wrong moment. It was late at night; we had been doing the budget debate and I was not concentrating well enough. I stood up and started some remarks on where I thought we were up to. It was a pretty silly thing to do and worth a laugh, but it was fascinating how long the tormenting went on in the chamber. People continued to laugh and harass me for several minutes at the end of that. I found that very interesting. It is the sort of behaviour you would see in a schoolyard.

There is the way that I have seen Dr Bourke treated in this place—the catcalling that has gone on at him across the chamber because of the way he speaks. It is instructive of the inner character of some people that they conduct themselves like that. Whether it is a parliamentary chamber or anywhere in public life—anywhere in life, for that matter—that sort of thing goes well beyond the robustness of parliament and it really speaks to the inner character of people. That is something that we might all reflect on, because none of us are perfect. Life is a process of constant improvement, but some of that conduct, I suspect, goes to why members feel uncomfortable with inserting text that says:

Treat all citizens of the ... Territory with courtesy, and respect the diversity of their backgrounds, experiences and views.

The other interesting removal through the amendment is what was formerly paragraph (17), which I will read out. It says that members will undertake, further, that they will:

Use the public resources (whether staff, financial or material) to which they are provided access as a Member:

- (a) only for the purposes for which they are provided;
- (b) in accordance with the terms and conditions on which they are provided; and
- (c) in a manner designed to make effective, efficient and economic use of those resources.

Again, this is a paragraph that has been deleted in the proposed amendment. I think it is a paragraph that would be worth keeping, in the sense that, clearly, we have seen recent examples of members who have struggled with that—members who have found it is appropriate to attend a friend’s wedding at public expense. I actually think that is a reasonably straightforward one. There are times when, for members, there are expenses or travel that we might undertake where perhaps it is a little bit unclear as to whether they are within the guidelines. Simply attending somebody’s wedding overseas, even if they are a parliamentary colleague, does seem to be a little bit beyond the necessity of parliamentary duty. And trying to tack on a meeting with a local councillor or some other frankly pathetic excuse really does not cut it. I think that, for members, there are some really obvious boundaries. Again, all of us have a duty to reflect carefully on those.

I reflect similarly on the recent example that was provided—and it was one that particularly struck me, having participated in similar events—where the Prime Minister claimed the expenses for attending and participating in the Ironman event in Port Macquarie. Having done half-a-dozen Ironmans myself, I have a fair idea of what is involved in going to those events. If the Prime Minister had been invited to present the awards at the end because he was the Prime Minister then fair enough; he was going there for his parliamentary duty. In fact, he was the Leader of the Opposition at the time. But there was nothing in his parliamentary duties that required him to participate in the Ironman—not one thing. Yes, he probably had some constituents approach him while he was there. I am sure he spoke to people in the community while he was there. But it seems entirely obvious. If we want to use the same standard—

**Mr Smyth:** A point of order.

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

**Mr Smyth:** Madam Speaker, the motion is about a code of conduct for members of the ACT Assembly. I would ask for your guidance on how this code of conduct will apply to the Prime Minister, who is not a member of this place, and ask the member to be relevant.



**MADAM SPEAKER:** I think that while members may be uncomfortable about the allusions, it is pretty much a common discussion at the moment about members' behaviour. It seems that the member cannot draw examples from the ACT Assembly, but I think that it is reasonable to reflect on how the code of conduct might impact in other places, and draw examples from that. I would ask Mr Rattenbury to be mindful that this is about the code of conduct for ACT members.

**MR RATTENBURY:** Thank you, Madam Speaker. I do not intend to labour the point. I was just about to move on and say that, if that is the standard, for ACT members, if I were to go to the movies on a Friday night and some constituent approached me, it begs the question: would I be able to claim my movie ticket because somebody dared to come up and talk to me about a TAMS matter while I was there? That is the same logic that was used to justify that claim, and that is where I think we do need to be both very clear in setting out what our rules are and think more carefully about the way that we seek to undertake these expenses.

Those were a couple of extreme examples. I think that most members of the community have seen them as preposterous. Yet members of parliament have claimed as they saw fit. Those sort of examples actually belittle all institutions of parliament across the country. I think all of us need to be mindful of not using our parliamentary expenses to fly off to the other side of the country to buy an investment property—another recent example that we have seen.

I thank members for their support of the elements that we have included. I am intrigued by some of the areas that members have felt uncomfortable with. Someone might suggest that that was the drafting. But if there is discomfort with the drafting, that is always amendable.

Nonetheless, I think we have made a step forward today in refreshing our code of conduct. We will come back to this in a moment with further discussion. But I will be supporting the amendment, in the sense that whilst I disagree with some of the elements that are removed, overall we take a step forward with refreshing this code of conduct. I thank members for their support of those elements they were able to support.

Amendment agreed to.

Motion, as amended, agreed to.

## **Legislative Assembly—members code of conduct**

### **Members' commitment**

**MR RATTENBURY** (Molonglo) (10.57): I move:

That we, the Members of the Eighth Legislative Assembly for the Australian Capital Territory, having adopted a Code of Conduct for Members, reaffirm our commitment to the principles, obligations and aspirations of the code.

This motion arises from a recommendation that came out of the various reviews of the code of conduct, which suggested that at the start of each term there should be a motion moved for all members to reaffirm their commitment to the code. In some ways, that would seem like a seemingly obvious thing to do. At the time the work was being done and when the recommendation came forward it certainly made sense to me that it was an opportunity for members to reflect on the code of conduct. For those who are returning members at the start of an Assembly it will probably be a bit of a refresh. It is the sort of thing that many members would pick up at the start of a term when they first come here, read it, and then not come back to it unless a particular issue arose. So the express act of having to affirm a commitment to it is a good way to refresh ourselves and be reminded of the standard that we are seeking to hold ourselves to. For those new members who are coming to the place it is an opportunity to explicitly turn their minds to it.

That is really what this motion is about. It is a very simple one. It says that we, the current members of the Assembly, have explicitly turned our mind to this, we remain comfortable with this as the appropriate version of the code of conduct and we wish to adhere to the standard that is set out—or there may be an example where it has not operated effectively or we feel it is time to add something or remove something that no longer seems appropriate. Having this explicit moment at the start of each Assembly is, again, a trigger to make sure that we consider those matters.

It is some time since the start of the Assembly. Nonetheless, in the spirit of the recommendation that was given to us, I have proposed that we move this motion today. Given the earlier discussion, I imagine members will be open to supporting this. I commend the motion to the Assembly.

**MR HANSON** (Molonglo—Leader of the Opposition) (11.00): The opposition will be supporting this motion in the sense that it is an affirmation of what we have all agreed to in this place but, in doing so, I will reflect on some of the comments that Mr Rattenbury made in closing with regard to the code of conduct. I think it is illustrative that he chose in this place, in what has been, I think, a pretty collegiate debate to try and make sure that we have a code of conduct that is befitting us all, to use it as an opportunity to try and run a political smear campaign against federal coalition members. I find it extraordinary. I think it is remarkable that at the same time that he is talking about behaviour in this place he then chooses to try and use that very same speech as an opportunity to mount some sort of political attack on federal parliamentarians from the coalition.

It is illustrative perhaps of the fact that he is clutching at straws in doing so that the only incident of poor behaviour in his mind that he could find from members of this place was that when he misspoke in this place there was, as I recall, some good-humoured banter about that. It was late at night. It was at a time when we were closing the debate on the budget, and I remember members on all sides having some good-natured banter. If the only incident that Mr Rattenbury can find of poor behaviour is good-natured banter that he has been a little bit precious about then I think it is illustrative that, as members, we are doing the right thing in this place. Trying to generate some sense that there is a problem where there is not I think is disingenuous.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (11.02): I rise in support of the motion. Indeed, I think all Labor members are supportive of this motion. It simply reaffirms our commitment to the principles of the code that we have just endorsed. It is an important motion in that regard and I think it is wise that we do this at the beginning of, or soon into, the parliamentary term. Next time it will be easier, unless the next parliament is also going to revise the code. I think it is a sensible suggestion from the ethics and integrity adviser that we go through this process to reaffirm our commitment to the principles, obligations and aspirations of the code.

The ACT community have been served well by members of various political parties in this place. I do not know what makes the ACT a little bit unique in this regard, because I think other parliaments in other jurisdictions have had examples where members' conduct has not been what the community would expect. The ACT has been fortunate. I think all of us reaffirming this code sends a very strong message that we expect that to continue.

It does serve as a reminder of our responsibilities to the community. I think these are responsibilities that all 17 of us take very seriously. When politicians have perhaps been caught conducting themselves in a way that the community would not expect they have at times used the excuse that they were not necessarily aware of all the responsibilities or they were not across all of the rules and guidelines about entitlements. I think this reaffirmation deals with that. I think all members in this place are fully aware of their responsibilities. We are reconfirming and reaffirming those today.

In terms of some of the changes that we made—and I am not reflecting on the vote of the Assembly—they were not seen to be a watering down or a walking away from the principles of the code of conduct. I think there was some concern around how particular elements would be interpreted and whether there was some duplication in the high-level principles that were outlined in the code. This is a good code of conduct. It aligns well with the ministerial code of conduct and if everyone does the right thing there should be no problem, and I hope there is not.

Question resolved in the affirmative.

## **Legislative Assembly—proposed commissioner for standards**

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

That the following continuing resolution be adopted:

### **COMMISSIONER FOR STANDARDS**

That this Assembly requests the Speaker to appoint a Legislative Assembly Commissioner for Standards on the following terms:

- (1) Before appointing a Commissioner the Speaker must consult with the Chief Minister, the Leader of the Opposition and Crossbench Members.

(2) The Commissioner may be dismissed only following a resolution of the Legislative Assembly resolving to require the Speaker to end the Commissioner's appointment—

(a) for misbehaviour; or

(b) for physical or mental incapacity, if the incapacity substantially affects the exercise of the Commissioner's functions.

However, a motion for such a resolution may only be debated after the Standing Committee on Administration and Procedure has reported to the Assembly that it is satisfied that the Commissioner is unfit for the office or unable to fulfil the Commissioner's functions.

(3) The function of the Commissioner is to investigate specific matters which have been referred to the Commissioner by the Speaker or Deputy Speaker relating to the conduct of Members and to report to the Standing Committee on Administration and Procedure.

(4) Members of the public, members of the ACT public service and Members of the Assembly may make a complaint to the Speaker about a Member's compliance, or to the Deputy Speaker about the Speaker's compliance, with the Member's Code of Conduct or the rules relating to the registration or declaration of interests.

(5) If the Speaker or Deputy Speaker receives a complaint about a Member's conduct, the Speaker or Deputy Speaker may refer the complaint to the Commissioner for investigation and report if the Speaker or Deputy Speaker believes on reasonable grounds that there is sufficient evidence that the Member's Code of Conduct or the rules relating to the registration or declaration of interests may have been breached in such a manner as to justify investigating the matter.

(6) In exercising the functions of Commissioner the following must be observed:

(a) No report may be made by the Commissioner to the Committee in any case where the Member concerned has agreed that he or she has failed to register or declare an interest if:

(i) in the Commissioner's opinion the interest involved is minor or the failure was inadvertent; and

(ii) the Member concerned has taken such action to rectify the failure as the Commissioner may have required within any procedure approved by the Committee for this purpose.

(b) The Commissioner may not provide a report to the Committee unless the Commissioner has:

(i) given a copy of the proposed report to the Member who is the subject of the complaint under investigation;

(ii) the Member has had a reasonable time to provide comments on the proposed report; and

(iii) the Commissioner has considered any comments provided by the Member.

(c) The Commissioner must report each year to the Speaker on the exercise by him or her of the functions of the Commissioner.

This resolution has effect from the date of its agreement by the Legislative Assembly and continues in force unless amended or repealed by this or a subsequent Assembly.

This motion follows the adoption of the new code of conduct. It provides the mechanism for that to be investigated if there is the unfortunate case where there is a view, either by a member of the public or someone in government, that one of the members of the Assembly has acted inappropriately.

There is no point in having a hollow commitment in the sense of having a code but not having a means to actually follow through with it. And I think there is a level of public confidence attached to having an appropriate mechanism that is fair, transparent and non-political, that ensures that we do not get caught up when a difficult matter comes up and that we have got a fair and reasonable way of dealing with it and a way that the public can feel matches that standard of fairness.

Again, this arises from matters that came up last term. I do not want to re-prosecute those, because that is certainly not my intent today, but it would be fair to say that where certain matters did arise there was actually no mechanism in place. As the Speaker, I found myself at the centre of some of those discussions. And it would be fair to say that there was a lot of contention about how accusations that were made should be addressed. At the time, the Assembly formed some views and as the Speaker I was then required to select somebody to undertake an investigation.

Again, I think it would be fair to say that that was contentious. I feel that I went out and searched for somebody who was well recognised and, in my perception, non-political, and yet I think it would be fair to say there was some disquiet around that. And trying to make that appointment at a time at which there was a high level of political heat, I do not think was the best approach. So one of the key elements of this model is to have somebody appointed commissioner for standards who simply is there so that if an incident does arise, some of that contentiousness is taken away.

In some ways it reflects the ethics and integrity adviser role that we have. Certainly the practicalities very much reflect that model where the intent—and this has been discussed at some length in the administration and procedure committee—is that somebody will be engaged on a retainer, and certainly in the case of the ethics and integrity adviser that has been a very minimal amount of money, and then, as and when required, they can be further engaged if necessary.

There are of course a number of models that we could have taken in establishing this position. These other models include legislation and self-regulation, both of which I think are not appropriate for the ACT. And I will reflect briefly why.

New South Wales has a legislative model. The parliamentary code of conduct is included in the definition of “corrupt conduct” in the Independent Commission against Corruption Act, meaning a breach of the code has potentially serious consequences and an independent mechanism for investigation. I think it is quite clear that the ACT does not have either the size or certainly, to all members’ knowledge, any history of the scale that would require something like an independent commission against corruption in the ACT.

I know that in Tasmania, where they have established something like that, the operating budget of the Tasmanian Integrity Commission is in the order of \$3 million a year. I think that what they have found there is that that has probably not delivered to the public value for money, in that really their work has not been that extensive; whereas in New South Wales, where there has been, regrettably, a greater level of investigation required, something like ICAC probably is needed. So I think that is not the right answer for the ACT.

The self-regulation model, which is particularly prevalent in the US, has come under criticism as a model where it is impossible to remove the politicisation of the process, therefore giving rise to a loss of public confidence. It also puts MPs in the position of being the parliamentary police, something I think would be particularly inappropriate in the ACT, given the size of our parliament. And I do not think it is a job that most parliamentarians would crave anyway.

I think it is better to choose a model where parliament establishes an independent commissioner that reports back to the parliamentary committee, and this is the approach that has been adopted in the UK. Of course, we have all seen the stories out of the UK, and they have been forced to think in recent times about ways to have a better system to try to prevent some of the embarrassment and scandals that have happened in the UK. The UK code is administered by a parliamentary commissioner for standards, as is being proposed here today. Like the UK commissioner, our commissioner, as proposed in the motion today, cannot impose penalties. But all members are equally subject to its investigative powers.

In outlining why I think those two models are inappropriate, let me simply outline the key elements of this model. The model requests the Speaker to appoint a Legislative Assembly commissioner for standards under a number of terms. And the function of the commissioner, as set out in the motion, is to investigate specific matters which have been referred to the commissioner by the Speaker, or the Deputy Speaker, relating to the conduct of members and to report to the Standing Committee on Administration and Procedure.

It has been suggested to me that that needs some amendment. The intent of this is quite clear but the words probably need a bit of a touch-up. The intent is that it is not a case of forum shopping to the Speaker or the Deputy Speaker. Anybody who wishes to make a complaint should do it in the first instance to the Speaker and only to the Deputy Speaker in the absence of the Speaker or in the case where the complaint is about the Speaker. And that is a mechanism that we have for many other matters in the Assembly. Whether it is simply the tabling of reports or a range of other things, the Deputy Speaker obviously stands in place of the Speaker when the Speaker is not available, whether it be for leave or medical absence or any of those kinds of matters which may see the Speaker not available.

As I have touched on, members of the public, members of the ACT public service and members of the Assembly may make a complaint about a member's compliance with the code of conduct in relation to the rules related to the registration or declaration of interest. So it is quite a broad scope. Again, there has been quite some discussion

about how broad that scope should be. I think that it is appropriate to have the broad scope but then to have some of the mechanisms that have been in place to prevent vexatious and frivolous complaints. We certainly do not want to see this process used in a way to seek to harm members' reputations or to be able to cast aspersions but rather to ensure that the safeguards are put in place so that we do have a standing and recognised independent mechanism that hopefully we will not need to use very often.

In exercising the functions, the following must be observed, and these are some of the safeguards I was referring to: no report should be made by the commissioner in a case where the member concerned, the member being investigated, has agreed that he or she has failed to register or declare an interest if, in the commissioner's opinion, the interest involved was minor or the failure was inadvertent. And I think that is an important thing, because there will be times when administrative errors or perhaps misunderstanding of the rules will occur. If a member can demonstrate that, then it is quite appropriately so.

Another instance is where the member concerned has taken action to rectify the failure, as the commissioner may have required, within any procedure approved by the committee. Again, allowing for oversights in process can lead to unintentional breaches not becoming a major matter nor requiring a formal report.

There are also some procedural fairness matters set out in the motion. The commissioner is required to not provide a report to the committee unless they have given a copy of the proposed report to the member who is the subject of a complaint under investigation, the member has had a reasonable time to provide comments on the proposed report and the commissioner has considered any comments provided by the member.

Again, this is a basic process of procedural fairness, the sort of approach we see in a range of other places, whether it is the Ombudsman, the Auditor-General. These are standard processes where the person being investigated, audited or complained against, as the case may be, does have an opportunity to at least give feedback and perhaps clarify matters that have been misunderstood.

Again, I understand there are various amendments that have been circulated. Unfortunately, some of this has come quite late. I gather it is the will of the Assembly to adjourn this matter today. I am comfortable with that. There clearly needs to be some further discussion. I think that members have made some useful suggestions on how we might make some further insertions of text, specifically including language about complaints that are vexatious or intended for political gain. I think that there are some good ideas being put forward there, and I look forward to that discussion.

But I think the basic premise here is a very simple one: to try, in the cool light of day where we do not have a specific matter at hand, to find a mechanism so that when we have matters such as those that did arise last Assembly, and for which I found myself involved as the Speaker at the time, we have a mechanism in place that is one which we have all agreed to at a time without heat and which we feel will provide both ourselves and the public with confidence that there is an appropriate mechanism to investigate those complaints and either dismiss them if they are unsubstantiated or make a clear and transparent finding where they may be found to be substantiated.

With those remarks of explanation of the intent behind it, I commend the motion to the Assembly.

**MR HANSON** (Molonglo—Leader of the Opposition) (11.15): I move the amendment circulated in my name:

Omit all words after “adopted”, substitute:

**“COMMISSIONER FOR STANDARDS**

That this Assembly requests the Speaker to appoint a Legislative Assembly Commissioner for Standards on the following terms:

- (1) The Speaker must, after each Assembly is elected or whenever the office becomes vacant, appoint a Commissioner for the life of that Assembly and the period of three months after each election. The initial appointment is for the term of the 8th Assembly and the period of three months after the election at the conclusion of that term.
- (2) Before appointing a Commissioner, the Speaker must consult with the Chief Minister, the Leader of the Opposition and Crossbench Members.
- (3) The Commissioner may be dismissed only following a resolution of the Legislative Assembly resolving to require the Speaker to end the Commissioner’s appointment—
  - (a) for misbehaviour; or
  - (b) for physical or mental incapacity, if the incapacity substantially affects the exercise of the Commissioner’s functions.

However, a motion for such a resolution may only be debated after the Standing Committee on Administration and Procedure has reported to the Assembly that it is satisfied that the Commissioner is unfit for the office or unable to fulfil the Commissioner’s functions.

- (4) The functions of the Commissioner are to—
  - (a) investigate specific matters referred to the Commissioner—
    - (i) by the Speaker in relation to complaints against Members; or
    - (ii) by the Deputy Speaker in relation to complaints against the Speaker; and
  - (b) report to the Standing Committee on Administration and Procedure (‘the Committee’).
- (5) Members of the public, members of the ACT Public Service and Members of the Assembly may make a complaint to the Speaker about a Member’s compliance with the Members’ Code of Conduct or the rules relating to the registration or declaration of interests.
- (6) If the Speaker—
  - (a) receives a complaint about a Member pursuant to paragraph (5); and
  - (b) believes there are reasonable grounds for the complaint;the Speaker may refer the complaint to the Commissioner for investigation and report.



- (7) Members of the public or members of the ACT Public Service may make a complaint to a Member of the Assembly about the Speaker's compliance with the Members' Code of Conduct or the rules relating to the registration or declaration of interests.
- (8) If a Member—
- (a) receives a complaint about the Speaker pursuant to paragraph (7); and
  - (b) believes there are reasonable grounds for the complaint;
- the Member may refer the matter to the Deputy Speaker.
- (9) If a Member of the Assembly, on their own initiative, believes on reasonable grounds that the Speaker has not complied with the Members' Code of Conduct or the rules relating to the registration or declaration of interests, the Member may refer the matter to the Deputy Speaker.
- (10) If the Deputy Speaker—
- (a) receives a complaint about the Speaker pursuant to paragraphs (8) or (9);  
and
  - (b) believes there are reasonable grounds for the complaint;
- the Deputy Speaker may refer the matter to the Commissioner for investigation and report.
- (11) In exercising the functions of Commissioner, the following must be observed—
- (a) Subject to paragraphs (b) and (c), the Commissioner must not conduct an investigation into a complaint nor make any report in relation thereto unless the Commissioner is satisfied—
    - (i) there are reasonable grounds for the complaint; and
    - (ii) the complaint is not frivolous, vexatious or only for political advantage.
  - (b) If the Commissioner refuses to conduct an investigation into a complaint made to the Speaker about a Member, the Commissioner must write to the Speaker indicating that the investigation would not be conducted and a report would not be made and stating the reasons therefore. The Speaker must give a copy of the letter to the complainant and the Member about whom the complaint was made.
  - (c) If the Commissioner refuses to conduct an investigation into a complaint about the Speaker referred by the Deputy Speaker, the Commissioner must write to the Deputy Speaker, indicating that the investigation would not be conducted and a report would not be made and stating the reasons therefore. The Deputy Speaker must give a copy of the letter to the Speaker and to the Member who referred the matter to the Deputy Speaker.
  - (d) The Commissioner must not make a report to the Committee if the Member or the Speaker about whom the complaint was made has agreed that he or she has failed to register or declare an interest if—
    - (i) in the Commissioner's opinion the interest involved is minor or the failure was inadvertent; and

- (ii) the Member concerned has taken such action to rectify the failure as the Commissioner may have required within any procedure approved by the Committee for this purpose.
- (e) The Commissioner must not make a report to the Committee unless the Commissioner has—
  - (i) given a copy of the proposed report to the Member or the Speaker who is the subject of the complaint under investigation;
  - (ii) the Member or the Speaker has had a reasonable time to provide comments on the proposed report; and
  - (iii) the Commissioner has considered any comments provided by the Member or the Speaker.
- (f) The Commissioner must report by 31 August each year to the Speaker on the exercise of the functions of the Commissioner.
- (12) The Committee must review the operation of the Commissioner after two years following the initial appointment of the Commissioner and report to the Assembly in the first sitting period in 2016.”—

We will support this motion today. This arises out of a bunch of work that has been done in committee, but it needs amending. I have worked with the Chief Minister on this matter to essentially clean it up and make sure it is workable, and just as the Chief Minister moved amendments to clean up the code of conduct, the amendments that I have circulated will have the same effect. They do not change anything substantive in what we are trying to achieve with regard to the appointment of a commissioner for standards, but it is important that we get this right, and that is what these amendments do.

I will not go through all the details, but, as Mr Rattenbury alluded to in his speech, there is some ambiguity and room for confusion and omission in the motion he has moved. My amendment includes a new paragraph (1), which puts a time frame on each appointment of a commissioner for standards such that any one appointment lasts for the term of the Assembly plus three months. Otherwise there would be an argument that once the commissioner was appointed he or she could not be unappointed—or that is certainly ambiguous.

The amendment also creates three clear avenues for complaint to clarify the confusing mix in the original motion of who can do what and to whom and why. The first avenue deals with who can make complaints to the Speaker about a member, on what grounds and then what the Speaker can do with that complaint. The second avenue deals with who can make a complaint to a member about the Speaker, on what grounds and then what the member can do with that complaint. And the third deals with the grounds on which a member on their own initiative can make a complaint about the Speaker to the Deputy Speaker and then what the Deputy Speaker can do with that complaint. If a complaint is referred to the commissioner, another process then comes into play.

An important addition in my amendment is the threshold process the commissioner has to follow in deciding whether to investigate the complaint. The commissioner will

be required to consider, firstly, whether there are any reasonable grounds for the complaint and, secondly, whether the complaint is frivolous, vexatious or only for political advantage. I think it is very important to make sure the commissioner does not get used inappropriately. It will provide the commissioner with the test of reasonableness in deciding whether the complaint warrants the commissioner going down the path of a full investigation.

There is another important addition. If, having considered the matters I have just outlined, the commissioner refuses to conduct the investigation, the commissioner must write to the Speaker or the Deputy Speaker, as appropriate, giving reasons for that refusal. Then the Speaker or the Deputy Speaker, as appropriate, must give a copy of the letter to the person who made the complaint and to the person about whom the complaint was made. In that way the complaint does not just disappear into a black hole with no feedback coming back at all.

There are two other small but important additions: the first is putting a due date of 31 August for the commissioner's annual reports to the Speaker, and the second is to require the standing committee on admin and procedures to review the operation of the commissioner after two years of operation and report to the Assembly in the first sitting period of 2016. That will enable the Assembly to consider the success or otherwise of this initiative and consider what changes might be required for it to be perhaps improved in the future.

We support the appointment of a commissioner for standards. It has the potential to be a good addition, but I think we have to make sure that we get this right. The amendment has been agreed to by the Labor Party, and I look forward to them being supported by Mr Rattenbury, hopefully, who has also identified that some issues need to be addressed in his original motion.

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

## **Executive members' business—precedence**

Motion (by **Mr Rattenbury**, by leave) agreed to:

That Executive Member's business be called on forthwith.

## **Officers of the Assembly Legislation Amendment Bill 2013**

Debate resumed from 15 August 2013, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (11.22): I am looking for my debate speech, which I have not got. I wonder if another member could speak?

**Mrs Dunne**: Madam Deputy Speaker, can I suggest that the Chief Minister be given leave to speak later in the debate?

**MADAM DEPUTY SPEAKER:** Leave is not needed.

**MS GALLAGHER:** Thank you. Sorry, Jeremy.

**MADAM DEPUTY SPEAKER:** I will call on another member.

**Mr Hanson:** Now I've got to get ready.

**MADAM DEPUTY SPEAKER:** Mr Hanson.

**MR HANSON (Molonglo—Leader of the Opposition) (11.22):** I move:

That debate be adjourned.

Question resolved in the negative.

**MADAM DEPUTY SPEAKER:** Do we have another member who can speak?

**MR HANSON (Molonglo—Leader of the Opposition) (11.23):** I will speak to the substance of the matter. The reason I have moved that debate be adjourned—I was not expecting that to get up, as chaos ensues on the other side—is that in accordance with principle, these matters should rightly be brought forward by the appropriate minister or certainly sorted out within the cabinet process before they are brought to this place. We have a situation here where we have been receiving last-minute amendments. Mr Rattenbury has provided us with amendments to his own motion. Ms Gallagher has been providing us amendments to Mr Rattenbury's motion. I believe Mr Rattenbury will now not be moving all of his amendments. Ms Gallagher has withdrawn a bunch of her amendments. We have this chaotic situation where we have a piece of legislation being brought forward by Mr Rattenbury that has been agreed to in the parliamentary agreement by the Labor Party and the Greens, but they are still trying to sort it out on the floor of the Assembly at late notice with nobody quite knowing who is moving what and when and what amendments are being moved and what ones are being withdrawn, and we are trying to make this up on the run.

This goes very much to my point: if the Greens-Labor coalition have something they want to bring forward, in many cases we will support it. In this case I can indicate we will support it, but let us get the process right. Let us not have the situation where we are doing these fix-ups on the run and we are trying to work it out and we have got the Labor Party moving amendments to what Mr Rattenbury is doing and ministers moving amendments to another minister's legislation on the floor of the Assembly.

If you sign off to something in the Greens-Labor agreement, it would be better if you get it sorted out, get it through your cabinet process, bring it in here so that we can deal with the motion and, if there are amendments to be moved, that they are done in due time and done properly. This is a very good example of why the Liberal Party has so many concerns with this process where Mr Rattenbury wants to play these dual roles. It just does not work effectively or efficiently; it does not lead to good legislation or good process in this place. And I could go on.

The essence, though, is that we will support this move. This has been subject to significant discussion within committee and within this place. I know the Speaker has been involved in discussions as well. It is very important that, given the Speaker is going to be the person to essentially take on these responsibilities, she is comfortable with that. I believe she will speak to that effect throughout the course of this debate.

There are some question marks in terms of how this process will now unfold. Based on the amendments that were circulated but will now not be moved, I believe we will have a position where the Auditor-General, the Clerk of the Assembly, the Electoral Commissioner and so on will essentially be treated equally—there will not be one set of rules for one and one set of rules for another. As we move through the detail stage I think that is important, because what is good for one should be good for another, unless there is a specific reason that that not be the case, for example, the ombudsman, who is dual-hatted. It is unfortunate that something that should be an important and reasonably simple process has become convoluted and is something we are now trying to work out at the last minute on the floor of the Assembly.

There are some good elements to this in terms of the move towards these entities—that being the Auditor-General and so on—being more properly directed by this place and by the Speaker, and that is a positive move. I note there are some caveats with regard to appointment of positions and funding. I think the Chief Minister and certainly the Treasurer when it comes to the budget can essentially overrule what has been advised. So it will be interesting to see what the Treasurer does with regard to recommendations that come forward.

It has been Liberal Party policy that, as an example, the Auditor-General's budget should be set by the PAC, so these are incrementally positive moves. We will have to watch to see in some detail as to how it plays out and whether it makes any substantive difference. There is an indication that shows these entities are more independent and are more responsive to the Assembly than they are to the executive, and I think that is a positive move, but how this then plays out through those caveats in this legislation with regard to appointments and the budget will remain to be seen. We will watch with interest as the detail stage ensues and amendments are moved or not moved.

I reiterate the point that we will support this today in principle. But, I say again, let us make sure that, if ministers are moving something in this place, they get the support and all of the wrinkles ironed out before bringing it in here. We will continue to adjourn matters that Mr Rattenbury brings into this place. We have now seen three items today from Mr Rattenbury—three items—that have had to be rewritten. The first was the code of conduct that the Chief Minister had to rewrite because it was poorly drafted. The second was around the commissioner for standards that, in essence, I had to rewrite because it was poorly drafted. And then we have this legislation which has to be fixed up because of problems and which is subject to amendments not only from the Chief Minister but from Mr Rattenbury himself.

I do not know if the problem is with Mr Rattenbury or with his staff. A couple of them are going red on the benches there. Perhaps they need to have a look at their drafting

skills or Mr Rattenbury needs to do his homework a bit better. But whatever the problem is in Mr Rattenbury's office—we know it is certainly funded well enough—they need to do their homework a little bit better so that when their homework comes into this place it does not have to be fixed up by the Chief Minister, the Leader of the Opposition and then Mr Rattenbury, as has happened today. Let's try and get it right, fellas. That would be much appreciated by all in this place.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (11.31): I thank other members for their indulgence at the beginning of this debate.

The government is pleased to support the Officers of the Assembly Legislation Amendment Bill 2013. We think it is an important integrity reform. As members would know, it was contained in the parliamentary agreement for the Eighth Assembly.

In 2012 the Assembly passed the Legislative Assembly (Officers of the Legislative Assembly) Act, providing statutory recognition of the distinct role of the Clerk and the secretariat in the management of the Legislative Assembly. The act expresses the separation of the Legislative Assembly from the executive and the wider ACT public service.

Today this bill will continue on that path towards open and transparent government by upholding the commitment in the parliamentary agreement of the Eighth Assembly to support the establishment of the Auditor-General, Electoral Commissioner and Ombudsman as officers of the Assembly. The Assembly plays a critical role in holding the government to account. The establishment of the Auditor-General, Electoral Commissioner and Ombudsman as officers of the Assembly will enhance their ability to operate independently and be characterised as a function of the legislature rather than the executive.

I would say that to a great degree this enshrines in legislation what already occurs in a practical sense. I think all of the officers of the parliament, or those who will be officers of the parliament, officers of the Assembly—the Ombudsman, the Auditor-General and the Electoral Commissioner—act independently and are responsive to all members of the ACT Assembly, but this makes it very clearly enshrined in legislation.

I think there will be some issues to resolve with the Speaker as we implement this legislation to make sure it functions as it is intended, particularly around budget settings and how that process is to be managed.

In terms of the process and the concerns that Mr Hanson has raised around executive members business, if you take the logic of Mr Hanson's argument and apply it across the board, you would not have any private members' business, any private members' legislation, coming to the Assembly, because presumably the resources available to other non-executive members in this place do not have the full support of the processes available to the government. If that is the major weakness, I guess we do not expect to see any legislation coming forward from the opposition during this term of parliament.

The parliament has always been able to debate legislation from those who have a private member's role. Under the arrangement with Mr Rattenbury, there is a component of his work that he does as a member of the crossbench. We have had to work out processes around cabinet to allow that to work, and with one year under our belt it has worked. The sky has not fallen in. Legislation has passed.

In terms of amendments to legislation, I would not necessarily agree with Mr Hanson that amendments have had to be moved to clean things up or to necessarily address deficiencies. Amendments are moved to reflect changes that other members want to see—not that in this case Mr Rattenbury wants to see, but it is open to the parliament to move amendments. I do not think it is fair to characterise it as sloppy work on any member's part; it is just reflecting the majority of the Assembly.

**Mr Hanson:** What about the code? Did you think the code was sloppy?

**MS GALLAGHER:** I had differences around the code, which we amended, but I do not think that was because the work had not been done or it was sloppy work. It was because we disagreed with the use of certain language, and amendments were moved, as they will be today. I do not agree with the logic, Mr Hanson, and at some point down the track you might have to reflect on whether it is a sensible approach. Presumably we could just adjourn all the business that you bring to the parliament because you have not—

**Mr Hanson:** Presumably you could.

**MS GALLAGHER:** We do not. We debate your legislation, and we debate your motions.

**MADAM DEPUTY SPEAKER:** Ms Gallagher, I remind you to address your remarks through the Chair?

**MS GALLAGHER:** We do not just adjourn them because you have not had the entire public service drafting your legislation for you or you have not passed it through a cabinet process. That is not the way the parliament works. I would have no problem in working through any piece of legislation that comes to the parliament through the process that the Assembly has had for many years, since its inception, to deal with legislation from the crossbench and the opposition—and indeed the way the opposition deals with legislation from the government.

The government does have some amendments to move in the detail stage, but we are very supportive of the establishment of the Auditor-General, the Electoral Commissioner and the Ombudsman as officers of the Assembly. I look forward to working with the Speaker around how those arrangements will work in practice as soon as this legislation passes.

**MRS DUNNE (Ginninderra) (11.36):** I would like to contribute to this debate in my role as the Speaker. I would like to thank members of the Legislative Assembly for their cooperation in this matter; the discussions that I have had with Mr Rattenbury, Mr Hanson and the Chief Minister over these issues have been very productive.

As Mr Rattenbury has said, this bill had its genesis in some work that was done initially by the public accounts committee and then by the administration and procedures committee in the previous Assembly. I was on that committee for some of the inquiry; Mr Hanson moved onto the committee towards the conclusion of that inquiry. The inquiry recommended the introduction of officers of the parliament, now to be called officers of the Legislative Assembly.

As the Speaker, I have taken an active role in discussions about this legislation in a way that I have not on other legislation that has passed through this place since I became Speaker. That is because in a sense the buck stops with me. If this legislation works or does not work, it will come down to me and my responsibility and the responsibility of the individual organisations involved.

I have explored the financial implications of some of these things with some of those officers and with the staff of the Legislative Assembly. They are not great, but I have flagged with the Chief Minister that from time to time it may be necessary for me, as the person who finally appoints these officers of the parliament, to do professional searches for new auditors-general and electoral commissioners in particular, and that would be a financial impost on the Office of the Legislative Assembly which we do not currently have provision for. It is not an immediate problem, but it is one that I have flagged with the Chief Minister. It is not something that the Office of the Legislative Assembly can absorb within its own finances.

I have also flagged with the Chief Minister that I would like to discuss a better way of dealing with both the budget of the Office of the Legislative Assembly and the budget of the officers of the Legislative Assembly: perhaps the budget templates might be different and reflect that these are independent statutory office holders who are not implementing government policy but are working on behalf of the people of the ACT. I have also been advocating that the Speaker might be the advocate for these officers in budget cabinet, as has been the practice in the past when previous Speakers have been able to advocate for the Legislative Assembly budget in budget cabinet.

This is a work in progress. I welcome the spirit in which this work has been undertaken. I have had a few reservations about some of the things which are legislated. Some of them, I realise, are a matter of personal taste and therefore are not relevant. The one that gives me most concern is that we are legislating in the area of making the Ombudsman an officer of the parliament. I think that that is problematic, because the Ombudsman is already a servant of two masters. I suppose in a sense he will become a servant of two slightly different masters, or at least one slightly different master. But I think that there is a problem there and I personally would have been more comfortable if we did not legislate in that space until the ACT appointed its own ombudsman. But I see that there is a will in the Assembly that the current Ombudsman and the current arrangement be incorporated into this, and I will do my utmost to ensure that it works smoothly.

The other area I was most concerned about, and my concern was reflected by the current Auditor-General, was that there were provisions that excluded current serving public servants or people who had served in the last two years as public servants from



being the Auditor-General. The general tone of the conversation with the Auditor-General, the Chief Minister and the Leader of the Opposition was that if there were conflicts of interest that arose from a member of the public service being considered for the position of Auditor-General, that would be worked out in the consultation process that is necessary before anyone is appointed to those positions.

There were a few issues about the appointment process. I would like to put on the record that I think that it would be a brave Speaker, and I am not that brave, who would appoint someone to one of these positions when it was clearly not the will of the public accounts committee and the wider Assembly. The simple test is this: if I as Speaker appoint someone to one of these positions as an officer of the Legislative Assembly, will that appointment stand up to a motion of disallowance? You would be a crazy brave Speaker to appoint someone knowing that they did not have support across the Assembly, and I am not that crazy brave. From time to time I encourage crazy braveness amongst my colleagues in the Assembly, but not on this occasion.

I think that this is a worthy improvement to the way we do business in the ACT. It is a worthy improvement to the accountability processes in the ACT. At this stage it is a desire for improvement. The real test will come in the setting of the budgets for these statutory office holders to ensure that they have the budgets to do the jobs that are necessary. That will be a test not only for this Assembly but for the executive, to ensure that these organisations are appropriately funded.

I commend the members in this place who have worked on this bill. It will be a good improvement. I hope that the spirit of cooperation that we have seen over this, that I have seen over this, will extend into ensuring that these organisations are appropriately funded and ensuring that the committees who will be advising the Speaker on who should be appointed can work collegially and leave their politics at the door.

One of the things that I am concerned about is that we have seen a lot of deadlocks in committees in this Assembly. There are coming up some important decisions that these committees will have to make in relation to budgets and, in the future, in relation to appointments. I hope that members can leave their politics at the door and look at the budget allocations that are asked for by officers of the Legislative Assembly—look at it dispassionately and give advice and recommendations to the Speaker that can be carried forward for the benefit of scrutiny of what happens in this place and what happens in the executive for the benefit of the people of the ACT.

**MR RATTENBURY** (Molonglo) (11.45): I would personally like to thank the Assembly for its in-principle support for this bill and make some general comments before I turn to the specific matters that have been raised in the debate. As a small parliament we are in some ways very fortunate that we have a close working relationship with the organs of government. On the other hand, as a small parliament we necessarily have a limited capacity to scrutinise everything that the government does. What this reality means is that it is vitally important for us to put in place effective structures to assist in ensuring that the executive fulfils its functions according to the laws and values that this Assembly sets for it.

The Assembly relies on the Auditor-General and the Ombudsman to fulfil particular functions on behalf of members of this place. It would simply not be possible for the 17 of us to investigate every complaint about a government service. That is why we have the Ombudsman, whose job it is to investigate those issues and work with both complainants and agencies to resolve the issues and get the best possible outcomes. Similarly, the financial audits and particularly the performance audits performed by the Attorney-General fulfil a vital part of improving government performance that assists all members, both executive and non-executive, in fulfilling their functions.

The Electoral Commission, of course, plays a vital role in administering the electoral system and the responsibility for that administration should be directly to the Assembly collectively rather than to a single minister. Any argument to suggest otherwise I believe is ill-considered and inconsistent with the basic premise that not only do we have an individual responsibility to represent the views and values of those who voted for us and our parties but also we have a collective responsibility to make sure that the system that gets us here is as fair, transparent and accessible as possible. No one member is in any better position to achieve that than any other.

In presenting the bill I spoke at some length about how important the Greens believe it is to strengthen, adapt and evolve the accountability mechanisms that we have in place to ensure that the government is accountable for its actions and that any deficiencies in those actions can be fixed and, if necessary, highlighted to the public.

This is essentially why these office holders—the Auditor-General, the Ombudsman and Electoral Commission members—should be formally recognised as officers of the Assembly. The nature of their roles and the special relationship that they have with parliamentary functions is such that they should be recognised as different from other statutory officers. It is simply not appropriate that they be responsible to a particular minister rather than the Assembly as a whole and there should be formal mechanisms in place both to guarantee their independence and also foster a collaborative working arrangement with the members of this place.

Officers of the parliament, as they are more generally known, are recognised in many other Australian parliaments. Importantly, the officers themselves are all, I understand, keen to become officers of the Assembly. The fact that those entrusted with these roles believe that they are best executed in collaboration with the Assembly rather than notionally under the control of a minister demonstrates what a worthwhile reform this is.

This is the second of the package of governance reform bills that the Greens committed to deliver at the election. As I said in presenting the bill, the three mechanisms—improving access to judicial review, strengthening integrity agencies and increasing the availability of government information—together will help ensure that the government is more accountable for its conduct and decisions, more efficient in its operations and more responsive to the views of the community.

There are a few amendments both from me and the Chief Minister that will be moved in the detailed stage. I would just say at this stage that I am pleased that we have come

to some agreement about these and that, whilst we have had a robust discussion about some of those elements, I think on the whole we have come up with a very positive reform. I would like to thank the Chief Minister and her colleagues in the Labor Party for their support for these reforms and the constructive way that we have been able to consider these issues.

That stands in stark contrast to the approach of the Canberra Liberals, and in particular Mr Hanson, who have totally refused to engage on the issue. I should clarify that by saying that I welcome the role that the Speaker has played in engaging on these issues. I simply endorse her earlier comments that the discussions we have had and the way in which we have worked through the detail have been very useful.

These are significant reforms. To come in here and try to characterise changed positions through the drafting process as some form of inability to draft—what is the right way to describe it in parliamentary terms, members?—is simply disingenuous. It fails to acknowledge the standard drafting process in which there are different views on this. It is a significant reform. There have been different views on how we should get there. I think the fact that we are able to come forward with agreed amendments is pretty healthy and reflects well on most members in this place.

Mr Hanson came in here and gave the spray that I think I am going to cop a lot of times this term about process issues. It is quite interesting to reflect on that. Thinking about process, the earlier discussion about the standards commissioner had to be adjourned because I did not see the amendments from the Liberal Party until five o'clock yesterday afternoon. I tabled that motion the first time last Assembly. I have taken it to the administration and procedures committee probably half a dozen times this year to have those discussions in a mature, sensible and timely manner and to reflect the fact that there are three parties in this Assembly.

The administration and procedures committee is the place where these matters should be dealt with. But the style of Mr Hanson and his colleagues is such that at five o'clock yesterday afternoon I finally got a copy of the amendments he proposed. I actually think there are some drafting errors in those and there is a discussion still to be had. It has set up what is a double threshold test, which I think is not only inefficient but would provide the proposed commissioner for standards with a conflict of interest.

Let us talk about drafting capability. That is a matter where I think it is appropriate we go off and have some further discussion, which is why I am quite comfortable to see that debate adjourned. But to simply come in here and make that sort of observation reflects a hypocrisy of position that is really quite untenable, particularly given that that reform had been on the table for more than a year and at five o'clock yesterday afternoon, when this matter was finally listed, I received the amendments from the Liberal Party. It is really quite extraordinary.

The way in which Mr Hanson is dealing himself out of the game on these matters is actually quite embarrassing. This legislation has been around for quite some time. My office has certainly sought to contact the staff of the Liberal Party to discuss the details of the legislation, acknowledging the significant nature of the reforms and

being quite determined to get this right so that all the members of the Assembly understood what we were doing and that there was agreement. We have gone through a committee process and we have gone through a drafting process. The drafting has actually been assisted by parliamentary counsel. It is unusual to come in here and make comments about the staff of a member. I think that is generally frowned upon.

*Mr Hanson interjecting—*

**MR RATTENBURY:** Well, at the time Mr Hanson and his colleagues stood up in here with great gusto and said it was totally inappropriate to have that conversation. Now he has simply decided that is a standard he wants to adopt as well. But it is also reflecting on the fact that the legislation was drafted by parliamentary counsel; let us be clear about that—just as the opposition is entitled to have their legislation drafted by parliamentary counsel, which I think is a real strength of the Assembly.

What is also worth putting on the record in light of Mr Hanson's comments is that there was a meeting scheduled between me, Mr Hanson and the Chief Minister to discuss this legislation. Mr Hanson withdrew from that meeting with no explanation. The message my office got was that Mr Hanson was not available for the meeting. There was no desire to reschedule it. Fair enough, things happen in our diaries.

**Mr Hanson:** Madam Deputy Speaker, I appreciate that the member does not like me, but I would ask that—

**MADAM DEPUTY SPEAKER:** Do you have a point of order, Mr Hanson?

**Mr Hanson:** The point of order is whether you would consider the member is being tedious and repetitious.

**MADAM DEPUTY SPEAKER:** Mr Rattenbury, if you could stick to the point of the—

**MR RATTENBURY:** I am on a fresh point, though. I am simply highlighting that in light of—

*Mr Hanson interjecting—*

**MR RATTENBURY:** I will explain, Madam Deputy Speaker. Mr Hanson—

*Mr Hanson interjecting—*

**MR RATTENBURY:** Can we stop the clock while we take the point of order?

**MADAM DEPUTY SPEAKER:** Yes, stop the clock, please.

**MR RATTENBURY:** On the point of order, Mr Hanson went to quite some lengths to basically make negative comments about the way this bill was drafted. I am very specifically coming to the point of how this bill was drafted and the endeavours I made to deal with Mr Hanson in the preparation of the bill. I have just started on a

new point, which is Mr Hanson's failure to attend a meeting to discuss the bill. It is an entirely new point and, in fact, far from being repetitious and tedious, it is new information for the Assembly.

**MADAM DEPUTY SPEAKER:** Thank you, Mr Rattenbury. You may continue.

**MR RATTENBURY:** Thank you. So quite extraordinarily there was a meeting scheduled to discuss this bill and Mr Hanson did not turn up. In fact, he rang the day before and simply said he was not coming. There was no offer to reschedule the meeting and no desire to say, "I'm sorry, I can't make it." Things happen. I understand that. That is perfectly reasonable. He simply withdrew.

Let us talk about process. The complete disengagement of the Canberra Liberals is an embarrassment and it does a disservice to the fact that they are bothering to sit on those benches. If they cannot be bothered, they should just resign and let other members take their place. It is not good enough. It is simply not good enough to simply disengage from a piece of legislation. If that is what you want to do, fine, but do not come in here and pillory me for my drafting capability if you are not prepared to turn up and do the work to actually get the legislation right.

We all know that every piece of legislation that comes into this place gets all sorts of work done on it through the scrutiny of bills committee, through the committee processes and through negotiation prior to the bills coming before the Assembly. It is an embarrassing position that Mr Hanson is taking. I would be fascinated to see how long he sticks with it.

Let me simply conclude by saying that, whilst it is perhaps easier to say that this bill and the measures it implements is something of a paper reform, the fact that this could be said is only because of the quality of the people who currently and previously fulfilled these roles. The reality is that this is a very significant shift in the way our government is structured. It is an overdue shift of responsibility away from the executive to the Assembly and I am very confident that it will play an important role in delivering better outcomes for the community.

I hope that this is not the last of these reforms and that in time we see other bodies that perform an important part of what is commonly referred to as the fourth arm of government being recognised as officers of the Assembly so that they can better assist the first arm of government, the Assembly. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clause 1 agreed to.

Clause 2.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (11.57): I move amendment No 1 circulated in my name [*see schedule 1 at page 3869*] and table supplementary explanatory statements to the amendments.

This amendment sets out the commencement date to coincide with the start of the 2014-15 financial year. There are set budgetary time frames, and deferring commencement to coincide with the financial year will allow the Speaker and the officers of the Assembly sufficient time to negotiate the appropriation within these time frames. Earlier commencement could create significant administrative discord between financial instruments and administrative arrangements. So this is really to have a clean start to the beginning of these operations.

**MR HANSON** (Molonglo—Leader of the Opposition) (11.58): In putting this legislation in place, it will be important to provide certainty as to commencement. The amendment does that, and we will be supporting it.

**MR RATTENBURY** (Molonglo) (11.58): This amendment recognises that there will be a complicated transition involved in the establishment of the new offices as completely separate entities. This is most relevant to the Electoral Commission.

As members know, the commission is currently part of the Justice and Community Safety Directorate. Separating from JACS will create an administrative workload for a small entity, and the amendment proposed will extend the time available and should make the financial arrangements easier to organise if they are coordinated with the new financial year.

One important point is, of course, that delaying the commencement of the bill means that we will not have in place the budget mechanisms for the officers' appropriation. To deal with this issue, the Chief Minister has undertaken to run the budget process outlined in the bill as if it were in place for this year. That means that the committee will be asked to make a recommendation to the Speaker, and the Speaker will make a recommendation to the Assembly, as proposed in the bill. I should also say that the Speaker agreed that this was a good process to deal with the commencement issue, at the same time ensuring that we have the accountability measure proposed in the bill up and running for this year.

Also, the appropriation bill that is presented to the Assembly will be in the form required by this bill so that the appropriation can be made directly to the offices that will have come into existence by the time the appropriation bill is passed. I think that reflects the fact that there was some good discussion about this. I think we have come up with a very useful solution, and for those reasons I am happy to support the amendment.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 and 4, by leave, taken together and agreed to.

Clause 5.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (12.00): I move amendment No 3 circulated in my name [*see schedule 1 at page 3869*].

This amendment omits the limitation of a person being appointed Auditor-General within two years of having previously served as a public servant. As currently drafted, the bill would prohibit the appointment of anyone who has been a public servant at any time during the preceding two years. This would include service within the commonwealth public service, the ACT public service or that of another jurisdiction.

This amendment has been proposed after discussions with you, Madam Speaker, and with the Auditor-General, who agrees that the appointment process should be the process whereby suitable candidates are identified or are appointed to the job, and that can deal with some of the issues about their previous work experience. So this seeks to remove that from the bill.

**MR HANSON** (Molonglo—Leader of the Opposition) (12.01): The opposition will support this amendment. It is reasonable that public servants not be discriminated against. There are ways that it can be ensured that any perceived or actual conflict of interest can be dealt with. Therefore, it is an appropriate amendment that we will support.

**MR RATTENBURY** (Molonglo) (12.02): Whether or not there should be a limitation in place that prevents a person who has been a public servant within the last two years being appointed as either the Auditor-General or the Ombudsman, I think, is something that people can reasonably differ on. There are good arguments on both sides about whether or not the limitation should be in place.

As outlined in the explanatory statement, the reason for this is to prevent a conflict of interest or a perception of a conflict of interest and apply a similar standard as exists for corporate auditors. On the other hand, as the Chief Minister and you, I think in your earlier remarks, Madam Speaker have both argued, the bill does put in place a rigorous process for the appointment of the officer, and it is reasonable to say that anyone who was appointed following that process should be able to fulfil the role well. I accept that that is the prevailing view, that the limitation is unnecessary. In the scheme of things, and with the broader appointment processes that are in place, I am happy to support the amendment.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clauses 6 to 54, by leave, taken together and agreed to.

Clause 55.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (12.03), by leave: I move amendments Nos 5 and 7 circulated in my name together [*see schedule 1 at page 3869*].

These amendments relate to the role of the Ombudsman. The current arrangement under the ACT Self-Government (Consequential Provisions) Act 1988 is for the Commonwealth Ombudsman, appointed by the Governor-General, to be taken as the ACT Ombudsman until an appointment is made under ACT law.

The government amendment to this section outlines the consent the Speaker must obtain in order to appoint a new ombudsman under ACT law for the first time and puts forward the fact that I would need to negotiate with the commonwealth for the dissolution of the service agreement for the provision of ombudsman services. The commonwealth requires a minimum three-month notice period prior to terminating the service agreement for the provision of the ombudsman services to the ACT. Further, there would be financial implications in establishing an ACT ombudsman office for the first time. For this reason, we have sought to introduce this process around the notice and agreement around the appointment of an ACT ombudsman for the first time.

The second amendment is consistent with the previous amendment just agreed to which omits the limitation on the person being appointed as ombudsman within two years of having served as a public servant, for the same reasons as I outlined previously.

**MR HANSON** (Molonglo—Leader of the Opposition) (12.05): The opposition will support the government's amendments. With regards to amendment No 5, the current ombudsman services are provided to the ACT under an arrangement with the Commonwealth Ombudsman, as you would be aware, Madam Speaker. This bill anticipates that at some stage in the future the ACT will appoint its own ombudsman. I do have some concerns about legislating for a non-existent entity, in effect. However, the government's amendment does go some way to alleviating my concerns.

This amendment simply requires the Speaker, before appointing the ACT's first ombudsman, to obtain the Chief Minister's written consent. It also requires that any such appointment will not commence until the date indicated by the Chief Minister or after six months, if no date is set. This allows the government to retain control over its budget allocations and allows the government a reasonable say as to when is the right time to make such an appointment.

With regard to the second amendment, amendment No 7, it achieves the appointment of the ombudsman with the same purpose as amendment No 3. It removes the appointment exclusion purpose for a person who has been a public servant at any time in the previous two years. And for the reasons that have been outlined by the Chief Minister and me earlier, I will be supporting this amendment.



**MR RATTENBURY** (Molonglo) (12.07): There has been quite some discussion about these amendments and I think the Chief Minister has outlined many of the key points. In my mind, it is quite clear that the legislation will apply to the current ombudsman in the capacity that they are the ACT Ombudsman, and that is quite clear when one looks at the details of their operating arrangements.

I very much see this proposal put forward by the Chief Minister as a transitional provision. It acknowledges, I think, the fair point that to establish a separate ACT ombudsman, certainly at this point, seems unjustified. I think the arrangement we have with the commonwealth where we essentially share the service is a good, effective and cost-effective mechanism for the ACT. So there is certainly no intent on my part at this point—and I do not think anybody in the Assembly expects it at this stage—to create a separate ombudsman's office for the territory. I think the current arrangement is working well.

But these amendments look to that occasion where, if we do reach a point where we think a separate ACT ombudsman is worth it, there is put in place a mechanism to ensure that the full budget implications of that are considered and the executive has an opportunity to be involved in that discussion. I think that is appropriate, given the potential cost implications. On that basis, I have agreed to support the amendments.

Amendments agreed to.

Clause 55, as amended, agreed to.

Clauses 56 to 69, by leave, taken together and agreed to.

Schedule 1, part 1.1 agreed to.

Schedule 1, part 1.2.

**MR RATTENBURY** (Molonglo) (12.09), by leave: I move amendments Nos 2, 3 and 4 circulated in my name together [*see schedule 2 at page 3869*].

Regarding amendment No 2, this amendment corrects a minor error in the current bill and clarifies that the financial arrangements currently in place in the Electoral Commission, effectively that the Electoral Commission is solely responsible for the financial affairs of the commission, will remain in place. However, it ensures that the budget appropriations and the associated processes created in the bill for the determination of the annual budget apply to the whole Electoral Commission and not just the Electoral Commissioner.

Regarding amendments Nos 3 and 4, these are minor amendments that come about as a result of an oversight in the original bill. The amendments clarify that the same financial obligations as the Assembly has put in place for the Office of the Legislative Assembly will also apply to the officers of the Legislative Assembly.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (12.10): Just briefly, the government will be supporting the Greens amendments Nos 2, 3 and 4.

Amendments agreed to.

Schedule 1, part 1.2, as amended, agreed to.

Remainder of the bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

### **Executive business—precedence**

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

That Executive Member's business be called on forthwith.

### **Territory and Municipal Services Legislation Amendment Bill 2013**

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

That this bill be agreed to in principle.

**MR COE** (Ginninderra) (12.12): The opposition will be supporting the Territory and Municipal Services Legislation Amendment Bill 2013. This is the first omnibus bill for the Territory and Municipal Services portfolio. I am pleased that TAMS has adopted the omnibus approach and I hope that this will ensure that legislation in this portfolio will be amended in a timely manner.

The bill amends the Animal Diseases Act 2005 and Animal Diseases Regulation 2006, the Cemeteries and Crematoria Act 2003, and the Stock Act 2005 and Stock Regulation 2005.

The amendments to the Animal Diseases Act 2005 and the Animal Diseases Regulation 2006 are designed to make the legislation consistent with legislation in other Australian jurisdictions. The amendments contain a new definition for non-restricted animal material which replaces the current definition of non-restricted feed material. This amendment will ensure that feed tag labelling requirements in the ACT are the same as those in other jurisdictions. This will mean that stockfeed produced and packaged interstate will comply with ACT requirements.

The amendments to the Cemeteries and Crematoria Act 2003 correct anomalies and provide clarification. Currently, under section 24(1)(b) a person is exempt from the offence of burying human remains in a place other than a cemetery if they have written permission from the minister. However, there is currently no provision for the minister to provide this permission. This bill corrects this omission and gives the

minister the authority to grant permission if they are satisfied that it would not be contrary to the interests of public health. This bill clarifies that provisions in the Cemeteries and Crematoria Act apply to foetal remains. The bill also gives cemetery operators the right to seek review of an improvement notice issued by the director-general.

The amendments to the Stock Act 2005 and Stock Regulation 2005 allow the minister to set both the stock levy and the minimum stock levy payable by rural lessees who run livestock. The minimum stock levy determination will be a disallowable instrument.

The opposition is pleased to support this bill, which tidies up legislation in the TAMS portfolio. I commend the TAMS Directorate for the work that has gone into this legislation and hope that further reform to TAMS legislation will be made possible under the omnibus approach.

**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) (12.15), in reply: I thank members for their support of this bill today. The Territory and Municipal Services Legislation Amendment Bill 2013 is a bill that makes minor and technical amendments to several pieces of legislation within the TAMS portfolio. Specifically, the bill amends the Animal Diseases Act 2005, the Animal Diseases Regulation 2006, the Cemeteries and Crematoria Act 2003, the Stock Act 2005 and the Stock Regulation 2005.

I outlined the most noteworthy amendments contained in this bill when I presented it to the Assembly in June. I would now like to draw members' attention to three amendments in the bill in particular—one amendment to the Cemeteries and Crematoria Act and two to the Stock Act.

Clause 1.29 of the bill inserts a new item 3 into schedule 1 of the Cemeteries and Crematoria Act, which is the act's schedule of reviewable decisions. This amendment provides that an operator of a cemetery or crematorium will now have an additional merits review right to the ACT Civil and Administrative Tribunal, or ACAT. Specifically, the amendment will allow review of a decision by the director-general to issue an improvement notice requiring an operator to end a contravention of the act, to remedy any consequences of a contravention of the act, or both.

I am advised that, to date, the director-general has never had to issue such an improvement notice to a cemetery or crematorium operator. I think that it is important, however, that if the circumstance arose where the director-general issued an improvement notice, an operator affected by that decision should have the opportunity to have the decision looked at by an independent body such as the ACAT.

The second and third amendments in the bill that I think are important to bring to members' attention are to the Stock Act 2005. Clause 1.33 of the bill inserts a new section 7(2) into the Stock Act. This amendment inserts a requirement into the Stock Act that the director-general's determination of stock-carrying capacity of a piece of land be made by notifiable instrument. As members are aware, notifiable instruments

must, by law, be notified on the ACT legislation register. The amendment in clause 1.33 will now ensure that the director-general's determination of how much livestock can be carried by rural landholdings is transparent. This is important for the ACT's rural lessees because their liability to pay the stock levy is partly dependent on the stock-carrying capacity of their landholding.

The other noteworthy amendment to the Stock Act is to ensure greater scrutiny by this Assembly of the administration of the stock levy. Clause 1.34 of the bill inserts a new section 7A into the Stock Act. This new section provides that the minister may determine the minimum stock levy by disallowable instrument. The minimum stock levy is the minimum amount that rural lessees who run livestock must pay each year as stock levy. Members may be aware that the ACT government uses the proceeds of the stock levy to help fund services for rural lessees such as the provision of animal health services and the control of pest animals.

The minimum stock levy is currently set by the executive. Section 4 of the Stock Regulation 2005 provides that the minimum stock levy is nil for a small landholding and \$40 in other cases. This amount has not been adjusted since the executive made the regulation in 2005.

The insertion of new section 7A into the Stock Act will provide that the minister sets the minimum stock levy rather than the executive. This has two benefits. Firstly, it brings the minimum stock levy into line with most other ACT government fees and charges so that it may be adjusted annually in line with any changes to the wage price index. Secondly, and importantly, the fact that any determination of the minimum stock levy must now be made by disallowable instrument ensures that this Assembly has oversight of the minister's action.

Taken together, the three amendments that I have just highlighted—greater review rights under the Cemeteries and Crematoria Act and greater transparency and scrutiny of determinations made under the Stock Act—display a commitment to transparent and accountable government, something that I think all members agree is an important thing to be doing.

The amendments proposed in this bill are only of a minor or technical nature. However, I believe that it is important to continuously review and strengthen the ACT's statute book to ensure that our legislation is both up to date and responsive to the ACT community. Where possible and practicable, this Assembly should continue to make laws which enhance government transparency and citizens' review rights. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.20 to 2.30 pm.**

## **Ministerial arrangements**

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education): The Attorney-General and Minister for Environment and Sustainable Development is absent from question time on ministerial business, so I will take his questions today.

## **Questions without notice**

### **Same-sex marriage—High Court challenge**

**MR HANSON:** My question is to the Chief Minister, as the Acting Attorney-General. Chief Minister, your government has indicated that it will defend its Marriage Equality Bill in the High Court. Could you advise who will comprise the government's legal representation team?

**MS GALLAGHER:** I thank the Leader of the Opposition for the question. The territory has engaged counsel. We have Kate Eastman leading that team, ably supported by the Government Solicitor.

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

**MR HANSON:** Chief Minister, what support resources will be drawn from the ACT public service?

**MS GALLAGHER:** There will be support provided by the ACT public service, as there is for any case that the ACT government is involved in before the courts.

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

**MR SMYTH:** Attorney, to what extent will those support resources be diverted from service delivery in other areas, and what areas will be affected?

**MS GALLAGHER:** Like in all areas of government, there is a balancing of different workloads depending on the issues before directorates. This is something we expect the Government Solicitor will be able to deal with. I have not heard news to the contrary. I have spoken with the head of the Justice and Community Safety Directorate around cases that the Solicitor General has been involved in before before the High Court. So this is not the first time. When those other cases have gone on they have managed those within the resources available to them and with the competing pressures on their workload.

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

**MR SMYTH:** Chief Minister, what budget has been set aside for your government's defence, including costs for legal advice, legal representation and in-kind costs from the diversion of public service resources?

**MS GALLAGHER:** There will be some costs associated with this case. My understanding is those costs will be relatively modest. It will, of course, require funds for the engagement of counsel and then there will be costs of appearing in court. There has not been a specific allocation within the Government Solicitor's Office for this. We see it as a normal course of business. If a law of the parliament that has been passed by this place is being challenged and has to undergo legal proceedings, then it is not unusual that the government would allocate resources to support that defence.

### **ACT Ambulance Service—cardiac monitors**

**MR COE:** I have a question for the minister for emergency services. Minister, what type of procurement process was used in the government's \$3.8 million purchase of the 56 MRx monitors?

**MS GALLAGHER:** I will take a punt on this one, not having been involved in the procurement of it, but I would imagine it would be the standard procurement process that applies across government. If that is incorrect, I will come back and correct the record.

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

**MR COE:** Minister, was the accuracy and stability of the monitors a criterion for considering the MRx monitors?

**MS GALLAGHER:** Can you repeat that, sorry, Mr Coe?

**MR COE:** Sure. It was a question about the accuracy and stability of the monitors. Was that a criterion for considering the monitors chosen?

**MS GALLAGHER:** I imagine the good operation and functioning of the monitors and defibrillators was a requirement of the procurement process. Again, I may need to update the Assembly. I was not involved closely with the procurement process. I do not want to mislead the Assembly, but I know that, whilst they might not go to that specific detail, there are requirements to deliver operationally satisfying machines as part of the procurement process.

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

**MR WALL:** Minister, what other monitors were considered for this procurement, and why were they not successful?

**MS GALLAGHER:** I will have to come back to the Assembly on that one. I do not believe it was a single select process. I imagine it was open to the market, but I will come back and update the Assembly.

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

**MR WALL:** Minister, did the company selling the MRx monitors submit the lowest cost tender, and were they acquired through an agent or directly from the manufacturer?

**MS GALLAGHER:** Not surprisingly, I will come back with that detail, if I can—if I am in a position to do so today—and answer that for the member.

### **Health—healthy weight action plan**

**DR BOURKE:** My question is to the Minister for Health. Can the minister outline the key elements of the towards zero growth healthy weight action plan that was released on 14 October.

**MS GALLAGHER:** I thank Dr Bourke for his question and his interest in the towards zero growth healthy weight action plan which we released early last week. This is a government priority for this term, and an important step forward on our election commitment to stop the growth in obesity and overweight across the ACT community. It does cross my portfolio as health minister, but the action plan that we have released seeks to move responsibility for this area across government, acknowledging that a number of different directorates have responsibility in ensuring that our citizens and community are supported to live healthy lifestyles.

We did release it. It has 19 actions across six focus areas. It looks at schools, food environment, workplaces, social inclusion, urban planning and evaluation. We have looked at it across a whole-of-government area, so there are whole-of-government working groups now who will be tasked with progressing the 19 different actions across those areas, with responsibility for each of those areas being assigned to different directorates so that this is not seen as just a health issue.

There have been further reports released today which support the efforts we are making in this area, and which show that the percentage of people in the ACT who are overweight or obese is sitting at about the 62 per cent level. In the report that has been released by the national agency today we have the highest level across our peer group, which is looking at metropolitan areas and capital cities but also pulling together, for the ACT, our regional catchment as well.

There is no doubt that, whether it is 62 per cent, 61 per cent or 64 per cent, we have a significant health issue. It is going to continue to grow over the next few years unless we start taking really strong and targeted action now. That is what this action plan seeks to do.

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

**DR BOURKE:** Minister, how was the action plan developed?

**MS GALLAGHER:** We did this not just across government but with key public health organisations, for example, the Heart Foundation. Tony Stubbs was excellent. Medicare Local was very involved. Indeed, one of the reports, which has been

released online, shows the level of data that has been captured now at ACT Medicare Local areas, and we are able to report this data against that, which is very helpful. The University of Canberra was another organisation.

During the scoping phase it was agreed the actions would target both core contributors to weight gain, for example, insufficient levels of physical activity and too much consumption of energy-dense, nutrient-poor foods, as opposed to nutritious foods. The group did a large amount of research looking at case studies from around the world for what works, and its findings are reflected in the action plan.

We are also, of course, supporting the action plan with the health promotion grants, the \$2.1 million that is allocated to the health promotion grants now being targeted to this area of health prevention. So I am hoping that, once we align those resources on an annual basis, plus implement some of the actions in this plan, we can at least stop the growth in the numbers of people who are overweight or obese before we start turning those numbers around.

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

**MS BERRY:** Minister, how has the action plan been received by key stakeholder groups?

**MS GALLAGHER:** Since the release of the action plan the government has received several letters and statements of support. Key advocacy groups in the health area, such as the Heart Foundation and the Australian Chronic Disease Prevention Alliance, have endorsed the government's action, and I thank them for their support. The Australian Chronic Disease Prevention Alliance is an alliance of five major non-government organisations with a focus on the primary prevention of chronic disease in Australia—namely, the Heart Foundation, Diabetes Australia, the Cancer Council the National Stroke Foundation and Kidney Health. So this is a very significant organisation, and we thank them for their message of support.

The action was also been recognised by the Australia New Zealand Obesity Society when the gold medal award for obesity prevention was given to the ACT. It is an award that is presented each year to the jurisdiction that has made the most progress on a range of obesity prevention priorities, including law reform, policies, public education campaigns and other initiatives.

I thank Dr Paul Kelly and his team in the Health Directorate who have put in about 18 months of work at my request to put this action plan together, and the award is a real credit to and recognition of the work they have done.

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

**MS PORTER:** Minister, why is it important to take a whole-of-community approach to tackling the obesity epidemic?

**MS GALLAGHER:** It is important because it is not the health area of government's problem to solve, and it cannot be solved by the Health Directorate. Whilst the Health



Directorate deals with the results of chronic disease, and this year we are starting the first public obesity service for the ACT—and I expect that will need to be expanded over the coming years—the fact is that we have to start looking at a whole range of areas. We have to look at education; we have to use the social determinants of health to help us target our message. We need to make sure that the planners, when designing future areas in the city and new suburbs, are mindful of the parks and the active living principles that we need to embed in our physical infrastructure. And we have to look at it from a point of regulation.

I know that this is the area where the plan will get most criticism, about whether or not we should ban sugary drinks or regulate sugary drinks or look at sugar-free checkout aisles. But the simple fact is that those steps have worked in terms of tobacco control. Yes, you have to consult with people and you have to look to make sure you are working with small business and big business about how you implement those. But the reality is that our kids are getting overweight from the consumption of sugary drinks, in part. One 600 ml bottle of Coke will give you 16 teaspoons of sugar, with no nutritional value at all. So you are actually hungry after you have had it. I do not think young people understand exactly how bad some of those drinks are for their health and their weight.

We do need to take hard steps if we are going to change this around, but we will do it carefully. We will do regulatory impact statements, we will talk to everybody. But I do not think putting your head in the sand is going to be an approach that works long term.

### **Arts—Tuggeranong Community Arts Association**

**MS LAWDER:** My question is to the Minister for the Arts. The Tuggeranong Community Arts Association Inc currently has many dissatisfied members. Recently some longstanding and loyal staff members have been fired and some funds which were reserved for the operations of the centre, once the upgrade had been completed, have been used for other purposes. The members have called for a special general meeting. Minister, are you aware of the issues currently being faced by the members of the Tuggeranong Community Arts Association, and how have you responded?

**MS BURCH:** I thank Ms Lawder for her question. It has come to my attention just within the last 24 or 48 hours—some commentary around the Tuggeranong Arts Centre. It is an independent association and it is funded through artsACT. My initial conversation with the arts directorate was to ensure that compliance for contract arrangements is in place and that we are satisfied with that.

I happened to be at the Tuggeranong Arts Centre just last night to open up the African film festival. I saw firsthand the fabulous renovation. Certainly there was no direct comment to me about any high level of dissatisfaction. As I understand it, there is an AGM coming up in a very short time. I expect the membership would address those concerns and raise those concerns within the governance structures first and foremost. That is where it belongs.

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

**MS LAWDER:** Minister, what processes and procedures are in place to ensure the fair treatment of the longstanding staff members who have lost their jobs?

**MS BURCH:** Given that I do not know the details of any separation of staff from the agency and given that I think that is within the purview or the arena of the governance body—the CEO and the executive of the arts council—I do not know if it is my place, indeed, to have a place within that. But I would expect that any association abides by the rules and regulations, whether it is corporate law or other structures, that it needs to abide by. That is what I would expect.

As a contract manager, I would expect artsACT to have very clear accountability, structures and reporting frameworks in place under that contract management arrangement.

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

**MR SMYTH:** Minister, how much funding has Tuggeranong community arts received from artsACT this year?

**MS BURCH:** I am happy to take it on notice. There are a number of streams. We fund them as a key arts organisation. We have funded them in the capital sense around some of the supports for the renovations and we also provide the cultural inclusion arts support worker. I will take advice and bring it back to the Assembly.

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

**MR SMYTH:** Minister, what action have you taken to ensure that taxpayers' money is being spent appropriately by the Tuggeranong Community Arts Association?

**MS BURCH:** I get a sense that there is a heightened sense of anxiety about the Tuggeranong Community Arts Association from those opposite. As I said, it was within the last 24 or 48 hours that I became aware of staff separation. I think you are jumping to a heightened sense of urgency about this.

As I have said, I would expect artsACT has sound, robust contractual reporting and accountability mechanisms in place, and I would also suggest that an independent organisation or association has its own internal governance—

**Mr Hanson:** Madam Speaker, on a point of order—

**MADAM SPEAKER:** Can you sit down, please, Minister Burch.

**Mr Hanson:** Mr Smyth's question was quite direct. My point of order is on relevance. The question was: what action have you taken to ensure that taxpayers' money is being spent appropriately? I would ask the minister to explain what action she has taken.

**MADAM SPEAKER:** I uphold the point of order. The question is fairly direct, as I have written it down here. Could you confine yourself to the answer to the question.

**MS BURCH:** I did answer it, and over their interjections I was talking about the accountability, the contract management and the internal requirements of governance of an independent organisation.

### **Women—Women’s Information and Referral Centre**

**MRS JONES:** My question is to the Minister for Women. Minister, last week you announced that after 35 years of operation the Women’s Information and Referral Centre in the city will be closed and services like, for example, “Getting back to work—for women” will be provided by alternative providers. Which alternative providers will deliver which services?

**MS BURCH:** I thank Mrs Jones for her question. I think you are referring to WiRC, the Women’s Information and Referral Centre. It has had a shopfront, indeed, in Civic for the last 35 years. We have made the decision that we will not renew the lease at that facility in Civic, and that we will better utilise our infrastructure that we have across Canberra. You would appreciate, no doubt, Mrs Jones, that over the 35 years certainly we have invested in the social capital infrastructure across Canberra through the child and family centres. Many women have said to me that they would certainly prefer to have services closer to where they live.

I think you made mention of return to work. I will assume you are referring to the return to work grants. I will take that as a “perhaps”. The return to work grants will be maintained.

**Mrs Jones:** Can I clarify?

**MS BURCH:** Yes.

**MADAM SPEAKER:** Yes, with the indulgence of the house.

**Mrs Jones:** My understanding is that there is a program run through the centre called “Getting back to work—for women”. I am not sure whether it is delivered simply by the grants process or whether there is an actual course that is on offer at the centre. But my understanding was that it was potentially a course at the centre.

**MS BURCH:** There are two things. The return to work grants will continue. They have been in place for a number of years and they will continue to be in place and administered through the directorate. If you look at the six-month calendar, there are a range of programs on offer at the Civic centre, and also in the child and family centres, and indeed in other organisations across Canberra. Those programs are facilitated through WiRC and private entities. Even a number of private program deliverers will take an opportunity to register a program on the calendar. At times, though, if there is no interest in those programs, they are not delivered.

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

**MRS JONES:** With regard to the “Getting back to work—for women” program, will that be delivered through a family and child centre? Has it been in the past? Or will it be provided by somebody else or will it not be provided?

**MS BURCH:** I do not have the details as to whether it is an internal program or facilitated through an external organisation. I am happy to take that detail on notice. But there will be change. After 35 years, people will say, “Why change it?” I would say that the city has changed, and over 35 years it would be wrong if we did not think about change and a suite of offerings to support women. Indeed, Mrs Jones, I think you have often raised, particularly in Gungahlin, the issue of how we provide services close to them. That is what we are seeking to do.

The ministerial women’s advisory council met just this week, so I took the opportunity of a lunch break to meet with that ministerial advisory council on women. There is very strong support in recognising that to unpack this, to get it out of one single central location and to better utilise our existing infrastructure and our existing community partners across a range of programs, is the sensible thing to do. What we need to do now is take the next bit of time between now and Christmas and work with the women’s sector about what those new offerings will be.

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

**MS PORTER:** Minister, what other ways do women access information that they might access through that service?

**MS BURCH:** I thank Ms Porter for her question. Over the last 12 months—I will use the figures in approximate terms—there have been over 12,000 contacts through WiRC. What we have found is that a high number of those contacts were through phone or internet. That shows to me that, as we move towards a more connected, internet available source of information across our services and across Canberra, many women choose to access this information in their own time, outside of nine to five or Monday to Friday.

That said, we always need to have access for women who do want to come in and be part of the support program. I think there are two needs. Certainly, I think in a modern society we need to be more in tune to the internet savvy woman who can take control and find the information she is after. That will be available. But also through this change there is a very clear commitment from us to the women’s groups that I have spoken to to ensure that those vulnerable groups, vulnerable women, that benefit from a face-to-face program will still have access to that.

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

**MS LAWDER:** Minister, was the decision to close the centre taken before a clear plan was established to deliver according to the needs of women?

**MS BURCH:** We have made the decision not to renew the contract and I have some very clear internal thinking and discussions with the Office for Women and CSD

about what we could stretch out to the child and family centres, recognising already that we have really strong parenting programs, for example, in the child and family centres. So often women who are coming in for programs—

**Mrs Jones:** Point of order, Madam Speaker.

**MADAM SPEAKER:** A point of order, Mrs Jones?

**Mrs Jones:** Yes, I am sorry, a point of order. The question was about whether a plan was written before the decision was taken. I do not think there is any doubt that there is an intention to deliver services but the question was simply about whether there is a coherent plan or whether we are working it out on the hop.

**MADAM SPEAKER:** I think Mrs Jones has an appropriate point of order. The question was very clear. Could you answer the question about whether there was a plan beforehand?

**MS BURCH:** Thank you, Madam Speaker. If you ask me to deliver a written comprehensive plan about what will happen on 1 February, I cannot do that. But what I can say is that we are meeting weekly with very strong women's groups and we will work in partnership with them about what that service will look like.

### **Insurance—third party**

**MS PORTER:** My question is to the Treasurer. Treasurer, can you update the Assembly on what changes have been made to CTP insurance premiums since the re-election of the Gallagher government?

**MR BARR:** I thank Ms Porter for the question. In July three new providers began offering CTP insurance in Canberra. This is the first time we have had competition in the marketplace since 1979. AAMI, GIO and the Australian Pensioners Insurance Agency began offering CTP on 15 July, joining the NRMA, the previous sole provider. The different providers and their prices are now listed on registration renewal notices for Canberra motorists.

I am advised that the new providers have had a very strong take-up rate for their policies. I think this reflects the desire of Canberrans to have a choice of providers. But the choice does not extend just to price alone. As members would be aware, CTP premiums are set using independent actuarial advice, and so whilst the new insurers entering the market do not carry the risk of claims under the scheme prior to 2008, they also have not had access to the detailed claims information, so their premiums upon entering the market reflect that information gap. However, over time, premiums will reflect the new perspective these insurers bring to the market, particularly the perspective that emphasises rehabilitation and return to health.

The new providers are providing rebates to particular categories of drivers which, across the board, I understand encompass the majority of local motorists. These rebates provide an important offering for Canberrans. Motorists now have a choice of different aspects of policies, for example, coverage for at-fault drivers and claims

services. It is important that motorists understand the various offerings that are now in the marketplace as opposed to seeing them simply as a like-for-like offering or judging them on price alone. There is an opportunity for Canberrans to shop around in order to find the policy that best meets their need.

Over time, we can be sure that competition will continue to benefit motorists, including opportunities for innovative insurance products, more investment and more employment in the ACT. We have seen today an example of that commitment to this community and investment in the ACT with GIO announcing their sponsorship of our premier sporting venue, Canberra Stadium, which from 1 January 2014 will be known as GIO Stadium Canberra.

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

**MS PORTER:** What has been the impact of these changes for Canberra motorists?

**MR BARR:** Competition has brought the obvious benefits of choice. There is a wide range of options now for motorists to choose from. Each policy has different prices and different features. Depending on the circumstances of individuals or households, particular policies or insurance providers may suit some more than others.

Being able to choose a policy that best meets your needs is a significant benefit for local motorists. That is why it is important to look at the different options, to shop around and to get the best deal for yourself. We envisage that over time competition will moderate prices as insurers try to ensure that their products are as competitive as possible. This is important for local motorists, particularly given the missed opportunity for genuine CTP reform to put significant downward pressure on premiums.

I am pleased, though, that the new insurers have developed a reputation in other jurisdictions for providing insured people with more direct pathways to rehabilitation. For anyone unfortunate enough to have been injured in a motor vehicle accident, such an emphasis on care, rather than lump sum payments for pain and suffering, is clearly the best pathway back to health.

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

**MR WALL:** Minister, what information is supplied with renewal notices to inform Canberrans that not each insurer is offering identical cover?

**MR BARR:** The registration renewal forms give details of the different offerings of the different insurance providers. Those providers who are entering into the market are being aggressive in their promotion of their new products. There has been a significant amount of information in the marketplace. Existing customers of other insurance products from the new operators will have been aware through the promotion through their existing insurance products of the opportunity to take up some of the offers that the new players have put into the marketplace. This is a competitive process. Premiums obviously go through the actuarial process. But in

terms of the variety of insurance products and the opportunity to go with a particular company and bundle a range of insurance products and achieve savings, that is of course a matter for the marketplace.

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

**DR BOURKE:** Minister, what are some other changes to CTP that would benefit Canberra motorists?

**MADAM SPEAKER:** Sorry, can you just repeat that, please, Dr Bourke?

**DR BOURKE:** Yes. What are some other changes to CTP that would benefit Canberra motorists?

**MADAM SPEAKER:** I will allow the question. It is slightly hypothetical, but I would also ask the minister not to anticipate the announcement of government policy.

**MR BARR:** Thank you for the guidance, Madam Speaker. As I have indicated publicly on more than one occasion, a no-fault CTP scheme in which all persons injured in accidents receive access to treatment and rehabilitation would be a significant improvement for Canberra motorists, as well as helping those who may currently otherwise not receive such help. It would certainly assist in lowering premiums.

Quite simply, a scheme such as ours, in which people injured in motor vehicle accidents can sue for pain and suffering, even for relatively minor injury, places upward pressure on premiums. It is the view of the government that all people injured in a motor vehicle accident ought to have equal access to the scheme and equivalent outcome opportunities based on early treatment, rehabilitation and return to health.

This is particularly important in the ACT because the overwhelming majority of injuries incurred under our scheme are amenable to being dealt with in the same way. Unlike those opposite, the government remains committed to CTP reform and achieving better outcomes for motorists and for accident victims.

### **Disability services—insurance**

**MR WALL:** My question is to the Minister for Disability, Children and Young People. Minister, the NDIS is due to commence operation in the ACT on 1 July 2014. On 23 October you advised in this place:

We will come back to the community in the new year about the phase-in and those other key decisions, share them with the community and share them with members here.

Minister, when will you make the final decisions about the introduction of the NDIS, and what confidence can the community have that it will ensure a smooth transition?

**MS BURCH:** I thank Mr Wall for his question. It is right that we ask the question of transition. As I indicated yesterday, there is serious, complex work going on across a number of the agencies about the fundings that are captured within the NDIS—and that is no mean and simple feat, Mr Wall—and also what the transitional or phase-in process will be. That work is occurring across government agencies. As it is being developed it will come through cabinet, and it will be a cabinet decision.

I know that in my conversations with many providers and many families I have earmarked—and I think I said it yesterday—about February to have that out. It is almost like an enormous wedge of work that is narrowing down to final decisions. That will occur by the end of this year or early in the new year. That will go out as soon as possible to the community.

As far as what confidence can the community have, the community has seen, by demonstration, our absolute commitment to work with them line by line, decision by decision, as the information is available and provided to them. There have been a number of public information sessions. We have done, I think, all we can to ensure that people are aware of what we are doing.

I will also note that the National Disability Insurance Agency is earmarked to establish its offices here either towards the end of this year or early in the new year. That will also be another key indicator, an opportunity for community members to start that conversation with the agency. At the end of the day, the agency will be responsible for those clients that are moving through the NDIS and around all those care and transition and support structures.

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

**MR WALL:** Minister, will there be more consultation with stakeholders and the wider community than there was with regard to the closure of respite services at Elouera?

**MS BURCH:** It seems to be that you have been hiding under a block somewhere to not understand the amount of community consultation that has already happened around NDIS. I know you have been in the room at a number of those yourself, Mr Wall. So do not disrespect the effort and the time that Disability ACT and the community partners, through NDS ACT, have put in to working in partnership across providers, across government, across the community to give them all the information that we have available.

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

**MS LAWDER:** Minister, what assurances can workers, clients, disability services and peak bodies have that the decisions will be made in time to ensure that they can make considered decisions about their future?

**MS BURCH:** Again, I think the people in the community should be aware that as information becomes available and opportunity becomes available we provide it. We



have just delivered over \$4 million in the first round of the advanced service offer and the second round is still out there, We have been very clear about additional support going into the community. We have been very clear about working with providers and working with peak groups such as the NDIS for the community providers to be prepared.

We are doing market sounding around what are the service requirements, what do we need to do in partnership with providers to get their governance and their business structures up to standard, and what are the opportunities for new providers coming into town—but that is not to disregard or not recognise and value the providers we have in town.

This will be a significant reform, and we will work with families, with organisations and with groups on a one-on-one basis if that is what it takes to give them the confidence and assurance that we are working with them to make sure they are on this transition in a positive way.

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

**MS LAWDER:** Minister, can you guarantee there will be a smooth transition to the NDIS, given the time it has taken so far in the decision-making process?

**MS BURCH:** I will guarantee that every member in the government, Disability ACT and community providers are doing all they can to make sure of this. A significant difference here in the ACT is that we are going as a whole jurisdiction. Other launch sites have a very small parcel of their disability community going through transition. We are going lock, stock and barrel, and that is why we have to take very careful consideration, because in many ways there is no room to move. Once we have divested responsibilities and funding to the agency, that is then the agency's concern. So we need to be very careful and make sure that we do work with partners and with the community as much as we can. I suggest all of you go onto the Disability ACT—

**Mr Wall:** A point of order, Madam Speaker, on relevance. The question was relating to whether the minister could guarantee that there would be a smooth transition as a result of their eleventh hour approach to making decisions, not a matter of whether there would be more consultation.

**MADAM SPEAKER:** I did not hear eleventh hour in the original question, Mr Wall, but I would ask the minister to be directly relevant to the question, which related to smooth transitions.

**MS BURCH:** I believe I am, but in closing I would just suggest that those with an interest in this go onto the Disability ACT website and look at the offerings around community consultations and public offerings for engagement in this. And if you think that we can do it better, certainly make contact with my office.

### **Gaming—memorandum of understanding**

**MR GENTLEMAN:** My question is to the minister for gaming and racing. Minister, I refer you to the memorandum of understanding signed last year by the government

and ClubsACT. What are the main provisions of the MOU and what is the progress that has been made in implementing it over the last year?

**MS BURCH:** I thank Mr Gentleman for his interest. You are indeed right, Mr Gentleman, that we signed an MOU with ClubsACT in September last year. That sets out the policy and reform agenda for the licensed club sector for the next four years.

The MOU contains 23 commitments. These commitments have been divided into five sections. The first is around regulatory reform. A key commitment includes an agreement by the government to conduct a broader review of the current regulatory regime faced by the club sector and identify areas of reform. I am pleased that much of this work is well underway. Certainly the ClubsACT representation on the government's red tape reduction panel has a significant input into that.

The second part is around gaming reform. A key commitment includes the in-principle agreement by government to the introduction of a scheme that allows transfers of electronic gaming machines between clubs. The scheme must be transparent, fair and open to all clubs in the ACT; consider the social impacts; not increase the incidence of problem gambling or concentration of gaming machines in particular locations; and help meet other government objectives, such as ensuring that community contributions are maintained and assisting in working towards the achievement of a cap reduction target in the ACT. Following the government's release of a discussion paper in July, there has been good feedback from stakeholders on how the scheme would operate. I expect to be in a position to announce the outcome of this work in the near future.

Thirdly, a contribution to community has also been part of the MOU. We as a government remain committed to supporting the long-established community-based gaming model here in the ACT.

The fourth part deals with problem gambling and harm minimisation. ClubsACT agreed to adopt an enhanced code of practice to bring the current code into line with best practice. Much of this work is undertaken by the gaming and racing commission, in this respect in consultation with the industry. A new enhanced code of practice is expected to be in place shortly.

Finally, there is reducing clubs' reliance on gaming machine revenue. In this respect, we continue to work with the industry to explore all opportunities to support the diversification of club income streams.

As minister for gaming and racing, I have committed to meeting with the clubs' reps on a regular basis to discuss the MOU. I will meet at least twice a year. This will be supported by a written progress report. I have also committed to consult with clubs through these meetings should there be any new legislation such as that tabled this morning.

To mark the first anniversary of the MOU, I wrote to all the clubs earlier this month. I note that ClubsACT welcomed the progress report, was pleased with the progress made across a number of things. Whilst there is still work to do, we know that we on this side of the chamber are working in partnership with ClubsACT.

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

**MR GENTLEMAN:** Minister, what consultation has been done on the introduction of the scheme allowing the transfer of electronic gaming machines between clubs as flagged in the MOU?

**MS BURCH:** Thank you, Mr Gentleman. Since January of this year, multi-venue clubs have been able to relocate a small number of machines between venues under certain circumstances within their club network. In July the ACT government released a discussion paper outlining options for a scheme to allow the trading of electronic gaming machines between gaming machine licensees. Public submissions were accepted up until 5 August.

Comments were submitted in a number of forms and it was encouraged that those submitting comments refer to the issues and questions that were raised through the paper. However, given the diversity of the clubs in the sector and the territory, we also expected other issues would be raised.

In addition to receiving a number of written submissions, I met with several industry representatives from organisations such as ClubsACT, the Tradies and the Australian Hotels Association in the ACT to discuss issues relating to current gaming machine operations in the territory.

Consultation opportunities have also occurred as part of the Gaming Industry Consultative Committee with representatives from the Economic Development Directorate and the Gambling and Racing Commission. General industry reaction to a potential trading scheme has been positive and the comments received will contribute to the overall design and operation of a scheme.

*Members interjecting—*

**MADAM SPEAKER:** Order, members! It is getting very noisy.

**MS BURCH:** I am nearly there, Madam Speaker. I am in the process of considering these reforms that will seek to address issues raised in the submissions received during the public consultation. I look forward to updating the Assembly on this soon.

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

**MR SMYTH:** Minister, is writing to the Labor Club a conflict of interest?

**MS BURCH:** As Minister for Racing and Gaming, given that the Canberra Labor Club is a member of ClubsACT, it was only right and proper that I write to inform all members of ClubsACT about the progress of the MOU. Those opposite continue to raise the Labor clubs. But I say to them over there, “Have a look at your own annual returns and come in here, hand on heart, and say there is not a cent received by Canberra Liberals from a club.”

*Opposition members interjecting—*

**Dr Bourke:** On a point of order.

**MADAM SPEAKER:** Minister Burch, sit down.

**Dr Bourke:** I have heard the opposition leader calling out the word “dodgy”. I am sure that is unparliamentary language, and I would ask him to withdraw.

**MADAM SPEAKER:** On the basis that I honestly did not hear it because there was so much interjecting—

**Ms Gallagher:** That is yet another problem.

**MADAM SPEAKER:** Thank you, Chief Minister.

**Mr Hanson:** On the point of order, I can clarify that I did say it.

**MADAM SPEAKER:** You did say it?

**Mr Hanson:** I can clarify I did, but, on the point of order, I would dispute the fact that dodgy in this case is unparliamentary. I think it is a very accurate description of the Labor Party’s relationship when it comes to pokies in the Labor clubs.

**Mr Barr:** On a point of order, Madam Speaker, you cannot let that stand. You cannot use a point of order to repeat an accusation that is unparliamentary.

**MADAM SPEAKER:** First of all, I have not ruled that it is unparliamentary, for a start. Mr Hanson owned up to using the word “dodgy”. It is a line ball. It could be argued—

**Mr Hanson:** That it’s dodgy.

**MADAM SPEAKER:** Mr Hanson, that is not helpful. It could be argued, as I discussed in the statement earlier in the week, that a lot of this is fair comment in a political environment. However, I think I will err on the side of upholding the standards of this place, because of the whole lot of interjections and the point of order. Your response, Mr Barr, again is also a problem. I will ask Mr Hanson to withdraw the word “dodgy”. Without any sort of theatrics, I ask you to withdraw.

**Mr Hanson:** Without any further theatrics, without any sort of theatrics, I withdraw the word “dodgy”.

**MADAM SPEAKER:** I would also like you, Mr Barr, to be mindful of what I said the other day about the sorts of responses to my rulings. I had not even made a ruling at that stage.

**Mr Barr:** I rose to make a point of order, which I believe I am entitled to do.

**MADAM SPEAKER:** I am sorry. If you rise to make a point of order, you rise and you say “point of order”—

**Mr Barr:** Which is what I said, Madam Speaker.

**MADAM SPEAKER:** “on the point of order” because we were discussing Dr Bourke’s point of order.

**Mr Barr:** Which is what I said.

**MADAM SPEAKER:** I am sorry. In that case, I did not hear you. I think we have dealt with all that. A supplementary question, Ms Porter.

**MS PORTER:** Minister, what will be the main changes put in place through the new code of practice mentioned in the MOU?

**MS BURCH:** I thank Ms Porter for her interest in this. In line with one of the MOU’s commitments, the ACT Gambling and Racing Commission undertook the process of conducting a review of the Gambling and Racing Control (Code of Practice) Regulation 2002. The review was to consider the ability of the code of practice in its present form to achieve its harm minimisation objectives. Extensive consultation occurred with industry stakeholders, including the release of a discussion paper for comment in late last year and a draft policy paper for comment in March this year.

In September the final policy paper was distributed to members of the Gambling Industry Consultative Committee and those who made submissions and that will provide an opportunity to confirm issues that were factually represented in the policy paper. The review recommends generally enhancing the skills of gambling contact officers, requiring the use of an online gambling exclusion database, making more information available to patrons on their rights and requiring licensees to offer a range of prizes other than just gaming credits when a patron wants to redeem loyalty points that have accrued.

As mentioned, an enhanced code of practice is expected to be in place soon, and for all those with an interest in gaming machines, I say again that if Canberra Liberals can come in here, hand on heart, and say that there is not one dollar provided to them through a gaming machine, then what a load of hypocrisy they have over there. They assume any benefit from a gaming machine is negative. I say to them: the Cerebral Palsy Alliance is significantly supported by the Labor Club. Do you call them into disrepute? Do you call them dodgy? Volunteering ACT are significantly supported. Do you call them dodgy? One would hope not.

### **Gaming—poker machines**

**MR SMYTH:** My question is also to the minister for gaming. Minister, this morning on ABC Radio you were featured in a report that said, “The ACT government plans to make it easier for ACT clubs to purchase poker machines.” The report continued by saying, “The changes will make it faster to buy machines and the clubs no longer need government approval if they want to finance new machines.” Minister you were on air as accepting that your changes will make it “easier to get one”. Minister, when was the policy changed that poker machines could be bought and sold in this territory instead of provided for the community sector and regulated by the government?

**MS BURCH:** Without having the transcript or having the audio of what Mr Smyth is referring to, I tabled this morning some amendments to the gaming and racing act around red tape reduction. Currently, when a club renews or replaces—because we have a cap; we have an aim of reducing the number of machines—or buys a new machine, there have been two processes. One has been around approval of the machine, which is within the commission, and the other is around the financial arrangements for the machines. The red tape task force of the clubs—

**Mr Hanson:** When you have the millions rolling in, who cares?

**MADAM SPEAKER:** Mr Hanson!

**MS BURCH:** If you have an interest in the answer—has identified simplifying that process, given that the approval around the financial arrangements around the machines is covered and accounted for elsewhere in the act by the Gambling and Racing Commission. If you looked to the amendments that I tabled this morning and the explanatory statement, Mr Smyth, you would understand that.

**Mr Coe:** A point of order.

**MADAM SPEAKER:** Do you have a point of order, Mr Coe?

**Mr Coe:** Yes, I do, Madam Speaker. The question was: when was the policy changed so that poker machines could be bought and sold? That was in reference to the comments that were attributed to the minister. She has not yet addressed those comments that she made.

**MADAM SPEAKER:** I uphold the point of order. I had written down essentially what Mr Smyth had said: when did the policy change? I have not actually heard anything, a minute and a half into the answer, about when the policy changed. Could I ask you to be directly relevant.

**MS BURCH:** I have been relevant because I have come in here this morning and tabled amendments around reducing red tape and simplifying the process when they require a new machine. If something falls down and breaks, it goes kaput, and they want to get another machine in to replace that, they acquire a new machine. And the processes—

*Mr Coe interjecting—*

**MS BURCH:** “Acquiring”—you have to buy something to acquire it, for God’s sake.

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

**MR SMYTH:** Minister, why did you state on air that these changes “will make it easier to get one” in relation to poker machines?

**MS BURCH:** I refer Mr Smyth to the amendments that were tabled this morning.

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

**MR DOSZPOT:** Minister, are these rule changes another attempt for this government to allow the Labor clubs to sell poker machines they were given for free by the community?

**MS BURCH:** It is again just sheer hypocrisy from those over there. I have said in the answer to the question from—

**Mr Hanson:** Madam Speaker, point of order.

**MADAM SPEAKER:** Mr Hanson on a point of order.

**Mr Hanson:** Can you just refresh me as to whether “hypocrisy” is parliamentary or not?

**MADAM SPEAKER:** Generally speaking “hypocrisy” is okay; “hypocrite” is not. I think it is a bit of a moot point, but the general convention is on the magic list here. There has been one occasion, I understand, where “hypocrisy” has been ruled out of order, by Mr Temporary Deputy Speaker Gentleman in 2006. But generally speaking the convention is that in relation to “hypocrite” or “hypocrites”—I actually ruled “hypocritical” out of order in 2009—“hypocrite” is the magic word. I do not think I want to go down that path and limit even more the language used in this place. Ms Burch.

**MS BURCH:** The short answer is no. I direct those members opposite to this morning’s amendments table. I also direct them to a discussion paper that the industry has indeed sought. I know that Brendan Smyth has been in the room when they have asked for a trading scheme. That has been out for community comment. Today I tabled amendments to reduce red tape in partnership with the club sector. Other than that, there has been no change of policy.

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

**MR DOSZPOT:** Minister, how do you apply the concept of conflict of interest in the way in which you administer your gaming and racing ministerial responsibilities?

**Mr Gentleman:** On a point of order, it does not relate to the original question.

**MADAM SPEAKER:** I think there has been discussion of conflict of interest already in the question and it is in relation to how Minister Burch conducts herself as the minister. I will allow the question.

**MS BURCH:** I have no conflict. The clubs are managed and audited. All the accountability sits with the gaming and racing commission and the club board.

**Mr Doszpot:** Do you have a conflict of interest?

**MS BURCH:** Well, next time I see you at a club, Steve, I will ask you the same thing.

*Members interjecting—*

**MADAM SPEAKER:** Order, members!

*Mr Doszpot interjecting—*

**MADAM SPEAKER:** Mr Doszpot, sit down. The question of Minister Burch by Mr Smyth and the supplementary questions are concluded. I do not expect members to get up and continue the discussion. When I call you to order, I expect you to be called to order.

**Mr Doszpot:** I apologise.

### **Women—Women’s Information and Referral Centre**

**MR DOSZPOT:** My question is to the Minister for Women. Minister, last week you announced the closure of the Women’s Information and Referral Centre. When did the government make this decision? Was it part of the 2013-14 budget process?

**MS BURCH:** I thank Mr Doszpot for his question. It has been something under consideration for some time. Certainly there were a number of factors in that decision. I made it. I have announced it. We have put notice in to terminate the lease there and we will very clearly work, as I responded to Mrs Jones, with the women’s sector about what the program will look like from here on.

If I may just touch on an earlier question from Mrs Jones or Ms Lawder about the development of a plan, what is on for women, even at this point, would not have been fully constructed and delivered at this point in a calendar year, anyway. I just provide that little extra bit of information.

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

**MR DOSZPOT:** Ms Burch, why isn’t the decision—I am not quite sure I understand when you made the decision—to close the WiRC listed on the cabinet summaries for September or October?

**MS BURCH:** Not every decision taken by a minister is held and agreed to within cabinet. Surprisingly for you, Mr Doszpot, ministers do make decisions across their portfolio areas, probably many times in a week.

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

**MRS JONES:** Minister, was the main rationale for this decision to meet savings targets set out for the department as part of the 2013-14 budget or was there another reason?

**MS BURCH:** I thank Mrs Jones for her question. There will be savings in it; there is no doubt about that. We are close to between \$70,000 and \$80,000 just on the



shopfront alone. That will be a saving. But there are multiple drivers in this. It is about how you can be efficient within your directorate's dollar. I think everyone in this place, and certainly in the community, expects us to be sensible about that. But there is also a driver about how you embed these programs within the new and developing capital social infrastructure that is already in place and how we bring services closer to where women are.

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

**MRS JONES:** In the lead-up to the decision, what consultation took place with women's and other community sector groups before the announcement was made?

**MS BURCH:** I would accept it was limited, because sometimes you make a decision on the information in front of you. But we were very clear—I made contact, and I know the department and my office made contact, with the women's groups as soon as the decision was made and it was public knowledge. We have since then convened one weekly meeting. There will be another meeting this Friday. We have put together a planning group about what it will look like from here on in.

We are now working very closely with the staff; we have spoken to the staff. We have invited them to have key input about what are the services. And the services have changed over 35 years, as one would expect. It is only right and proper that we look at those services to see what is in play now in the calendar of what is on for women and whether it is really relevant for today's day and age and our Canberra community. It is an ongoing process. Yes, we have made the change, but I am confident with the stakeholders we have around the table that it will be right.

### **Animal welfare—animal sales code**

**MS BERRY:** My question is to the Minister for Territory and Municipal Services. Minister, can you advise the Assembly of the benefits of the introduction of the territory's animal sales code?

**MR RATTENBURY:** The territory's new animal sales code came into effect this week, on 21 October. I notified the code in August this year, and it has now come into effect. The code is designed to improve animal welfare. Ensuring the ACT has strong animal welfare standards and modern animal welfare standards is an important role of government and is certainly something that is of importance to me.

The updating of the code is partly in fulfilment of a parliamentary agreement item to regulate cat and dog breeding and sales. This is the sales aspect of that item, and TAMS is undertaking some further work on the breeding aspect.

But turning to the code of practice itself, it establishes a variety of standards that must be met by people and companies selling animals. There is a fact sheet that is available on the TAMS website if people want to know more about the code. But I can, from that fact sheet, just mention a few of the key requirements under the code.

The accommodation where an animal is kept must be at certain standards—secure, hygienic and stress free—and provide sufficient space for rest and exercise. Animals

must be provided with food and water to maintain good health while they are awaiting sale. There must be regular checks on the comfort and health of animals, as well as treatment for any illness. Animals below a certain age cannot be sold and should not be separated from their parent before a certain age. The person who is selling the animals must provide the buyer with information on the care of the animals.

Many of these measures go to making sure that people who take on a pet understand the responsibilities that go with owning that pet, and that is about ensuring that animals are properly looked after. The next point, which goes to that, is that animals cannot be sold to anyone under the age of 16, without parental support. I think that is quite an important point as well. It also requires that the animals are vaccinated as necessary.

A key part of this code is that it is mandatory and enforceable. This is the first time this has been the case in the ACT, and the code can be enforced by the RSCPA, TAMS rangers or the police, with a series of penalties which can range from just written warnings, on the spot fines, right through to court matters in obviously the most serious of breaches.

Previously people selling animals operated under guidelines only. This was certainly of concern to a lot of people in the community, including stakeholders like the RSCPA who had called for a mandatory code.

I think this is a great development. It certainly makes the situation a lot clearer and provides, I think, very good standards for animals that are going to be sold, whether that is by a pet store or some sort of commercial operation, on the internet, at markets. It applies across the board and sets a good standard for the entire territory.

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

**MS BERRY:** Minister, can you outline the process as to how the code was developed and what support there has been for the code?

**MR RATTENBURY:** The code was drafted by the ACT Animal Welfare Advisory Committee, or AWAC. That is a committee that is appointed by the Minister for Territory and Municipal Services. The role of that committee is to participate in the development of codes of practice under the Animal Welfare Act 1992. There are 10 members of AWAC. They come from a range of representative organisations. Those organisations put forward the people that they want to have.

Those organisations include the RSPCA, rural lessees and animal welfare groups. So the committee has a diverse membership. I think that means there is a good quality of advice that comes forward on animal welfare matters. It does mean the committee has to work very hard. I think it is fair to say there are some divergent views on that committee, as you can imagine from the sort of stakeholders I mentioned. But it does mean that, in the work they do together, when they come to an agreement it means we have a code, in this case, that is both good for animal welfare standards and also has buy-in from across a range of sectors.

Consultation on the draft sales code was conducted over six weeks in 2012, including online submissions and three public meetings. Information was considered by AWAC in preparing the final draft.

I also would note the role that Mary Porter played in that. I know she took a great interest in it, including attending the sessions and the meeting with AWAC. I think that reflects her strong interest in animal welfare over a long period of time. So it was good to see members engaging in that process.

The community comments on the code were generally very supportive. I think that is also a good outcome, that we have a code that has come from both community input and a diverse membership group on AWAC. I think that underlines the quality of this code and the fact that I think it will work well, because of the way it has been developed.

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

**MR GENTLEMAN:** Minister, what will these changes mean to people that want to buy pets in the ACT?

**MR RATTENBURY:** Thank you for the supplementary question. Given the various elements of the code that I have outlined, I think that what the code means is that people who are buying an animal in the ACT can have confidence that it has been well treated, and when they become its owner they know that it starts from a place of being healthy and, hopefully, without behavioural issues that can come if an animal has been abused.

This is great news for people who are buying pets. I would particularly encourage people, when they are buying a pet, to remember to think about the shelters in the ACT. We have many animals that have had a tough upbringing but despite that are great pets. Just last week I was out with ACT Rescue & Foster, who look after many dogs. The dogs that have been re-homed have become great pets. I met quite a few of them and their owners. It is a good example of what can be done.

But this is about making sure that, hopefully, more people are also responsible pet owners, that they have the skills to look after their pets, they are aware of the responsibilities that go with having a pet. Certainly, as part of the rollout, TAMS has written to stakeholders such as pet shops and other sellers to inform them about the code and to give them information on what it means, what obligations they have under the code. That will also mean that the community can have confidence if the animal sellers are well aware of their responsibilities.

The consequence of the code is that those who are buying pets can have that confidence that they are getting animals that have been well looked after.

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

**MS PORTER:** Minister, is this the only code that needs reviewing and strengthening to mandatory standards? Do other codes need to be updated, such as the code for breeding?

**MADAM SPEAKER:** Sorry, Ms Porter, I did not hear the last word—the code for what?

**MS PORTER:** Are there other codes that need updating, such as the code for breeding.

**MADAM SPEAKER:** So you are asking about animal welfare codes?

**MS PORTER:** Yes, yes, yes. The codes we are talking about.

**MADAM SPEAKER:** Yes—

**MS PORTER:** I am happy to read the question again—

**MADAM SPEAKER:** No, no, no; it is just that you did not say what sort of codes, and there are a whole lot of codes. So, on the basis that this is the animal welfare code, I call the minister for TAMS, Mr Rattenbury.

**MR RATTENBURY:** There are a range of codes in this area in addition to the new code for the sale of animals. The specific code on breeding, which Ms Porter has just asked me about, is an area that I think needs further work. I have asked TAMS and AWAC to conduct further work in the area of animal breeding in particular. I think this is an issue of some importance. I think there are significant concerns in the community about things like so-called puppy farms where there is room to make improvement to ensure that animal welfare standards are as high as they can be to meet community expectations.

I do not have an exact time frame on that work yet because of the nature of the group and the complexity of the issues. It takes some time to get this work done on occasions, but I hope to have an answer in reasonably good time because this is an area that requires further work. I will be happy to give the Assembly an update when those investigations have been undertaken.

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

## **Supplementary answers to questions without notice**

**ACT Ambulance Service—cardiac monitors**  
**Health directorate—workers compensation**  
**Health directorate—staff numbers**

**MS GALLAGHER:** Today Mr Coe asked me a question around the procurement process for the 56 MRx monitors. It was an open tender process, as I did answer correctly. In relation to accuracy and stability, and whether they were criteria for

considering the monitors, the monitors were assessed against a detailed technical specification which they were required to comply with to proceed to field trials.

Mr Wall asked me what other monitors were considered and why they were not successful. There were three responses to the call for tender. One response did not meet the minimum technical requirements and it was excluded from further assessment. Two monitors proceeded to field trials. During field testing, the monitor not selected was found to have a number of functions that would have proved incompatible in the operational environment.

Mr Wall also asked whether the company set the lowest cost and whether they were provided from the supplier directly. Value for money was considered; however, it was not the single determinant for selection of the product.

Yesterday Mrs Jones asked me whether there had been an increase in Comcare claims, and if so, how many. The number of claims submitted to Comcare in the last five years has been 138 in 2008, 114 in 2009, 127 in 2010, 104 in 2011, 121 in 2012 and 78 as of 23 October. The numbers of claims submitted differs, obviously, from the numbers accepted by Comcare following a review.

Mr Coe yesterday asked me a question around an explanation of staff increases in the corporate and support division of the directorate. There has been an increase of 90 full-time equivalent staff relating to a number of different areas, including some clinical areas.

There have been 35.6 full-time equivalents in e-health and clinical records. The majority of these staff were temporary to undertake clinical coding and medical record scanning of paper-based records to electronic storage. Others support the work of the health infrastructure program and the healthy e-futures program.

There were 20.2 full-time equivalents in service and capital planning, working on the health infrastructure program, mainly as a result of ACT Health having subsumed the health infrastructure program project director function during this time—which I did speak on yesterday—in the handover from ThinkHealth.

There have been 19.8 full-time equivalents in business and infrastructure. This includes food service as well as biomedical support, which includes radiation oncology, biomedical engineering, biomedical physics and sterilising services, which provide essential support to the growing front-line services.

*Member interjecting—*

**MS GALLAGHER:** Sorry; this is quite detailed. There have been 6.9 full-time equivalents in people strategy and services; four of those—four out of seven, or four out of 6.9—were funded by Health Workforce Australia as well as nurses and midwives undertaking refresher training.

There were 4.9 full-time equivalents in performance and innovation, including positions funded through the national partnership agreement to support the implementation of activity-based funding.

And there were two full-time equivalents in policy and government relations, including the creation of the multicultural policy unit.

**Mr Coe:** Madam Speaker, I wonder if the Chief Minister would advise in relation to the other components of the questions asked today—such as whether it was an agent or a manufacturer, and also whether the MRx monitors were tested for accuracy and stability—whether she is going to report back on those components.

**MS GALLAGHER:** You did not like my answers?

**Mr Coe:** No.

**MS GALLAGHER:** I will see if there is anything further I can provide you, Mr Coe, if those have not covered off your questions adequately.

### **Executive contracts Papers and statement by minister**

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

Public Sector Management Act, pursuant to sections 31A and 79—

Copies of executive contracts or instruments—

Long-term contracts:

- Conrad Barr, dated 15 October 2013.
- David Peffer, dated 18 September 2013.
- Emma Thomas, dated 30 September 2013.
- Floyd Kennedy, dated 19 September 2013.
- Helen Strauch, dated 30 September 2013.
- Karl Alderson, dated 17 September 2013.
- Kathleen Goth, dated 8 October 2013.
- Leanne Cover, dated 9 September 2013.
- Mark Collis, dated 26 April 2013.
- Meg Brighton, dated 8 October 2013.
- Neil Bulless, dated 16 September 2013.
- Russell Noud, dated 19 September 2013.
- Stephen Gniel, dated 12 September 2013.
- Stephen Miners, dated 3 October 2013.
- Susan Baker, dated 8 October 2013.

Short-term contracts:

Adrian Scott, dated 27 September and 10 October 2013.  
Alison Abernethy, dated 27 September and 1 October 2013.  
Alison Playford, dated 24 and 26 September 2013.  
Austin Kenny, dated 10 and 22 October 2013.  
Brett Phillips, dated 18 October 2013.  
Cheryl Sizer, dated 20 September 2013.  
Conrad Barr, dated 17 September 2013.  
David Foot, dated 28 August and 4 September 2013.  
Derise Cubin, dated 20 September 2013.  
Grant Doran, dated 16 and 17 September 2013.  
Heath Chester, dated 29 August and 2 September 2013.  
Herbert Krueger, dated 25 and 26 September 2013.  
Ivo Matesic, dated 13 and 19 September 2013.  
Jacinta George, dated 30 July 2012 and 20 September 2013.  
Jacinta George, dated 6 and 13 September 2013.  
Jacqueline Bear, dated 21 and 22 October 2013.  
Jeremy Roberts (aka David Roberts), dated 18 and 21 September 2013.  
Joan Scott, dated 29 August and 2 September 2013.  
Joel Madden, dated 26 and 27 August 2013.  
Jonathan Quiggin, dated 20 and 27 September 2013.  
Kaaren Blom, dated 3 and 15 October 2013.  
Kanchan Dutt, dated 19 September 2013.  
Katrina Bracher, dated 15 and 16 October 2013.  
Leanne Cover, dated 11 September 2013.  
Leanne Wright, dated 9 and 16 October 2013.  
Lisa Salerno, dated 11 September 2013.  
Madeline Davis, dated 27 September and 2 October 2013.  
Michele De Laine, dated 12 September 2013.  
Paul Rushton, dated 12 and 18 September 2013.  
Peter Brayshaw, dated 28 August and 18 September 2013.  
Sarbjit Sidhu, dated 21 and 23 September 2013.  
Sean Moysey, dated 29 August 2013.  
Stephen Edwards, dated 12 September 2013.  
Stephen Hughes, dated 15 October 2013.

Sushila Sharma, dated 9 and 15 October 2013.

Wilhelmina Blount, dated 28 and 30 August 2013.

William Mudge, dated 3 October 2013.

Contract variations:

Alison Playford, dated 10 and 11 September 2013.

Alison Playford, dated 12 July and 11 September 2013.

Craig Simmons, dated 13 and 17 September 2013.

Craig Simmons, dated 18 and 22 October 2013.

David Miller, dated 15 October 2013.

Emma Thomas, dated 24 and 30 September 2013.

George Tomlins, dated 30 August and 24 September 2013.

Leesha Pitt, dated 15 and 18 October 2013.

Leesha Pitt, dated 22 October 2013.

Lisa Holmes, dated 2 October 2013.

Mary Toohey, dated 4 and 8 October 2013.

Melanie Saballa, dated 18 and 22 October 2013.

Meredith Whitten, dated 25 September 2013.

Neil Bulless, dated 12 September 2013.

Paul Wyles, dated 4 and 15 October 2013.

Sean Moysey, dated 4 and 8 October 2013.

Stephen Gilfedder, dated 21 and 22 October 2013.

Vanessa Little, dated 6 and 12 August 2013.

William Mudge, dated 8 October 2013.

Expired and superseded executive contacts—Schedule.

**Mr Coe:** It's a big pile.

**MS GALLAGHER:** It is. I ask leave to make a statement in relation to the papers.

Leave granted.

**MS GALLAGHER:** I am glad to hear I have your ears. I present public service executive contracts in accordance with section 31A and 79 of the Public Sector Management Act, which requires the tabling of all director-general and executive contracts and contract variations. Contracts were previously tabled on 19 September this year. Today I present 15 long-term contracts, 37 short-term contracts and 19 contract variations.

One of the long-term contracts being tabled—for the re-engagement of an officer in the Community Services Directorate—commenced on 29 September 2013 but was signed on 26 April 2013. The contract was not made available to CMTD for tabling



until 23 September 2013. While the contract is being tabled within six days of its commencement, and within six sitting days of it being made available for tabling, the contract is technically late as it has not been tabled within six sitting days of its having been made, noting that it was finalised in May, well ahead of its commencement.

I also report that on 18 September 2013 a computer error was discovered in the Commerce and Works Directorate which had resulted in 23 short-term executive contracts being signed containing an incorrect superannuation amount. Of those 23 contracts, four have already been tabled. The Government Solicitor has advised that for the four contracts that have already been tabled, a variation should be prepared and tabled correcting the error on the face of the contract; and for those contracts not yet tabled, the original should be amended, initialled by both parties, and then tabled. This process has been followed.

This error has not given rise to any underpayment or overpayment issues as the executives concerned were paid the correct amount despite the contract containing the wrong figure. Remuneration for executives is set by the Remuneration Tribunal, in accordance with the Public Sector Management Act 1994 and the Public Sector Management Standards 2006. Accordingly, the territory has no capacity to pay a different amount, and section 72A(2)(b) of the act expressly provides that an executive contract is void to the extent it purports to pay remuneration or an allowance higher than those specified in the standards.

As the Assembly would be aware, on 15 August 2013, I indicated that I would provide further information about possible reforms to executive contracts. The focus of these reforms is to ensure that the executive employment arrangements are executed according to the requirements of the Public Sector Management Act and accompanying standards, and reflect good employment practices. The options that have been canvassed include improvements to administrative processes, changes to delegations and decision-making points, and even legislative amendments. I will provide further advice to the Assembly on the particulars of these reforms before the end of this year.

I have re-emphasised to the ACT public service that the government expects immediate and sustained improvements in compliance levels. I am advised that a number of changes have already been made to administrative processes in pursuit of this goal, and that further such reforms are being settled with the CMTD and Shared Services.

I am advised that the tabling of these contracts today means there are no current executive contracts overdue for tabling.

Members will also be aware that compliance with the tabling requirement of the Public Sector Management Act has been problematic almost since its inception in the mid-1990s. So today I table a list of 163 expired or superseded executive contracts which I am advised, following a review of the ACT public service and Legislative Assembly records, would appear not to have been tabled. The oldest of these contracts dates from February 2000. The details of all contracts will be circulated to members.

## Papers

**Ms Gallagher** presented the following paper:

Alexander Maconochie Centre—External component of the evaluation of drug policies and services and their subsequent effects on prisoners and staff within the Alexander Maconochie Centre—Final Report, dated April 2011, prepared by the Burnet Institute—Implementation of supported recommendations from the final Government response—Final Status Report 2013, dated October 2013.

**Ms Burch** presented the following paper:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2012-2013—Fourth quarter (1 April to 30 June 2013).

## Supplementary answers to questions without notice Arts—Tuggeranong Community Arts Association

**MS BURCH** (Brindabella): May I just make comment in response to some questions from Ms Lawder around the Tuggeranong Arts Centre. I said 24 to 48 hours. Now that I have thought about it and realised that today is Thursday, I want to say that I first became aware of it on Monday. I do apologise.

## Paper

**Mr Rattenbury** presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2012-2013—Justice and Community Safety Directorate (2 volumes)—Addenda, dated 3 September 2013.

## Roads—safety Discussion of matter of public importance

**MADAM DEPUTY SPEAKER:** Madam Speaker has received letters from Ms Berry, Dr Bourke, Mr Coe, Mr Doszpot, Mr Gentleman, Mr Hanson, Mrs Jones, 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 determined that the matter proposed by Mr Coe be submitted to the Assembly, namely:

The importance of improving road safety in the ACT.

**MR COE** (Ginninderra) (3.53): I am delighted to be speaking today on a matter of public importance about the importance of improving road safety in the ACT.

*Member interjecting—*

**MR COE:** I think this is only the second time I have ever won an MPI despite putting in many bids alongside my colleagues. There seems to be a—

**MADAM DEPUTY SPEAKER:** Is this a reason for amusement, Mr Coe?

**MR COE:** That is right; there seems to be quite a disconnect between a number of adjournment speeches and my MPI speeches. All the same, I am delighted to be speaking today on road safety.

The opposition, the Canberra Liberals, are unashamedly in favour of the investment in, and upgrade and expansion of, the territory's road network. We, unlike some of those opposite, do not see cars as a symbol of capitalist oppression or as evil polluters. We see cars and other forms of motorised transport as a necessity for many Canberrans. They provide opportunity, freedom and independence for hundreds of thousands of Canberrans.

Whilst all of this may seem a little melodramatic, the fact is that there are people with extreme views that want to actively limit the role that cars play in our community. The fact is that Canberra was designed for vehicle traffic, and one need only look at Walter Burley Griffin's plans of 100 years ago to see how he envisaged vehicles to travel on the avenues, streets and lanes of Canberra. In fact, the report attached to his drawings stipulated the width of roads that were "sufficient to allow through traffic between stationary vehicles". The ACT was always intended to have wide roads that served Canberrans to get around the capital.

Whilst drivers, riders and cyclists do need to take on the responsibility of using the roads appropriately, there is no doubt that the design of road infrastructure does play a significant role in the safety of the roads. Roads are often built with wire rope barriers, guards and other treatments to minimise the damage caused by inevitable accidents. I think it is fair to say that when we have seen significant improvements in road safety, it has not necessarily been due to better driving; it has largely been due to technology and legislative improvements. The criminalisation of drink-driving, the development and implementation of mandatory seatbelts, airbags and other technological improvements have all played a role in improving road safety.

As Mrs Jones and Ms Lawder articulated yesterday, there are many places in the ACT where the road infrastructure could be improved. The sites in Gungahlin and Wanniasa which were discussed yesterday were prime examples where the government has a role in ensuring that the road design is conducive to safe travelling.

However, there are many other sites across Canberra that are in need of government action, in one form or another. I have spoken in this place before about the ongoing problems in Holt and west Belconnen. In fact, I recently moved a motion in this place calling on the government to abandon their changes in the suburb, which arguably have made the situation worse. By installing 13 speed humps along Spofforth Street, traffic was diverted from that road onto more dangerous roads such as Beaufort Crescent, Messenger Street and Trickett Street.

There are many other roads that are of concern to me in my electorate. Of course, roads around schools should be a high priority for the government. I have contacted the government about numerous roads around schools such as Giralang Primary School, St Thomas Aquinas, St Vincent's, St Monica's, Radford, and others. Whilst some have had an adequate response, some, I believe, have not been resolved satisfactorily.

The Canberra Liberals were proud of the policy we took to the election last year of installing flashing lights in school zones across the territory. We believe that the heightened awareness of school zones that will come about as a result of flashing lights will help make our roads safer. Whilst I am pleased that the minister said yesterday that he is considering flashing lights in some instances, I think there is real merit in applying the policy consistently across the territory,

The need for lights in Giralang near the primary school is not necessarily an obvious case. Whilst the primary school is tucked away behind the service station and former shops, for good reason, the 40 kilometres an hour signs are on Canopus and Fornax streets. Whilst the school is not necessarily visible, the risk of school students being in the vicinity is very high. So without the visual presence of a school, I think it is relatively easy for people to accidentally speed through the zone. I believe that adding additional 40 kilometres an hour signs and the inclusion of flashing lights at this location would be a welcome addition for the school community. I hope the government will consider this proposal.

I, like other members, have been contacted by members of the Melrose High School community who are concerned about the safety of students crossing Athllon Drive. Community members are concerned that the 80 kilometres an hour speed limit makes it particularly dangerous for students to cross Athllon Drive. They are also concerned that many drivers are unaware of the school and speed up to get through the traffic lights at the intersection of Athllon Drive and Beasley Street. I believe the school has also made a submission to the vulnerable road users inquiry. This issue is of concern to me and I hope that the government and the committee can look into the safety of this site.

I am pleased that the government will be making some improvements to Wise Street in Braddon near Merici. After raising this matter with the government about six months ago, TAMS met with the school and I believe both parties have agreed on some safety improvements to the site. I thank Roads ACT for working towards this outcome, and hope that the improvements can be made as quickly as possible.

Whilst not necessarily about school zones, the issue of speeding around playing fields, especially on weekends, is a policy area that may have flown under the radar for some time. Such fields are often a hive of activity and frequently involve kids running from cars onto the fields or vice versa. Unlike school days, when there are defined times which are higher risk, playing fields on weekends do not necessarily have a peak time, but are constantly busy. As such, this area of road safety may need to be reviewed.

The Canberra Liberals also call on the government to improve the safety of roads by upgrading and increasing capacity on certain stretches. Of course, roads such as Athllon Drive between Kambah and Wanniasa, and Horse Park, William Hovell, William Slim and Gundaroo drives, are all worthy candidates for duplication. I believe that the delivery of road infrastructure is a core service for a local government, and improvements to these roads in Gungahlin would be a welcome addition. However, given the government's track record, especially with regard to the GDE, I do not hold out much hope.

Madam Deputy Speaker, in conclusion, I am delighted to have been given an opportunity to raise this matter of public importance today. I believe it is a subject of concern to hundreds of thousands of Canberrans and something I hope the government, through the Assembly, can improve upon.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (4.00): We are delighted that Mr Coe was given the opportunity to talk about this matter of public importance, and even more delighted that he did not take his full allocation of time.

The government is in full agreement that continuous efforts to improve road safety and reduce road trauma are a very important responsibility. It is one we take very seriously. I am also fully aware of the importance of road safety to our community. It is a regular theme on Chief Minister's talkback, and I do respond, and I know the Minister for Territory and Municipal Services responds, to a lot of correspondence about road issues.

During the course of yesterday's motions from Ms Lawder about Trinity Christian School and Mrs Jones around Hinder and Hibberson streets in Gungahlin, the government was able to remind the Assembly about the extensive work already happening in the road safety arena. Infrastructure improvements, policing and better driver behaviour are all vital elements in improving our road safety record. And I would echo the comments by the Deputy Chief Minister, Mr Barr, yesterday that every road user has a safety responsibility on our roads to themselves, their passengers and other road users.

One telling statistic in the ACT is that rear-end collisions represent approximately 45 per cent of all crashes in the ACT and are highly implicated in CTP claims—proof enough that there is a vital role for improving driver behaviour in order to lower crash rates, and the injuries and economic costs that they bring.

Road safety is a challenge for governments around the world. Indeed, the combined cost of fatal road accidents is sobering reading—1.3 million people killed annually on the world's roads and up to 50 million injured. While many of these deaths and injuries occur in developing countries, they are also a challenge in the developed world.

In Australia, all jurisdictions have committed to improving road safety under the national road safety strategy, which is aiming to achieve a national reduction of at least 30 per cent by 2020 in the number of road deaths and serious injuries that occur every year.

In the ACT in 2012 there were 8,312 on-road traffic crashes reported which involved 16,271 vehicles and resulted in 892 casualties, including 12 fatalities and 210 hospital admissions. Around 46 per cent of all casualties involved people younger than 30 years of age, with the 20 to 24 age group accounting for nearly 17 per cent of all casualties.

These figures translate into major health and economic costs. In 2012 there were approximately 1,506 people admitted to an ACT public hospital following involvement in a road accident. These patients included pedestrians, cyclists and motorcyclists, but the majority were car occupants. There have been six fatalities on our roads this year, each of them a terrible trauma for friends and family, and often for the emergency services personnel who respond.

The ACT government is committed to reducing the number of deaths and life-changing injuries that occur on our roads. This requires a systemic, evidence-based approach to safety investments and programs, which is the approach of our ACT road safety strategy 2011-20. The road safety strategy shows that improving road safety requires more than just safer roads. It also requires safer vehicles, safer speeds and, of course, safer people.

In line with this, the strategy is guided by the “safe system” approach, which is regarded globally as a best practice approach to road safety. It involves a shared responsibility for road safety and relies on the components of safe speeds, safe roads and roadsides, safe vehicles, safe people and safe behaviours. The aim of this approach is not only to minimise the number of crashes but to ensure that, when crashes do occur, they do not result in death or serious injury.

The ACT road safety strategy is supported by multi-year action plans which include a range of education, encouragement, engineering, enforcement, evaluation and support measures. The current action plan, which covers the period 2011-13, has 62 items spread across the goals of reducing road trauma and developing a more collaborative community approach to keeping our roads safe.

The majority of action items under the current action plan have been completed or are being progressed. One of these is the reduced 40-kilometre-an-hour speed limits which were implemented in Belconnen, Civic and Tuggeranong in June this year. The reduced speed limits apply to areas where there is a high level of pedestrian movement and where the roads are within 400 metres of retail and commercial development. The 40-kilometre areas are helping to improve safety for cyclists, pedestrians and other users. I have to say that the implementation of the 40-kilometre-an-hour speed area has gone much more smoothly than I thought it would.

In addition to enforcement mechanisms such as these new speed limits the government has also launched a new road safety awareness campaign on driver distraction. The “don’t let the team down” campaign which we launched in August this year is designed to engage the community in understanding the need for drivers to remain focused on the driving task at hand and not to risk being distracted by using their mobile phone.

The Justice and Community Safety Directorate and ACT Policing are already considering concepts for new campaigns on speeding, sharing the road and tailgating, and I expect these will be developed and ready to launch in 2013-14.

“Sharing the road” is an important component of this work and one which always ignites the discussion on talkback radio and the like around the need to share the road among motorists, cyclists and pedestrians. It has always been the way, as I recall it in my time in politics, and whilst it is changing slightly it still seems to be quite a vexed issue for the community.

Clearly, enforcement remains a high priority—for some it is the only effective response. ACT Policing are working closely with the government to target bad behaviour by motorists. We have provided \$5.1 million over four years as part of the 2013-14 budget.

The funding will provide ACT Policing with an additional eight officers and four extra vehicles specially fitted with RAPID vehicle recognition camera technology. We are also targeting drink-driving and driving under the influence of other drugs.

Earlier this year a bill to establish an ACT interlock scheme was passed by the Legislative Assembly. The interlock scheme will commence next year. It will be mandatory for all drivers convicted of having a blood alcohol concentration of .15 or higher and for repeat drink-driving offenders.

Vehicle safety is another component of the government’s strategy, and an area where improvements are helping to lower the road toll. In 2012 the ORS completed 73,989 on-road vehicle inspections and issued 2,857 defects for faults such as headlights, tyres and inadequate ground clearance.

In July this year JACS became a member of the Australasian new car assessment program, which provides consumers with information on vehicle safety through its safety rating program and will support the sharing of information about the benefits of safer vehicles with ACT motorists.

We are aware that concerns have been raised about particular issues around the safety of certain roads. Our record in road investment is strong. Mr Rattenbury spoke yesterday about the importance of an evidence-based, apolitical approach to prioritising upgrades at specific locations. I think that apolitical approach lasted until the last Assembly, when we had all agreed that a system Mr Smyth had brought in as Minister for Urban Services around the assessment criteria for upgrades and a traffic safety rating—almost an audit tool—had been universally agreed as the right

approach. But in the last parliament there were motions around specific streets and areas in local neighbourhoods which sought to give those the political push forward over and above what the engineers and some of the other advisers were saying.

I would certainly agree with Mr Rattenbury that, whilst we are not trying to not encourage people to raise concerns around safety, there does need to be an acknowledgement that engineers, particularly traffic engineers and safety advisers, do advise government on the priority areas for upgrades. At the same time one of the best things we can do to encourage road safety is to look at our own behaviour as drivers, and slow down and drive to the conditions.

**MR RATTENBURY** (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (4.09): I will add a few brief remarks, both as the Minister for Territory and Municipal Services with responsibility for Roads ACT, and in my capacity as a Greens member, as I have a few thoughts on this issue.

The point that the Chief Minister finished on is perhaps one that is particularly on my mind, in light of the discussions we had yesterday regarding the motions brought forward by Mrs Jones and Ms Lawder. As I explained yesterday, TAMS runs a traffic warrant system, which is a database that records all of the crashes in the ACT. It basically starts to build a profile of various blackspots and intersections across the territory. There is a range of data that goes into that. It is not just crash data; various other factors are taken into account. As I said yesterday, TAMS applies essentially a human judgement or common-sense filter over that to try and keep an eye on things.

So I am quite mindful of that, both in the context of those motions and in terms of the many letters that I receive about road safety concerns. Members of the public often write to me raising concerns. I think that is really valuable, because that human input of perceived risk is an important part of TAMS looking at things. When those requests come in, TAMS does send somebody out from Roads ACT to look at circumstances. There is one in Belconnen—I cannot think where it is—where somebody is concerned that the surface of the road is excessively slippery. We have written back to them saying that the machine that can assess that comes to town at a particular time of year, and we will assess that then. So sometimes it takes a little while.

This work is going on constantly. Whilst that feedback is very important, if we then write back to somebody and say, “Actually, it’s been assessed, and whilst there is an element of risk, it ranks at No 400 on the list; we’re not going to do anything about it now,” I realise that, at times, can be disappointing for the individual who perceives the risk and perhaps uses that intersection every day. But it does not mean that we can suddenly move that up the list. There does need to be some sort of evidence base for trying to allocate the resources that are available to government.

I spoke about that at some length yesterday. Certainly, the approach that I will continue to take is to look at that evidence base that Roads ACT has. With the human filter that is applied across the top of the hard data, it is a pretty powerful way of trying to assess what are actually the highest priorities for government to tackle in the territory.



I certainly share Mr Coe's interest in road safety. It is incredibly important. I will skip past some of the earlier, ideologically driven comments that he made and not take that bait. But when it comes to road safety, it is an ongoing challenge, and one in which my interest is piqued in many areas. Certainly, in starting the vulnerable road users inquiry, I think this is a valuable way to look at road safety for some people who are on the road and who are over-represented in statistics of both fatalities and injuries.

"Vulnerable road users" is commonly used to describe that group of motorcyclists, cyclists and pedestrians—those people who essentially are not protected by the hard shell of a vehicle. The current inquiry, I am very optimistic, will produce some good recommendations when it comes to infrastructure, etiquette or protocols, road safety campaigns and education. I certainly look forward to seeing the outcomes of that inquiry.

I know there have been some very good submissions. When I was out with the Motorcycle Riders Association with you, Madam Deputy Speaker—I know Mr Coe was there, as well as some of our federal members—a number of the people I spoke to were very aware of road safety. As motorcyclists often do not get seen, I was handed a sticker to put on my car, which I have not managed to do yet. I will have to check with the Clerk as to whether I am allowed to. But it is a campaign being run that is basically trying to overcome that common phrase that motorcyclists hear, "Sorry, mate, I didn't see you," which so often leads to either an accident or a near miss. I think it is a good concept, and one that is a good campaign for them to be running.

The other observation I wanted to make is that, for vulnerable road users, there are going to be a series of responses. Infrastructure will be one part of it. Mr Coe spoke quite a lot about the necessity of intersection upgrades and, in his view, the expansion of roads being an important road safety measure. But I think that education and attitude are a really important part of it. The Chief Minister made some similar comments.

Something I find very interesting is that people who are new to Canberra often comment on the driving culture of the city and the aggression that many Canberra drivers seem to demonstrate on the road. I think newcomers to town are pretty surprised by it, and they often come from bigger cities than Canberra. Perhaps I am dobbing him in, but Minister Barr told the story recently of an experiment he conducted where he decided to drive absolutely to the speed limit everywhere he went. He said he spent his entire time having lights flashed at him and people roaring past him, and he related the story as an interesting indication of just how quickly people tend to drive on Canberra roads.

I suspect this is a function of the fact that we actually have very good roads. If you compare it to driving in Sydney—we all go to Sydney at various times for various reasons—it is rather more difficult to speed in Sydney simply because of the state of the roads and the level of congestion on them. When you come to Canberra, so often the roads are high quality, have good surfaces and often are relatively free of traffic. This perhaps does contribute to some of the culture of driving and road use that we see in the territory.

I welcome the fact that Mr Coe has brought this topic on today. It is good to have a discussion about it. There is a lot of work to be done in a whole range of areas, and I think there will be an ongoing discussion in this chamber. Certainly, as I think I said to members yesterday in my remarks, and if I did not I certainly meant to: where issues do get raised with you by constituents, please do pass them on to TAMS, or to me to pass on to get addressed by TAMS. All matters raised with us are taken seriously. The outcome may not always be what the constituent thinks is the right outcome, but I can assure members that the agency will look at the matters, give them the consideration they deserve, and at least make sure that the issues are investigated to an appropriate level.

**MR WALL** (Brindabella) (4.16): I am once again very pleased to be able to speak on the issue of road safety, and I do thank Mr Coe for raising a matter which I know is very close to his heart. Over the past 12 months in this place, I have had a number of opportunities to highlight the issues and matters of concern raised with me by my constituents. Unfortunately, despite all the good news stories we hear from those opposite, often many of the issues that are raised, and are of great concern to residents in Brindabella on a daily basis, do not necessarily get the attention that we would like to see.

Whether it is the quality or lack of quality of our road surfaces, the necessity or otherwise for some traffic calming measures, anti-social driving behaviours on our roads, discrepancies with signage, parking issues—these all feed into the bigger picture of sometimes the neglect that is shown to some areas of the road network.

**Ms Burch**: Have you removed those Liberal signs from the back of the street signs? Mr Wall, I am waiting.

**MR WALL**: Ms Burch is concerned about the use of signage around our streets, and it certainly is something I share with her.

**Ms Burch**: Illegal signage.

**MR WALL**: And illegal signage, and often the Labor Party is an offender when it comes to placing illegal signs on roadsides, particularly with mug shots on them, during election campaigns. I think today is an opportunity to raise not only physical issues that affect our safety but also some of the peripheral hazards such as signage and inaccurate political slogans that those members opposite like to put up on a regular basis.

But back to the matter at hand, which is consistent issues that are raised with me by constituents in Brindabella. I would like to start at the top of the electorate and work down. Looking at Chifley, the intersection of Hindmarsh Drive and Eggleston Crescent and at the opposite end of Eggleston Crescent where it meets Melrose Drive, these are a cause of a great deal of concern for residents. Each is a black spot and an area that residents of Chifley have to play dice with on a daily basis when wanting to get in or out of their suburb. Unfortunately, as yet there has been very little improvement at either of these intersections.

Still in Chifley, there is also the ongoing issue that is presenting itself in the suburban streets, and that is illegal parking in some areas and opportune parking in others, where employees of the Woden precinct area are parking in the suburb, clogging up the residential streets and making the walk down to the Woden plaza precinct on a daily basis. The suburban streets there were never designed to handle such congestion of parking on a daily basis. It narrows the roadway in areas where parking is permitted in that only one car may pass at a time and causes black spots and hazards for residents as they try to exit their driveways.

Moving down to the Fadden, Macarthur and Gowrie region, I have spoken a number of times in this place about the traffic calming strategy that has been proposed along Coyne Street and Bugden Avenue. Residents are still waiting to see any improvement here, and these improvements that have been proposed, in the form of speed cushions, seem to be a stopgap measure. It is not the total solution to the problem, and I believe it only goes part way to addressing what is more of a complex situation. There needs to be more thought put into a solution here, and the other earmarked solutions such as the realignment of roadways and proposed roundabouts will certainly go a lot further than simply speed cushions to address the flow of traffic through these areas.

Similar concerns have also been raised with me about the same proposal through the Richardson, Chisholm and Gilmore areas, and residents do have concerns about the number of speed bumps that are being proposed as an initial measure.

The realignment of Coyne Street, going back to the Fadden area, would significantly improve traffic flow. The widespread use of only one method of slowing traffic, again, should not simply be relied on because it is one of the cheapest and most affordable options. Recently also roadwork sealing along—

**Mr Rattenbury:** Did you go to the consultation at all?

**MR WALL:** Mr Rattenbury interjected, “Did I participate in the consultation?” Yes, I did, minister. I was quite happy to have the opportunity—

**MADAM SPEAKER:** It would be disorderly, Mr Wall, to respond to Mr Rattenbury’s disorderly interjection.

**MR WALL:** My apologies, Madam Speaker.

*Ms Burch interjecting—*

**MADAM SPEAKER:** And Minister Burch, you can stop being disorderly as well.

**MR WALL:** Recently the resealing work carried out along Coyne Street has not held up to the standard and in wet weather is an extremely slippery surface. It is an issue that I have flagged previously with the Minister for TAMS—and I do understand that Ms Lawder has also—and it is an issue that is going to be addressed by the contractor. And I do look forward to seeing that being completed.

Also in the Fadden area, which seems to have a litany of traffic errors—

**Mr Rattenbury:** Or is it just where you live?

**MR WALL:** It is not where I live, minister.

**MADAM SPEAKER:** Order, members!

**MR WALL:** Sorry, Madam Speaker. The footpath repairs that have been carried out opposite the primary school on Bramston Street are works that I was informed would be completed by the end of August this year. And I note that as of, I think, a week ago, work was still being carried out there. On both sides of the road the footpath is blocked off and, being in front of a school zone, it is an area that does have quite high pedestrian flows. Pedestrians, cyclists, parents with prams are forced to either go around on the gravel or use the roadway to get by these areas. And I do think that leaves a lot to be desired when talking about road safety.

Heading to Kambah now, there are a number of constituents who are concerned about traffic hazards along Inkster Street. This street is used as a thoroughfare or a rat-run between the Kambah village shopping centre and Sulwood Drive. Residents there experience heavy traffic and, regularly, traffic travelling above the speed limit. I know that is an issue that during the election the federal candidate of members opposite highlighted, and I still am awaiting a response from the minister on that one to see what measures might be taken to address this issue.

Another one which I have mentioned in this place a number of times is the installation of streetlights along Kambah Pool Road. A number of residents are keen to see streetlights added to Kambah Pool Road to not only prevent anti-social driving behaviour but also make the road a bit clearer when travelling along there at night. In simple terms, a well-lit road is going to be a safer road.

One of the most prevalent issues relating to road safety in Tuggeranong currently is anti-social driving. Burnouts, speeding and general unsafe driving occur in many pockets of my electorate. Whether it be in Gordon, Banks, Kambah, Wanniasa or Bonython, the number of tyre marks on the roads indicate the problem is astounding. The roads around the Uriarra Village, particularly Brindabella Road, are paved with rubber. One of the Cotter Dam construction entrances is quite notably marked with shredded rubber. It is an ongoing issue, and I understand that the police at the Woden station are aware of it. But a fix has not been able to be achieved.

**Mr Rattenbury:** What do you suggest? How do you suggest we stop it?

**MADAM SPEAKER:** Order, Mr Rattenbury!

**MR WALL:** It is ironic that when we come in here and say, “Here’s an issue,” and ask for a solution, they then say, “You aren’t a road engineer. What do you suggest?” When we come up with a practical suggestion to address these issues, we get accused of not being suitably qualified. I do not know where the balance is that the minister

would like us to be treading. A bit of clarification might be appreciated there. But if the minister is asking for practical solutions, I think members of the Canberra Liberals would be more than happy to be forthcoming in offering those to him to make his jobs perhaps a little easier.

I would like to say that, in some respects, yes, the solution to the problem is not always forthcoming and does often require a bit of creative thinking and thinking outside the square. But at the end of the day, I think that is why we are elected to this place—to sometimes be creative in our thinking, think outside the square and come up with solutions that meet the needs and the expectations of the communities that we represent.

In conclusion, road safety affects all of us. It requires a holistic and innovative approach. This approach has not been adopted under the reign of this government. After almost 12 years in office, most of the problems that are in existence are of their own creation, after all.

I would like to highlight that again and thank Mr Coe for bringing this MPI to the Assembly and giving us all an opportunity to raise the issues that are important in our electorates.

**MR GENTLEMAN (Brindabella) (4.25):** I too agree that improving road safety is a matter of public importance for the ACT, and I support the statements made earlier by the Chief Minister. Just before I go on to the road safety strategy, I would like to make a comment on Mr Wall's comment on Chifley—Eggleston and, of course, Melrose. There was a program to do a black spot repair in that area. The residents of Chifley did not want it to occur because it was going to impede their traffic flow, so there is a different program in place there.

The ACT road safety strategy provides a whole-of-government approach to addressing road safety and has goals to contribute to a national reduction in the annual number of fatalities and serious injuries of at least 30 per cent by 2020, to develop an ACT community that shares the responsibility for road safety and to develop an approach to road safety that involves all stakeholders working together to improve road safety.

In addition to these goals, the ACT road safety strategy has an aspirational goal of “towards vision zero”. This is influenced by the Swedish government's vision zero policy, which aims to have no-one killed or seriously injured in the road transport system. Vision zero is not a target to be achieved by a certain date but helps broaden the focus from fixing current problems to achieving the optimum state of the road transport system. I would like to think that in Australia we will at least achieve zero deaths in the lifetime of the current generation. This is becoming closer to reality with rapid improvements in vehicle technology and road infrastructure and innovative approaches to enforcement and education programs.

Between 1980 and 2010 Australia's deaths per 100,000 population declined from 22.3 to 6.1. This remarkable reduction has been linked to a range of initiatives, including improved enforcement of drink-driving laws with random breath testing and near 100 per cent compliance in the wearing of seat belts. Many of you might think that

seat belt wearing is just an automatic thing when you jump into the car, but I do remember a day before seat belts were not mandatory, and it was tough. It was tough to try and convince people that this was a strong safety measure and they should wear their seat belts.

This period also saw the introduction of demerit point schemes in the early 1990s and, more recently, the near saturation of five-star ANCAP safety rated vehicles in Australia's new fleet of vehicles. Continuing to reduce the number of deaths and serious injuries on our roads will require strong leadership, good policy and sustained efforts. These are all qualities of this government.

Intelligent transport systems is an emerging technology that has the potential to contribute to a vision zero future. ITS includes in-vehicle systems such as electronic stability control, lane detection, adaptive cruise control and intelligent speed assist. It also includes the promising vehicle-to-vehicle technologies that provide warnings about intersection arrival, collision avoidance systems and emergency notification systems. In addition to all of this, there is the vehicle-to-infrastructure system which provides traveller information services—that is, real-time navigation, car parking and fuel availability—traffic signal and variable speed control, tolling and freight management systems. ITS has the potential to deliver safer, more effective and environmentally sustainable transport solutions. The government will consider the opportunities that emerge from the evolving technology.

The Chief Minister mentioned a number of the government's recent achievements in road safety. Others that I would like to mention relate to our vulnerable road users—cyclists, motorcyclists and pedestrians—which is a subject of the current TAMS committee inquiry. Vulnerable road users are highly implicated in injury crashes and represent over a third of total casualties in the ACT. This requires specific actions, and the government is continuing to deliver programs in this area.

The Civic cycle loop is an example of an infrastructure program and supports improving the safety of travel on footpaths and roads in the city area. The first two stages of the city cycle loop have been opened to the public in Marcus Clarke Street and Rudd Street. For most of the length of the cycleway, a wide cycle path at footpath grade has been provided, which offers segregation and increased protection from vehicular traffic as compared to on-road cycling. To increase visibility and safety, cycle lanes across driveways and intersections are at road level with green line marking.

In response to the increasing number of motorcyclists on our roads, the government completed a review of ACT motorcycle licensing and training requirements in 2011. Legislation making pre-provisional training compulsory for novice motorcyclists came into effect in July 2012. This was an important reform, particularly given that this group faces a fatal crash risk about 30 times higher than other road users.

The casualty crash statistics show that programs aimed at improving road safety for vulnerable road users are important. I understand that the Attorney-General has asked the Justice and Community Safety Directorate to consider additional measures for protecting vulnerable road users, in developing the future action plans under the ACT road safety strategy.

As well as focusing on vulnerable road users, the government is reviewing the ACT graduated driver licensing scheme in response to the continued over-representation of novice drivers in ACT road crash data and recent evaluations which have shown the benefits of additional GLS components in other jurisdictions.

ACT road crash statistics compiled by the Territory and Municipal Services Directorate showed that, in 2012, ACT provisional drivers were involved in 22 per cent of all casualty crashes, despite only representing approximately seven per cent of all ACT licence holders.

The main focus for the review will be on GLS components already in place in other jurisdictions. These include minimum supervised driving hours, hazard perception testing, night driving restrictions, passenger restrictions, mobile phone or other technology bans, vehicle power restrictions and minimum provisional licensing age. These components are being investigated based on a range of considerations, including the potential need for exemptions for disadvantaged youth. There will be opportunities for community input into this review, including a survey later on this year and the opportunity to comment on the draft proposals for change.

There is a lot happening in the ACT road safety space. However, the government's road safety job is not done and additional measures to improve road safety are being considered right now in developing the next action plan under the ACT road safety strategy which will cover the period 2014-17.

Work on this action plan commenced in May 2013 with a series of stakeholder workshops. The purpose of the workshops was to identify a list of possible actions which could contribute to achieving the ACT road safety strategy's goals. The stakeholder workshops were attended by ACT Policing, NRMA-ACT Road Safety Trust, Pedal Power, NRMA Motoring and Services, the Motorcycle Riders Association, Kidsafe ACT and other key community road safety and road user interest groups.

I remember Mr Rattenbury mentioning the NRMA and their awareness courses. They were originally designed by an ex-New South Wales police motorcycle trainer. The "stay upright" courses were not only designed to make sure that those riders had the technical ability to operate the motorcycles but also were mainly gauged at riders being aware of the dangers along the roadside. The instructions included making sure motorcyclists took the right sorts of lines on roads and that they were aware of cars coming from intersections and other dangerous things on the highway.

I understand that the consultation process for the development of the action plan led to the consideration of a number of action items which were inspired by ideas and discussion from stakeholders involved in the workshops. This will ensure that the ACT has a road safety plan that meets the needs of the community and effectively addresses the issues of most importance to the ACT. I am advised that work on drafting the action plan is almost complete and public submissions on the draft document will be invited.

I welcome any discussion on improving road safety and I look forward to seeing the ACT road safety action plan 2014-17 when it is released.

*Discussion concluded.*

## **Ms Celeste Italiano**

**MADAM SPEAKER:** Before I call the minister to move the adjournment, I would like to make a statement to the Assembly concerning the imminent departure of Celeste Italiano, who has been the notice paper and projects officer in the Chamber Support Office for over 10 years. I asked the Clerk to put together a couple of notes for me, for which I thank him, and in doing so he informs me that over the past 10 years, in addition to producing every notice paper, Celeste has processed over 6,645—it is quite precise—questions on notice and their answers. Most of those would have come from the opposition benches, I would warrant.

Celeste has also been involved in a number of important projects associated with the Assembly. These include, along with the Clerk, ensuring that the Assembly logo—a matter dear to the Clerk's heart—is placed on almost every Assembly document and gift, as well as ensuring that the logo guidelines are adhered to; organising a myriad of conferences, including many of the activities associated with the 20th anniversary of the Legislative Assembly; three conferences in 2010—that is, the Australia and New Zealand Association of Clerks-at-the-Table, the Australian Study of Parliament Group and a Commonwealth Parliamentary Association regional seminar.

I want to pay particular tribute to Celeste on my own part for the role that she played in this year's first-ever meeting of presiding officers and clerks held in the ACT. The organisation of that conference was widely and universally praised. It was not any reflection upon me; it was mainly a reflection upon the work of the Clerk's office and principally the work of Celeste Italiano.

Celeste has also been pivotal in her contribution to the *Companion to the Standing Orders of the Legislative Assembly*, which has been a tremendous benefit to all members and staff—more so to me since I have become the Speaker. There is in the standing orders what has become known as the Celeste Italiano standing order, which is standing order 125. This is in recognition of Celeste's attempts to help clean up the notice paper. I think Celeste got sick of writing to people and asking whether they still wanted to deal with matters that had been on the notice paper for a long time. So the standing order now provides that if a motion is not called on within eight sitting weeks then it automatically falls off the notice paper. That makes Celeste's life easier and keeps the notice paper to a manageable size.

I have seen Celeste's work over a long period of time and I have always valued it. I particularly valued the fact that she was always very good to us when either I or a member of staff came down right on 12 o'clock—sometimes it was even a bit after—to put in a question on notice. She was very obliging to ensure that those questions went on the notice paper.



Since I have become Speaker I have particularly valued Celeste's work. I have highlighted the work that Celeste did for the presiding officers and clerks meeting this year. I believe that Celeste is an adornment to the Clerk's office and the Chamber Support Office and she will be missed. I wish her well in her next venture up on the hill. Thank you very much, Celeste.

## **Adjournment**

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

That the Assembly do now adjourn.

## **Diwali Mela festival**

**MRS JONES** (Molonglo) (4.38): At the weekend I had the pleasure of attending Diwali Mela, the Indian festival of light. Diwali Mela is a celebration of the triumph of good over evil and is the biggest celebration in India each year. It is often said to be somewhat like Christmas and unites people regardless of social demographic or geographical location. All of the many Indian associations across Canberra cooperate to make this festival such a great event, and I am really happy to have been a part of it.

I was very pleased to have been invited to speak on behalf of the Canberra Liberals, and I thank those who attended and organised the event. In particular, I would like to highlight the work of Krishan Aggarwal, Chairman of Diwali Mela Inc; Niranjana Aggarwal for showing me around the festival on the day and his role in organising the event; Sridevi Natarajan, owner of Vasthraa Silk, producing some beautiful and fantastic saris and other attire for people to wear—I might have to get myself a sari in time for next year—Ritesh Sadana, tabla player and singer; Moyuresh Biswas, singer and harmonium player; and all of the dancers and singers in the Tamil and Telugu societies for putting on a fantastic show.

I would really like to thank the many people who gave up their time to organise and run food stalls—the food was just amazing—the stage crews who ran the music, the lights and the announcements and the many other people who were involved. To find out more about next year's Diwali Mela, please visit their website at [www.diwali.wonderwebworks.com.au](http://www.diwali.wonderwebworks.com.au).

## **Canberra Highland Gathering**

**MR GENTLEMAN** (Brindabella) (4.40): I rise tonight to speak about the Canberra Highland Gathering and the ACT Pipe Band Championships at which I represented the Chief Minister. The Highland Gathering was an event organised by the Canberra College of Piping and Drumming in Kambah and was supported by the ACT government's community centenary initiatives fund. It is one of the largest and most successful Scottish highland gatherings in Australia thanks to the support of the ACT government. The organisers have been approached to host the Australian Pipe Band Championships in 2016, the first time this event will be held in Canberra.

Vikings, bagpipers, dancers and drummers gathered at Kambah oval where members of the city's Celtic community put on a display of massed pipe bands, folk dancing and traditional Scottish events, including caber tossing and stone lifting. There were also 15 to 20 Scottish clan tents and around 60 stalls selling a variety of Scottish and other goods and produce.

The event was a proud celebration of Canberra's Scottish heritage and its vibrant and engaging Scottish community. Canberra was established by Prime Minister Fisher, who was of Scottish heritage, and over 20 suburbs in Canberra are named after Scots. The Burns Club in Canberra, a proud supporter of the gathering, was initiated to foster the culture and heritage of Scotland, and it is one of Canberra's oldest clubs. This demonstrates the long and significant history of the Scottish origins in Canberra.

I congratulate the following bands on their participation in the championships: the Canberra Celtic Pipe Band, the New South Wales Police Pipe Band, City of Queanbeyan Pipes and Drums, the Canberra Burns Club Pipe Band Nos 1 and 2, the Sydney Thistle Highland Pipe Band, St Mary's District Band Club Pipes and Drums, and the Pipeband Club.

I acknowledge the work of contest supervisor Michael Stubbings, and the adjudicators, Stuart Liddell, Barry Gray, Garry Barker, Andrew Sneddon, Jim Kilpatrick MBE, Dean Hall, Scott Nicolson, Ian Lyons and Ray Thorburn.

I also acknowledge the following sponsors for their support of the solo championships: the Canberra Burns Club Pipe Band, TyFry Pty Ltd, Professional Bagpipe Services, Phil Weber, Capital Pipers Club. Cantlie Recruitment Services Pty Ltd and the Bagpiper Case.

I acknowledge the attendance of Professor Michael Bryce AM AE, the husband of the Governor-General, Quentin Bryce. A number of representatives of sponsors from Capital Honda, Cantlie recruitment, the Burns Club and Scottish Heritage Accessories were also in attendance.

It was fantastic to see Peter Campbell, the direct relative of the Campbells of Canberra who have donated so much of their history and, of course, residences to the ACT. Finally, I congratulate Mr Athol Chalmers, the President of the College of Piping and Drumming, on his lead role in organising the event, and Mr Stephen Calder for his role as master of ceremonies.

**Ms Celeste Italiano  
Duo**

**MR COE** (Ginninderra) (4.43): Firstly, I too, on behalf of the opposition, would like to extend my thanks to Celeste Italiano for the role that she has played here at the Assembly. I know that in my time here there is a fair chance that I have been one of the culprits in making her job somewhat tricky at times because of my QONs being lodged consistently at 11.59 or 12.01 or thereabouts. But I do want to thank her and wish her all the best for her time up on the hill and to say that the notice paper and all

the Assembly documents are genuinely documents that we can rely upon with extreme confidence. They are reference points that I know my office refers to on a regular basis and something that I think it is easy for us to take for granted. But it is a good opportunity now to reflect on how much work does go into making those documents the accurate and reliable ones that they are.

I would like to speak about the work of Duo. Duo offers personal, home and community support services. It aims to help more people live independently and provides a wide range of options for its customers. Duo was formed in July this year as a result of a merger of Tandem and Home Help Service. Duo is one of the ACT's largest community service providers. It continues to provide all the services previously provided by Tandem and Home Help Service but now has increased capacity and resources.

Home Help Service was founded in 1949 as the Emergency Housekeeper Service and provided in-home support care through a range of programs. Tandem was founded in 2008 after the amalgamation of Respite Care ACT and FaBRiC, two organisations with a long history of supporting people in their homes and the community. As a result of this amalgamation, Tandem was able to provide services to children and young people as well as adults.

Back in August 2010, I had an opportunity to speak in the chamber about the good work that Tandem was doing. Now, three years on, they have gone from strength to strength and are a wonderful partner in Duo. The newly formed organisation is well placed to play a vital role in the rollout of the NDIS.

On 15 October, I was pleased to attend the official launch of Duo, as did Ms Burch, who said a few words in the Assembly about Duo yesterday. I would like to place on the record my thanks to all those involved with Duo: the chief executive, Cheryl Pollard; the executive managers, Jimena Morgan and Helga White; the managers, Robyn Bloomfield, Peta Milne and Kasia Pietranik; and the other management staff, Lisa Grant, Richard Bialkowski, Janelle Holstein, Mili Dukic, and Geraldine Velez.

The board of Duo sets the strategic direction for the organisation and has 13 members, including at least three client representatives. The current board members are: the chair, Peter Fordon; the vice chair, Ron Jelleff; and the other members, Leanne Elliott, Jenny Kerr, Karen Noble, Victoria Oakden, Matt O'Brien, Cath Sutton, David Toole, Doan Ross, Mark Vergano, Patrick White and Ron Kingsbury

I would like to place on the record my congratulations to all those involved with Duo and wish them all the very best as they prepare for the introduction of the NDIS next year. For more information about the work of Duo, I recommend members visit their website at [www.duo.org.au](http://www.duo.org.au).

### **Belconnen Arts Centre**

**DR BOURKE** (Ginninderra) (4.47): Belconnen town centre is undergoing a transformation, with large investments in retail, business and residential properties. These are complemented by the government's investments there in the new bus

interchange and rapid bus lanes, and especially the Lake Ginninderra foreshore, including the parks, the best skate park in the southern hemisphere, the new wetlands, and developments along Emu Bank.

At Emu Bank we have already brought the city to the lake. It is lined with eateries, outdoor tables and parks where people can enjoy the vista of Lake Ginninderra. But the jewel in the crown at Emu Bank is the Belconnen Arts Centre stage 1, completed in 2009. It is the result of collaboration between arts groups, the Belconnen Community Service, committed individuals and the ACT government to bring a dedicated multipurpose arts venue to Lake Ginninderra.

In its first full year of operation the centre attracted 28,000 visitors. Two years later it attracted 40,000. It is in high demand; its dance studio is almost at capacity and its indoor gallery program is run over three separate spaces. It adds another creative dimension to Canberra's largest and most dynamic town centre, and the arts centre is set to grow again to meet accelerating demand.

The government has invested \$300,000 for the forward design of the next stage of Belconnen Arts Centre. New flexible performance and event areas, new studios and display spaces, a cafe and admin areas are all on the agenda. Flexibility, community and commercial uses, accessibility and long-term capacity are all major considerations.

I would like to argue for the new building to also be a landmark on Lake Ginninderra, reflecting the cultural and artistic aspirations of the Belconnen community and our Belco pride. The Belconnen Arts Centre already opens out onto the lake—in my opinion the only Canberra building to take such advantage of a waterside setting.

I commend the series of centennial events focused on architecture, including one this week at the Shine Dome sponsored by the ACT Chapter Australian Institute of Architects as part of the 100 plus 100 series, *An essential place: a place of enduring qualities*. It is described as “an invitation to discover and experience the city's enduring qualities and, from that, shape our city over the next 100 years”. Canlab and the University of Canberra Faculty of Arts and Design have also actively promoted the importance of architecture in shaping our future.

I hope the next stage of the Belconnen Arts Centre might satisfy the practical needs for a new building but also that it might inspire and satisfy the soul in its architecture and be one of Canberra's iconic buildings.

And what are Canberra's greatest buildings? One-time Governor-General Sir Paul Hasluck used to say it was Yarralumla woolshed. More recently, buildings such as the arboretum visitor centre, the Canberra Airport built by private enterprise, the John Curtin School at ANU or the National Portrait Gallery come to mind.

The Australian Institute of Architects National Register of Significant 20th Century Architecture includes New Parliament House, the High Court of Australia and National Gallery of Australia precinct, the Shine Dome, and the Cameron Offices, the only one in Belconnen.

It is time for another Belconnen building to make the list. I call for art in the architecture of the next stage of the Belconnen Arts Centre. As 20th century American architect Louis Sullivan said, “Form ever follows function.”

### **Mr Don Allan—death**

**MR DOSZPOT** (Molonglo) (4.51): On 10 October, I attended the funeral of a friend of over 20 years, Don Allan OAM. Since the funeral I have been contacted by a number of people from the disability community who Don had helped over the years through ACTAADS and who were unable to make it to the funeral service. Accordingly, I would also like to express their sincere condolences to his family—to wife Valerie, who Don affectionately referred to in countless articles in the *Chronicle* as Boadicea, and his daughter Elizabeth and her husband.

The funeral was a dignified celebration of Don’s life. The eulogies were delivered by his daughter Elizabeth and long-time friends Jeff House and Kim Hanna. They all spoke affectionately about Don’s background, about his many diverse careers, from a brief stint in the Navy to his attempts at studying for the priesthood to being a policeman.

I got to know Don Allan through our membership of the Project 2000 committee. We also shared a common bond through our sporting affiliations. His commitment to his beloved Scottish soccer team, Motherwell, was lifelong, and he had to endure a lot of ribbing about Motherwell’s lack of silverware.

My friendship with Don began well before my entry into politics, and I am going to miss many aspects of Don—his phone calls in particular, which all began with a cheerful, Scottish accented “Hello, laddie”. Sadly, there are not too many friends left who can call me “laddie” these days. Then he would go on to talk about the topic that was dear to his heart at the time, which over the years seemed to be mainly connected with people who were in need of help, and particularly those with disability.

When I became shadow minister for disability, it was Don who suggested to me that I should use the position to give some additional support in this area. That suggestion turned into the disability quiz night fundraisers over the past five years. And it was Don through ACTAADS who always made the first contribution.

Don Allan had friends from all quarters and political persuasion, exemplified by the attendance at his funeral service of his fellow committee members of ACTAADS, from the ACT Assembly Chief Minister Katy Gallagher and Mary Porter MLA, as well as Nicole Lawder MLA and I. There were his friends from the legal fraternity, from business and the media, as well as those who could make it from the disability community.

A few days after the funeral service, the media paid tribute to Don. Ian Meikle, through *CityNews*, a long-time friend of Don’s, wrote:

Blogger, social gadfly and passionate advocate for disabled people, Don Allan OAM has died after a short illness. He was 79.

Scottish-born son of a Communist, he learnt political guile from his miner father in Motherwell and, after a long and well-travelled life, applied this prowess in Canberra, where he stood unsuccessfully for the early House of Assembly under the Residents' Rally banner.

Fittingly, there was also a touching eulogy from Mark Sawa of the *Chronicle*, the paper for which Don wrote a weekly column over a 19-year period. I quote:

However in the later years, while not helping those with a disability, he fulminated about politics in the ACT and delivered many strident tirades against its elected representatives in these pages.

To quote his last column for the *Chronicle*: "In saying goodbye I make no apologies for occasionally being critical of some ACT politicians in my thousand columns. However, my criticism was not based on a personal dislike of the politicians but because they exhibited signs of believing they had a divine right to political office in the same way as James I of England believed he had a divine right to be king."

Don Allan was five days short of his 80th birthday.

Finally, I would like to quote Jeff House's comments from Ian Meikle's tribute in the *CityNews*:

On behalf of not just the board, but the very many people with disabilities that have been assisted by the ACT Association for Advancing Disabled Sport, I offer my deepest condolences to Valerie and the Allan family on the passing of Don ...

Don was the driving force behind ACTAADS for nearly 20 years and was responsible for its very existence. His contribution to Canberra was vast and diverse. He will be deeply missed and never forgotten.

### **National skateboarding championships**

**MS BERRY** (Ginninderra) (4.55): I rise tonight to congratulate everyone involved in the totally "gnar" event that was the Belcopalooza. The Belcopalooza, for people who do not know, was the name of this year's national skateboarding championships. Held on 6 October, Belconnen was an obvious place to host the national comp as it boasts the best skate park in Oz and the largest skate park in the southern hemisphere. I was told by interstate skaters on the day that not only is the Belco skate park large but it is also "off the hook" in terms of skating infrastructure. At most other locations it is necessary to construct temporary skating facilities to get all of the necessary elements in place for the comp. At Belconnen everything they needed was already available on site.

As I have said previously in this chamber, the strong involvement of the skating community in the ACT in the design and development of our parks has really paid off. Along with the excellent work of Canberra Skateboarding's Australia hub, SBA hub, high-quality infrastructure has played a strong role in the popularity of skating as a sport here in the ACT. It was a real pleasure to see so many kids at the Belcopalooza getting a chance to watch the country's best skaters on the same half-pipes, bowls and rails where Canberrans get to skate throughout the year.

Here in the ACT skating is a truly accessible sport. For kids watching the "burly" aerial moves and totally "hesh" street skating, the message was clear: the only thing standing between them and the same high level of skill is time on the board and maybe a few scraped knees.

Whilst I was blown away by all of the participants on the day, I would like to congratulate Tommy Flynn, the skater who took out the top honours. Even with a knee injury, he pulled off a totally clean "nollie crooked grind", a highly technical move that secured his victory. I would also like to recognise and congratulate Canberra skater Matt Cheney, who skated like a total pro on the day to come fifth overall. During his skate, "CheenDog" ploughed through the biggest 360-flip off the cheese wedge down the five and showed us some secret gap lines.

To borrow some lingo from a much older Canberran, the hammer moves of our great skaters are virtuosic and breathtaking in the extreme, and it was an amazing opportunity for all Canberrans to be able to attend such an elite sporting event free of charge in our own backyard.

The Belcopalooza was also a great chance for Canberra to show off a different and, dare I say, cooler face of our city than people usually get to see. I was totally stoked to attend this event in our centenary year. But with our excellent infrastructure and supportive and active SBA community, I am sure I will have plenty more opportunities to find out what a "hard-flip latey 180" looks like in real life.

## **Bravehearts**

**MS LAWDER** (Brindabella) (5.00): I would like to speak about Bravehearts, a not-for-profit organisation, whose purpose is to educate, empower and protect Australian children from sexual assault, with an overall mission to stop child sexual assault in our society. Bravehearts was founded during Child Protection Week in 1997 and has focused on moving a once-taboo subject out of the shadows. Partly as a consequence of this organisation but together with a number of organisations, the commonwealth government and its COAG partners created the national framework for the protection of Australia's children, a major achievement.

The reason I raise this important organisation today is that currently Centori 777 is happening. This is a challenge which raises funds for Bravehearts. The challenge requires participants to raise money and run seven full marathons, in seven days, in seven states. That is 294 kilometres over seven days in seven different locations

across Australia. The participants started in Perth on Sunday. Then they went to Adelaide, Melbourne and Hobart. Today is Sydney, and tomorrow is their run in Canberra, before heading to Brisbane for the final marathon on Saturday.

Canberra resident and owner of the Tuggeranong Kumon centre in Calwell, Jane Hiatt, is participating in this challenge. There are participants from each state and territory in Australia. However, my understanding is that Jane is the only ACT participant. Having raised around \$12,000, Jane is inspirational. We have been watching Jane train for months to be able to achieve her goal and raise this money. She now “only” has two marathons to go. And I say “only” in inverted commas as I would be very hard pressed to do one marathon, let alone seven in seven days in a row.

Tomorrow, here in Canberra, the participants will begin at Queen Elizabeth Terrace, near Reconciliation Place, at 6 am and will do two laps of the lake past Yarralumla Bay, the zoo and aquarium and Black Mountain Peninsula. They will finish back at Queen Elizabeth Terrace around 11.30 am.

I speak on this topic today to encourage anyone who can to go down to a point on the track tomorrow morning and cheer on these inspiring runners or perhaps donate some money to their cause, hopefully through Jane Hiatt’s fundraising or get in and run a piece of the course with them to keep them company. So my congratulations to Jane Hiatt and her support team, including Pioneer Training and Anna Dakar. I know Jane is having trouble with bad blisters but I hope she can keep going for the last two marathons in the same positive manner she has shown so far.

### **Ms Celeste Italiano**

**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) (5.01): On behalf of this side, I wish Jane well for tomorrow and the next two events. Well done to Jane.

I would like to take a minute, on behalf of this side of the chamber, to say farewell to Celeste. On behalf of the government, I want to thank you for your time in this place and for supporting all of us with a level of dignity and a straight face, which I think must be difficult at times—I think we would all agree—in this place. I do want to thank you.

I think Alistair has touched on the preparation of papers. If there is one thing in a busy and chaotic place it is that we always have faith in the reliability of the paperwork that is here to support us. Celeste, thank you for that.

Indeed, there is the other work that the Speaker has touched on—the conferences and that incredible number of questions on notice. Any time the opposition want to reduce the workload of whoever does it I would encourage you all to consider the secretariat’s support for those questions on notice and reduce them. I think that could be wishful thinking.



I also want to thank you for the part you played in the introduction. I know the class of 2008 was well supported by all in the Assembly. I am sure that the class of 2012 were supported in their introduction. We wish you well. As I understand it, you are going to the hill—from chaos to chaos, I would imagine—but enjoy that. Thank you for all the support you have provided.

**MADAM SPEAKER:** I would like, again, to pay tribute to Celeste, who always refrains from beating me with the mace when I proceed in front of her out of the chamber. Thank you, Celeste.

Question resolved in the affirmative.

**The Assembly adjourned at 5.03 pm until Tuesday, 29 October, at 10 am.**

## Schedules of amendments

### Schedule 1

#### Officers of the Assembly Legislation Amendment Bill 2013

##### Amendments moved by the Chief Minister

**1**

**Clause 2**

**Page 2, line 5—**

*omit clause 2, substitute*

**2**

**Commencement**

**This Act commences on 1 July 2014.**

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3**

**Clause 5**

**Proposed new section 8 (4) and (5)**

**Page 4, line 18—**

*omit*

**5**

**Clause 55**

**Proposed new section 22 (1A) and (1B)**

**Page 38, line 19—**

*insert*

- (1A) The Speaker must not make an appointment under this section for the first time unless the Chief Minister has consented, in writing, to an appointment being made.
- (1B) The appointment must not be made before—
- (a) the time stated by the Chief Minister in the consent; or
  - (b) if there is no time stated in the consent—6 months after the Chief Minister's consent.

**7**

**Clause 55**

**Proposed new section 22 (4) and (5)**

**Page 39, line 15—**

*omit*

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### Schedule 2

#### Officers of the Assembly Legislation Amendment Bill 2013

##### Amendments moved by Mr Rattenbury

**2**

**Schedule 1, part 1.2**

**Amendment 1.10**

**Proposed new section 4 (2)**

**Page 56, line 9—**

*omit*

parts 2 to 5

*substitute*

section 20AB and section 20AC

**3**

**Schedule 1, part 1.2**

**Proposed new amendment 1.13A**

**Page 57, line 26—**

*insert*

**[1.13A] Section 30A (3)**

*substitute*

- (3) This section does not apply to—
- (a) the Office of the Legislative Assembly; or
  - (b) an officer of the Assembly.

**4**

**Schedule 1, part 1.2**

**Proposed new amendment 1.13B**

**Page 57, line 26—**

*insert*

**[1.13B] Section 30E (5)**

*substitute*

- (5) This section does not apply to—
- (a) the Office of the Legislative Assembly; or
  - (b) an officer of the Assembly.

## Answers to questions

### Legislative Assembly—contractor (Question No 145)

**Dr Bourke** asked the Speaker, upon notice, on 17 September 2013:

- (1) In relation to the Speaker's answers to question on notice No. 135, did the Speaker state in answer to part (5) that she was unable to answer what work the "contractor, contracted by the Canberra Liberals" was performing in the Speaker's office; if so, how could she ensure the arrangement complied with the Members' Code of Conduct, including part (11), and that the resources of the Speaker's office were "only used for legitimate parliamentary and electorate purposes".
- (2) Who arranged for the contractor to use the Speaker's office and was it with the authority of an MLA; if so, which MLA.
- (3) Did the person who arranged for the contractor to use the Speaker's office inform the Speaker of the work the contractor was performing; if so, what did they advise the Speaker that the work entailed.
- (4) Who ensured the contractor using the Speaker's office was engaged in compliance with the "Procedures to engage consultants/contractors" outlined in the Legislative Assembly Members' Guide for the Eighth Assembly (pp 87-90).
- (5) Who ensured the use of the Speaker's office by the "contractor, contracted by the Canberra Liberals" was in compliance with the provision of "Office Accommodation and Facilities" outlined in the Legislative Assembly Members' Guide for the Eighth Assembly (p 96).
- (6) Who sought advice from the Corporate Services Office or the Clerk or the Assembly's Ethics and Integrity Advisor on the arrangement for the contractor to use the Speaker's office and was it approved by any or all of them.
- (7) Was the contractor issued with a security pass for the Legislative Assembly; if not, why not.
- (8) Over what period did the contractor work in the Speaker's office.

**Madam Speaker:** The answer to the member's question is as follows:

- (1) As the staff member was contracted by the Leader of the Opposition and I was not privy to the terms of that contract, I felt unable to answer questions about the terms of the contract. However, for the Member's information; to set the record straight; and to avoid any further misunderstanding, I am advised the contract was made in accordance with the usual process and with the usual checks and balances that cover all contracts to employ staff under the Legislative Assembly Members' Staff Act, including sign off from the Clerk before a contract was executed, to ensure the purpose was appropriate. I am advised the staff member was engaged for a period of three weeks to prepare electorate stationery and related material for Opposition MLAs, for example letterheads, "with compliments" slips, and newsletter templates and that the material complied with discretionary office allowance guidelines. I am

advised that this approach was deemed more efficient and cost-effective than individual MLAs each contracting staff for the purpose. The staff member was required to comply with the normal standards of conduct expected of staff of MLAs during the short period of the contract.

- (2) The Chief of Staff to the Leader of the Opposition approached me to ask whether the staff member could use a desk in the Speaker's office. Suitable space was not available in the office of Leader of the Opposition, nor in the offices of other MLAs partly due to the changes that were occurring at that time with the departure of Mr Seselja from the Assembly. I am advised that oral advice was sought and received from Corporate Services as to whether the staff member could be stationed at any available desk, particularly as access to the Assembly's IT network was not required. A spare desk was available in the Speaker's office.
- (3) See answer to (1).
- (4) See answer to (1).
- (5) See answer to (1).
- (6) See answer to (1).
- (7) I am advised that, due to the short term of the contract, the staff member operated under a visitor pass only. Therefore electronic access to the building and to individual offices was not available to the staff member without escort by the holder of an electronic pass.
- (8) See answer to (1).

### **ACTION bus service—patronage (Question No 147)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 18 September 2013:

What is the average number of passengers who travel each direction, broken down by (a) morning peak, (b) off-peak and (c) afternoon peak, on the ACTION routes of (i) 4, (ii) 5, (iii) 51, (iv) 60, (v) 61, (vi) 62, (vii) 111, (viii) 160, (xi) 161, (x) 162, (xi) 710, (xii) 732, (xiii) 757 and (xiv) 786.

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

- (1) This information is produced from the MyWay ticketing system and includes data loaded from the MyWay consoles on buses up to and including 31 August 2013. It may be subject to slight variation once all travel data for the reporting period is consolidated into the system, e.g. from vehicles being repaired off site.

The daily average number of passenger boardings will vary by month and is impacted by a number of factors including school holidays, number of weekdays in a month and external factors which influence demand for services.

The table below represents the daily average weekday boardings for the month of August 2013.

<b>Daily Average Boardings by Direction and Route</b>					
<b>Route and Direction</b>	<b>AM Peak</b>	<b>Day Off Peak</b>	<b>PM Peak</b>	<b>Evening Off Peak</b>	<b>Daily</b>
<b>Route 4</b>					
Woden to City	149	308	43	34	534
City to Woden	122	271	46	45	484
<b>Route 5</b>					
Woden to City	247	369	54	51	721
City to Woden	184	364	90	74	712
<b>Route 51</b>					
Belconnen to City	386	137	33	25	581
City to Belconnen	74	241	179	59	553
<b>Route 60</b>					
Tuggeranong to Woden	52	114	24	15	205
Woden to Tuggeranong	45	139	19	18	221

<b>Daily Average Boardings by Direction and Route (Continued)</b>					
<b>Route and Direction</b>	<b>AM Peak</b>	<b>Day Off Peak</b>	<b>PM Peak</b>	<b>Evening Off Peak</b>	<b>Daily Average</b>
<b>Route 61</b>					
Tuggeranong to Woden	86	78	16	10	190
Woden to Tuggeranong	17	104	33	18	172
<b>Route 62</b>					
Tuggeranong to Woden	51	107	24	7	189
Woden to Tuggeranong	30	123	36	16	205
<b>Route 111</b>					
Tuggeranong to City	270	-	-	-	270
City to Tuggeranong	-	-	139	14	153
<b>Route 160</b>					
Tuggeranong to City	96	-	-	-	96
City to Tuggeranong	-	-	87	-	87
<b>Route 161</b>					
Tuggeranong to City	35	-	-	-	35
City to Tuggeranong	-	-	36	-	36
<b>Route 162</b>					
Tuggeranong to City	107	-	-	-	107
City to Tuggeranong	-	-	82	-	82
<b>Route 710</b>					
Belconnen to Barton	100	-	-	-	100
Barton to Belconnen	-	34	52	-	86
<b>Route 732</b>					
Woden to City	75	-	-	-	75
City to Woden	-	-	63	-	63
<b>Route 757</b>					
Gungahlin to Fairbairn Park	51	-	-	-	51
Fairbairn Park to Gungahlin	-	-	37	-	37
<b>Route 786</b>					
Tuggeranong to Fairbairn Park	7	-	-	-	7
Fairbairn Park to Tuggeranong	-	-	9	-	9
<b>Total Daily Average Boardings</b>	<b>2184</b>	<b>2389</b>	<b>1102</b>	<b>386</b>	<b>6061</b>

All 700 series routes are Xpresso services  
 The 111, 160, 161, 162 are peak extensions of regular route services  
 AM Peak = trips commencing from the start of the day to 8:59am  
 Day Off Peak = trips commencing from 9:00am to 4:29pm  
 PM Peak = trips commencing from 4:30pm to 5:59pm  
 Evening Off Peak = trips commencing from 6:00pm until the last service

**Budget—lease variation charges  
 (Question No 149)**

**Mr Smyth** asked the Treasurer, upon notice, on 19 September 2013:

For each financial year since the establishment of the Government's Lease Variation Charge, including year to date, can the Treasurer provide details on the (a) total revenue raised and the contributions to the Urban Development Fund, (b) amount of revenue raised under the Change of Use Charge (CUC) including (i) number of number of development applications involved, (ii) average value of CUC and (iii) number of charges waived, (c) amount of revenue raised under the Lease Variation Charge (LVC) including (i) number of development applications involved, (ii) average value of LVC and (iii) number of charges waived.

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

For each financial year since the commencement of Lease Variation Charge (LVC) on 1 July 2011:

- (1)(a) The total amount of LVC revenue (including revenue raised under the Change of Use Charge) is as follows:
- |          |                         |
|----------|-------------------------|
| 2011-12: | \$8.7 million           |
| 2012-13: | \$15.4 million          |
| 2013-14: | \$2.8 million (to date) |

The "contribution to the Urban Development Fund" is presumed to be referring to the appropriation for the Urban Improvement Program. This is disclosed in Table 7.5.1 of 2012-13 Budget Paper No 3 (page 198) and shows an appropriation of \$40.656 million over four years. The existing program of projects allocated in 2012-13 Budget will continue into 2013-14.

- (1)(b) Within the total LVC revenue shown above, the amount of Change of Use Charge (CUC) revenue collected during the period is as follows:
- |          |                          |
|----------|--------------------------|
| 2011-12: | \$7.3 million            |
| 2012-13: | \$5.7 million            |
| 2013-14: | \$0.95 million (to date) |
- (1)(b)(i) The Change of Use Charge revenue disclosed in (1)(b) above relates to paid development determinations as follows:
- |          |                                 |
|----------|---------------------------------|
| 2011-12: | 98 paid determinations          |
| 2012-13: | 31 paid determinations          |
| 2013-14: | 7 paid determinations (to date) |

- (1)(b)(ii) The average value of the Change of Use Charge based on the data provided in (1)(b) is as follows:
- |          |   |
|----------|---|
| 2011-12: | \$74,500 per paid determinations            |
| 2012-13: | \$183,900 per paid determinations           |
| 2013-14: | \$135,700 per paid determinations (to date) |
- (1)(b)(iii) There were no waivers provided under the Change of Use Charge data provided in (1)(b).
- (1)(c) The total amount of LVC revenue less the revenue raised under the Change of Use Charge is as follows:
- |          |                          |
|----------|--------------------------|
| 2011-12: | \$1.4 million            |
| 2012-13: | \$9.7 million            |
| 2013-14: | \$1.85 million (to date) |
- (1)(c)(i) The LVC revenue disclosed in (1)(c) relates to paid development determinations as follows:
- |          |                                  |
|----------|----------------------------------|
| 2011-12: | 68 paid determinations           |
| 2012-13: | 119 paid determinations          |
| 2013-14: | 35 paid determinations (to date) |
- (1)(c)(ii) The average value of the LVC Revenue based on data provided in (1)(c) is as follows:
- |          |  |
|----------|--|
| 2011-12: | \$20,600 per paid determinations           |
| 2012-13: | \$81,500 per paid determinations           |
| 2013-14: | \$52,900 per paid determinations (to date) |
- (1)(c)(iii) There were 2 full waivers and 2 partial waivers included in the LVC data presented in both (1)(a) and in (1)(c).

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### **Budget—program allocations (Question No 150)**

**Mr Smyth** asked the Minister for Economic Development, upon notice, on 19 September 2013:

- (1) What is the funding allocation for the social media “Buy Local” campaign pilot and (a) when will this pilot begin, (b) when will this pilot cease and (c) how will this pilot be reviewed and measured.
- (2) What is the funding allocation for the 2013-14 budget year, and each year across the forward estimates for the (a) Innovation Connect Grants, (b) My Digital City Innovation Prize, (c) Canberra Exporters Grants, (d) NICTA, (e) Science Communication Program, (f) Canberra Business Development, (g) Discovery Translation Fund, (h) ANU Connect Ventures Fund, (i) ScreenACT and (j) ACT Screen Investment Fund.
- (3) What has been the actual spend for each year since 2009-10 for each program outlined in part (2).



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

- (1) A development amount of \$10,000 in 2012-13 and 2013-14 is included in EDD appropriation to support the development of a program. Development work is proceeding, however, timing has not been determined. The Government will also consult with business stakeholders on the shape of the program and its timing as development work proceeds. The timing and review mechanisms will be considered through the development phase of the program.
- (2) Funding allocation for the 2013-14 budget year, and each year across the forward estimates for:

		2013-14 \$m	2014-15 \$m	2015-16 \$m	2016-17 \$m
<b>(a)</b>	<b>Innovation Connect :</b>	<b>.939</b>	<b>.648</b>	<b>.650</b>	<b>NA</b>
	• ICon Grants Program	.489	.498	.500	
	• ICon Clean Tech Grants Stream	.150	.150	.150	
	• Strategic Opportunities Fund	.300			
<b>(b)</b>	Canberra Digital Challenge (My Digital City Innovation Prize)	.1	.1	NA	NA
<b>(c)</b>	Trade Connect Program (Canberra Exporters Grants)	.2	.2	NA	NA
<b>(d)</b>	NICTA	2.5	2.5	2.5	NA
<b>(e)</b>	Science Communication Program	.096	.096	.096	.096
<b>(f)</b>	Canberra Business Development	NA	NA	NA	NA
<b>(g)</b>	Discovery Translation Fund	NA	NA	NA	NA
<b>(h)</b>	ANU Connect Ventures Fund	NA	NA	NA	NA
<b>(i)</b>	ScreenACT	.285	.285	NA	NA
<b>(j)</b>	ACT Screen Investment Fund	.993	NA	NA	NA

- (3) Actual spend for each year since 2009-10 for each program outlined in part 2:

		2009-10 \$m	2010-11 \$m	2011-12 \$m	2012-13 \$m
<b>(k)</b>	<b>Innovation Connect :</b>	<b>.433</b>	<b>.396</b>	<b>.389</b>	<b>.912</b>
	• ICon Grant Program	.433	.396	.389	.565
	• Strategic Opportunity Fund				.347
<b>(l)</b>	My Digital City Innovation Prize	NA	NA	NA	.1
<b>(m)</b>	Trade Connect (Canberra Exporters ) Grants	.12	.054	.08	.106
<b>(n)</b>	NICTA	.8	.8	.8	2.5
<b>(o)</b>	Science Communication Program	NA	.12	.153	.209
<b>(p)</b>	Canberra Business Development	NA	NA	NA	.5
<b>(q)</b>	Discovery Translation Fund	NA	NA	NA	NA
<b>(r)</b>	ANU Connect Ventures Fund	NA	NA	NA	NA
<b>(s)</b>	ScreenACT	.185	.185	.185	.285
<b>(t)</b>	ACT Screen Investment Fund	NA	NA	.0075	.355

\*Note – CBDF, DTF and ANU Connect Ventures are commercialisation support programs established with one off capital co-payments by the ACT Government in conjunction with external providers (Australian Capital Ventures Limited and the ANU respectively). There was no appropriated Government Budget expenditure in the years nominated.

## Land—rent scheme (Question No 151)

**Mr Smyth** asked the Minister for Economic Development, upon notice, on 19 September 2013:

- (1) For each financial year since the establishment, including year-to-date, of the Government's Land Rent Scheme, can the Minister provide details on the number of contracts exchanged, including number of contracts at the (a) normal rate of 4% and value of contracts and (b) discounted rate of 2% and value of contracts.
- (2) What was the number of contracts rescinded, including number of contracts at the (a) normal rate of 4% and value of contracts and (b) discounted rate of 2% and value of contracts.
- (3) What was the number of contracts not completed with purchase, including number of contracts at the (a) normal rate of 4% and value of contracts and (b) discounted rate of 2% and value of contracts.
- (4) What was the number of contracts transferred to a crown lease, including number of contracts at the (a) normal rate of 4% and value of contracts and (b) discounted rate of 2% and value of contracts.
- (5) What was the number of contracts initially eligible for the discount rental rate but are now required to pay the standard rental rate, including number of contracts at the (a) normal rate of 4% and value of contracts and (b) discounted rate of 2% and value of contracts.

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

- (1) The table below details the number and value of land rent contracts exchanged each financial year since the commencement of the scheme.

Eligibility for the discount rate is not determined until after settlement; at exchange all contracts are assumed to be at 4 per cent. The ACT Government does not hold information on the breakdown.

Year	Number of Contracts Exchanged	Value of Contracts Exchanged (GST Inc)
2008-09	58	\$11,255,500
2009-10	434	\$109,790,000
2010-11	805	\$229,151,900
2011-12	623	\$136,291,500
2012-13	373	\$89,121,500
2013-14 (to 19 Sept 2013)	198	\$65,725,000

- (2) The table below details the number and value of land rent contracts rescinded each financial year since the commencement of the scheme.

Eligibility for the discount rate is not determined until after settlement. As these contracts did not proceed to settlement, the ACT Government does not hold information on the breakdown.

Year	Total Number of Contracts Rescinded	Total Value of Contracts Rescinded (GST Inc)
2008-09	0	Nil
2009-10	22	\$4,977,500
2010-11	115	\$35,052,500
2011-12	321	\$92,755,000
2012-13	222	\$73,737,000
2013-14 (to 19 Sept 2013)	22	\$8,042,000

(3) Refer to question 2.

(4) The table below details the number and value of land rent contracts transferred to a standard crown lease post settlement in each financial year.

	4%		2%	
	Number of contracts transferred	Value of contracts transferred	Number of contracts transferred	Value of contracts transferred
2008-09	0	Nil	0	Nil
2009-10	2	\$390,000	0	Nil
2010-11	25	\$4,764,500	2	\$414,000
2011-12	37	\$8,539,000	4	\$941,000
2012-13	80	\$19,864,500	12	\$2,384,500
2013-14 (to 30 Sept 2013)	5	\$1,228,000	2	\$627,000
<b>Total</b>	<b>149</b>	<b>\$34,786,000</b>	<b>20</b>	<b>\$4,366,500</b>

(5) 51 properties with a total contract value of \$12,728,000, which were initially eligible for the discount rate (2 per cent), have changed to the standard rate (4 per cent).

As at 30 September 2013, the number of properties currently paying at the discounted rate and at the standard rate is as follows.

	2% rate	4% rate	Total
Number of contract	411	694	1105
Initial value of contracts <sup>1</sup>	\$100,630,000	\$189,210,000	\$289,840,000

<sup>1</sup> The value of contract is based on the initial unimproved land value.