



Debates

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Thursday, 28 November 2013

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Thursday, 28 November 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.

**Regional Development—Select Committee
Alteration to reporting date**

MS BERRY (Ginninderra) (10.02), by leave: I move:

That the resolution of the Assembly of 28 February 2013 establishing the Select Committee on Regional Development, as amended on 17 September 2013, be amended by omitting the words “shall report no later than the last sitting day in November 2013” and substituting “shall report no later than the first sitting week in February 2014”.

The initial extension the committee asked for was to allow regional councils to come along and give evidence at a time that was convenient for all of them, and 11 of those councils chose to do so. On this occasion, new documents have come to the committee’s attention at very short notice. A number of submissions were made at the regional development committee hearings and, in the committee’s view, it would be disrespectful to all of the witnesses who gave their submissions for the committee not to give due consideration to all of that information.

MR SMYTH (Brindabella) (10.03): I have a slightly different view of the issue. The issue is that the chair did not present under the standing orders the fact that two reports were to be deliberated upon, and the chair refused to move forward and have a vote to choose which draft report. The new document she talks about is, in fact, a report I have written, an alternative report, for the committee. We have the chair’s draft report and the committee has my draft report. What members opposite would not do was move forward to a vote, and that is why we are delaying. The Assembly needs to know that the committee has only met twice since August, and that was on Tuesday and Wednesday. The full story is that we are afraid of moving to a debate about which draft report gets considered. That is the full context.

Members will remember that when this committee was set up it was to report in August so that the work could be included in the regional plan the Chief Minister is putting together. By now reporting in February, this work will have no impact on the work the government is doing. It makes a mockery of the whole committee process and the reason for this committee being set up. That being said, it is impossible not to give the extension, otherwise the committee will collapse today.

Question resolved in the affirmative.

**National disability insurance scheme
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) (10.05), by leave: I thank the Assembly for the opportunity to provide an update on the national disability insurance scheme. I am bringing information about the national disability insurance scheme again to this place because it is important that all members of the Assembly understand the size of the reform and the complexity of the work which is being undertaken nationally and locally to implement the changes and to manage the challenges and maximise the opportunities the national disability insurance scheme offers our community.

In my last ministerial statement on the NDIS in September, I informed the Assembly about the outcomes of consultation with people with disability, their families and carers and the provider sector on what supports they wanted and needed to move in to the NDIS and operate in a brave new world of control and choice. I outlined the enhanced service offer, the first round of which had only just closed. Since then, I have had the pleasure of announcing successful recipients—some 800 people with a disability. The second round has recently closed and is now being assessed.

I also outlined the investment in housing the ACT government is making to support the NDIS and the new models of housing being developed to provide more and better housing options for people with a disability. Today I will provide an update on the major pieces of sector and scheme development which we are undertaking to be ready to move our whole system across to the NDIS over the two years of launch from July of next year through to July of 2016.

The ACT government's investment is occurring at a national and strategic level. It involves a massive direct financial investment, but it is also the investment of our attention, energy and advocacy. Our investment is occurring within and across the ACT community. And finally, but arguably most importantly, our investment is occurring at the individual and personal level.

As the supports and services used by people with a disability progressively move from the historical funding arrangements through block-funded government contracts paid in advance to fee-for-service invoicing arrangements paid in arrears, we must also ensure that the interests and wellbeing of people with disability are safeguarded. Indeed, during the launch phase, the National Disability Insurance Scheme Act requires existing ACT safeguarding mechanisms to operate until a nationally consistent approach is developed and implemented with the full rollout of the scheme from July 2019.

Safeguards are the protections around people which minimise the risk of harm and which protect people's right to be safe. Equally important, safeguards enable people to have their own voice and ensure that voice is heard and respected. These safeguards include the legislation, regulation and policy which mandate the rights of people with a disability and the processes which guide the delivery of services. This work includes identifying the safeguards which will remain the responsibility of the commonwealth government with which the ACT specific safeguards must dovetail and work together. We also have the benefit of being able to look to and learn from the other launch sites.

The ACT NDIS task force along with the Human Rights Commission have completed a substantial body of work to identify how current ACT safeguards will transfer to the national disability insurance scheme environment. We could have put all our investment into dealing with complaints once the NDIS was up and running in July 2014. But, instead, we are taking the initiative and getting in front of the game. I am delighted that the Human Rights Commission has been able to be involved at the front end, or system-build end, so to speak, because it gives the ACT the ability to build a human rights compliant NDIS system.

In the ACT the requirement of funded providers to meet the national disability standards is a contractual requirement contained in the providers' funding agreement with the ACT government. The challenge is how we can maintain that requirement to meet the standards when the government no longer has contracts with providers because their funding comes from the National Disability Insurance Agency or individuals with an NDIS package. How we meet the challenge is a work in progress.

We are also looking at the range of consumer protections in the ACT to ensure they will meet the needs of people with a disability in an NDIS environment where they will be able to use their package to purchase services and supports which are not just specialist disability services, such as Jim's Mowing service if they choose to live independently or gym memberships or holidays instead of respite. We do this work understanding that safeguards need to be tailored to people individually. Personal support networks of family and friends are paramount, and the only fail-safe safeguard comes from the people around who care for and about us.

We are investing in our providers to ensure that people have access to the supports and services they need when they need them and which look and are delivered in a manner that best works for them. We are doing this by working with our community partners through National Disability Services, the Mental Health Community Coalition and the ACT Council of Social Services and drawing on the advice of the ACT NDIS expert panel.

We understand our community disability service providers are comparatively small and many are likely to find the transition from government contracts and block funding to an invoicing arrangement under the national disability insurance scheme challenging. In partnership with the commonwealth we will invest in the business capacity of local providers to assist them to be better positioned to respond to the potential increased demand of their services.

In partnership with the commonwealth we will also invest in developing business systems to manage within a new financial operating environment. It is also important that we invest in those organisations which need to redevelop their service models and staff skill base or develop new service offers for a national disability insurance scheme person-centred market.

In looking at the disability workforce in the ACT, there are approximately 1,900 full-time equivalent staff, many of whom will require information and development to prepare for the cultural shift the new market environment will bring. We will also

need to invest in increasing the local labour market and retaining the workers that we have.

I mention briefly a small investment of \$30,000 to develop a peer workforce that provides opportunities for people with mental health issues to gain training, confidence and skills needed to take part in the paid workforce. There is increasing evidence of the value of peer support and a trained peer workforce as an effective way of delivering support services.

We also need to make the environment conducive to new providers in the ACT to meet the increased demand expected as a result of almost the doubling of funding in the ACT—up to \$342 million by 2019—being provided to people to meet their needs. It makes sense to build on the existing strategies that support our ACT providers in the months ahead.

Twenty community providers have already had the opportunity to benefit from the Community Services Directorate governance and financial management initiative, which is designed to increase the strategic management and governance skills in community organisations and to improve the resilience of the sector in a complex and rapidly-changing environment. Providers can access packages capped at \$20,000 and receive tailored professional assessment and advice on their organisational financial management, governance arrangements and business planning. This business advice is provided by high profile and national business management firms.

Our primary investment, of course, must be in preparing people with a disability and their families for the national disability insurance scheme to understand what the national disability insurance scheme is intended to achieve, its principles and opportunities. People will need different types of information and support to take the most advantage from what will be a cultural shift in how they might envision their lives. Doors which could not be conceivably opened in the past because of the limited supports and service people had access to may now be able to be opened. People who need higher levels of support will be able to look beyond the day-to-day challenges of not just getting their most basic care met. They will be able to challenge their aspirations in relation to employment, study, recreation and education.

When I last provided the Assembly with an update on the NDIS in October, I spoke about the additional \$500,000 the Community Service Directorate had received from the commonwealth government. This funding is to further our work to enable people to prepare for the ACT introduction of the NDIS, and these funds are being used in a range of ways: \$160,000 has been allocated to the mental health community to prepare people with a disability related to mental health issues, and this includes developing a gateway where people can meet with NDIS agency planners and where those planners can find out more about and make prompt contact with the existing supports and services that participants with mental health related disability require; \$20,000 will be invested in additional supported decision-making programs, which particularly target people with a dual disability; and we are investing \$80,000 to support the community conversations which I talked about last update.

Most importantly, the approach we are taking is not just about the government rolling out a series of information sessions. While information sessions, of course, have an important part to play in getting information, for some people another step is needed to enable that information to be translated into something which makes sense for them and which can be applied to their life.

This work will be led by people with a disability including disability related to mental illness. A peer working group—people who have a lived experience of disability either directly and personally or by virtue of their relationship with a family member—has been established to guide and steer the community conversations across the ACT about the NDIS. Community conversations provide the opportunity for people to hear and learn from each other, to share stories, for people to be inspired and challenged by their peers, people who have walked the same or at least a similar journey. Community conversations—formal, informal, brief, incidental or intense—are means of social and cultural change, and the opportunities of the NDIS require significant cultural change.

We are investing \$150,000 in the development and delivery of workshops to enable people to gain some understanding of what choice and control means, how to plan, how to weigh up options, understand their rights and to speak up for themselves. These skills and experience will be valuable as the NDIS is introduced. These workshops will provide an opportunity for people with disabilities and their families to look at what a good life for them may be and to plan what supports and services they can acquire.

As we work with our commonwealth colleagues to finalise the bilateral agreement outlining our respective responsibilities through the ACT launch and transition stages of the NDIS, there are particular imperatives and decisions for the ACT. The opposition have asked many times about what we have been doing to ensure the NDIS is implemented, and I would like now to take some time to explain the major pieces of conceptual, actuarial, and, in the end, very practical work that the NDIS task force has been undertaking in partnership with all the mainstream government services and our funded community agencies.

We will agree with the commonwealth in February 2014 the major transition points and the mechanisms to move the entire ACT disability service system across to the commonwealth and to the national disability agency from July of next year through to July 2016. Each one of us in the ACT has a fundamental human right to access universal services such as health, housing, justice and education services. Providers of universal services are obliged to make reasonable adjustments to enable people to access those services.

This work has particular relevance to disability, therapy and mental health service provision and, of course, it also relates also to programs delivered by the Education and Training and Justice and Community Safety directorates. Major decisions to be made are: what services are currently and should continue to be provided by mainstream services to people with a disability in the same way every Australian expects to get mainstream services, like hospital, community health care, public

housing, going to school, going to CIT or TAFE or being protected if they are a child at risk, and so on; what are the extra services being provided by those mainstream services which go beyond a reasonable adjustment; and if we go beyond the reasonable adjustment, what would become a specialist disability response and would properly sit within the NDIS—for example, every child needs to get to school, but disability school transport is an additional specialist support that we provide; should we cash out those services and send the cash to the national agency so that people with a disability can have real control and choice by using that cash to purchase the services that they may want; if the risks are too high of cashing out, both for the provider viability and for the people with a disability who need a viable provider market, should we just keep the contracts going and provide the value of those contracts as an in-kind contribution to the commonwealth and to the NDIS; and as we move 5,000-plus people in to the NDIS over the two years of the launch, how should we phase in people over those two years—by age group, by provider or by program?

Within this context we also need to consider what services the territory is best positioned to continue to provide. As I have said before, the NDIS will inevitably bring changes to all services for people with a disability. All providers, both government and community, need to look carefully to the questions of: the financial viability of the service; the relevance of the service; the extent to which people may choose that service if there are other options; and the community need and priorities.

We must ensure that transition of people into the scheme is tailored to the needs and nuances of our community, and that it is as smooth as it can possibly be. I acknowledge the commitment and efforts of all of the directorates and community partners involved in working through these very complex issues.

Finally, Madam Speaker, as I stated at the beginning, over 800 grants were awarded in the first round of the ESO. It is pleasing to note that that first grants reached some of the most hard to reach groups: 67 applicants identified as Aboriginal or Torres Strait Islanders and, of those, 60 grants were offered; 31 applicants identified as being refugees or humanitarian entrants, and 28 were offered grants.

There are a number of reasons that these figures are important. Firstly, of course, the individuals who are offered the grants have access to additional resources to purchase an item, support or service that they have identified as being important for their life. There are also people who were not able to be offered a grant but who were identified for follow-up contact, perhaps because there was some concern about their current arrangements, or to assist them with a referral to another needed service. Over 300 applicants are being followed up in this way after the first round.

More broadly, these figures show us that across our community hundreds of people who are most likely to be directly impacted by the launch of the NDIS have, through the enhanced service offer, had some contact with it, have heard that it is coming, and have been told how it may relate to them from July of next year. They have been encouraged to think about how they would like their supports and services to be configured and managed.

The grants are also providing a tangible impetus to encourage funded service providers to think about how their business systems will manage in the context of invoice-based funding. Providers have been challenged to consider what they actually have to offer consumers with the cash in their pocket looking to buy their disability related support or service. We know we have not reached everybody who might be eligible for the NDIS but we have certainly found some good strategies and networks through which to continue to provide information and assistance to people who may be eligible.

It is important that members of the Assembly understand and support the work that is underway to prepare the ACT community for this most significant reform. This reform will fundamentally change the way people with disabilities and their families receive the supports and services they need to attend the tasks of daily life, to have personal and domestic needs met, to have mobility, communication, and to learn, work and to play.

It is the responsibility of each of us to support our community to learn about, to understand and to support the national disability insurance scheme.

I present the following paper:

National Disability Insurance Scheme—Ministerial statement, dated 28 November 2013.

I move:

That the Assembly takes note of the paper.

MR WALL (Brindabella) (10.24): I welcome the minister's update on the NDIS transition that she has brought here today. It is, however, disappointing that on the last sitting day of the year, much of the detail that the community services sector and the opposition have been asking for is still yet to be provided. The minister mentions in her statement that the opposition have asked a number of questions about how the transition will be conducted. Since taking on the responsibility for the disability portfolio, I have, at every opportunity available to me, sought answers to the many questions that still remain unanswered about the ACT's transition to the NDIS.

The minister has come as close to revealing the true state of the transition as she ever will. However, the detail is still desperately needed. Seven months prior to the biggest change to disability support our country has ever seen being implemented in the ACT, this minister is still trying to decide how some of the fundamentals of the transition will work. We are still no clearer on what services, if any, will continue to be provided by the ACT government.

If services are to continue to be provided by the ACT government, will these services receive funding over and above the fee for service provided by the NDIS? For services such as respite services at Hughes House, Kese House and Teen House, which are currently up for tender—services that the government has taken the

decision to no longer provide—no information is being provided about what will happen to the ACT government employees that currently operate these services.

People with a disability, their families and carers as well as the service providers are still no clearer on how they will transition from their current arrangements to the NDIS. All the minister can do at the moment is ask rhetorical questions. Instead, the minister must come up with the answers. It is her responsibility.

Much is still being done to build the expectations of people with a disability, their families and carers, about how the NDIS will allow them to live the life that they choose, utilising the services that they choose. What we do know is that the NDIS will only provide for about 20 per cent of the support and assistance that many individuals require, with the remaining 80 per cent of this assistance and support having to be met by family, friends and carers.

The NDIS was designed around this principle, and it is the only way that the system will remain affordable. I continue to caution the minister against continuing to unfairly build the expectations of the wider community and individuals who will rely on this funding. It is evident that Minister Burch is playing catch-up. She is behind the eight ball in this transition. She has said clearly today that the firm detail surrounding the transition will not be finalised until February—that is, less than five months prior to the actual transition date.

That gives the community organisations and service providers very little time to finalise any structural changes they may need to make to their businesses in anticipation of July 1. It seems that the NDIS launch in the ACT was delayed from 2013 to 2014 not to give the sector time to prepare but simply to give this government more time to get their affairs in order.

Another area of the transition that still has not been sorted out is the pricing schedule for the ACT specifically. The pricing of services is an essential key to working out if the NDIS trial in the ACT will be successful or not. If pricing is set the same as in other jurisdictions, many service providers here in the ACT may not be able to afford to continue to provide the services that they currently do, and certainly not to the standard that they currently are able to provide.

Issues such as the higher than average wage costs in the territory—a reality of doing business here in the ACT—will have huge impacts should the pricing not be calculated correctly. Regardless, however, of where the pricing schedule lands, it is not likely that the fee for service will cover the costs of inefficiencies that are incurred by government-run services.

I also wish to note many of the answers that the minister has provided during the annual report hearings recently. She has already started to shift much of the responsibility for the implementation to the national agency. Many of the issues that I have outlined here today have been issues for quite some time and a change in the federal government does not mean that Joy Burch now has an opportunity to shift the blame if things are not quite working out as they should in the ACT.

In stark contrast to the minister's statement today, the recent update from the federal government is frank and up-front about the challenges that they are facing in rolling out the NDIS. This includes being open and transparent about the trends that show an increase in the number of people that are registering interest to take part in the NDIS as well as the time that it is taking to complete care plans. This honesty and transparency is the only way that we can successfully move forward and see the implementation of this policy.

The opposition will continue to engage with the disability sector and with the community, and we will continue to identify gaps in the transition as they occur locally. We will continue to highlight any issues in this place in the hope that the NDIS can be delivered and improve the lives of people with a disability in the ACT.

Question resolved in the affirmative.

Totalisator 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) (10.30): I move:

That this bill be agreed to in principle.

Today I present the Totalisator Bill 2013, which establishes an appropriate regulatory framework with clear licensing arrangements for totalisator activities in the territory. For many people gambling provides a popular form of entertainment. However, gambling is an activity that requires regulation. Australian and international experience shows that unregulated gambling is highly likely to attract criminal elements and involve fraudulent behaviour.

The standard approach adopted by most developed countries is to subject gambling to tight controls. By doing so, consumers are better protected, the influence of criminal activity is reduced and the impact of problem gambling is better managed. It is vital to the integrity of gambling and for consumer protection that effective and transparent regulation exists and that compliance is enforceable. Bona fide gambling operators also benefit from the protection provided by appropriate regulation through increased public confidence in their operations and reduced competition from unlicensed gambling.

Moreover, regulated gambling provides greater protection for problem gamblers. Regulation enables governments to implement policies to ensure that profits from gaming activities contribute to the cost of problem gambling. Totalisator betting, in particular, relies heavily on technology to provide an ever-increasing list of complex

betting options. The pooling of bets and the declaration of the winning dividends, only after betting is closed, contrasts with fixed odds betting where the consumer knows the dividend prior to making a bet.

This contrast means that consumers of totalisator betting are highly reliant on the integrity of the technology underpinning those operations. Control over totalisator betting necessarily involves regulation over the systems and equipment used by the totalisator betting service. Totalisator operations in the territory are currently operated by ACTTAB Ltd and are regulated by the Betting (ACTTAB Limited) Act 1964 and the Gambling and Racing Control Act 1999.

Over recent times there have been significant changes to the gambling industry. These include the extension of gambling to a wider range of sporting activities; increased use of internet-based gambling; privatisation of totalisators in most Australian states; and increased involvement of international gambling operations in the Australian market.

The bill I present today replaces the existing betting act and introduces consequential amendments to the Gambling and Racing Control Act 1999, the Gambling and Racing Control (Code of Practice) Regulation 2002 and the Race and Sports Bookmaking Act 2001. Both ACTTAB and the ACT Gambling and Racing Commission have been consulted in the bill's development.

The bill modernises current arrangements and ensures that the regulatory processes are transparent. It will improve public confidence in the integrity of our betting services here. The bill establishes clear licensing, probity and integrity requirements; provisions that enable the commission to regulate the behaviour and conduct of the licensee; enforcement mechanisms, including a disciplinary scheme; offence provisions; harm minimisation measures, including adherence to a code of practice and reporting requirements; financial provisions that enable a commission to the operator on totalisator betting, taxation on totalisator operations, monthly reporting requirements and treatment of unclaimed moneys; a framework for consumer protection initiatives, including a treatment of monies held in client betting accounts; and totalisator equipment approvals and standards similar to the Gaming Machine Act 2004 and relevant instruments.

Wherever possible the provisions have been drafted to mirror similar territory control functions, thus providing certainty to the industry and the commission. The bill is in step with arrangements in other Australian jurisdictions, particularly New South Wales and Victoria. The bill provides for commencement on the day after notification. However, to ensure a smooth transition to the new framework the bill also provides that the existing licence, approvals and finance provisions applying to ACTTAB under the current Betting Act will continue. I commend the bill to the Assembly.

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

Courts Legislation Amendment Bill 2013

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.35): I move:

That this bill be agreed to in principle.

Today I am pleased to present the Courts Legislation Amendment Bill 2013. The bill makes minor technical and also more substantive amendments to several pieces of legislation to address a number of criminal and civil law issues. It also makes key improvements to the coronial, civil and criminal justice systems in the ACT. The legislation will implement measures designed to improve the efficiency of the Magistrates Court and the ACT Civil and Administrative Tribunal. It will also improve ACT coronial and post-mortem processes and practices.

Following representations from the Director of Public Prosecutions, I am proposing some amendments in this bill to the Magistrates Court Act 1930 and the Supreme Court Act 1933.

The first amendment introduces a new mechanism for summary criminal matters related to serious indictable matters to be referred to the Supreme Court. Often an accused person charged with an indictable offence is also charged with related summary offences, or simple backup charges arising from the same facts. When this happens the backup or related charges remain in the Magistrates Court pending resolution of the indictable matters in the Supreme Court. There is provision now in the Supreme Court Act to allow the court to deal with a related summary offence, but it does so only after the trial of the indictable matter, not at the same time, and with the consent of the accused. This means that defendants who plead guilty, thereby averting the need for a trial, are unable to take advantage of the current provision because there has been no trial.

This amendment will mean that related summary offences will travel with the indictable matters to the Supreme Court. There, they can be dealt with on the basis of the evidence presented in the Supreme Court in relation to the indictable offence and any additional evidence given with the leave of the court. It will of course be open to the court to dismiss the charges or, if necessary, remit the matter to the Magistrates Court, if it is in the interests of justice to do so. In considering the interests of justice, the Supreme Court would take into account any adverse impact on the defendant. Backup or related offences in the Children's Court would also travel with any indictable matters to the Supreme Court.

In dealing with the related summary matters after the offences for which the accused was committed have been dealt with, the Supreme Court will have the functions and procedures of the Magistrates Court. Simple transfer of these matters is a sensible approach to reduce inefficient double handling of matters, free up Magistrates Court registry time and resources, support the interests of accused people by improving wait times and bring the territory into line with its closest neighbour, New South Wales, as well as other jurisdictions.

I am also proposing a number of minor amendments to the committal of matters in the Magistrates Court to introduce greater flexibility and a degree of judicial discretion, similar to other jurisdictions. I am proposing that part 3.5 of the Magistrates Court Act, which deals with proceedings for indictable offences, be amended, as there is currently no mechanism under the act for the court to dispense with formal requirements or for the parties to consent to a committal. This change will allow one or more provisions of this part to be dispensed with by the Magistrates Court, but only if the interests of justice require, in line with other jurisdictions. These changes will help lessen court delays, contain party costs and streamline administrative processes.

In response to plaintiff lawyers' concerns about the transfer of proceedings from or to the Supreme Court, I am proposing an amendment to section 268 of the Magistrates Court Act to clarify that the statutory test for a transfer of proceedings applies at the time a transfer is made. This amendment will remove the risk of a challenge to an order transferring a matter to the Magistrates Court and remove any doubt about applicable procedures.

On advice from the Government Solicitor's Office, I am proposing to repeal two sections in the Magistrates Court Act dealing with the Children's Court. These sections prevent a challenge in any court to the Chief Magistrate's decision to assign or not to assign a matter to another magistrate. They also prevent a person from seeking common law prohibition, mandamus or injunctive relief in any court.

There is High Court authority to the effect that any legislative provision that purports to remove from the Supreme Court the power to review decisions of the Magistrates Court for jurisdictional error is beyond the power of the Legislative Assembly. In the interests of certainty, I propose that these two sections be repealed.

The bill will also amend the ACT Civil and Administrative Tribunal Act 2008, following a recent ACT Supreme Court ruling on costs, to clarify that the tribunal has power to award incidental costs, other than the filing fee for the application. If the tribunal decides an application in favour of the applicant, it is only fair that the tribunal is able to award other incidental costs, which the applicant has incurred, in bringing the application before the tribunal. I am proposing therefore an amendment to section 48(2)(a) to allow the tribunal to award costs including any other fees incurred by the applicant that the tribunal considers necessary for the application. These other fees would include, for example, company or business name search fees, subpoena filing fees or hearing fees.

Following a request from the General President of the ACAT, I am also proposing an amendment to the unworkable and unhelpful 12-week time limit for a tribunal interim order to expire. The limitation on interim orders was always intended to achieve a quick, completed hearing. However, there are a number of tribunal cases where the time limit can lead to unrealistic filing timetables that compromise procedural fairness. The Solicitor-General, the Welfare Rights and Legal Centre and the Bar Association have also identified the limitation as causing problems and adding to an applicant's costs and have called for its removal.

There are a number of minor technical amendments in the bill to improve the operation of the tribunal.

Section 32 has been amended to clarify the extent of the power to dismiss an application as vexatious and frivolous to include applications that are an abuse of the court's process. An abuse of process can lead to substantial unfairness in civil matters, as well as increased costs for litigants and unnecessary public expenditure.

An amendment to section 60(2) clarifies that an oral statement of reasons can constitute a written statement of reasons, as oral statements are often provided by the tribunal in small claims matters and residential tenancy hearings. Sections 61 and 62 have also been amended to clarify their meaning as they relate to publishing in the tribunal a statement of reasons.

The new provisions clarify the process for making and giving effect to tribunal orders.

Several amendments are proposed to the Coroners Act 1997 to improve coronial and autopsy practices and inquests into deaths. These changes to the Coroners Act will deliver important community benefits to ensure that deaths only undergo coronial investigation and full autopsy for good reason and then only to the extent that is strictly necessary to obtain the information that the coroner requires.

The proposed changes to the Coroners Act are consistent with legislative recommendations flowing from the final report of the recent review of ACT coronial and post-mortem process and practice, which was provided to the Chief Coroner and the Justice and Community Safety Directorate by Dr Charles Naylor, chief forensic pathologist from Queensland, in August this year. The review was commissioned by the courts and tribunal administration to improve current coronial and post-mortem processes and practices at the ACT Coroner's Court and ACT Forensic Medicine Centre. The coronial review reveals that over 16 per cent of ACT registered deaths underwent coronial investigation in 2011, the second highest coronial death investigation rate in Australia. The two main factors for this high rating are the reporting requirements in section 13 relating to healthcare deaths and non-suspicious natural deaths being reported due to the lack of a cause of death certificate.

To ensure that deaths only undergo coronial investigation for good reason, the first amendment to section 13 will change the requirement for an inquest to be held into the death of a person that occurs after medical intervention, so that the trigger for an inquest is a death within 24 hours following the intervention, and not 72 hours as it is at present. The ACT is the only jurisdiction in Australia, other than South Australia, that has a time limit requiring an inquest into deaths occurring within a stated time after a medical procedure. This amendment would bring the ACT into line with the 24-hour time limit currently in place in South Australia.

The second amendment would change the requirement for an inquest into the manner and cause of death of a person who dies without having seen a doctor within a certain period. I am proposing that the period of time for which the person has not seen a doctor be extended from three months to six months. This extension of time will

address those instances where a person dies without having seen a doctor for longer than three months, and yet it is well documented that the person suffered from a potentially life-threatening natural disease which would adequately account for the death.

To ensure that an autopsy occurs only to the extent that is strictly necessary to obtain the information that the coroner requires, the final amendment to the dictionary in the Coroners Act includes a new definition of post-mortem examination. The new definition makes clear that a post-mortem examination can also include other types of examination, other than dissection of the body, such as an external examination, including taking skin or other samples, or a post-mortem examination using a CT or MRI scan. A full autopsy may be required on occasions, but is not always necessary.

The coronial process, and the suggestion that it is necessary for a death to go through a coronial process including an autopsy, can be traumatising and often is disturbing for the families of the deceased. By limiting the deaths that are subject to this invasive process, the impact on families in the community is reduced. Avoiding unnecessary coronial investigation is fundamental to respecting the dignity of deceased persons and minimising the impact on their families at a time when they are very vulnerable.

An amendment to the Births, Deaths and Marriages Registration Act further ensures that deaths only undergo investigation for good reason. This amendment will allow a doctor, other than the treating doctor, to issue a cause of death certificate if the doctor is able to form an opinion about the probable cause of death based on information about the deceased person's medical history and the circumstances of the death. This change will prevent a death becoming a matter for coronial investigation simply because a person's usual doctor is on an extended absence from work. This change will maximise the appropriate issue of cause of death certificates to avoid the need for unnecessary, often traumatic, coronial investigations.

These amendments, as a package, will make an important contribution to the valuable work already being done at all levels of the court system to improve processes and streamline operations. I commend the bill to the Assembly.

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

Road Transport (Alcohol and Drugs) Amendment Bill 2013

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.49): I move:

That this bill be agreed to in principle.

The Road Transport (Alcohol and Drugs) Amendment Bill 2013 makes a number of amendments to the roadside alcohol and drug testing scheme, as established in the Road Transport (Alcohol and Drugs) Act, to improve the effectiveness of the scheme and, in turn, improve the safety of all road users in the ACT.

The government has a proud record of reform designed to enhance the safety of all road users and, in particular, to address the road safety risk presented by drink and drug driving. This bill builds on that strong history. Some of the initiatives introduced in recent years include: restricting access to “work licences” for drink and drug drivers to first and low-range offenders; applying a zero blood alcohol concentration to learner and provisional drivers, public vehicle and heavy vehicle drivers; immediate licence suspension where a driver records a blood alcohol concentration of .05 or more over their limit; and requiring persons convicted or found guilty of a drink or drug driving offence to complete an approved alcohol and drug awareness course in order to regain their licence.

Earlier this year the government’s legislation mandating the use of vehicle alcohol ignition interlocks by drink-drivers was also passed into law. These provisions are directed at influencing the long-term behaviour of high risk drink-drivers, those who repeatedly drink and drive or record high range blood alcohol levels. Work is proceeding on the implementation of the interlock scheme in the first half of next year.

Comparisons of the ACT’s road safety statistics against national performance measures such as road fatalities per 100,000 head of population are favourable. However, there is still work to be done and the government will continue to strengthen its road safety efforts while there continue to be deaths and life-changing injuries on our roads.

An important part of our focus on improving road safety is targeting drivers who drive whilst under the influence of alcohol or drugs. Despite widespread community awareness of the risks, such behaviour continues to be an issue. Advice from ACT Policing is that the primary contributing factor in serious and fatal crashes in the ACT is impaired driving, generally due to the effects of alcohol but sometimes in combination with the use of illicit drugs. ACT police have conducted over 100,000 random roadside breath tests from 1 January to 1 November this year, an extraordinary figure, with 1,066 drivers returning a positive result. Of the 1,066 positive results, 343 were repeat offenders. In 2012 ACT Policing conducted 2,100 roadside drug tests, resulting in 40 positive tests, a positive rate of approximately two per cent.

These statistics show that the incidence of alcohol or drug driving within the ACT is still too high. The bill seeks to improve the ability of ACT police to enforce the road transport law and reduce the incidence of alcohol or drug driving. It does this by making four important changes.

The first restricts the ability of a driver to rely on the defence of honest and reasonable mistake of fact for an offence of driving under the influence of a prescribed drug

when the driver claims he or she believed they were taking another prohibited substance.

Drivers charged with driving whilst they have a prescribed drug in their oral fluid or blood are able to rely on the defence of honest and reasonable mistake of fact in section 36 of the Criminal Code. This defence provides that a person is not criminally responsible for a strict liability offence if the person was under a mistaken but reasonable belief about the facts and, had the facts existed as believed, the conduct would not have been an offence.

This amendment would prevent drivers from seeking to rely on this defence where they knowingly took a prohibited substance which they thought was not a prescribed drug when, in fact, it turned out to be a prescribed drug. The change prevents drivers from claiming that they thought they were consuming a drug such as cocaine when, in fact, the drug they took was a prescribed drug such as speed.

There is clear evidence that the use of illicit, non-prescribed drugs can cause drivers to become impaired and reduce their ability to safely operate a motor vehicle. Drivers who operate a vehicle whilst knowingly under the influence of a prohibited substance potentially pose a greater safety risk than drivers who have consumed a legal drug. Illicit drug users consume these drugs specifically for their mood or perception altering effects, which directly impacts on their driving skills. Users of prohibited substances who put their safety and the safety of other road users at risk by driving whilst under the influence of these substances should not be able to exploit a legal loophole to avoid punishment. This amendment ensures that those drivers are properly dealt with under the road transport law.

The next change made by this bill is to create a power for police officers to direct drivers to remain at the scene where they were originally pulled over by police for the purposes of an alcohol or drug screening test where a screening device is not immediately available or not in working order.

A screening device may not be immediately available if a device malfunctions or a driver is stopped for another purpose but the police officer subsequently suspects the driver has driven under the influence of drugs or alcohol and the police do not have a screening device in their vehicle.

The amendment creates a legislative power to allow a police officer to temporarily detain a driver to undertake an alcohol or drug screening test by directing them to remain at the place where the alcohol screening test is being carried out for the time reasonably necessary for the test to be completed in accordance with the police officer's directions. The maximum time that a driver can be required to remain at the place they were pulled over under this amendment is 30 minutes. This time would allow a drug screening device to be sourced from the traffic operations centre in Belconnen, where all drug screening units are stored, and delivered to any part of metropolitan Canberra where the driver has been directed to remain.

The third amendment made by this bill is to create an offence of refusing to undertake a screening test for alcohol or drugs. Currently, if a driver refuses to undertake a

roadside screening test for alcohol or drugs, the only option available to a police officer is to take the person into custody for a breath or oral fluid analysis. It is only when a driver refuses to undertake the analysis that they can be charged with the offence of refusing a breath or oral fluid analysis.

In practice, drivers are unlikely to agree to an analysis if they have already refused to undergo the initial screening. Some drivers readily admit that, for cultural or professional reasons, they would prefer to have a conviction for the offence of refusing a police request as opposed to having a conviction for a drink or drug driving offence. In other cases drivers are merely seeking to delay any test in the belief that they will no longer be over the limit when the test is actually conducted. This amendment will free up police time and resources that could be better targeted at other road safety and enforcement activities.

The final amendment made by this bill is to remove the requirement for police to contact a doctor or authorised nurse practitioner nominated by a person arrested for an alcohol or drug driving offence. Although in practice few drivers exercise this right, it imposes an unreasonable administrative burden on police when it is exercised.

This amendment does not remove a person's right to seek an independent medical examination but merely removes the obligation on police to locate and contact the nominated medical practitioner and arrange the examination. Instead, the police officer will only have to provide the arrested person with access to a phone to contact their preferred medical practitioner to arrange an examination in the same way that access to a phone is given to arrested people to enable them to seek legal representation. Alternatively, the arrested person may ask the police officer to contact the police-contracted on-call forensic medical officer to undertake the examination. In either case the cost of the examination would be borne by the driver.

These amendments may engage various rights under the Human Rights Act. However, any limitation on these rights is reasonable and proportionate, particularly given the need to protect the community from the dangers posed by drink and drug affected drivers who continue to put not only their safety but the safety of other road users at risk. I commend the bill to the Assembly.

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

Visitors

MADAM SPEAKER: I wish to acknowledge the presence in the gallery of members of the LGBTIQ Community Advisory Council and members of the transgender and intersex advisory group A Gender Agenda. Welcome to your Assembly.

Births, Deaths and Marriages Registration Amendment Bill 2013

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.59): I move:

That this bill be agreed to in principle.

I am pleased to present this bill to the Assembly today. For the second time in as many months, the government is seeking to ensure that all members of our community are able to participate in public life without discrimination. I am also tabling a revised government response to the Law Reform Advisory Council report titled *Beyond the binary: legal recognition of sex and gender diversity in the ACT*. The bill seeks to amend the Births, Deaths and Marriages Registration Act 1997 and the Legislation Act 2001 to improve legal recognition of sex and gender diverse people in the ACT.

As I said in my inaugural speech on joining this Assembly, the most valuable part of any society is its people, and the extent to which people feel they can contribute to the community depends on how safe and secure they feel within it. We cannot expect people to participate freely in our community if they feel stigmatised, disenfranchised or ignored.

Regrettably, there are still some in our community who experience these outcomes. What some might take for granted, or not give a second's thought to, such as applying for a birth certificate, passport or credit card, can be an intrusive and complex process for those who do not identify with the options currently available on those documents.

Legal impediments to recognising diversity have a real impact on people's lives. For example, many sex-diverse people carry inconsistent identification. This is a significant obstacle to participating in many aspects of daily life. Opening bank accounts, filing tax returns or acquiring driving, security or business licences can all become deeply exposing and personally confronting incidents.

Without reform, these members of our community can become more isolated and less able to participate in society because of these unnecessary obstacles. This is why, in March 2011, I asked the ACT Law Reform Advisory Council to inquire into the issue of the legal recognition of the sex and gender diverse community.

That report was presented to the Assembly in June last year. It made 35 recommendations for the government on measures that would improve recognition of the sex and gender diverse community in the ACT. In tabling the government response in March this year, the government agreed to update the existing legal framework through a number of changes to the BDMR Act and the Legislation Act.

Since the government tabled its response, some significant changes in Australia have occurred. These changes have better informed the government's position on these matters. In June this year, the Australian government issued its guidelines on the

recognition of sex and gender. These guidelines, which took effect on 1 July this year, standardise the evidence required for a person to establish or change their sex or gender in personal records held by Australian government departments and agencies. Importantly, the guidelines stipulate that whenever a commonwealth agency is seeking sex, gender, or both, individuals should be given the option to select male, female or an X, to reflect that the person is of an indeterminate sex, intersex or does not wish to specify any category.

In addition to the legislation I am tabling today, I will table amendments to the government's response to the *Beyond the binary* report. The amended government response takes account of these developments and further consultation with the community and provides a more robust statement of our commitment to equality.

Between March and November, the government engaged in further consultation with members of the Lesbian, Gay, Bisexual, Transgender, Intersex and Queer Community Council. These discussions were designed to inform this legislation with the views of people who do not identify as male or female or people who are transitioning between sexes. The ultimate goal of this bill is to ensure that sex and gender diverse people feel safe, secure and respected.

The bill changes the requirements for people who wish to change their sex on their birth certificate so that sexual reassignment surgery is no longer necessary. Under the existing law, as in other jurisdictions, a person is required to undergo surgery in order to register a change of sex. As set out in the *Beyond the binary* report, this requirement imposes a significant burden on people whose gender identity does not strictly match their biology.

These amendments enhance official recognition of a person's chosen sex and clearly identify the evidence required in order to support the application to alter the register to record change of sex. In place of the sexual reassignment requirement, a person seeking to change a record of their sex must now show that they are either a biologically intersex person or that they have received appropriate clinical treatment. This is consistent with the Australian government guidelines and gives effect to LRAC's recommendation that the requirements to change a record of sex be no more onerous than Australian Passport Office policy.

What constitutes appropriate clinical treatment is not defined in legislation but will, rather, be determined on a case-by-case basis by registered medical practitioners. This ensures that doctors and psychologists rely on medically substantiated practices and guidelines and use their qualified judgement to determine the appropriate standard of treatment. Sorry, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: It is quite fine. I would rather you do that than lose your voice altogether.

MR CORBELL: Indeed, I will need it today.

Mr Hanson: Losing his voice might not be such a bad thing.

MADAM DEPUTY SPEAKER: Mr Hanson, that was totally uncalled for.

MR CORBELL: Only for you, Mr Hanson.

The bill also extends the time period for the registration of the birth of a child from 60 days to six months. This will reduce pressure on parents by allowing additional time for them to make complex decisions about the registered sex of their child.

The bill also makes minor technical amendments to existing laws to ensure the greatest possible interoperability with frameworks in other jurisdictions. This is important to maximise the extent to which sex-diverse people who come to reside in the ACT are recognised under our framework.

These amendments include declaring that interstate recognition certificates made under corresponding laws in other states and territories—I am sorry, Madam Deputy Speaker, I might ask my colleague Mr Barr to complete my speech, due to my failing voice.

MADAM DEPUTY SPEAKER: That is fine. Thank you, Mr Barr.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (11.08): These amendments include declaring that interstate recognition certificates made under corresponding laws in other states and territories are, for the purposes of territory law, evidence that a person mentioned in them is of the sex stated in the certificate. The definition of intersex has also been changed to mirror the best-practices definition in the commonwealth Sex Discrimination Act.

As part of this package of reforms, the government will also allow a new category to be recorded on birth certificates. This category can be nominated by individuals who are intersex or who identify as having an indeterminate or unspecified sex. As the BDMR Act does not prescribe the categories of sex that can be recorded on birth certificates, this reform will be achieved through administrative reforms, including possibly regulations.

Although the amendments contained in this bill will only affect a relatively small group in our society, to these people—and we strongly recognise this—the amendments in this bill will mean a great deal. These amendments will improve everyday interactions for those who have been greatly affected by outmoded restrictions on sex and gender recognition.

We must always remember that equality before the law means that the law must formally acknowledge people as human beings with legal rights. This recognition is not limited to the rights protected by the Human Rights Act. In order to realise this standard, government must not discriminate against people, or groups of people, in any field regulated by public authorities.

This bill will mean that, in the territory, the way a person identifies their own sex or gender can be reflected without difficulty in legal documents. Our community includes people whose identity goes beyond the binary concepts of male and female. This bill will ensure that our legal system for recognising identity respects and acknowledges everyone in our community. On behalf of the Attorney-General, I commend this bill to the Assembly.

An incident having occurred in the gallery—

MADAM DEPUTY SPEAKER: Order! People in the gallery, please sit down. Thank you very much. Thank you, Mr Corbell, and thank you, Mr Barr.

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

Construction and Energy Efficiency Legislation Amendment Bill 2013 (No 2)

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.12): I move:

That this bill be agreed to in principle.

I seek leave to have my speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

While there are a number of offences in the Building Act, the amendments in the bill focus on offences in sections 42A, 49 and 51. Those offences cover compliance with the majority of administrative and technical requirements for building work.

The new penalties comply with the principle that an offence should have a single maximum penalty that is adequate to deter and punish a worst case offence including the case of a repeat offence.

Some new maximum penalties include a term of imprisonment. This is warranted when considering that failure to comply with the Building Act can endanger life or property and is an abuse of trust.

The offences in the bill appropriately reflect the potential seriousness of non-compliance and the different roles of landowners, licensees and other parties in relation to building work.

Licensees have undertaken relevant training and should be well aware of their obligations. The offences with the highest penalties in the bill are for licensed people that knowingly or recklessly carry out building work in contravention of the act.

The bill also makes the existing strict liability offences in sections 42A, 49 and 51 fairer because they will be restricted to construction licensees only and will not apply to landowners.

I recognise that landowners and developers can intentionally breach the requirements of the Building Act or commission work that they know will not comply. The bill also includes penalties for landowners in such situations.

In addition, the bill will increase the penalty for intentionally failing to comply with a rectification order from 200 penalty units to 2000 penalty units, or from \$28,000 to \$280,000 for an individual and from \$140,000 to \$1.4 million for a corporation.

The cost of rectification work may extend into the millions of dollars, especially on large and complex structures. Ideally, most building defects should be rectified without needing to issue a formal rectification order. If an order is required, it is important that the penalty gives sufficient incentive to the person to comply.

The bill also provides new grounds for the Construction Occupations Registrar to authorise a person other than the licensee that did the initial work to complete a rectification.

At present the registrar may only authorise another party if it is not appropriate for the licensee to do the work because of the relationship between the licensee and the land owner. However, the registrar should have confidence that the person that is given a rectification order can either carry out the work or arrange for the work to be carried out.

The new provisions allow the registrar to consider whether the person could reasonably carry out or arrange the work when deciding to issue a rectification order. This would reduce the chance of rectification work resulting in further public health, safety and consumer protection risks.

A further amendment allows the registrar to take an immediate occupational discipline to protect public safety while awaiting the outcome of an application to the ACAT for an occupational discipline order. Disciplinary actions by the registrar are reviewable.

The bill also includes amendments to the Energy Efficiency (Cost of Living) Improvement Act. These amendments reduce reporting requirements for retailers that do not operate in the territory and provide a clear process for Tier 2 retailers electing to pay an energy savings contribution under the act.

The bill amends the Electricity Safety Act to reflect the transfer of certain product energy efficiency standards to the commonwealth under the Greenhouse and Energy Minimum Standards Act 2012. It also modernises the regulation-making powers for electricity safety.

The bill expands on the reforms that started in the Construction and Energy Efficiency Legislation Amendment Act, which passed in August this year. It is part of the government's work to improve the overall quality of buildings in the territory.

I commend the bill to the Assembly.

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

Standing order 248—amendment

MADAM DEPUTY SPEAKER: I understand it is the wish of the Assembly to debate this motion cognately with notice No 2 Assembly Business relating to the proposed amendments to standing orders relating to the consideration of committee reports. That being the case, in debating notice No 1, Assembly Business, members may also address their remarks to notice No 2, Assembly Business.

DR BOURKE (Ginninderra) (11.13): I move:

That standing order 248 be omitted and the following standing order be substituted:

“248. At a meeting convened for the purpose, the Chair shall submit the draft report which may be considered at once. Copies shall be circulated in advance to each Member of the Committee. The report shall be considered paragraph by paragraph or, by leave, paragraphs may be considered together. Appendices shall be considered in order at the conclusion of the consideration of the report itself. The Chair shall propose the question ‘That the paragraph(s) or appendix be agreed to’ and a Member objecting to any portion of the report may vote against it or move an amendment at the time the paragraph or appendix to be amended is under consideration.”

I start out by providing some history as to why I have moved this proposed amendment to the standing orders and put it on the notice paper several months ago. It goes back to the deliberations of the Select Committee on Estimates earlier in the year. The issue has been gone over quite thoroughly in the Assembly, but I thought I might go through it again to remind people and refresh their memories. The issue relates to the interpretation by the chair of the estimates committee, Mr Hanson, of standing order 248, which I described at the time as bizarre. It was a contortion of the standing orders which I described in my debate on the day as akin to looking outside this morning and saying that it was night time—well, it would be somewhere in the world. The essence of Mr Hanson's ruling in that estimates committee was that his draft report would be the final report. Instead of carefully considering each paragraph and recommendation for inclusion, the chair took it upon himself to say, “All my stuff is in whether you want it or not.”

Mr Coe: A point of order.

MADAM DEPUTY SPEAKER: Stop the clock, please.

Mr Coe: Madam Deputy Speaker, I seek your guidance on whether such reflections by Dr Bourke on a member's chairing of a committee are appropriate.

DR BOURKE: On the point of order, Madam Deputy Speaker, I am merely quoting from the *Hansard*.

MADAM DEPUTY SPEAKER: Dr Bourke, I beg your pardon; I did not hear what you said.

DR BOURKE: On the point of order, I am quoting from the *Hansard* to illustrate why—

Mr Coe: Well, you're not. You're paraphrasing.

DR BOURKE: Paraphrasing, quoting.

MADAM DEPUTY SPEAKER: Dr Bourke, you need to say you are paraphrasing or you need to actually quote—one or the other. Could you do that, please.

DR BOURKE: Then I shall quote from the *Hansard*:

In essence, Mr Hanson's ruling as chair was that his draft report would be the final report. Instead of carefully considering each paragraph and recommendation for inclusion or exclusion, this chair took it upon himself to say, "All my stuff is in whether you want it or not."

So Madam Deputy Speaker, I took it upon myself to see the Clerk and seek advice, which I now seek leave to table.

Leave granted.

DR BOURKE: I present the following document:

Standing Order 248—Amendment—Letter from the Clerk to Dr Bourke, dated 29 July 2013.

This brings me to the substance of the changes I have proposed to standing order 248. They considerably reduce the capacity of chairs to put forward their own interesting interpretations of what standing order 248 may be. Each paragraph is to be considered separately and the chair shall propose the question on each paragraph that the paragraphs or appendix be agreed to. In this way, at the end of this process we will have a draft report with paragraphs in it that the majority of the committee agree to in the usual way.

I see from the notice of motion that Mr Smyth has brought in that he thinks this is a good idea. He supports it, because he has taken the words I have put in here and transposed them into his notice of motion. I know Mr Rattenbury supports this rule change, and I know everybody on my side of the Assembly supports this rule interpretation. So, this is a 17-nil result. It is great. We have considered a matter, we

have thought about it and we are all in astonishing, riotous agreement. I think this is very good. I argue that the Assembly pass this amendment to the standing order today and that we then use it for committees to produce better results.

As it is a cognate debate, I will turn to Mr Smyth's motion. Unlike my motion, which has been on the notice paper for months, Mr Smyth's notice of motion appeared today. But I note he also has another motion suggesting that the entire set of rules for committees to consider reports be referred to the relevant standing committee, and that seems like a good idea. I am not going to support Mr Smyth's notice No 2 today, but I am going to support his notice No 3, because that says this matter should be considered by the relevant committee, and I think that is a good idea.

The essence of my position is that I will be supporting my motion, naturally. Secondly, I do not support Mr Smyth's first motion, but I will support Mr Smyth's second motion. I commend this approach to the Assembly.

MR SMYTH (Brindabella) (11.19): Perhaps again Dr Bourke has unwittingly displayed his lack of understanding of how this is going to work. The point was that we probably will not be voting on Nos 1 or 2 at all. They will actually be adjourned and both motions will be sent to the administration and procedure committee, which is the normal practice in this place when changes to the standing orders are proposed.

Dr Bourke claims that by taking some of his words and including them in my amendment I accept his proposition. In fact, having looked at his proposition, I thought it made the whole thing so much unclearer that it needed the reworking of all the standing orders from standing order 247 to standing order 252.

Dr Bourke talks about the estimates committee. I suspect the attempt by Mr Gentleman is a more appropriate reason to redraft the standing orders that relate to committees and consideration of reports. Mr Gentleman as chair did not have passed a motion that the report, as amended, be agreed to. So in fact he brought to this place something that had not been agreed to by the committee at all, something on which no vote had been cast.

What I have done is take some of the pieces from Dr Bourke's proposed amendment and then tried to make a far more sequential attempt at a process that the committees follow. What I have laid out is the process that certainly has been followed since I have been a member in this place. I need to cross-reference this with the existing standing orders. The existing standing order 247 states:

It shall be the duty of the Chair of every committee to prepare a draft report.

According to Dr Bourke, this is at the meeting convened for that purpose. His amendment states:

At a meeting convened for the purpose, the Chair shall submit the draft report which may be considered at once. Copies shall be circulated in advance to each Member of the Committee.

If you take that second line, it kind of suggests that it comes after it has been submitted. I have taken that second line out and put it back into my proposed new standing order 247 to make it clear that, yes, they prepare the draft and then they circulate it before the meeting.

Proposed standing order 248 is quite simple. It states:

At a meeting convened for the purpose, the Chair shall submit the draft report which may be considered at once.

Standing order 249 states that that might happen unless some other member brings on an alternative report. Then the committee's first job is to decide which report it shall do. Standing order 249A is part of what Dr Bourke had said; so it seems reasonable. That is just the way we have already done it.

Dr Bourke's motion states that reports may be considered "paragraph by paragraph or, by leave, paragraphs may be considered together". Under that you can consider all the paragraphs together; so you can still do the whole report in one lump if you choose or you can do it line by line. But most committees, in my experience, have worked out a path forward, agreed to a path forward and off they have gone. Standing order 250 is the existing standing order 250. It states:

After the draft report has been considered, the whole or any paragraph may be reconsidered and amended.

Something might happen later on in a report that causes you to question what you have said earlier; so you come back and you might have to amend it. Then we have the Mick Gentleman memorial standing order 250A, which has been the standard practice in this place as far as I have been able to check back right from day one. At the end of the hearing, when all is said and done, the chair says, "I move that the report, as amended, be agreed to." So that is just to confirm that that actually happens. Apparently that has not been happening in some of the committees, and that is a shame.

Proposed standing order 250B is interesting. It relates to when committees are unable to agree on a report. We currently do not have anything in this regard. Because of the government's attempts to nobble the committee system, we are now getting two-two votes. What this says is that if the committee is unable to agree upon a report, the chair of the committee must present a statement to that effect with just the minutes and transcripts of evidence.

That is basically lifted from the *House of Representatives Practice*, except that in *House of Representatives Practice* it makes reference to "a report" instead of "a statement". The reason I changed it to "statement" is this: if it is a report, members are able to dissent from it. I do not see how you can dissent from the fact that you cannot agree and then try to put in a dissenting report which, in one case, was the chair's original draft. Apart from issues of plagiarism and perhaps theft that somebody takes a report that is put forward by the committee and—

Dr Bourke: Point of order, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Would you resume your seat, Mr Smyth? Stop the clock, please. Point of order, Dr Bourke?

Dr Bourke: Mr Smyth is alleging that members have been undertaking theft and plagiarism. That is surely unparliamentary.

MADAM DEPUTY SPEAKER: It is a reflection on the members of the committee.

MR SMYTH: I did not mention any committee members.

Ms Gallagher: You did.

Mr Corbell: You referred to “committee members”.

MR SMYTH: I did not—

MADAM DEPUTY SPEAKER: You referred to committee members and you referred in one case to theft or—

MR SMYTH: I withdraw; I withdraw it. That is fine.

MADAM DEPUTY SPEAKER: Thank you.

MR SMYTH: But we have the circumstance where a member may take a draft report that that member might have got as the chair and suddenly turn it into their own report. It is interesting that there are some precedents from the Senate relating to a report in 1998 from the Joint Select Committee on Video Material. The work of the committee staff, especially the secretariat, was made much more difficult by the chairman’s draft becoming a minority report. This entailed a great amount of extra work to prepare a new majority report.

The reason I have said this in this way is that my view would be that when a report is given to the committee, the report belongs to the whole committee and it is up to the committee to do with it what they want. If somebody wants to dissent from the decision of a committee, they should present their own work written as their own work. It has caused problems in the past in the Senate. So that is why proposed standing order 250B states:

If the committee is unable to agree upon a report, the Chair of the committee must present a statement—

It is just a simple statement that basically says the committee is unable to come to a decision on a report. The statement is presented together with the minutes and transcripts of evidence.

Standing orders 251 and 252 remain as is. They relate to dissenting reports and the signing of reports. If we are going to have this farce of committees which are just two and two, which may never agree on anything, and if the government does not want to move back to the tradition that has always been in this place of committees representing the government, the opposition and the crossbench—acknowledging that there is limited crossbench ability to be on committees—we have to have a process forward, otherwise we are going to be coming back time and time again, as we already have, over this.

I point members to 2004-2008 when the government actually had a majority. It could have stacked all the committees, but it did not. The committee system worked much better between 2004-08 than it is currently working now. When I heard that Dr Bourke was going to bring his standing order amendment on, I had a re-look at it. I thought that it did not actually solve the problems. That is why I have put together this other look at what might happen in committees.

Madam Speaker, I commend my motion to the house. I understand the process now is that someone will adjourn debate on both of the motions. Then I will move to send both motions off to the Standing Committee on Administration and Procedure, which is the normal process.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.27): Briefly, I note the views of Mr Smyth and others on the other side who assert that the government is seeking to nobble the committee system. Nothing could be further from the truth. The facts are that for the first time in the history of the Legislative Assembly, I think, the crossbench is not able to participate in the committee system, with the exception of the administration and procedure committee. So this is a first. Traditionally, the Assembly has had a non-executive crossbench who are able to populate the membership of committees and therefore provide for balance between the two major parties.

This Assembly breaks that mould. Mr Rattenbury, given his decision to accept appointment to the executive, and as the only member of the crossbench, is therefore not able to participate in committees. So we are left with a result where there are only Labor and Liberal members on committees.

This is further compounded by the very unusual circumstance that has not arisen before in this place, either, where both sides of the house have equal membership. So these are extraordinary circumstances and the committee system is having to adapt to those circumstances.

Dr Bourke in his proposed amendment to the standing orders I think seeks to identify a sensible way forward to address these problems of potential deadlock in committees. It is right that the committees, broadly, represent the membership of this place as a whole. That is why the government has said that, in its view, membership of the

committees is appropriately shared on an equal basis between Labor and Liberal, reflecting the fact that both Labor and Liberal have eight members on the floor of the Assembly as a whole.

Dr Bourke's proposal is, I think, a sensible way of avoiding some of the dilemmas that arise because of these unusual—indeed, completely without precedent—circumstances in this Assembly. Anyone who asserts that the government is breaking the long-held convention needs to understand that the voters themselves have done that. The voters have chosen an Assembly with equal membership between the government and opposition. The voters have only chosen one member to sit on the crossbench and that member has chosen to be a member of the executive.

These are exceptional and unusual circumstances. Our standing orders need to adapt as a result. Dr Bourke's proposal, I think, is a considered and effective way to manage those issues. The government as a whole will certainly be supporting Dr Bourke's proposal.

MR GENTLEMAN (Brindabella) (11.31): In rising to speak to this motion, I say that I support Dr Bourke's considered motion. As the attorney has said, he has thought about this for quite a while. He has interacted with other members on committees in regard to the preparation of this motion. It has been on the notice paper for quite some time. I believe it provides a way forward for us on these committees based on their structure at the moment.

In regard to Mr Smyth's motion, I see some merit within the confines of the motion, but I have some concerns, especially over proposed standing order 250B, which is the move away from *House of Representatives Practice*. *House of Representatives Practice* says that if you cannot reach agreement on a report then the committee must report to the parliament that it cannot reach agreement, but it is a report. Then underneath you have transcripts of evidence, et cetera. With Mr Smyth's amendment, it would mean that there is no report at all but a statement to the effect that the committee cannot agree. This means that the committee or members of the committee cannot attach any other report to that statement. I think that needs some further work. I therefore propose to move that the debate be adjourned.

MR SMYTH (Brindabella) (11.33), by leave: The rules seem to have changed. One side was not informed of the decision. The administration and procedure committee looked at this and on advice from the Clerk this was the agreed position. I am not sure if Mr Gentleman told his party room that this was what admin and procedures agreed should happen.

This is kind of a first, members. This is the first time notices on the notice paper have ever been debated cognately in the Assembly. The normal practice has been to send amendments to standing orders to admin and procedure. When we discussed this at admin and procedure on Tuesday it was agreed—I thought Mr Gentleman agreed to this and I think others thought Mr Gentleman had agreed—that this is a way forward. That is why notice No 3 was drafted so that both of these proposals could go to admin and procedure to work their way forward.

If we are going to move on and pass Dr Bourke's motion today, then we have wasted the time of the Clerk and others by putting together motion No 3. If you are going to change the way we are dealing with this, a little courtesy would be kind. Perhaps the communication back from admin and procedure by the party representative might be a bit more accurate to the party room so that people actually know what was agreed to at admin and procedure.

I suggest that somebody might like to rise and amend both notices Nos 1 and 2. I will move on to No 3. We will send them both to admin and procedure. Changing the rule and then coming back and changing the rules again early next year seems a little daft.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (11.35): I will just rise to respond to the issues that have been raised by Mr Smyth as I understand them. The issue that has been forefront in our minds as the government is the need to enable the committees to report. The caucus has discussed this and some of the difficulties that exist at the moment, particularly with the way the Liberal Party are approaching the committee system. Some cynical people may say that the strategic approach being taken by the Liberals is to ensure that the committees are unable to report, to make a point that the four-member committees do not work.

Dr Bourke's amendment to the standing orders should be supported and should go through today to allow the committee system to function and report, in the absence of more detailed analysis of Mr Smyth's proposed amendments, which, as we understood it, you were happy to have referred to committee for examination. This deals with the short-term issue. We are all being very polite about some of the challenges that the committee system is operating under, but the information I have is that it is very difficult to get a decision out of a committee because of the way the Liberal Party are approaching this.

Mr Smyth: Or the government members.

MS GALLAGHER: And the position that you are trying to place government members in. The government members are approaching the committee work collaboratively and collegiately.

Mr Hanson: Rubbish.

MADAM DEPUTY SPEAKER: Mr Hanson!

MS GALLAGHER: No—with a view to enable the standard way of committees operating, albeit with two votes on either side, as it has in the past. My advice, and I have not sat on the committees, is that that is not the approach that the Liberal Party is taking. We know you do not agree with four-member committees and we know you wanted to change it. Now, it seems, some may say, that the approach that has been taken by the Liberal Party is designed to ensure that the committee system does not function. We want it to function.

This amendment, the standing order change that Dr Bourke is moving and the government will support, is designed to allow the committees to report. They may report with three reports—areas where there is agreement, areas where government members have a report and areas where the Liberal Party members may have a report. That is what might actually happen. There may be two reports. In an ideal world there may be one report. But that is what this allows to happen. We have got annual reports before us; we have got the Select Committee on Regional Development due to report. We want those committees to report, and this amendment ensures that will happen.

Mr Smyth, this amendment has been on the notice paper for over two months. You, coming quite late to the party, have brought forward—

Mr Smyth: No; it has only just been brought on. It has been sitting there.

MS GALLAGHER: It has been on the notice paper and it has certainly been discussed. You have brought some amendments forward quite late in the piece that we are prepared to look at through admin and procedure. It may be that they are sensible amendments. We are very happy for those to go to admin and procedure, but in the meantime there is the particular issue with the committee system at the moment, which is that the approach that has been taken has been designed to make sure that there is no report and to cause maximum embarrassment to committee members, particularly government committee members. We do not think that needs to happen.

We are trying to keep this debate polite. I do not think there is any disagreement on the proposal that Dr Bourke has brought forward. Indeed, it is covered in some of your amendments, in which case it should be passed 17-nil. Then we can go and have a look at some more detail around admin and procedure. I think the tolerance of some members to how the committee system is operating at the moment has been there. It is time that we just get on with it and allow committees to report, even if they report three times.

MR HANSON (Molonglo—Leader of the Opposition) (11.39): If there is game playing occurring, let me make it clear that it is from those on the other side. Those on the other side have decided to set up a committee system that is contrary to the principles of Latimer House, as advised by the Clerk and distributed. That provided me with advice, and I have distributed it to members, that this is a step away from the Latimer House principles.

That is what those members opposite in the Labor Party and the Greens have done. They want to stitch up the committee system so that it cannot report effectively. What Dr Bourke's amendment is doing today is trying to lock that in stone and make sure that essentially the committee system is further diluted. Mr Smyth has rightly identified the problem with that, identified the fact that it goes against the House of Reps practice. It is saying: "Look, there are problems; let's sort this out in admin and procedures. That is the right way forward."

To suggest that this is some sort of Machiavellian way that we are trying to run committees is a nonsense. I invite members to read the dissenting report to the

estimates committee. The 500 or so recommendations that came out of that report, of which dozens were actually duplicates, were error ridden, factually wrong. There were about 500 nonsense recommendations praising the government. Have a read of that and then consider what we face as the Canberra Liberals on these committees. We face this sort of nonsense, political interference and political game playing by those opposite.

It is quite clear that the two-two committee system, as the Clerk has warned, is not working properly, is not adhering to the Latimer House principles. We are working within the framework that we are provided, which is unworkable. Don't come blaming the Canberra Liberals for what is wrong. What Mr Smyth is trying to do is make sure that what we do in this place is right in accordance with the way the committees are run, through conventions that come to us through the federal parliament, rather than trying to freestyle and come up with something that fits this ad hoc, wrong process that has been implemented for committees.

Let us do this right. Let us take both these motions to admin and procedures, get a resolution that works and bring them back here—rather than trying to game play, which is what those opposite are doing.

MR RATTENBURY (Molonglo) (11.42): I rise to speak to both of the motions that have been put forward. It seems quite clear that we need to adjust the rules. It seems that the two parties have not been able to find a spirit and ability to work in a way that reflects the makeup of the Assembly.

There is actually nothing wrong with having a four-member committee that has equal numbers in it. The Chief Minister just described it quite well. Members should be capable of finding some common ground in some cases and producing—

Mr Hanson interjecting—

MADAM DEPUTY SPEAKER: Mr Hanson!

MR RATTENBURY: There is nothing to stop members finding common ground. Most committees have areas where members agree and can produce a report that contains that. If they want to add further comments, there is nothing to stop committee members doing that. It reflects the fact that there is not a desire to make this work, because if there was it would be working fine.

However, it does seem, from the debates I have heard here in the chamber and the reports I have heard around the place, that there are some procedural problems facing the committees and some uncertainty about the procedural matters facing committees. That is what needs to be addressed. Both Dr Bourke and Mr Smyth have brought forward propositions to do that.

We do seem to have a procedural issue with us this morning. As Mr Smyth said in admin and procedures on Tuesday, there was an agreement that both of these would

go off for further consideration—that we would start the discussion today and we would come back to them next year. Subsequent to that, when I had a chance to further look at them and sought some further advice, it did seem that Dr Bourke’s proposal for standing order 248 would provide us with some interim measures that would allow us to get on with the business of the provision of annual report reports.

I had understood that that had been communicated and that the decision from Tuesday at admin and procedures had been communicated to Mr Smyth as well. I have discovered this morning that that is not the case. That is very unfortunate. One of the things that really struck both me and my former colleagues in the last term, since we came to this place, is how little people in this building talk to each other. We often found ourselves, certainly in the last term, to be some sort of intermediary. I do not think that does the place any service at all. When people actually sit down and talk to each other, we usually get a much clearer understanding of what is going on.

That said, the advice I have is that Dr Bourke’s proposal to amend standing order 248 is consistent with House of Reps practice. I believe that it will actually add some clarity to areas that have been problematic in recent times. On that basis, I am going to support Dr Bourke’s motion being voted on today, because my understanding of the standing orders is that that will provide some temporary clarity. And we will look further at Mr Smyth’s proposal. I have had some initial consideration of Mr Smyth’s proposal, and it is not clear to me how some elements would operate. I think that what Mr Smyth is seeking to do is potentially quite useful, but it probably does warrant some further discussion.

On that basis, I will be supporting Dr Bourke’s motion today. It is regrettable that that understanding was not clearer before we came here this morning—that the procedure agreed to on Tuesday had been amended. I find that a regrettable situation. Nonetheless, I will be proceeding today to support that one and I look forward to the discussion of Mr Smyth’s motion further at the administration and procedures committee.

MR WALL (Brindabella) (11.46): I would just like to put a couple of words on the record as to the function of the committees, from my perspective as a new member in this place. Coming in as a new member, it was explained to me that the function of the committees was as an opportunity for all members of this place that are non-executive to participate in and investigate issues of merit or interest and that it is done often in a non-partisan fashion where the best ideas and aspirations are put forward and collaborated on.

Sadly, however, we have seen that the committee structure is now such that having two members from one side of the chamber and two members from the opposite side naturally introduces a partisan element. That has been quite disappointing. It has been evident. Obviously there have been instances where we have been unable to get our points across in committees and times when members of the government backbenches have sought to prevent any changes to their points of view being made in the committee process.

We only need to reflect back on draft variation 308 to the territory plan that was dealt with by the planning committee. Having it come into this Assembly and then sent back to the committee for re-approval highlights some of the issues that are involved in the standing orders. Dr Bourke's amendment to the standing orders does not address those sorts of issues. I believe Mr Smyth's comprehensive proposal to vary the standing orders does go a long way to doing that. The best way for all of it to be addressed would be through the admin and procedures committee. It seems fair that, instead of looking at one variation in isolation here today and sending the rest off to be dealt with in three months time, the whole committee structure, as it is dealt with in the standing orders, is looked at comprehensively and in one job lot.

I go to some of the small changes in Dr Bourke's motion. One is that the chair shall propose the question that the paragraphs or appendixes be agreed to. It is how the process continues now. It does not add any clarity or any certainty, and it most certainly will not stop the nobbling that is occurring in the committee structure where a report is written from one perspective or another and there is very little opportunity for compromise or common ground to be found. When you have got two votes one way and two votes the other, it is always going to be resolved in the negative, which means that amendments are never going to get up and variations are not going to get up. So the reports will continue to clearly illustrate the views of one side of politics or the other.

I really think that is a travesty as to the way that the committees are operating in this place. It is not just the Assembly structure that is missing out on a great opportunity, but the wider community. We are failing in one of our core duties here with the committee structure—seeking out the views of the community and reporting them back through to government. As long as this two-two committee structure prevails, the committee structure in this place will not function properly and the reporting will be viewed through the guise of one partisan view or another.

DR BOURKE (Ginninderra) (11.49), in reply: I rise to close the debate, Madam Deputy Speaker. I listened to the speeches from both Mr Hanson and Mr Wall. I was surprised when Mr Hanson talked about the motion that I have brought forward. He seemed confused. He did not realise that my motion is actually incorporated in Mr Smyth's motion.

Opposition members interjecting—

DR BOURKE: When we look at Mr Smyth's motion, what he has done is take a bit out of one standing order and shuffled it down, a bit out of another standing order and shuffled it around. It has not changed any of the words. He has incorporated my piece in his new draft 249A. And then he has brought in some pieces based on House of Reps practice, which already, as we know, applies. It is probably good to state them in the standing orders—very helpful. But as Mr Gentleman has pointed out, 250B stymies the capacity of committee members to deliver dissenting reports when there is no agreement. This is the essence of what the Chief Minister was talking about—the capacity for committees to be able to provide dissenting reports.

Mr Smyth interjecting—

MADAM DEPUTY SPEAKER: Mr Smyth!

DR BOURKE: The makeup of this Assembly is what the community wanted. That is what they have given us. That is what they have given us, and that is what will be reflected in those reports.

I thought Mr Wall was on the right path in the first part of his speech. I thought he had actually captured the essence of my motion—that each paragraph will be considered, that a question will be put by the chair, that members can then vote on each paragraph. But then he seems to have gone off the track and not really understood the procedure at all. That is disappointing. The essence of what this motion will achieve—

Mr Hanson interjecting—

DR BOURKE: I will have to refine it for you, Mr Hanson; you just do not seem to understand, because you have not bothered to read it.

Mr Wall: Point of order, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Resume your seats. Stop the clock. Point of order?

Mr Wall: I ask that you call Dr Bourke to order and ask him to refer all of his comments through the chair.

Mr Corbell: On the point of order, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Mr Corbell.

Mr Corbell: Madam Deputy Speaker, those opposite have been continually interjecting throughout Dr Bourke's speech. Dr Bourke makes one response to an interjection and they take a point of order? Give me a break, Madam Deputy Speaker. Madam Deputy Speaker, I ask you to call the opposition to order. Their repeated interjections are disorderly, and if they continue to interject, appropriate action should be taken.

MADAM DEPUTY SPEAKER: Thank you, Mr Corbell.

Mr Wall: Just on the point of order, Madam Deputy Speaker. It is common practice in this place that a mild level of interjection is able to occur except on special occasions such as valedictory and maiden speeches. It is common practice that the chair is normally mildly lenient as to the amount of interjection that is allowed to happen. However, the chair has been relatively strict in comments being directed through themselves as opposed to directly to other members of the chamber.

MADAM DEPUTY SPEAKER: I have no idea what you are talking about, Mr Wall. I do not need that kind of advice, which is extremely patronising and confusing.

Mr Smyth: As is Mr Corbell's.

MADAM DEPUTY SPEAKER: I do believe I have called Mr Hanson and Mr Smyth to order several times, which you have ignored. I was on the point of

warning you, Mr Smyth, myself, because you have been ignoring me. It is very difficult for Dr Bourke to continue under those circumstances. I was just about to warn you. Dr Bourke, you may continue.

DR BOURKE: Thank you, Madam Deputy Speaker. In brief, or in essence, as Mr Hanson likes to refer to it, this motion will enable committees to come to a report where each paragraph in that report will reflect their agreed understanding of what should be in the report. In other words, they can vote on every paragraph and then decide if that paragraph is in or if it is out.

We will not have chairs bringing reports into committee and then ramming them through because they insist that a paragraph will be included in the report unless a motion to negate it, to remove it, is passed. Given the fact that we have been given an eight-eight-one Assembly by our community, by our electorate, by the people of Canberra, that is how we need to move forward to get the kind of reports that the community expects us to produce.

As the Chief Minister said, the upshot of my proposed amendment to the standing orders will be that there will be a series of paragraphs and recommendations that are agreed to and there will probably be two dissenting reports hanging underneath that. Everybody can then see, everybody can be clear about, what is agreed and what is disagreed and the basis for those disagreements. To me, in matters of contention, given the Assembly that the people of Canberra have elected, that is what our committees should be doing. I commend the motion to the Assembly.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 9

Noes 8

Mr Barr
Ms Berry
Dr Bourke
Ms Burch
Mr Corbell

Ms Gallagher
Mr Gentleman
Ms Porter
Mr Rattenbury

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mrs Jones

Ms Lawder
Mr Smyth
Mr Wall

Question so resolved in the affirmative.

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.

Standing orders—proposed amendments

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

That standing orders 247 to 252 be omitted and the following standing orders be substituted:

“Draft report

- 247 It shall be the duty of the Chair of every committee to prepare a draft report. Copies shall be circulated in advance to each Member of the committee.

Presentation of the draft report to the Committee

- 248 At a meeting convened for the purpose, the Chair shall submit the draft report which may be considered at once.

Alternative draft report

- 249 If any Member, other than the Chair, submits a draft report to the committee, the committee shall first decide upon which report it will consider.

Consideration of the report chosen by the Committee

- 249A The report shall be considered paragraph by paragraph or, by leave, paragraphs may be considered together. Appendices shall be considered in order at the conclusion of the consideration of the report itself. The Chair shall propose the question ‘That the paragraph(s) or appendix be agreed to’ and a Member objecting to any portion of the report may vote against it or move an amendment at the time the paragraph or appendix to be amended is under consideration.

Reconsideration of draft report

- 250 After the draft report has been considered, the whole or any paragraph may be reconsidered and amended.

Final consideration of the draft report

- 250A At the conclusion of the consideration and any reconsideration of the draft report selected by the committee the Chair shall move ‘That the report as amended be agreed to’.

Unable to agree on a report

- 250B If the committee is unable to agree upon a report, the Chair of the committee must present a statement to that effect, with just the minutes and transcripts of evidence.

Dissenting report

- 251 If any Member dissents from part or all of the draft report under consideration, that Member may present a dissenting report or additional comments which shall be added to the report agreed to by the committee.

Signing of report

- 252 Every report of a committee shall be signed by the Chair, and any dissenting report or additional comments shall be signed by the relevant Member or Members.”.

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

Administration and Procedure—Standing Committee Reference

MR SMYTH (Brindabella) (12:00): As per the agreement reached by all parties in admin and procedure on Tuesday, I move:

That the standing orders relating to the consideration of reports by Assembly committees be referred to the Standing Committee on Administration and Procedure for inquiry and report by the last sitting day in February 2014.

At admin and procedure on Tuesday all parties agreed that both of these standing orders be sent through to admin and procedure. We now know that has been reneged upon, and that is unfortunate. But it is important that all standing orders go through admin and procedure before they come back to this place. That has been the form of this place for some 25 years. I believe it should continue. With that, I am happy for my amendments to the standing orders to go off to admin and procedure.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (12.01): The government will be supporting this motion today. As the Chief Minister has previously explained, the Labor Party’s position is that there is a need for an immediate resolution of issues surrounding the operation of committees, and that has been agreed to by this Assembly by the passage of the motion moved by Dr Bourke. But we also recognise that there may be other options worth considering alongside that proposal, and that can be further looked at by the Standing Committee on Administration and Procedure. So the government supports this motion.

I will, however, refute the assertions made by Mr Smyth that it has always been the case that amendments to standing orders are dealt with first by admin and procedure. That is factually incorrect. Indeed, it has been the practice of this place, following an election, for changes to be made to standing orders without reference to admin and procedure for inquiry and report. Indeed, I can recall a series of changes occurring following a series of elections over the last decade where quite substantive changes have been made to the standing orders, some of which were proposed by the Labor government, some of which were proposed by the Liberal opposition, all of which were debated and resolved upon by this place without reference to the Standing Committee on Administration and Procedure. So it is wrong for Mr Smyth to assert that it is always the case that these matters go to the Standing Committee on Administration and Procedure. The facts are that the Assembly itself determines what matters it will and will not send to that committee.

Question resolved in the affirmative.

Legislative Assembly—sitting pattern 2014

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (12.03): I seek leave to amend notice No 4 which has been circulated in my name in the terms circulated in the revised document.

Leave granted.

MR CORBELL: I move:

That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2014:

February	25	26	27
March	18	19	20
April	8	9	10
May	6	7	8
	13	14	15
June	3	4	5
August	5	6	7
	12	13	14
September	16	17	18
	23	24	25
October	21	22	23
	28	29	30
November	25	26	27

This morning I have circulated a revised motion which sets out a proposed sitting calendar for the 2014 Assembly sitting year. This differs from the version I circulated to members earlier in the week. It includes an additional sitting week and a change to the pattern for the October and November sittings. The calendar proposes 13 sitting weeks, consistent with the number of sitting weeks for this year. Secondly, it proposes a double-sitting fortnight in October, including the weeks of 28, 29 and 30 October, and omits a double-sitting week in November, ensuring there is only one sitting week in November at the conclusion of the sitting calendar year.

The government has close regard to the business of the Assembly as a whole in setting the sitting calendar. This sitting calendar is equivalent to the sitting calendar for this calendar year, and the government is confident it will provide the time necessary for the conduct of all of the Assembly's business. I commend the calendar to members.

MR SMYTH (Brindabella) (12.06): I move:

That the following days be added to the 2014 sitting calendar:

March	11	12	13
April	1	2	3

What the minister originally proposed was the smallest number of sitting days in a non-election year in the history of the Assembly, and I think the admission by moving from 12 to 13 weeks is that even they felt uncomfortable about being seen as perhaps lazy and as not doing the job. Perhaps it is just a government without an agenda. The election years are somewhat different, simply because from August through normally to about November we do not have any sittings because we are out campaigning and then working out who sits in which seat.

It is hard to do a direct comparison with other years, given the annual reports are on financial years, but in 1998-99, there were 40 sitting days; in 1999-2000, there were 41 sitting days; in 2005-06, there were 41 sitting days; in 2010-11, there were 44 sitting days; in 2011-12, there was 42 sitting days. So it is good to see Mr Corbell has come up from the low ebb of 36, which I suspect would have been a sad reflection on the government and their lack of agenda. But we do not think there are enough sitting days. So I have moved an amendment that would insert an extra two weeks, one in March, one in April.

This place is about the scrutiny of the government. This place is about making sure that issues are aired and debated soundly, and this place is about making sure that all the work gets done. And as we saw so often with regard to the notice paper—and we actually had to change the notice paper—matters lapsed because so much was going on. But we never had the time to debate them. Now things are removed as an automatic action simply because the government has not seen fit to bring them back on.

Limiting the number of weeks to 12 would have ensured that that tradition of not doing the work continued. Thirteen weeks, we believe, is insufficient. Fifteen weeks would provide a perfect balance where government could have its agenda, the crossbench and the opposition could have their agenda. We might even look at repealing things. There might be chance for even greater scrutiny of the government by bringing back on the reports that basically ministers speak to, they sit down and the reports are never brought back on. It is a shame that we do not look at some of those reports in more detail. A 15-week sitting program would allow that to happen. I commend my amendment to the house.

MR RATTENBURY (Molonglo) (12.09): I will not be supporting Mr Smyth's amendment. I think that the 13 sitting weeks that have been proposed are reasonably consistent with the last few years. I could not help but be struck by some of the interesting comments Mr Smyth just made about the fact that there has not been enough time to bring things back on. I recall last Assembly that the Liberal Party brought on a whole range of things that they simply never brought back.

Week after week, items sat on the notice paper. In fact, a couple of pieces of legislation Mr Seselja introduced sat there for the entire term and never got debated. The grand plan for an infrastructure commissioner never got debated in the entire term. With 13 or 14 days of private members' business through an entire year across several years of a term the bill never got debated. To sit here and reflect that there is not enough time and that members cannot get their business done is a furphy.

So I think we need to reflect on that. I think 13 sitting weeks would give us plenty of opportunities. We of course have annual reports hearings, estimates hearings and the like. When people come to visit this place, they ask how often the Assembly sits each year, and I tell them. People seem a bit surprised. They say, "That is not much." When you talk about the number of committee hearings that are going on and the various processes, they understand.

I think to come in here and say the only time that any scrutiny gets done in this place is during the formal sitting days in the chamber—

Mr Smyth: But I did not say that.

MADAM SPEAKER: Order, Mr Smyth.

MR RATTENBURY: Or imply—fair enough. No, fair cop. Mr Smyth has corrected me. He did not actually say that. But certainly in saying the chamber is the place in which the scrutiny gets done, I do not think tells the full story. I think there are a whole lot of other mechanisms. Members are quite busy a lot of the time, and there is much more to it than simply the number of sitting days on the calendar.

I thank Mr Corbell for the amendment. I think it reflects the pretty steady pattern we have seen in this Assembly in the last few years, and I would be happy to support the motion put forward by Mr Corbell.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (12.11): The Labor Party will not be supporting Mr Smyth's amendment either. And I agree with Mr Rattenbury. It is a furphy. It is a furphy that apparently there is not enough time. The government presents substantive and detailed pieces of legislation every sitting, both for introduction and for debate. I cannot remember the last time I heard an opposition member speak for more than about 10 minutes on any government bill, and I definitely cannot remember the last time I heard more than one opposition member speak in response to a government bill.

So the government gets through its program in a pretty timely way, but it does so because there is very little work being done by those opposite when it comes to debate on government bills. Very short speeches are being given. Usually there is only one speech, and that is it. No-one else is paying attention. Maybe no-one else is awake. I do not know. It is a complete furphy for the Liberal Party to say that there is not enough time. The fact is they are simply not utilising all of the abundant opportunities

available to them in this place to debate issues, to get into the detail of bills, to get into the detail of papers.

Mr Smyth says the government never brings back reports. The government brought back reports throughout this year, items on the notice paper that had been noted and adjourned, and there were no speakers—no speakers from the Liberal Party. They have nothing to say, nothing to talk about.

That is not our problem but it certainly does not give the Liberal Party any grounds to stand up and say that there is not enough time in the Assembly sitting calendar. The calendar is comprehensive. It provides a time to deal with all of the business of the Assembly, and I commend the proposed calendar as I have circulated to members.

MADAM SPEAKER: Mr Corbell, could I ask you to withdraw the imputation that no-one was awake in this chamber.

MR CORBELL: I withdraw it.

MADAM SPEAKER: Thank you.

MR HANSON (Molonglo—Leader of the Opposition) (12.13): Certainly I commend Mr Smyth for his amendment, and I would like to briefly respond to some of the nonsense from those opposite. The point is that what we are not seeing—and I accept that—is a great agenda from the government in terms of the legislative program, and that could be debated.

Mr Corbell raises an issue of a piece of legislation that was responded to by one speaker on this side. But I would say that, in the course of events in this place, when there is legislation, there is one speaker from the government, that is, the minister, and there is one speaker from the opposition, that is, the shadow minister. That is the form of this place.

On occasion the government will have something which is of particular importance, perhaps, to them, and everybody wants to get on the record. That does not necessarily mean that the opposition will respond in kind and break with the conventions of this place where we have only a minister and a shadow minister speak. That is a nonsense. So let us make it clear that that is a nonsense.

I move then to the point that we have, as an opposition, not spoken at length. The functions of this place are manifold, but it is for the government to introduce and get on with its agenda. We have just talked about that. But it is also a very important mechanism or tool for the scrutiny of government.

We hear much from the Chief Minister about open and accountable government—and some of those mechanisms are questions without notice—and what we will see here, the difference between what is proposed by Mr Corbell and the amendment of Mr Smyth is a significant reduction in the number of questions without notice that will be asked. There will be significantly fewer MPIs and, importantly to the opposition, far less opportunity—and this should be an issue for the government backbenchers as well—for private members' business.

This is the point: on Tuesdays, often we do knock off early. We get out of here early for lunch because of the government and its lack of agenda, or, I would add, the particular appetite, other than on the gay marriage bill, for other members not to speak to legislation. I do not notice a great number of members from the government jumping up and down on particular pieces of legislation.

But when it comes to private members' day, what I would say to you is this: on almost every occasion we do not get through our business. On almost every occasion, even though we have extended sitting hours on a Wednesday by half an hour, we do not get through our business. There was proof of that yesterday. Two of the items, 50 per cent of private members' business from the opposition, were items that we had not got to in previous weeks. There was Mrs Jones's playground motion that had been sitting on the notice paper, and the jail motion that I had and that had been sitting on the notice paper.

What I would say to you, through the Speaker, is that there is a significant body of work that the opposition is getting through and that there are not sufficient hours in the sitting days for us to get through our agenda. As you saw yesterday, 50 per cent of our work was items that we had not been able to get to because we did not have enough time, did not have enough sitting days, did not have enough hours on a Wednesday.

I remind you that it is not just about the number of days. We used to sit late on a Wednesday, till 9.30, so that we could get through all of our business. I know that does not suit those opposite who want to knock off early on a Wednesday, because they do not want to get through that business. If the minister and the Chief Minister are serious about what they say about open and accountable government, then let us realise that a consequence of what they are doing in this place is reducing the opportunity for the opposition to actually scrutinise government and to make sure that this is an open and accountable government.

There will be less private members' business. There will be fewer matters of public importance. There will be fewer questions without notice, and there will be less opportunity. So I commend Mr Smyth's amendment to the Assembly.

I hope that I see a change of heart from Mr Rattenbury, who used to love scrutiny and accountability back when he was a crossbencher but who seems now to dislike it. He used to love private members' day before he was a minister. He used to want to see lots of questions being asked before he became a minister. He used to like accountability on committees before he became a minister. He used to love the Latimer House principles before he became a minister. But on all those items, he has backflipped.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 8

Noes 9

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mrs Jones

Ms Lawder
Mr Smyth
Mr Wall

Mr Barr
Ms Berry
Dr Bourke
Ms Burch
Mr Corbell

Ms Gallagher
Mr Gentleman
Ms Porter
Mr Rattenbury

Question so resolved in the negative.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (12.23), in reply: Very briefly, I note the comments made in the debate by the Leader of the Opposition. He says there is the convention that only the minister and the shadow minister speak. No, the convention is that only the minister and the shadow minister lead the debate, but other members are not here just to vote; they are here to debate. And I can recall plenty of moments when Mr Gentleman, Ms Porter, Dr Bourke and Ms Berry have all risen to speak about government bills. But apparently we are so busy that there is not enough time for every member of the opposition to speak on the marriage equality bill. Apparently there is just not enough time for the debate.

This really highlights the contradictions in Mr Hanson's argument and the fact that the reality is that most of the Liberal opposition just do not debate in this place. Is it any wonder that the government gets through its business in a prompt fashion?

But that said, I thank members for their consideration of this motion and I commend the sitting calendar to the Assembly.

Motion agreed to.

Freedom of Information Bill 2013—exposure draft Papers and statement by member

MR RATTENBURY (Molonglo): I seek leave to present an exposure draft of the Freedom of Information Bill 2013 and a draft explanatory statement and to make a statement in relation to the papers.

Leave not granted.

Standing orders—suspension

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

That so much of the standing orders be suspended as would prevent Mr Rattenbury from presenting an exposure draft of the Freedom of Information Bill 2013, together with a draft explanatory statement and to make a statement in relation to the papers.

MR HANSON (Molonglo—Leader of the Opposition) (12.25): We will not be supporting the suspension because I have made it very clear in this place that—

Mr Barr interjecting—

MADAM SPEAKER: Order, Mr Barr!

MR HANSON: I did not hear the interjection. I will ignore it.

MADAM SPEAKER: You would ignore it anyway.

MR HANSON: I would have, Madam Speaker; you are right. I have made it pretty clear that there is a nonsense occurring here with the executive minister providing these legislative responses when he is a part of the government. We saw that highlighted yesterday when the Chief Minister stood up to say the government would be supporting an amendment that had been moved by one of her own members. “The government will support the government.” And here we have the government not supporting the government—or we are not quite sure, because initially it was going to be a bill; now it is going to be an exposure draft.

My point is that this is in the Greens-Labor parliamentary agreement. So if it is not actually a bill being tabled, if it is simply a matter of saying, “It’s some notes, it’s my idea,” get that sorted out within the government. Get the refinement so that at least it is a bill—at the very least it is a bill. But it is a ridiculous process where something that is in the Greens-Labor agreement is subject to negotiation under the Greens-Labor agreement and now we are going to have that negotiation of the Greens-Labor agreement in the parliament.

If I am being asked, as the Leader of the Opposition, to be an umpire between two squabbling children, the two champions of the left in this quasi Greens-Labor government, I think it is ridiculous. It is a nonsense that time be taken up in this place with sorting out the squabbles regarding the Labor-Greens agreement when they should be doing that within their own cabinet processes.

We will not be supporting this suspension. What we will await, if there is FOI reform that is being proposed as a result of the Greens-Labor agreement, is the result of that from the Greens-Labor government. We do not want to have to sort it out for them, with what will be a myriad, no doubt, of various amendments flying from Mr Rattenbury versus Mr Corbell. It is a nonsense, and we will not be supporting the suspension.

MR RATTENBURY (Molonglo) (12.27): Once again Mr Hanson has demonstrated an apparent lack of strategic capability on his own part. He says that it is too difficult for him to have to come in here and participate and work as some sort of umpire. What he fails to recognise is that, of course, if there is some disagreement between me and the Labor Party, he actually gets a chance to engage as well. I come from a place that says this is a parliament where people are supposed to come and debate the issues. Apparently, Mr Hanson is too lazy to want to engage in the drafting of legislation.

Mr Hanson simply does not want to take up the opportunity to be able to contribute to legislation. Clearly, he would prefer that the Labor Party and the Greens walk in here with the numbers and jam it through as a done deal. Then he will stand up and complain that there is no opportunity for him to have input. So he cannot decide what he wants. I thought they taught strategic thinking at military school. I would love to see the academic transcript because clearly Mr Hanson failed it.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Sitting suspended from 12.30 to 2.30 pm.

Questions without notice

Hospitals—Centenary Hospital for Women and Children

MADAM SPEAKER: Does the Leader of the Opposition have a festive question without notice?

MR HANSON: I would not describe it as a festive question, but I have one anyway. My question is to the Minister for Health. The review into the Centenary Hospital for Women and Children by Women's Healthcare Australasia states that Queanbeyan Hospital has "more robust leadership and better working relationships amongst clinicians compared to those at the Centenary hospital". It says also that there is a "reluctance of existing midwives to work within the birthing centre" and, further, that a "more detailed and refined work plan for the Centenary hospital would be beneficial". Minister, what steps are you taking to improve the leadership and relationships in this hospital to make it at least equal to Queanbeyan?

MS GALLAGHER: I will argue that the quality of staff and leadership at the hospital is equal to Queanbeyan. I think we are very well served by it. I can see that the Liberal Party have done their usual thing, which is to go through a review and go, "What is the most negative thing we can find in this review?" and then phrase their question about that. You actually overlook the content of the review, which was to look at the model of care and to look at the facilities available. In both of those respects, this review confirms that it is a high quality model of care and that the facilities have been built to meet the demand that is expected over the coming years.

The leadership at the hospital is first rate, Mr Hanson, and I should know because I work with these individuals very closely. I know exactly how hard they work. I know the huge pressure they have been under, and they have been. And it has gone through change because the concerns that were raised by some of the VMO obstetricians around the operations at Canberra hospital in the obstetric unit, which is well discussed here, did result in significant change at the senior levels at Canberra Hospital. Some of the impact of that is still ongoing. These are hard matters. They are not easy to solve. But the commitment of staff to the work that they do and the care that they provide to women is second to none.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, if you are just going to ignore the findings of independent reviews, why do you bother commissioning these reviews?

MS GALLAGHER: There were not findings along those lines, Mr Hanson.

Mr Hanson: I quoted it.

MS GALLAGHER: No. You said why am I going to ignore the findings. They are not findings. There were five recommendations that covered the model of care and implementation of the model of care in the new facilities. So don't try and blow this up into something. There were not findings—

Mr Hanson interjecting—

MS GALLAGHER: What you are trying to say is that they were findings around the leadership at Canberra Hospital, and they were not. They were not. The recommendations are there. There were five recommendations. The government have, in our interim response, agreed or agreed in part with those five recommendations. This is all about improving a high quality service, a safe and effective service, that has been implemented in the Canberra Hospital, and there are five relatively minor recommendations about how to improve it.

In relation to workforce culture in that area of the hospital, I cannot think of another area of the hospital that has gone through some of the pressure that that area has. It has been an extremely distressing time. I still have midwives who come in tears to me about some of the changes that happened at the obstetrician level in that hospital. I know that the leadership that is at that unit is determined to deal with any ongoing issues, and they do do it. So stop talking individual staff down and actually focus some effort on supporting the work that is being done.

Mr Hanson interjecting—

MS GALLAGHER: Actually deal with the recommendations in the report, Mr Hanson. You have selectively quoted, as usual, to try and find the worst comment that is in that report and blow it out of all proportion. It was not a finding of this report and—

Mr Hanson: It's a pretty bad report.

MS GALLAGHER: It is not a bad report. It is by no means a bad report. You would like it to be a bad report, but unfortunately it is not. *(Time expired.)*

MADAM SPEAKER: Supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, can you explain for the Assembly the qualities of these staff and the pressures they face?

MS GALLAGHER: I will again reinforce my support for the leadership at Centenary Hospital for Women and Children and acknowledge the huge stress they have been

under in moving from an old unit to the new unit, including implementing a new model of care, including seeing a huge spike in demand for services and including trying to encourage change amongst their workforce.

These are difficult initiatives for executives to manage. I do work very closely with them and I cannot speak highly enough of the leadership, both the clinical leadership and the administrative leadership in this area. Where there are ongoing issues in relation to workforce culture, those matters are being dealt with and dealt with appropriately.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, could you explain a bit more about the reluctance of midwives to work within the birthing centre?

MS GALLAGHER: The birthing centre has traditionally been used by the community midwives program, which is separate to other areas of maternity services and maternity care at the hospital. It is a different client base, and we are moving to change that because the birthing centre suites have not been fully occupied. So we are integrating the two types of care currently. That was not the way when we started with the new Centenary Hospital for Women and Children, and that involves change. The midwives that work in the birthing centre have worked fairly autonomously in a small team since the birthing centre opened, and we are changing that to allow women who are not on the community midwives program the opportunity to birth in the birthing suite.

Hospitals—Centenary Hospital for Women and Children

MRS JONES: My question is to the Minister for Health. Minister, the review into the Centenary Hospital for Women and Children by Women's Healthcare Australasia commissioned by you contains the following findings:

... birth rates in the CHWC in 2013 are likely to be close to the 2020 prediction.

And:

... the basic assumption of women [that] could be cared for in the Labour birthing postnatal recovery room is unachievable.

And:

... more detailed planning may have assisted in managing the demand.

Minister, given that many experts, including the ANF, warned that capacity was insufficient, why was more detailed planning not carried out?

MS GALLAGHER: Detailed planning was undertaken in implementing the new model of care in the new building.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, why did you ignore, and then deny, the warnings of the ANF which have now been proven true?

MS GALLAGHER: I did not.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, what steps have you taken to correct the situation now that you know that the assumption of how many women could be cared for is unachievable?

MS GALLAGHER: The report says that it was an ambitious target to have 85 per cent of women birthing under the model of care initially, and we are working as per the recommendations, which say to continue with this model of care, that it is safe, it is effective and that the building capacity is available to deal with the demand. So all of that work is ongoing.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, could you explain to us a little more about the demand and how it has been generated?

Members interjecting—

MS GALLAGHER: I will keep it clean.

MADAM SPEAKER: Keep it clean, yes.

MS GALLAGHER: I would not want to speculate on any of those matters. I think Ms Porter is alluding to the issue that we did see a very substantial increase in demand for public birthing services around the time that the new centenary hospital was commissioned. That has ameliorated somewhat. There was a big shift from the private system to the public system—

Mr Hanson: Because of the Medicare rebate?

MS GALLAGHER: That certainly contributed to it. There is no doubt that that has been an element and the failure of the private system to respond—

Mr Hanson: It is their fault, is it?

MS GALLAGHER: No, this has impacted—

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson! Ms Gallagher, do not respond to Mr Hanson's interjections.

MS GALLAGHER: The private obstetricians could respond by ensuring that it was not expensive to have a baby in the private system, which is what is pushing women into the public system—

Mr Hanson interjecting—

MADAM SPEAKER: Order, Mr Hanson!

MS GALLAGHER: There is some amelioration of that and the bed occupancy at the centenary hospital is now at 83 per cent, which is entirely manageable.

Bushfires—preparation

DR BOURKE: My question is to the Minister for Police and Emergency Services. Minister, can you please outline to the Assembly the ACT's preparations for the bushfire season?

MR CORBELL: I thank Dr Bourke for the question. Under the Emergencies Act, the ACT bushfire season commenced this year on 1 October. I am pleased to advise the Assembly that the ACT Rural Fire Service, together with the broader Emergency Services Agency, has undertaken significant preparations for this year's bushfire season. These activities include a full servicing of the response fleet across the Rural Fire Service and ACT Fire and Rescue, the completion of the 2012-13 bushfire operational plan, the commencement of the new 2013-14 bushfire operational plan, the training of over 130 new, additional RFS volunteers, and conducting preparedness workshops and forums for all volunteers and our paid firefighters in Territory and Municipal Services, in parks brigade.

A new memorandum of understanding has been put in place between the ESA and TAMS in relation to cooperation in relation to bushfire management matters. There has been an update of the existing memorandum of understanding between the ESA and the New South Wales Rural Fire Service, an important component of our cross-border cooperation. There has been updating of mutual aid agreements with surrounding New South Wales Rural Fire Service areas—again, critical for fires that are needing assistance cross-border in either direction. And there has been the attendance of relevant personnel at New South Wales Rural Fire Service state and regional pre-season briefings. These are all important procedural steps that need to be put in place to ensure that our emergency services are well prepared for the forthcoming fire period.

It is also worth highlighting that we have seen some additional vehicles included in the ACT Rural Fire Service fleet. Two new medium tankers were delivered for the fleet under the 2012-13 vehicle replacement program budget. These were placed into service in October this year. One new heavy tanker was also delivered for the ACT Rural Fire Service from this program. That was placed into service in February this year.

We also have two new rapid deployment containers delivered for ACT Fire and Rescue to replace two operational trailers and one support vehicle. Under the vehicle replacement budget, these were placed into service in August this year. One new heavy rescue pumper has been acquired for ACT Fire and Rescue. One new Pantech support vehicle for ACT Fire and Rescue has also been placed into service in June 2013.

The favourable weather conditions over autumn and early winter this year allowed Territory and Municipal Services to conduct a significant number of hazard reduction burns. The Rural Fire Service has also seen a significant increase in volunteer firefighters joining the service since the January 2013 fire weather events. As at 30 June this year there were 550 RFS volunteers. That is an increase of 21 per cent from the same period in 2011-12—great news for our volunteer brigades. We also remain strong, with a great level of community fire unit volunteers. Overall, the ACT remains well prepared for the forthcoming fire season.

It is important to stress that fires will happen in our landscape, and large fires will potentially happen in our landscape as well. The challenge is to be prepared to respond to them and to mitigate them to the greatest extent possible. I am confident that our authorities have done an excellent task in preparing for both of those aspects of fire management.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, what is the forecast for this year's bushfire season?

MADAM SPEAKER: The minister for emergency services. Hopefully, it is not too hypothetical.

MR CORBELL: It is a scientific forecast, Madam Speaker. Whether it is hypothetical or not, I will leave that question for you.

Climate indicators across large areas of southern Australia, including the ACT and its surrounding region, indicate that we will face higher than average bushfire risk for the 2013 season. The Bureau of Meteorology rainfall forecast for the October to December quarter favours average conditions over the south-eastern Australian mainland, with a roughly even chance of wetter or drier conditions. The Bureau of Meteorology's confidence in the October to December outlook is related to how consistently the Pacific and Indian oceans affect Australian rainfall. Oceanic indicators are likely to remain neutral for the remainder of 2013. However, atmospheric indicators such as the southern oscillation index and trade wind strength remain near normal. Overall, what this means is that the outlook accuracy is moderate to high across south-east Australia for the Bureau of Meteorology forecast.

We know that we will see warmer than average daytime and night-time temperatures in the south-east of the continent. The chance that the average October to December 2013 maximum temperature will exceed the long-term median maximum is above 65 per cent. So what this tells us is that we are expecting a hot and dry summer,

although we could see periods of rain. Depending on whether or not that rain eventuates will have a big impact on preparedness for the bushfire season.

The outlook for grasslands reflects the recent vigorous grass growth which has continued into spring. Above average rainfall for much of the three preceding years is likely to continue the trend of heavy grass fuel loads in particular, increasing the potential for grass fires to the north and the west of the ACT. *(Time expired.)*

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Minister, are all the paid positions in the Rural Fire Service filled?

MR CORBELL: I understand they are, but I will confirm that and provide an exact answer to the member.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, in response to the second question from Dr Bourke I think you mentioned a hot, dry summer with some chance of rain—

Mr Gentleman: Preamble.

MADAM SPEAKER: Yes, it is very preambly.

MS LAWDER: Can you explain how that is different from any other summer?

MR CORBELL: As I indicated in my answer, in case Ms Lawder was not listening closely, what we know from the Bureau of Meteorology is that the chance that the average October to December 2013 maximum temperature will exceed the long-term median maximum temperature is above 65 per cent. So we are looking at a hotter than average summer. That is what that means.

In relation to rainfall, the Bureau of Meteorology's assessment is that rainfall is expected to be around average, but the issue with rainfall is that it is highly variable and it is dependent on storm events. Storm events are very difficult to predict in terms of where the rain actually falls. We know even with the city we can have an intense storm event on the north side of the city and virtually no rainfall on the south side. So these are the temperature and weather conditions that the Bureau of Meteorology is predicting—a hotter than average summer.

What this means, of course, is that Canberrans need to be well prepared. They need to make sure that they have downloaded a bushfire survival plan from the ESA website and they need to make sure they have discussed bushfire preparedness with their family so they know what they are going to do in advance if a fire threatens their home or threatens their property. Having a plan to make a plan is not a plan at all; you need to have taken the steps, spoken with your family, prepared your property and understand what it is you will do if there is smoke in the air and there is a fire near your home.

These are very, very important messages to get out now in the context of what could be an above average season in terms of temperature and all the risks that come with that in a place like Canberra and the ACT.

Visitors

MADAM SPEAKER: Before I call other members, I would like to acknowledge the presence in the gallery of staff from Canberra Connect. The education office has been bringing staff through. Welcome to your Assembly.

Questions without notice

ACTION bus service—fleet

MR COE: My question is to the Minister for Territory and Municipal Services. Minister, the ACT government recently announced that it will be procuring 77 new buses for the ACTION fleet. What requirements are in place for local or domestic manufacturing?

MR RATTENBURY: I will take the full detail of Mr Coe's question on notice, but what I can inform you is that the bus bodies are being prepared in Australia. They of course, as you would know, meet the new Euro 6 standard, the first buses in Australia to do so. But for the full procurement rules I will have to check and get back to you, Mr Coe, just so that it is quite specific for you.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, can you also take on notice, I suggest, what domestic manufacturing will take place and also what procurement weighting, if any, is given to favour Australian manufacturers?

MR RATTENBURY: Yes, I will.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Minister, what impact on the age-of-fleet reporting and best practice will be seen if the procured buses are in operation for 25 years?

MR RATTENBURY: Can you repeat the last bit?

MADAM SPEAKER: Could you repeat the question? I did not hear it all.

MR WALL: I will repeat that: what impact on the age-of-fleet reporting and best practice will be seen if the procured buses are in operation for 25 years?

MR RATTENBURY: In broad terms, what this will do is that it will reduce the maintenance workload, particularly in the short term. The buses that are being taken off the road and replaced are the oldest buses in the fleet. Many of them are at that 25-year time frame. So as is natural with these sorts of things, those buses are

increasingly requiring high levels of maintenance. I imagine that the parts become more difficult to obtain over time as is the nature of old cars, which most of us are probably more familiar with. So in that sense I have that expectation. That is certainly the advice I have from ACTION.

At the other end of the spectrum, the new buses are more detailed. In being more modern, there are new features. There are new requirements on them. So there is a greater level of complexity in some other areas that will offset some of those maintenance savings. I am not sure what the smirk is for, but I am sure I will find out in a second.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: On an unrelated supplementary, minister, how can the buses use more fuel but produce fewer emissions as per the ACTION spokesperson's comments in the *Canberra Times* on 28 November?

MR RATTENBURY: There are a number of components to that answer. "Emissions" refers to two things. There are greenhouse emissions and there are particulate emissions. What I can say is that the particulate emissions are reduced by 80 to 90 per cent with the new buses, and that is a particular feature of the Euro 6 standards. When it comes to greenhouse emissions, there is a negligible difference. The new engines are, I understand, slightly more efficient, but the buses are heavier because of some of the additional components, so that has an impact on fuel. I am advised by ACTION, and I did check this very carefully before signing off on this purchase, that any difference will be very minor, largely inconsequential.

Roads—Christmas light displays

MR DOSZPOT: My question is to the Minister for Territory and Municipal Services. I refer to a media release dated today from your department entitled: "Traffic management plans finalised for large-scale Christmas light displays". It states that traffic management costs for both displays for charities will be met. In today's *Canberra Times* it was reported that the Christmas lights world record-holder in Forrest may be facing a bill of thousands of dollars payable to the territory government. Why did it take a question from me in this place and subsequent publicity for the government to realise that charging community fundraisers fees for traffic management was a bad idea?

MR RATTENBURY: The heartbreaking news I have for Mr Doszpot is: it is not all about him. As I explained with some care in this place yesterday, the government has developed a set of guidelines that have actually been in place for a number of years. They set out how this will work. The government is seeking to work with residents of Canberra to facilitate the conduct of Christmas light displays. As I said yesterday, the government welcomes the festive spirit it comes from.

It was interesting to see the way the report ran in the *Canberra Times* today—the shock, horror on the front page about the fact we were still negotiating with the residents in Forrest and then buried right at the end of the article on the second page

was the gentleman from Kambah who said, “It’s actually been really great working with the government. It’s helped me facilitate the process, and I’m really pleased with how this has gone.” That is the way newspapers sell, I suppose, but it was interesting that that was well buried on the second page.

Mr Coe: “It’s been great to work with the government”?

MR RATTENBURY: I have paraphrased slightly—

Mr Hanson interjecting—

MADAM SPEAKER: No, no, Mr Hanson! Mr Rattenbury has the floor.

Ms Berry: On a point of order, Madam Speaker, I think yesterday you made a ruling on references to Mr Rattenbury as the Green Grinch, and it was just mentioned again today.

Mr Hanson: On the point of order, I was referring to whether the quote from the *Canberra Times* regarding the Green Grinch had been highlighted. I did not refer to Mr Rattenbury as the Green Grinch. I did not. If you are sensitive about it, I will happily withdraw “Green Grinch”. However—

MADAM SPEAKER: That is a very good idea, Mr Hanson.

Mr Hanson: Sure, but I was not actually addressing the member as the Green Grinch. It is just the quote is in the *Canberra Times* which referred to the—

MADAM SPEAKER: No, no, no—just withdraw, Mr Hanson.

MR RATTENBURY: I note Mr Hanson delighted in the opportunity to say it four or five more times. Going to the key issue that Mr Doszpot was asking me about, the simple matter is that TAMS is still working through it. We released the guidelines. We were negotiating with the resident in Forrest to try to sort out the details of what he actually wanted. There was some suggestion there was a request for TAMS to organise offsite parking. That would be quite a significant resource implication. These things need to be worked through in some detail. The fact that Mr Doszpot and his colleagues came in here yesterday and asked questions in the middle of the process that TAMS is working through does not impact the way that these decisions are taken.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, will you guarantee that no traffic charge will be passed on to any other family who raises money for charity?

MR RATTENBURY: As I am sure Mr Doszpot has taken the care to read the guidelines, he will see the basis on which these things are set out. There is a level of discretion in the guidelines because different circumstances arise. For example, the guidelines note that if somebody were to sell food, drink or merchandise, that would be one of the factors that TAMS takes into account. So if there is somebody who has

set themselves up and is actually generating income as a result of their Christmas light display, and yet the government was required to spend money on traffic management arrangements, I suspect members of the opposition would expect the government to recoup some of that cost; otherwise it simply becomes an offset out of TAMS's budget and something else, such as pothole repairs and the removal of graffiti, has to be sacrificed. So these are the factors that are taken into account.

However, that level of discretion allows common sense to be applied. What we have seen is that the decision has been taken, common sense has been applied and, because these residents are raising money for charity, TAMS will not be charging for these residents.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, has the government undertaken a risk assessment or is there any evidence regarding safety concerns at Christmas light displays?

MR RATTENBURY: As I outlined yesterday, TAMS does have concerns. Some of the areas where Christmas light displays take place are on relatively narrow suburban streets. We have situations, and it goes very much to the position Mrs Jones was putting yesterday about playgrounds and the need for fences, where in that kind of environment people pull up, they get out of their cars, children are excited—and rightly so, because it is Christmas time and the lights are attractive and festive—and children are moving around. These are the sorts of concerns that TAMS has. These are the kinds of risk factors that we are trying to think through and why temporary traffic management arrangements need to be put in place.

The other factor that arises is for residents in the same street, some of whom have complained to TAMS at times—

Mr Coe: Point of order.

MADAM SPEAKER: Point of order, Mr Coe.

Mr Coe: Madam Speaker, the question was: has the government undertaken a risk assessment or is there any evidence? It was not about—

MADAM SPEAKER: It is the case that that was the question that Mr Coe asked, and I would ask the minister to be directly relevant.

MR RATTENBURY: I was describing exactly the sorts of risks that TAMS chooses to take into account, but Mr Coe is clearly not interested so I have nothing further to add.

Mr Coe interjecting—

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, what are the key elements of the kinds of traffic management plans that TAMS undertakes for these events?

MR RATTENBURY: There are a range of factors that TAMS tries to take into account—a range of risks, which is actually what I was trying to outline in response to Mr Coe’s question about what are the risks you are assessing. His interjection after I sat down about the fact that it was simply regulating for the sake of it is preposterous.

The sorts of risks that TAMS is trying to take into account and weigh up in a temporary traffic management plan are the kinds of things you would take into account: how many cars are coming through, the width of the street, visibility—it is just not coming out—the line of sight issues that arise in particular streets and the way they bend and those sorts of things. They are the kinds of factors that are taken into account. For example, with the situation in Kambah, TAMS worked with the residents and they have identified the best solution there is to create a one-way street arrangement during the affected times.

The other factor that does need to be taken into account—and this is where it is a challenge for the government, and some of the dilemmas government faces in these sorts of things—is that other residents in the same streets do not necessarily appreciate these displays taking place and drawing large crowds. People find it takes them some extended period to be able to get into their own driveways or get out of their own driveways. These are the sorts of factors that TAMS needs to try to resolve through the temporary traffic management plans and the sorts of risks that I was talking about in response to Mr Coe’s earlier question. They are real risks. They are risks the community have raised with us, and that is why TAMS tries to work with residents to get an outcome.

Canberra—centenary

MS PORTER: My question is to the Chief Minister. Chief Minister, can you update the Assembly on the contribution that the celebration of our one big year, in other words our centenary, has made to the ACT in terms of community participation and city pride, tourism benefits and Australia’s perception of Canberra?

MS GALLAGHER: I thank Ms Porter for the question. Indeed, on the last sitting day in Canberra’s centenary year, I think it is appropriate to pull together and speak about some elements of Canberra’s wonderful year.

We know that one very big day, as part of the celebrations on 11 March, saw over 100,000 people attend and more than 90 per cent of them were Canberrans. Canberra’s oldest community members, those who were 100 years or older in 2013, have received a specially commissioned centenary medallion this year, as have all the babies born in Canberra on 12 March, sharing their birthday with the city and also receiving a centenary medallion.

Fifty-one individuals and groups have shared in the \$1 million centenary community initiatives fund for projects and activities that commemorated and celebrated the

centenary year. There was a huge amount of participation over a range of sporting and cultural activities, including the sportenary program, which engaged local sport and recreation clubs, with over 100 community events on the centenary calendar. We have also had programs like portrait of a nation, which invited the community to research the history of where they live.

The centenary has also brought out one of the very best aspects of our community—the willingness of Canberrans to give their time volunteering. The centenary of Canberra recruited for and managed an extensive volunteer base throughout the year and it currently has 375 volunteers on its books. Many of these volunteers volunteered at several events throughout the year. To date, there have been 1,461 volunteer shifts at 72 centenary events for a total of almost 6½ thousand hours.

Centenary volunteers have also undertaken a wide variety of tasks, such as helping to inflate and deflate the *Skywhale*—there were many requests for that particular volunteering role; none from the Liberal Party, though—packing showbags for conferences, handing out thundersticks at centenary sport—

Mr Hanson: Did you participate?

MS GALLAGHER: I would have happily been involved as a *Skywhale* volunteer but there was not any room for me, apparently.

Mr Hanson: Wasn't there?

MS GALLAGHER: No, it was so well subscribed by the volunteer program. 405 volunteers worked at the big birthday party around Lake Burley Griffin on 11 March. These volunteers did a range of tasks throughout the day, and I am sure many of us saw them wearing their T-shirts and hats, and we thank them very much for the work that they have done this year.

The centenary team also worked closely throughout 2013 with young people in our schools, across the multicultural community, within the Indigenous community and with our seniors. The centenary school coordinators group met regularly to discuss centenary projects of interest to the education sector and schools developed their own centenary activities as a result of these meetings.

There is no doubt that the centenary year has elicited a very good amount of city pride across the community. This has been borne out in some of the market research that has been done throughout the year. No doubt we can discuss all of that in annual reports, in the interests of time.

Pride and sense of ownership is one of the six highly aspirational goals of the centenary of Canberra when they were put in place many years ago, and these are being measured—specifically for Mr Smyth's benefit, more than anybody's. We look forward to going through them in detail in annual reports hearings next week. So it has been a very big year. It has been full of activities, from very small community activities to very big activities. Overwhelmingly, I am very pleased with how the year has gone and with the legacy that it will leave for our city.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Chief Minister, can you detail the expected benefits of the centenary year to the ACT's economy?

MS GALLAGHER: We will continue to monitor these as some of the economic data comes out to inform our evaluation in terms of the economic impact. But we have already seen some very positive results from the national visitors survey conducted by Tourism Research Australia that saw a 16.9 per cent increase in domestic overnight visitors in the March quarter, where we had seen nationally domestic overnight visitation increase by 0.8 per cent for the corresponding period. So there is no doubt that people were coming and staying over in Canberra during that busy centenary month of March.

For the year ending June 2013, the ACT received just over two million domestic overnight visitors, which is a nine per cent increase, or equating to a 170,000 person increase compared to the previous year. The ACT's domestic overnight visitor expenditure figure for the year ending March 2013 was \$1.207 billion. This figure represents a \$159 million increase on the figure recorded the previous year.

We have also seen a 25 per cent increase in the number of conferences held in Canberra. I have certainly been to many of those to open them or to support the work they are doing in promoting Canberra and its centenary year. These are some of the early indications we have had on the economic success of the centenary year. We will continue to update the Assembly as more information becomes available.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, how will the outcomes be measured? Who will do it? And what budget has been allocated to measure the outcomes of the centenary year?

MS GALLAGHER: Some of that has already been undertaken by a number of different organisations. In the interests of providing a comprehensive answer, we will provide that on notice to you, Mr Smyth. I think some has yet to occur. But definitely some has already been done. I cannot think of all of the names off the top of my head. So I will come back to you on that.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Chief Minister, what work has the government undertaken to ensure the legacy from the centenary year flows on to future years as we enter our second century?

MS GALLAGHER: One of the initiatives that has been the subject of some discussion today is the Canberra brand, the brand Canberra project, which has been out there for public consumption this morning. That really is looking to project forward from the centenary year, to use the city pride—I think the coming together of the community, a maturing of the community—to look forward into Canberra's

second century and present a united picture, a united story, of the Canberra we are now and the Canberra we would like to become. It has been very well put together by a number of leading Canberra citizens who have involved themselves in the Brand Council project. This has been done over 15 months. The product that it has produced is very high quality and, importantly, underpinned by a rigorous evidence base.

That is certainly one of the very strong legacy projects of the centenary year, building on that community pride with a unifying story to tell, and then taking that and letting the rest of the nation know that we are confident, we are bold and we are ready. And there is much to celebrate about Canberra—

Opposition members interjecting—

MS GALLAGHER: despite the scoffs from those opposite.

Mr Hanson: What are you ready for, Katy?

MS GALLAGHER: We are ready for anything over here. We are ready for anything. We are still waiting for something interesting to come from you, but we are ready for anything.

MADAM SPEAKER: Chief Minister, don't encourage him.

Alexander Maconochie Centre—lockdowns

MR WALL: My question is to the Minister for Corrective Services. At the JACS committee on 13 November this year the Official Visitor noted that as a consequence of squeezing in more detainees there are more lockdowns and that long lockdowns have occurred. He said the increase in lockdowns has meant that detainees may have as little as four to five hours out of cells per day, which means they cannot get to courses and cannot get appropriate physical exercise. He said as a result of overcrowding there is more tension in jail and a risk of more violence. Minister, what is the maximum period of lockdown that has been experienced by an individual prisoner this year?

MR RATTENBURY: I will take that on notice and provide Mr Wall with a response.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, has there been an increase in violence at the AMC this year?

MR RATTENBURY: The comments that the Official Visitor made at the annual reports hearings I did take note of. I think there has been no secret in this place of the fact that there is pressure at the AMC, and I have spelled that out on a number of occasions.

In terms of levels of violence, the full ROGS data will come out in January—the report on government services. That will provide a detailed analysis. But I saw some figures the other day which I do not have to hand at the moment but which, if I recall correctly, indicated that the level of assaults has decreased in the past 12 months.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Minister, what are the major reasons for lockdowns at the AMC?

Mr Hanson: Overcrowding.

MR RATTENBURY: Contrary to Mr Hanson's flippant interjection, there are a range of reasons lockdowns occur at the AMC. They occur for reasons such as staff being sick. Unexplained absence is actually one of the key drivers. If staff are unwell, that means that a shift is short. Therefore, there are security issues that arise from that.

There is no doubt that the increased population has again put pressure in this area and lockdowns occur for a range of reasons. Having to move detainees to courses and to visits—those sorts of things—also gives need for lockdowns based on security reasons.

There are a range of reasons. It is certainly not a new feature of the AMC. I think it is standard in a prison that there will be lockdowns at various times for a range of reasons. Those reasons continue to arise.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, is it acceptable to have sentenced prisoners mixed with remandees or is it a no-no, as stated by the Official Visitor?

Dr Bourke: A point of order, Madam Speaker.

MADAM SPEAKER: A point of order?

Dr Bourke: Relevance of that to the original question from Mr Wall.

MADAM SPEAKER: The original question was about the comments made by the Official Visitor. Could you repeat your preamble?

Mr Wall: The initial question, Madam Speaker, was: at the JACS committee hearing on 13 November the Official Visitor noted—and it continues on.

MADAM SPEAKER: The question was about comments by the Official Visitor at the JACS committee hearing and Mr Hanson's question was about one of the comments that the official visitor made at the JACS committee. It is perfectly in order.

Dr Bourke: If I could seek clarification on the point of order, Madam Speaker, therefore the preamble is relevant to the question?

MADAM SPEAKER: Yes, the preamble to the first question. Other questions should not have preambles. However, I was a bit indulgent this afternoon with Ms Lawder, who is a newer member. Mr Rattenbury.

MR RATTENBURY: As Mr Hanson knows, that is the situation we have at the AMC, and that is one that the correctional staff are working hard to ensure is—

Mr Hanson: On a point of order, and I know it is early—

MADAM SPEAKER: A point of order.

Mr Hanson: The question is: is it acceptable? It is not whether that is the current situation. We know that is the current situation. The question to the minister is as to whether that is acceptable or not.

Mr Corbell: On the point of order, is that asking for an expression of opinion?

MADAM SPEAKER: I have already ruled the question in order. I will, however, allow a little latitude—stop the clock, Clerk—given that the minister has some time, but I will also ask him to be mindful that the question was—

Mr Hanson: Madam Speaker—

MADAM SPEAKER: Thank you, Mr Hanson; let me finish my sentence. I will ask the minister to be mindful that the question was: is it a no-no, as he had said? Do you have anything to add to the point of order, Mr Hanson?

Mr Hanson: Not a thing, Madam Speaker.

MADAM SPEAKER: Thank you. Mr Rattenbury.

Mr Hanson: Is it a no-no?

MR RATTENBURY: Mr Hanson seems to have a further question. He cannot contain himself. It is quite clear that separation is desirable and operationally we seek to ensure as much separation as is possible. But on some occasions it also can be to the detainees' benefit to mix with different groups of detainees, and that is something that is done on a case-by-case basis and in consultation with oversight groups. This is a constant point of consideration at the AMC, to maximise the safety of detainees who are in the Alexander Maconochie Centre.

Children and young people—care and protection

MS LAWDER: My question is to the Minister for Disability, Children and Young People. Minister, the ACT Children and Young People Death Review Committee annual report tabled this week, stated that 22 children and young people who died and/or their siblings were known to Care and Protection Services in the three years before the child or young person's death. This is nearly 21 per cent of child deaths. This follows a similarly adverse report from the Public Advocate in 2011, the Auditor-General's report earlier this year and numerous media reports on various cases. Minister, given these statistics and the more recent cases which have been highlighted in the media, what structural changes are you making in your directorate to reduce these statistics?

MS BURCH: I thank Ms Lawder for her question. I think there is an unfortunate tone of inference in there. Let us be clear about the child death review—it is about reviewing deaths over a period of five years, and the report provides information on 105 deaths. It is important to understand what “known to care and protection” is—that is, the child or young person and/or sibling was subject to an inquiry, a child concern report or a child protection report. It does not necessarily mean that the child or young person and/or sibling was subject to any investigation or intervention or that abuse or neglect has been substantiated.

Given that we have over 14,000 child concern reports into our system each and every year, that point of clarification needs to be well and truly overlaid on the interpretation you have made.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, what responses or changes to improve the directorate have you made since that Public Advocate report in 2011?

MS BURCH: They were significant reports. Indeed, we had a milestone review panel which included the Public Advocate. All those reports are available on line. So I encourage you to do some Christmas reading of them.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what further changes need to be made to legislation to enable care and protection to reduce these phenomenal statistics?

MS BURCH: I am not quite sure of the statistics you are talking about, given the clarification I have made on the other 22 per cent that were known to care and protection, the 14,000 concern reports or the work that care and protection have done and undertaken over the last couple of years. But I do refer you to the milestone review panel reports that clearly—

Members interjecting—

MS BURCH: I do encourage you to go and have a look at the reports, the significant work that care and protection have undertaken. In a human service such as this, they are constantly under review. As I mentioned yesterday, with the out-of-home care strategy, that is out. There is a discussion paper out for consultation as well, to make sure that we have the care and protection system at best practice, that when children are removed into care we have the best practices there as well.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, what evidence have you got that the changes you have implemented are improving the situation, given the recent reports?

MS BURCH: I am confident that the changes we have put in place are certainly making a difference. The staff are reporting feeling well supported. The incidence of early intervention, I think, is demonstrated by the existence of the child and family gateway and the number of referrals to that. The partnerships between government and non-government services indicate that we, as a society, are certainly moving towards a very strong focus on early intervention in these matters.

ACT Emergency Services Agency—management

MR SMYTH: My question is to the Minister for Territory and Municipal Services. Yesterday in response to a question from me, Mr Corbell said:

With the transfer to an electronic record, there were failings in the transfer of data from paper-based records to electronic-based records. This was exacerbated by the fact that responsibility for the maintenance of those records through Shared Services' HR functions and communication with my directorate was less than adequate in drawing to my directorate's attention failings in relation to record keeping.

What responsibility does Shared Services have, if any, for the failure of the Ambulance Service to keep adequate records?

MR RATTENBURY: Actually, Minister Barr has responsibility for Shared Services.

MR BARR: Could the member repeat the question?

MR SMYTH: My apologies—wrong minister. I do apologise, Madam Speaker. Minister Barr, yesterday in response to a question from me, Mr Corbell said:

With the transfer to an electronic record, there were failings in the transfer of data from paper-based records to electronic-based records. This was exacerbated by the fact that responsibility for the maintenance of those records through Shared Services' HR functions and communication with my directorate was less than adequate in drawing to my directorate's attention failings in relation to record keeping.

What responsibility does Shared Services have, if any, for the failure of the Ambulance Service to keep adequate records?

MADAM SPEAKER: Mr Barr as the Minister for Economic Development.

MR BARR: No, as Treasurer, in fact.

MADAM SPEAKER: As Treasurer.

MR BARR: Commerce and works, although I believe at the time it was in another portfolio. So I can understand all of the confusion. Certainly the issue was brought to my attention upon taking responsibility for this area through commerce and works, and I have had a number of meetings with the directorate seeking to ensure that the

issues at hand were resolved and that systems were put in place to ensure that the issues that arose in this instance would not occur again.

Undoubtedly, there have been some challenges between the two agencies in relation to the matter that have been extensively canvassed. Shared Services are aware of their responsibilities in relation to the matter and are working diligently with Mr Corbell's directorate to resolve the outstanding issues and to ensure that systems are improved for the future.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Treasurer, when exactly was the issue brought to your attention? Do you accept Mr Corbell's criticism that communication between Shared Services HR functions and his directorate were less than adequate?

MR BARR: The exact date I do not retain with me at the moment, but I will check my diary records and the briefings from CWD and provide that information to the member.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what actions have you taken to ensure that the problem identified will not occur again?

MR BARR: I have answered that question.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, who is ultimately responsible for personnel record keeping—Shared Services or individual directorates?

MR BARR: Systems that are in place require the engagement and active involvement of both the employing directorate and Shared Services.

ACTION bus service—network

MS BERRY: My question is to the Minister for Territory and Municipal Services. Minister, can you update the Assembly on the progress of network 14, the new ACTION network.

MR RATTENBURY: Consultation has been conducted on the proposed ACTION bus network for 2014. Public submissions closed at the end of October. The consultation included 10 community drop-in sessions as well as hard copy information available from libraries and Canberra Connect shopfronts. There is also electronic information available on the net as well. Bus users also will have seen in some locations large maps of the proposed new network placed in some of the more popular bus shelters.

We got an extraordinary level of feedback. ACTION received around 2,500 surveys and letters through the consultation period. I believe that is some kind of record and is about 10 times the amount received for the last revamp of the ACTION network in 2012. I think that is in part because the proposed revamp is far more extensive than that that was implemented in 2012.

Of course, as members will note, and as we have discussed before, this is the first time we have used patronage data from the MyWay ticketing system to assist with the planning. That has been particularly advantageous in looking at the number of people on particular services. One of the areas we have looked at is reducing night-time services where some of the data show the service literally averages one person a service over an extended period of time. Some of those services have been removed to enable resources to be put into more well patronised services.

In terms of where it is up to next, the feedback from the community is currently being reviewed. There has been a range of feedback. Some people are very pleased with the new approach; other people expressed some concerns about gaps in the network or things that perhaps have changed from how they had previously seen it. ACTION is working through that at the moment. It has taken a bit of extra time over what we had anticipated, given the high level of feedback. But ACTION is taking the time to look very carefully at the feedback.

I expect the network to commence some time during the first half of 2014. I am waiting to see what the final form of the network looks like and also exploring enhanced community transport options and looking to line up the introduction of the new network with the enhancement of those community transport options.

MADAM SPEAKER: Supplementary question, Ms Berry.

MS BERRY: Minister, what are the principles that have guided the design of the new network?

MR RATTENBURY: The design of the network really was based on three central principles: to make routes more direct, to make them more frequent and to improve the connections. These are the things that people want. They have certainly given ACTION that feedback over the last number of years and they are certainly, we believe, the key to increasing patronage of public transport in the ACT.

The new network in light of that has proposed some significant changes based on those principles. As I mentioned, it is the first time that we have been able to use the MyWay data to plan the network as well as match that with the considerable community feedback. The thinking very much now is that in designing this new network we will create the architecture of the network that should not need to be changed, that this will be the network that delivers the high frequency connections that people tell us they want, with these feeder services coming in from the suburbs.

Certainly there are some real highlights of the new network that I think we have had very positive feedback on. That includes services for new and growing suburbs in

Gungahlin and Molonglo. For example, I think it is very important that in areas such as Wright and Coombs, where people have started to move in, they are given public transport options as soon as possible after they start moving into those suburbs.

We are going to see the introduction of a new rapid service between Gungahlin and Belconnen. Again, the feedback on that has been very positive. We are seeing improved services into the parliamentary triangle, including two new dedicated morning peak services from Woden and services from Gungahlin that now extend into the triangle rather than terminate in the city.

There are improved services for Dunlop and Macgregor West and improved services between Erindale and the city. There is an increase in espresso services between Weston Creek and the city, something that the Weston Creek Community Council and its members have certainly been lobbying probably all of us for over a number of years—(*Time expired.*)

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, what impact will the reduced night-time services have on shift workers, perhaps those serviced by the United Voice union?

MR RATTENBURY: As I indicated in my earlier answer, the MyWay data reveals that very few people are using some of those night-time services. Literally, on average, they have one or two passengers a night. But the intent is to continue to provide a high level of service between the major town centres. So the spine of the network will continue to deliver people to key locations and then, beyond that, there is a deliberate decision that some of those services, which are not being well patronised, will no longer be offered, to enable us to put resources into other parts of the day, including services during the day when many older people are looking for better access to bus services.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, what consideration are you giving to my continual requests for the retention of the Chippindall Circuit, Theodore route?

MR RATTENBURY: Thank you, Mr Gentleman, for the question. I have just today signed a letter in response. I did receive from Mr Gentleman a petition from residents in the affected area. ACTION has received similar representations from residents who have expressed concerns.

I can advise the Assembly that during the planning process for the network the existing Chippindall Circuit loop was identified as having low patronage and was removed from the proposal as a savings measure to allow for additional services elsewhere in the new network. The bus service will still operate in that area, of course. It is just that residents in that part of town will need to walk further to access a service. This is one of the challenges in trying to design the network. Clearly, there are trade-offs. We could provide services that run right through many of the streets in the city, but that, of course, lengthens those routes.

People have indicated to us that they want more direct routes. They want routes that do not weave through the suburbs so much but in fact get them to their destination rather more quickly. There is a tension there in trying to straighten out those routes. Some people will still need to walk further. But the network has been designed to meet the transport for Canberra goal that 95 per cent of people will still be within walking distance of a bus stop. That is the goal that sits there, and my understanding is that the network achieves that goal.

There are some people who may have to walk further. We are looking at some of the enhanced community transport options, particularly for the older members of our community, to make sure that where particular gaps might exist we still provide a transport service. It may in fact be more efficient to provide a dedicated community transport model than to run a full ACTION bus network to target perhaps a household, a couple of households or a particular location.

Youth justice—blueprint

MR GENTLEMAN: My question is to the minister for children, youth and family support. Minister, the blueprint for youth justice in the ACT 2012-22 was released in August 2012. Can you provide the Assembly with an outline of the youth justice blueprint?

MS BURCH: The blueprint for youth justice in the ACT establishes a youth justice response and intervention continuum that creates lasting change in the lives of children, young people and their families and builds a safer community. The blueprint provides strategies that set the direction for the youth justice system in the ACT for the next 10 years. A three-year action plan has also been developed to give effect to the strategies in the initial period of the blueprint.

The strategies and actions identified in the blueprint are about finding better ways to support children, young people and their families who are vulnerable to or at risk of coming into contact with the youth justice system through their offending behaviour. The blueprint is also about supporting the children and young people who are already in contact with the youth justice system.

The blueprint sets the strategic direction for youth justice in the ACT. The 10-year strategy focuses on reducing youth crime by addressing the underlying causes of youth crime and promoting early intervention, prevention and diversion of young people away from the tertiary system. The blueprint is a whole-of-government and community initiative. Efforts and resources are directed toward early intervention and prevention, diversion, including restorative justice practices and only using detention for serious and repeat offending behaviour.

For young people who come into contact with youth justice, the focus is on rehabilitation and reconnection with families and community. National and international research tells us what works and what does not in getting children and young people back on track. While early intervention and prevention are very much guiding the direction for youth justice in the ACT—indeed, they are at the heart of the

blueprint—many Canberrans also had a say about how we can make our youth justice system better. Importantly, the blueprint promotes the involvement of the whole of government and the whole of community in supporting responses to children and young people to keep them out of the system.

Improving the response to young people who offend through earlier intervention will help stem the number of young offenders entering the justice system. Action to promote diversion and early intervention are the focus of the first three-year action plan. There are about 45 actions for government and community organisation to undertake within those three years.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, can you inform the Assembly how the implementation of the three-year action plan is progressing?

MS BURCH: The focus of the work in 2012-13 was determining the priority actions and consolidating changes to policy and practices that are already underway. It must be acknowledged that funding will be an important element in achieving the objectives of the blueprint.

In response, the government has committed \$5.5 million over four years towards implementing the initiative across the priority areas. While this is a substantial initial investment in a constrained financial environment, the focus must be on justice reinvestment. This means redirecting funding towards the early intervention and prevention programs rather than detention.

Early signs point to reducing the number of young people coming into contact with or becoming further involved in the youth justice system. The number of offences committed by young people has decreased by 17 per cent. The number of young people under supervision has decreased by nine per cent. And the number of days young people spent in detention has reduced by 22 per cent and by 47 per cent for Aboriginal and Torres Strait Islander young people.

The blueprint implementation group has identified the following areas of focus in the coming year or so: to provide targeted responses to young people who remain in the youth justice system, in particular high-risk and repeat offenders; to develop strong links between care and protection and youth justice services to support early intervention for children who have experienced trauma, abuse and neglect; and to continue the workforce initiatives, including building cultural awareness, engagement and capacity building with the youth justice workforce to reduce the overrepresentation of Aboriginal and Torres Strait Islanders in the youth justice system.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, can you provide some examples of how the vision set out in the blueprint is being met?

MS BURCH: I thank Ms Porter for her question. The vision that guides the blueprint is keeping children and young people safe from harm by building their resilience, strengthening their connections with their families and encouraging their participation in the wider community.

Two particular initiatives that are making a positive difference are the after-hours bail service and restorative justice. The after-hours bail service, which began in 2011, assists young people who are on community-based orders to meet the conditions of bail. This may be through arranging transport or arranging suitable accommodation so that they do not breach their bail conditions.

In 2012-13 the after-hours bail support service received over 670 client-related matters relating to nearly 170 young people. Importantly, this work resulted in 26 young people being diverted from custody. In recognition of its success, the after-hours bail service won the ACT public service award for excellence earlier this year. Last night at the Yogie awards they won a commendation for innovative practice and also won the excellence in organisation practice award at the Youth Coalition awards.

Another initiative seeing diversion working well is the increased referral of eligible Aboriginal and Torres Strait Islander young people, and first-time offenders, to a restorative justice process. There has been a 45 per cent increase in the number of young Aboriginal and Torres Strait Islander offenders referred to restorative justice in 2012-13 compared to the previous year. In addition, 53 per cent of all first-time offenders are being referred to restorative justice. Evidence shows that participation in restorative justice can prevent young people from becoming further involved in the youth justice system.

MADAM SPEAKER: Supplementary question, Ms Berry.

MS BERRY: Minister, who are the key stakeholders involved in the operation and implementation of the blueprint?

MS BURCH: I thank Ms Berry for her interest. The blueprint draws on the experiences and understanding of people who work with young people who come into contact with the law. Importantly, we have listened to the voices of young people and their families, and to the victims of crime committed by the young people. The blueprint sets out the government's commitment over a 10-year period to better support our vulnerable young people to make positive life choices, strengthen their families and build connections within the community.

The implementation of the blueprint is being overseen and monitored by youth justice blueprint implementation groups, which include the Aboriginal and Torres Strait Islander Elected Body, the Youth Coalition of the ACT, the Richmond Fellowship, the Canberra Police and Citizens Youth Club, the Northside Community Service, ACT Policing, the Justice and Community Safety Directorate, the Education and Training Directorate, the Health Directorate and the Chief Minister and Treasury Directorate.

I thank people for the work that they do, also understanding that this is a big plan, a 10-year plan, and will succeed by work with government and non-government organisations to change the lives of many of our young folk.

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

Supplementary answers to questions without notice

Alexander Maconochie Centre—lockdowns

MR RATTENBURY: Earlier in question time today I was asked about the level of assaults at the Alexander Maconochie Centre and at the time I could not recall exactly the figures. I can further inform the Assembly that we do at this point have raw data, as I indicated in my earlier answer. It still needs to be provided to the federal government through the report on government services process. I can inform the Assembly that in 2011-12 the number of assaults on prisoners in the ACT classified for ROGS reporting as serious assaults and assaults was 45, and in 2012-13 that number was 17. So it has fallen from 45 to 17 between the two years.

Emergency Services Agency—management

MR CORBELL: Yesterday in question time Mr Smyth, I think it was, asked me how much of overpayments of leave entitlements to ACT ambulance officers had been recovered to date. The amount repaid or offset against other leave types is at the level of \$92,381.45.

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:

David Matthews, dated 18 November 2013.

Short-term contracts:

Amanda Nuttall, dated 21 November 2013.

Bruce Fitzgerald, dated 4 and 13 November 2013.

Carolyn O'Neill, dated 13 November 2013.

Charmaine Murfet, dated 18 November 2013.

Daniel Childs, dated 5 and 11 November 2013.

David Parkinson, dated 22 and 31 October 2013.

Gary Byles, dated 22 November 2013.

Howard Wren, dated 30 October and 1 November 2013.

Jeanette Maccullagh, dated 30 October and 5 November 2013.

Jeremy Roberts aka David Roberts, dated 18 November 2013.

Joanne Garrison, dated 30 October 2013.

Michael Edwards, dated 21 November 2013.

Michael Young, dated 30 October 2013.

Moira Crowhurst, dated 11 November 2013.

Peter Jeffery, dated 16 November 2013.

Stephen Gniel, dated 24 and 28 October 2013.

Stephen Goggs, dated 22 November 2013.

Stewart Ellis, dated 21 November 2013.

Wendy Cuzner, dated 29 October 2013.

Contract variations:

Alison Abernathy, dated 31 October 2013.

Barbara Reid, dated 15 November 2013.

Carolyn O'Neill, dated 11 and 13 November 2013.

Cheryl Sizer, dated 18 November 2013.

David Matthews, dated 18 November 2013.

David Parkinson, dated 13 November 2013.

Liesl Centenera, dated 11 November 2013.

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

Leave granted.

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

Papers

Ms Gallagher presented the following papers:

Gene Technology Act, pursuant to subsection 136(2)—Operations of the Gene Technology Regulator—Annual report 2012-2013, dated 25 September 2013.

Health (National Health Funding Pool and Administration) Act, pursuant to subsection 25(4)—Administrator of the National Health Funding Pool—Annual Report 2012-13, dated 31 October 2013.

Australian Health Practitioner Regulation Agency—Annual Report 2012/13—
Regulating health practitioners in the public interest.

Mr Corbell presented the following papers:

Beyond the Binary: legal recognition of sex and gender diversity in the ACT—
Report by the ACT Law Reform Advisory Council—Revised Government
response, dated November 2013.

Strategic Bushfire Management Plan—Resources needed to meet objectives,
Government response pursuant to the resolution of the Assembly of 18
September 2013.

Planning and Development Act—variation No 305 to the territory plan

Papers and statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development): For the information of members I present the following papers:

Planning and Development Act, pursuant to subsection 79(1)—Approval of
Variation No. 305 to the Territory Plan—Mugga Lane Resource Management
Centre—Jerrabomberra Block 2247, dated 21 November 2013, together with
background papers, a copy of the summaries and reports, and a copy of any
direction or report required.

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

Leave granted.

MR CORBELL: Variation 305 proposes to amend the territory plan to accommodate consideration of the expansion of the existing Mugga Lane Resource Management Centre onto adjoining block 2247 Jerrabomberra. Block 2247 is currently included in the NUZ1 broadacre zone in which landfill is prohibited. Variation 305 amends the territory plan by extending the site-specific provision applying to the existing landfill land onto block 2247 to make landfill a permissible use.

There is a long-term need for a landfill facility in the ACT. ACT NOWaste has implemented many initiatives to increase recycling and resource recovery. The ACT waste management strategy aims to increase the rate of resource recovery to over 90 per cent by 2025 with no recoverable waste sent to landfill.

However, the ACT is running out of landfill space. The existing facility at Mugga Lane is anticipated to reach capacity in 2015-16. A number of options were considered before deciding to expand the existing facility. The proposal was considered to be the most efficient and effective option to accommodate the waste disposal needs of the ACT community over the next 30 years.

Draft variation 305 was released for public comment from 15 February to 5 April this year. It attracted three public submissions. The main issues raised in the submissions related to: the need to consider an alternative location for a landfill facility; potential visual impacts; traffic and transport impacts; the need for waste reduction and management; potential environmental impacts, including changes to bird and wildlife activities which may impact on aircraft operations, potential impacts on groundwater, local run-off and drainage, and impacts on yellow box-red gum grassy woodland; the proposed offset strategy for that woodland; and rehabilitation of the landfill site and future long-term use.

These are mostly environmental concerns and are not unexpected. A key consideration of any proposal for landfill is to ensure that potential environmental impacts can be minimised and managed. For this reason the draft environmental impact statement was prepared by the proponent and used to inform the public release version of DV305. The EIS has been revised in response to the agency and public comments. All outstanding environmental issues can be dealt with in finalising the EIS and at the detailed design stage as part of a future development application, which will be subject to further assessment by the Planning and Land Authority.

Consultation with ACT government agencies and the NCA did not reveal any adverse issues relating to the variation. A report on consultation was prepared by ESDD, responding in full to the issues raised during public and agency consultation, and accordingly no changes were made to the draft variation as a result of public consultation.

Under section 73 of the Planning and Development Act I have chosen to exercise my discretion and not refer the draft variation to the Legislative Assembly Standing Committee on Planning, Environment and Territory and Municipal Services, as I believe all concerns raised have been adequately addressed in the report on consultation. The remaining environmental issues can be resolved through the environmental assessment and development approval processes. I am pleased to table the approved variation in the Assembly.

Paper

Mr Corbell presented the following papers:

Planning and Development Act, pursuant to subsection 242(2)—Schedule of Leases Granted—1 April to 30 June 2013—Corrigendum.

Paper—out-of-order petition

Mr Corbell presented the following paper:

Petition which does not conform with the standing orders—Women's Information and Referral Centre—Mrs Jones (690 signatures).

MRS JONES (Molonglo): Mr Assistant Speaker, I seek leave to make a brief statement regarding the Women's Information and Referral Centre and the petition which has just been tabled.

Leave granted.

MRS JONES: I have received the petition just tabled regarding the closure of the Women's Information and Referral Centre, some of the supporters of which I welcome to the Assembly, their Assembly, today.

The petition calls on the government to keep the Women's Information and Referral Centre open. There are members of our community who are concerned about this vital service for women and that its closure will have such deep impacts on women's services in Canberra that it will not be able to deliver on core outcomes for the most vulnerable women in our city.

The centre was a place where women could drop in, seek advice and ask a person for help. The closure of this centre is concerning. It clearly deeply worries the 700 people from Canberra and as far away as the UK and Canada who have taken the time to sign this petition. This petition is asking that the centre remain open. We know from yesterday's question time that the minister is planning to develop the *What's on for women* book, but women's services until now offered through the Women's Information and Referral Centre represent so much more than this book.

The centre took phone inquiries and referred women. The centre took internet inquiries and referred women. The centre ran the following 15 courses: "Thinking Thursdays"; "Financial Fridays for women—expanding your financial options"; "When being angry no longer works"; "Unbox your gift"; "Emotional mastery"; "The happiness hat trick workshop one: interpersonal communication audit"; "The happiness hat trick workshop two: resilience"; "The happiness hat trick workshop three: happiness"; "Self-esteem and assertiveness for women"; "Creative resilience"; "Public speaking for women"; "Reclaim your power"; "Your self worth and wellbeing"; "Getting back to work—for women"; and "Home business career information seminars".

We need to know how these courses will be delivered. There are so many questions that remain unanswered. Where will these courses be run and will they all continue to be provided? Who will women be able to trust and ask for referrals by phone when in need? Who will take and answer internet inquiries? If some of these services are delivered out of the child and family health centres, it may not be appropriate for every group of women. For some women, being in a place full of mums and babies would not be appropriate, and it may be tough.

If some courses are to be run out of the Theo Notaras centre, is this the most suitable place? Is closing this service really just to save \$75,000 per year while \$2.6 million has been spent on the branding Canberra exercise and \$400,000 per annum is being spent on PR for light rail—and that is just salaries? Where will women be able to drop in if they are in crisis? Is it just a money-saving exercise and are all the courses going to be delivered?

This government runs a men's centre in Civic in the Griffin Centre, yet sees fit to close the women's centre. The government and the minister are stripping money out of women's services in Canberra. This petition highlights the lack of planning that has gone on, the ad hoc nature of the decision being made by the minister and that our community is losing faith that we are able to manage the task of delivering services to Canberra's most vulnerable women.

It has come as a surprise. I must say I did not really expect it. Maybe I should have, but I am shocked that the minister can come to the table with a plan to close a service without being able to clearly articulate how that service will be provided or, at least, how the same objectives will be protected. We are told there will be another way but there is not an articulation of exactly how.

The public deserves to know. The women who have phoned, emailed, dropped in or attended a course deserve to know how those who want to, in January or February, will be able to access this kind of service. It really is not good enough to just say "wait and see" as if we were little children who were not entitled to know.

I applaud the signatories on this petition for making their voices heard. If the minister cannot articulate how the phone service, internet service, drop-in centre and educative functions of the Women's Information and Referral Centre will be delivered then the centre should remain open.

Gambling and Racing Commission—report Paper and statement by minister

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming): For the information of members, I present the following paper:

Gaming Machine Act, pursuant to section 168—Community contributions made by Gaming Machine Licensees—Report by the ACT Gambling and Racing Commission—1 July 2012 to 30 June 2013, dated 24 October 2013.

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

Leave granted.

MS BURCH: I present the report on the community contributions made by gaming machine licensees for the period 1 July 2012 to 30 June 2013. The report is a requirement of the Gaming Machine Act 2004 and is prepared by the ACT Gambling and Racing Commission. The act requires club licensees to make a minimum community contribution of eight per cent to their net gaming machine revenue each financial year. The minimum level of contribution was raised from seven per cent as of 1 July 2011 to ensure that the claimed payments to the problem gambling assistance fund were in addition to the previous level of required community contributions. Hotel and tavern gaming machine licensees are not required by the act

to make community contributions; however, it is compulsory for them to submit a record of their contributions along with a financial report to the commission.

The legislation outlines the broad purposes that a contribution must meet to be approved by the commissioners as a community contribution. In addition, guidelines in the Gaming Machine Regulation 2004 provide further assistance to the commission and to licensees as to what types of expenditure would be approved as a community contribution.

The report provides information on three key aspects: the extent to which the licensees used their revenue to make community contributions; the level of contributions to each reporting category; and legislative compliance by the gaming machine licensees.

The commission's report outlines that the total value of community contributions from clubs in 2012-13 was \$13 million. This is an increase of 2.3 per cent from \$12.7 million in the previous year. In 2012-13 the club industry had a net gaming machine revenue totalling \$99.5 million, a decrease of 2.4 per cent or \$2.5 million on the previous year. The community contributions as a proportion of net gaming machine revenue were 13.1 per cent in 2012-13, higher than the 12.5 per cent in the previous year and, again, well above the eight per cent minimum contribution required. Worth noting is the charitable and social welfare contributions of \$1.3 million or 10 per cent of the total contributions. This is an increase of 16 per cent on the previous financial year.

While there is no minimal level requirement for the community contributions from hotels and tavern gaming machine licensees, three of the 10 machine licensees in the report made community contributions. Total contributions from hotels and tavern licensees were \$8,741, a 5.6 per cent decrease on the previous year.

I table for the information of members of the community contributions by gaming machine licensees as prepared by the Gambling and Racing Commission.

Government—overregulation

Discussion of matter of public importance

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

The issue of overregulation in the ACT.

MR DOSZPOT (Molonglo) (4.00): It is interesting and quite indicative of the conflicted approach this government takes to enhancing Canberra's image to look at the front page of today's *Canberra Times*. We have at the top of the front page a great story about the work that has been done to create a new brand and image for Canberra.

There is not a hint of the famous flag pole or mention of anything vaguely associated with politics, and it sets out to make Canberra a modern, vibrant, young city—a great place to visit and to live and do business in. The branding looks great and I personally think it is a great initiative. While in this Chamber we can and do have differing views about many issues, we are certainly all agreed that Canberra is a great place to live and work. We all know what great potential our city has and what great attributes it has—whether it is our mostly fantastic access routes in and around the territory, our world-class restaurants, the cleanest air of any city in Australia, our most distinctive climate and our stunning landscapes in all directions. With our own lake and being so close to the beaches, snow and fishing, all this makes Canberra the ideal place to live, work and play.

But as I said, today's paper sums up clearly what a confused image we portray to the world. At the bottom of page 1 we have the headline, "Spreading Christmas cheer may come at a cost." The story relates specifically to a Forrest family who have created international headlines in recent days in reclaiming the Guinness world record for the greatest number of Christmas lights on any one house. They had previously held the record but it had been taken from them by a United States family with about 345,000 lights. The Richards family, with help of ActewAGL and an array of other sponsors, have erected 500,000 lights in an attempt to ensure the record stays here in Canberra for a very long time. What a great initiative it is and what joy and excitement it will bring to Canberra families this Christmas. We have already seen a story published in the weekend media about a wedding held at the Richards's home under these lights, and this story and others about their amazing annual light displays have been news around the world, putting Canberra on the world stage and showing a softer, prettier side to a government town.

This family, like so many others all around Canberra, like to put up ever bigger and better Christmas displays each year for the enjoyment of all Canberrans. In many, many of them, there are collection boxes for one charity or another, but in all of them there is a great sense of community, excitement, enjoyment and entertainment. These activities are at the heart of Christmas and make it a special time for young children, for neighbours getting together and for people travelling from surrounding towns to see Canberra at its prettiest and best.

While Christmas light displays are activities enjoyed by the community, I do not think you can class them as an event as such, and we know that many of these street light displays can create some traffic issues. But to read in today's paper that the Richards family have had to meet with TAMS officers about their lights and at that meeting they were informed that they may be liable for costs associated with safety and traffic control is alarming. The costs could run into several thousands of dollars. As Mr Richards has pointed out, any such costs will have to come out of the money raised for their charity—SIDS and Kids.

I am sure the minister was not particularly pleased at being compared to the Christmas Grinch yesterday in this place, but it might be an apt description in relation to this issue. We now know the minister has had a rethink on this issue and charges will now not be levied, but what about the original thought bubble and the negative media that engendered? Even now the minister was not quite sure about whether all costs will be

waived. He said they are looking through it but that it was never intended as a serious hindrance. If it is meant to be simple, why does it take so many days to put an end to this uncertainty for the family?

But this issue is not a one-off, and it will happen again on another issue and others will be caught up with bureaucratic red tape and humbug. There is a 14-page special events handbook that outlines what exactly constitutes a special event, and we have three categories of them. The categories range from high speed events to marathons, cycling events and right down to marches, parties and parades. I am not sure we have any or many category 1 events—events involving high speed races. Of course, high speed events such as the V8 series were discouraged from being here. We are not allowed speed boats on Lake Burley Griffin, and the Summernats were prevented for years from their street parade down Northbourne Avenue. So very few, if any, category 1 events would even be allowed to be considered.

If your category 3 event—a street party, a parade or perhaps even a street-long garage sale—is deemed a special event, organisers may have to undertake a formal risk assessment, take out public risk insurance cover and pay for some of the management costs of government—traffic control, crowd control, whatever. And this can run into thousands of dollars.

The guidelines advise that organisers must take appropriate steps in setting up their event and will be assessed under three categories: public safety, public convenience and public consultation. Interestingly and ironically, the government requires event organisers—or households if that is who is arranging the so-termed special event—to undertake public consultation before the event or activity is staged. It is a pity they do not take their own advice. Had they done so, we would not see their Chief Minister forced to step in and override the guidelines in respect of sausage sizzles and now the rethink about charging for charity Christmas lights.

But, as far as I am aware, there has not been a rethink yet on the storage for gas bottles at local ovals. That was a decision made some time ago apparently but only enforced recently. It is considered dangerous to have gas bottles stored at ovals. But has anyone stopped to think how many gas bottles will now be rolling around in the boots of cars and station wagons? What happens if someone runs into the back of one of these cars and the bottle explodes as a result? I would have thought a gas bottle stored in a locked facility at a sports oval was a far safer option than one sitting in the boot of a car. And such a situation could be repeated dozens and dozens of times all over Canberra.

But before those on the other side, particularly the minister—if he was here—get up and suggest that I am proposing a reckless, irresponsible approach to anything anyone wants to put on in Canberra, I suggest they consider the old adage, everything in moderation. Surely that is what is required here.

Again, if those on the other side suggest this Christmas lights story is a beat-up and a one-off, let me remind them of recent events that even the Chief Minister thought was a bridge too far. I refer, of course, to the sausage sizzle fiasco. The new regulations introduced on 1 September were harsher than anything introduced in either New

South Wales or Victoria. The regulations required any organisation or community group handling food more than five times a year to appoint at least one of its members as a food safety supervisor who would need to be trained at a cost of up to \$150. They had to be contactable while the barbeque was going on or the canteen was operating, and they had to be able to communicate with public health officials.

Of course, the community outcry was to be expected. What was the government thinking? Did it not realise that sausage sizzles and other activities are run by volunteers trying to raise funds for sporting clubs, for their school or to send young athletes to a competition or other worthwhile activities.

And not satisfied with killing sausage sizzles outside Bunnings on a Saturday morning, the food safety bureaucrats moved their attention to school fetes, telling them that quiches were no longer a safe food. Anyone who has been to the Telopea Park School fete would know that quiches have been their staple seller for years—well before quiches were mainstream Australian fare. But quiches were not alone on the food police list. They were among a number of high risk foods, including spring rolls, casseroles, custard cream and rice dishes. In fact, any dish that contained meat, dairy or moist cereal products or ingredients.

Let me just point out, this was a list produced for schools and other groups in a modern Australian city; it was not for a food stall in a Middle Eastern market. I cannot recall any story in the media about widespread deaths from food eaten at a sausage sizzle or a school fete or even people attending hospitals in large numbers because of a dodgy cake at the local cake stall. So the motivation of these overzealous bureaucrats and the directorate or minister that approved them is curious, to say the least.

Perhaps those same food police had been encouraged to go further down this track after their success in controls over the sale and availability of sugary drinks, the restrictions on what school canteens could sell, the controls over what supermarkets could put at their check-outs, and, of course we have the plastic bag bans, the phasing out of caged eggs, and how many chairs a cafe can put out on the pavement for their customers.

The ACT government has form in all of these areas. The examples are endless and, sadly, for many who live outside Canberra, they only serve to perpetuate the stereotype bureaucratic, soulless city that Canberra is known as by those who do not live here. So we spend millions on a campaign to smarten up our image while telling our good citizens—who, I might add keep getting told they are the best educated and highest paid in Australia—what they can and cannot eat, where they can and cannot walk their dogs, what size and colour of fence they can or cannot construct on their properties and how they should conduct their street parties and be licensed to do so.

But it does not just stop at lifestyle issues, and it is not just about creating inconvenience for hardworking volunteers. There is a serious financial downside to all this overregulation. The ACT Master Builders Association only recently issued a release that said that the ACT government was gouging builders on a grand scale. It pointed out that its members were paying the highest fees and charges in Australia.

They were joined in their criticisms by the ACT Property Council, which said members were being hit with multiple charges and new regulations proposed by government agencies unaware of their cumulative impacts. A little consultation would go a long way. The MBA deputy executive director has called for less regulation and more consultation, and is quoted as saying:

I have never seen so much disconnect in 40 years. So much rubbish coming out of the agencies and government. They have just gone mad.

Seriously, if you were out there as a builder trying to do something with the rubbish being put in front of you, you would think ‘forget it’.

We know that commence and complete fees are unique to the territory, as are lease variation charges, and they all impede on the ability of businesses to operate profitably in our city. As my colleague Mr Wall, himself a business owner in Canberra before he joined the Assembly, said in his maiden speech:

There has been, over the past years, a significant increase in the amount of red tape that businesses need to deal with in order to operate. This simply inhibits them from getting on with their core business, stifles growth and prevents new jobs from being created.

It was from my time in the family business that I began to notice the direct impact that government policy has on the way in which the business sector operates, and the detrimental effect bad government policy has on businesses, their staff and families.

While ever we encourage a nanny state—and that is the direct effect such overregulation has—we will continue to have people calling for ever more prescriptive controls on anything and everything. The last few weeks of obsession over foods sold at fetes and cake stalls should surely sound a warning to regulators that a common-sense test needs to be applied by governments.

I note the recent comments of the Australian Institute of Company Directors which suggests that red tape and the burden of regulation are Australia’s greatest economic challenges. Its director sentiment index found that over 60 per cent of surveyed directors suggest the level of red tape and the time spent by boards on regulatory compliance had increased over the last twelve months. It suggested that governments need to reduce the regulatory burden by cutting through existing red tape and taking a more efficient approach to creating any new regulation. While primarily directed at a federal government, the warning is appropriate to the ACT as well.

Having a reputation as the most nannied jurisdiction in Australia is not especially flattering and will void any efforts to promote a new modern image of Canberra as a confident bold and ready state. Surely, Mr Barr and Chief Minister, we can and should do better. Let us stop and think before allowing an over-keen bureaucrat to write yet another prescriptive piece of red tape that only serves to put offside a community, create resentment and result in a rewrite or backflip when the inevitable public outcry follows.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (4.15): I welcome the opportunity to share with the Assembly the work that the government has been doing to reduce red tape. We all accept the fact that regulations are an essential element of the management of any healthy economy. Whilst there is a considerable amount of regulation that is necessary and beneficial in our modern society—for example, protecting work safety or the environment—some regulations may not always be as efficient or effective as they could be.

We know that dealing with government regulations can impose direct costs on businesses, especially small businesses, and can distract owners from their day-to-day business operations. Particularly time-consuming, poorly-designed, ineffective or excessive regulation impacts on the efficiency of small businesses and ultimately results in extra costs to consumers. Our commitment to creating a diverse private sector and an environment in which local businesses can thrive has clearly been outlined in the government's business development strategy. The continued implementation of this strategy is a government priority in the current year.

An initiative that flowed from the strategy was the establishment in June 2012 of the red tape reduction panel. This group has a specific mandate to identify and consider regulations that impose unnecessary burdens, costs or disadvantages on business activity in the territory. In addition to myself as chair, the panel comprises the Director-General of the Economic Development Directorate, who is the deputy chair, the Chief Executive Officer of the Canberra Business Council, the Chief Executive of the ACT and Region Chamber of Commerce and Industry, the Executive Director of the Council of Small Business of Australia, the Chief Executive of Clubs ACT and the Executive Director of the Office of Regulatory Services.

From 2014, the General Manager of the Australian Hotels Association will be joining the panel as it focuses on reforms in the hospitality sector. The panel is outcome oriented, focusing on problems facing businesses, and has a mandate to engage across government and fix matters that do not work. Panel members are bringing valuable knowledge and expertise in identifying opportunities for red tape reduction, as well as undertaking consultation with specific sectors of industry on issues that are affecting them. In the first 12 to 18 months, the panel is focusing on municipal regulatory processes which impose unnecessary burdens, costs or disadvantages on business activities in the ACT.

I have previously announced the government's intention to bring forward red tape reduction bills during the 2013-14 fiscal year, and work is continuing on a pipeline of red tape reduction amendments to be progressed through bills in this place. I note, however, that not all red tape reduction initiatives require legislative amendment, with some initiatives simply requiring streamlining of business processes or developing, through new technology, user-friendly processes.

The panel's work provides an avenue for directorates to address red tape in their own operations, and the Economic Development Directorate is working across government

to identify further areas for reform that can be considered by the panel in future meetings.

I would like to take a moment to outline a number of the red tape reduction reforms that have already been completed or are currently underway. Reforms are being addressed in a series of phases. The first phase involves an easy and straightforward feedback mechanism, the “fix my red tape” website, which was launched in January of this year. It is based on the “fix my street” model, and aims to provide a mechanism for businesses to identify areas where they are having difficulty with regulations and processes. It allows for a 24-hour, seven-day-a-week capacity for issues to be lodged with government.

To date most of the queries received through the website relate to seeking information in relation to areas of government. Three queries have related directly to the work of the panel and have raised opportunities that would require changes to process or legislative amendments to reduce red tape. I can report to the Assembly that two of those issues have already been resolved and one is in progress. We have taken on board that people can sometimes find it difficult to navigate government and find information. We are working on making improvements here through service ACT and open government initiatives.

As of 1 July this year, we no longer have a vehicle registration process in terms of stickers in the ACT. We no longer have the fuss of removing old registration labels and sticking on new ones. The cost of manufacturing and distributing registration labels is significant. With the advent of new technologies in the ACT such as the RAPID technology, which can quickly check the currency of a vehicle’s registration, the continuation of labels was a costly and unnecessary impost.

I can advise the Assembly that the process is underway to replace the existing rental bond business system with a new system that will allow the online lodgement and refund of people’s rental bonds. This will do away with the paper lodgement that is time consuming and costly for members of the public, for business and for government. The new system is expected to be implemented in 2014.

I am also pleased to advise that the government has successfully amended various licence terms to ensure that longer licences can be issued. This occurred under the Justice and Community Safety Legislation (Red Tape Reduction No 1—Licence Periods) Amendment Act 2013. These changes began on 22 August of this year.

The final part of the first phase of the red tape reduction reform involves reviews that are being undertaken across government to alleviate the compliance burden on businesses, including reviewing police check requirements and the streamlining of administrative requirements around business signage.

Phase 2 of the reforms are proposals to streamline the approvals and licensing processes for outdoor dining areas to cut regulatory burdens and include the development application process. I am pleased to advise that work on these reforms is progressing well.

The government recognises, though, that red tape reduction is an ongoing task. Further areas of potential reform have been identified and we are working closely with relevant industry sectors in the short term, with the clubs and hotels and with the hospitality sector, and around event coordination and planning.

The Gaming Machine (Red Tape Reduction) Amendment Bill 2013, introduced by the Minister for Racing and Gaming on 22 October of this year contributes to reducing the regulatory burden in the club and hospitality sector. I also note that the scope of reducing red tape is not just limited to business. Where regulations impact negatively on productivity, the government will endeavour to investigate and address these concerns. For example, significant work has commenced on reducing red tape in the community sector.

Changes introduced so far include requiring community sector organisations to report on their funding agreements annually rather than every six months, and requiring incorporated associations to appoint an auditor registered under the Corporations Act only if their gross receipts are greater than \$1 million, a doubling of the previous threshold of \$500,000. The government is continuing to work on other red tape reduction measures in the community sector. I will have further announcements to make on that in due course. Like their business sector counterparts, the not for profit and community sectors can utilise the “fix my red tape” website to provide feedback, suggest reforms, ask questions or lodge complaints. I certainly encourage people to take up that opportunity.

A key question in identifying and reducing red tape is to consider whether regulation is required or if policy objectives can be achieved by an alternative measure with lower costs. The Treasury Directorate has recently undertaken community consultation in relation to an issues paper on regulatory impact assessment in the territory. That consultation process closed last month and the government will consider the outcomes shortly. The government is indeed serious about reducing red tape. The measures that I have already announced indicate that. *(Time expired.)*

Discussion concluded.

Freedom of Information Bill 2013—exposure draft Paper and statement by member

MR RATTENBURY (Molonglo) (4.25): Picking up from where we were just before lunch, I present the following papers:

Freedom of Information Bill 2013—

Exposure draft.

Explanatory statement to the exposure draft.

Invitation for community consultation.

an exposure draft of the Freedom of Information Bill 2013 and a draft explanatory statement.

In the 200 years since the first statutory system for accessing government information was put in place in Sweden, the ability for citizens to access government information

has at times made significant steps forward. Unfortunately, however, more often public access to government information has been thwarted. All too often governments simply assert that they know best, they are dismissive and discourteous, and they are often more eager to hide from the community than govern it.

The irony is that in fact it is in any good government's best interests to do the exact opposite; their insecurity sows the mistakes that they are later forced to reap. Mistakes could easily be avoided if only they were forthright enough to give the community a real chance to participate in the decisions that are supposed to be made in their best interests.

It is in that spirit that I am asking the community to provide their feedback on an exposure draft of a bill that I will present to the Assembly to make our government undoubtedly the most transparent and accountable in the country, up there with anyone in the world. The draft bill is modelled on the Queensland Right to Information Act 2009, with some important changes and innovations that respond to expert recommendations that have been made from many inquiries over many years.

We are all aware of examples where our current FOI Act simply fails when it is needed most. The aim of the draft bill is to rectify these shortcomings and ensure that when it really matters information is made available to the community. In 2009 the New South Wales Ombudsman presented a special report on freedom of information. The foreword to the report begins:

Everyone should be able to access the information their government holds quickly, easily, at minimal cost and subject to few restrictions.

The report also says:

... Freedom of Information (FOI) legislation is a cornerstone of democratic, open government. It aids citizen participation and ensures government decision-makers are held to account for their actions.

The underlying purpose of the draft bill is to achieve those two goals and give the community a meaningful and enforceable right to access government information far beyond the limited right they currently enjoy, because the indisputable fact is that the best decisions are made when those making the decisions know that they will be subject to greater public scrutiny.

Former High Court judge Michael Kirby described the historical problem that the bill was designed to overcome. He wrote:

Australian public administration inherited a culture of secrecy traceable to the traditions of the counsellors of the Crown dating to the Norman Kings of England. Those traditions were reinforced in later dangerous Tudor times by officials such as Sir Francis Walsingham. They were then strengthened by the enactment throughout the British Empire of official secrets legislation. A pervasive attitude developed "that government 'owned' official information". This found reflection in a strong public service convention of secrecy. The attitude behind this convention was caricatured in the popular television series *Yes Minister* in an aphorism ascribed to the fictitious Cabinet Secretary, Sir Arnold Robinson: "Open Government is a contradiction in terms. You can be

open—or you can have government.” The ensuing laughter has helped to break the spell of the tradition by revealing its presumption when viewed in the contemporary age with its more democratic values.

After those remarks of Michael Kirby there can be no doubt that the contemporary democratic values and expectations of Canberrans are that government information should be more freely available to the public.

Australian governments have come to over-rely on secrecy when it is entirely unnecessary, often to their own detriment. Patronising government decisions claiming that the public cannot understand or be trusted with government information are an affront to our democracy. Democratic governments should not keep information because of the importance of maintaining confidentiality when there is clearly a greater public interest in the community having access to the information. For far too long, governments have got away with simply being able to assert that they know best and denying the public the opportunity to test the assertion.

There is no shortage of grand political language surrounding FOI. For decades, politicians have been trumpeting the value of FOI and their commitment to open government. James Madison, the US President from 1809 to 1817, said:

A popular government without popular information or the means of acquiring it, is but a prologue to a farce or a tragedy; or, perhaps, both. Knowledge will forever govern ignorance; and people who mean to be their own governors must arm themselves with power that knowledge gives.

Former Prime Minister Bob Hawke said:

Information about government operations is not, after all, some kind of “favour” to be bestowed by a benevolent government or to be extorted from a reluctant bureaucracy. It is, quite simply, a public right.

Finding leaders who have actually lived up to their fine words is a much more difficult task. In the ACT, the Chief Minister has indicated her desire to improve openness in government, a commitment which has seen a number of important reforms implemented and for which she is to be commended. Nevertheless, there remains much more that can be done. The Greens and Labor agreed, through the parliamentary agreement, to support Greens legislation to make further reform of freedom of information.

This draft bill will put in place a scheme that actually delivers on the promise of open government, making more government information available to the public than ever before. It implements the recommendations of countless reviews by a very large range of experts, and it implements them fully and without caveats and exceptions. It does so in a way that is reasoned, logical and accountable, through a practical and easy to follow scheme. One key criticism of the old-style FOI acts, like our current act, is that they are too complex and difficult to utilise, creating a barrier to the information rather than access to it. The draft bill is far simpler, easier to navigate and much clearer in the way it operates, and it provides Canberrans with a coordinated system for accessing information held by the government.

The public right to government information is recognised in international law as being included within the right protected by section 16 of our Human Rights Act. The UN Special Rapporteur on Freedom of Opinion and Expression, in successive annual reports to the UN Commission on Human Rights, has stated that under the right protected by article 19 of the International Covenant on Civil and Political Rights, the equivalent of our section 16 of the Human Rights Act:

... everyone has the right to seek, receive and impart information and this imposes a positive obligation on the States to ensure access to information ... subject only to such restrictions as referred to in article 19, paragraph 3, of the International Covenant on Civil and Political Rights.

Those restrictions can be summarised as restrictions necessary for the protection of the rights of others and the protection of public health and safety or, as expressed in the bill, the protection of the public interest.

The most important part of the bill is that it creates a single public interest test for the release of information and removes the existing class-based exemptions from the public right to government information. The exemptions are, of course, the most controversial element of any freedom of information scheme. Often when there is the greatest public interest in the release of government information the exemptions operate to prevent it. The reality is that the current act is structured in a way such that it allows the government to be secretive when transparency is most required.

The New Zealand Law Reform Commission has made the observation that “class exemption contradicts open government”. The Commonwealth Human Rights Initiative also strongly recommended against class-based exemptions, noting:

Such class exemptions are anathema to the third generation of access to information laws.

Across Australia, different jurisdictions have different exemption provisions. In some jurisdictions, certain information is exempt from the right to public access, while in other jurisdictions the same information must be released to the community if it is in the public interest to do so. This reality demonstrates just how problematic the current framework is.

For example, in South Australia and New South Wales, with some exceptions, law enforcement material is subject to a public interest test. However, in Victoria, and under the current ACT Freedom of Information Act, the same material is exempt. This means that irrespective of the public interest in release of information, the law does not compel that release. It is also worth noting that in Victoria, for all but four classes of information, the Victorian Civil and Administrative Tribunal may apply a public interest test to release information that would otherwise be exempt.

The underlying problem with exempting classes of information is that even when it is in the public interest to release a particular piece of information, the law operates as a barrier to both the public right to information and making governments more accountable.

The draft bill takes a different approach. Instead of setting up artificial categories and adding additional criteria that have to be evaluated needlessly, information held by

government will be subject to a single public interest test. The only exception to this is that schedule 1 sets out a number of discrete categories of information whose release the Assembly considers will always be contrary to the public interest. The decision to include this information is not made lightly. They are limited in scope and included because there is a real necessity to keep this information confidential.

To determine the public interest, the bill sets out a framework under which the decision must be made. This includes a list of public interest factors, both for and against disclosure, and the bill does all it can to assist in what will inevitably be at times a very difficult task. For example, a few years ago in Scotland, tobacco companies were trying to FOI some research from a university into what causes young people to start smoking. Immediately this seems wrong. There is certainly a strong argument that the release of this information would be contrary to the public interest, as tobacco companies would probably use it to help market their product and get more young people addicted to cigarettes. Conversely, however, it could be argued that it would be in the public interest to have the information available so that other health organisations, as well as parents and other policymakers, can use it to understand what tobacco companies are already doing and prevent young people from starting smoking. We could all have considerable debates about where the greater public interest lies and which course of action would prevent the most harm. And this will be the challenge confronting decision-makers. Whilst it will at times be a challenge by definition, it will provide a better outcome for the community overall.

The justification for each of the existing exemptions in the current FOI Act is reflected in the public interest factors listed in schedule 2. For example, the current exemption for executive documents in section 35 of the current FOI Act will be replaced with a public interest factor favouring non-disclosure where disclosure could reasonably be expected to “prejudice the collective responsibility of cabinet”. This ensures that decision-makers recognise the legitimate reason for withholding executive documents and balance that against any competing public interest in release. For example, there may be a greater public interest in the release of information showing that the executive disregarded some important information it had received when making a decision than in protecting collective responsibility, given the impact of the particular decision.

The important point to stress is that the assessment will be made on the particular information in question rather than applying a class-based exemption that will potentially mean that information that should be released to the community is kept confidential.

To demonstrate this situation and to demonstrate how ridiculous class-based exemptions can be, one only need look at the cabinet exemption. Effectively the current act says the community does not have a right to this information. Yet every week, following cabinet meetings, executive documents that are exempt from the current act are released to the public. By that very action, the executive accepts that there are times when it is in the public interest for cabinet documents to be made public. The issue really is this: should it be the politicians exclusively who get to decide or should they be subject to an independent decision-maker to ensure that the community can properly judge their conduct?

The second most important change in the bill is the adoption of what is commonly referred to as the push model, requiring that certain information must be continually published by ministers and government agencies. The bill sets out a list of proactive publication obligations. The list of “open access information” for government agencies includes policy documents; budgetary information; the agencies’ disclosure log of all information released in response to access requests; scientific and technical studies; information about boards, councils, committees, panels and other bodies established by the agency; and, from three years after they were created, incoming ministerial briefs, parliamentary estimates briefs, annual reports briefs and question time briefs.

In addition to the proscribed information in the bill, agencies will be able to make their own publication undertakings for the proactive disclosure of additional information, and the ombudsman will be able to make declarations requiring the publication of other categories of information.

Whenever FOI reform is discussed, inevitably the issue of the culture of the executive towards the disclosure of information is raised as a significant barrier to reforms. There is no shortage of public criticism of the prevailing cultural approach to the issue by the executive, and the draft bill contains a range of mechanisms to change executive culture and promote leadership from the top. The Chief Minister will be required to make annual statements to set directions for ongoing improvement and reform.

Another important feature of the draft bill is the creation of a dedicated information officer position. This is to promote the role and give it specific statutory responsibilities, as well as fostering a collaborative environment to encourage information and experience sharing and improve decision-making. The independence of the information officer will be protected and they will not be subject to the direction of anybody in their decision-making.

There will be new obligations on ministers to report when agencies have failed to meet the statutory time frames and more detailed reporting of the operation of the scheme to help promote accountability and, hopefully, foster a culture of openness and a real willingness to provide information to members of the community so that they can play a greater role in the decisions of government.

One particular argument sometimes put against reform, and also relevant to the issue of agency culture, is the fear that information or advice that will be made public will lead to a reduction in record keeping by public servants and that this would be contrary to good governance. This is worrying, but manageable, for a number of reasons, not least because public servants have a statutory obligation under part 2 of the Public Sector Management Act to be accountable and act with probity in the best interests of the public. Former High Court Chief Justice Sir Anthony Mason said over 30 years ago that the argument that disclosure will result in want of candour in advice given by public servants “is so slight it may be ignored”.

I do not accept that our public service are not capable of providing robust advice that can be defended in the public debate or that they are not capable of acting

professionally and always fulfilling their obligations to keep records of their activities because they may be made public.

To ensure that the new scheme works well and there is an independent oversight mechanism, the draft bill proposes a new role for the ombudsman equivalent to the commonwealth and Queensland information commissioners. The ombudsman will be responsible both for the general oversight of the scheme, reporting directly to the Assembly, and for reviewing the decisions of agencies as part of a new review system designed to improve accountability and the quality of decision-making.

In conclusion, the draft bill is the product of an extensive analysis of a very large number of important submissions from stakeholders in the freedom of information processes. I am confident that it reflects the best evidence available and the views of stakeholders and experts. It strikes a fair balance between the need for openness in government and the need to protect legitimate public interests in the confidentiality of information.

That said, I would very much encourage anyone who has an interest in the issue to provide their feedback on the draft bill. The best ideas almost always come from the community, and making information available to them can only enhance a government's standing if indeed it is acting in the community's best interests. The intention is to build trust and collaboration in government. Often it is the culture of secrecy that causes government problems that they then feel the need for secrecy to hide. The provision of government information should be on the public's terms, not the government's, and that is exactly what this draft bill seeks to do.

I commend the exposure draft to the Assembly and I look forward to receiving feedback from members of the community that take an interest in these matters.

Leave of absence

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

That leave of absence be granted for all Members for the period 29 November 2013 to 24 February 2014.

Standing orders—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent the adjournment debate for this sitting continuing past 30 minutes.

Statement by Speaker Unparliamentary language

MADAM SPEAKER: Before I call the Clerk in relation to executive business No 6, I would like to make two statements. One of them arose as a result of a point of order raised in question time today about unparliamentary words. I would like to draw

members' attention to *House of Representatives Practice* edition No 6, page 514, where it says:

A Member is not allowed to use unparliamentary words by the device of putting them in someone else's mouth or in the course of a quotation.

I think that we have had this part of our standing orders referred to on a number of occasions. I know that Madam Deputy Speaker has done this recently. I would encourage members to keep that in mind when they are thinking of being disorderly. There is no means around it.

ACTTAB Ltd—motion

MADAM SPEAKER: On another matter, I would like to make a statement in relation to the motion that is on the notice paper and that was given notice of on 26 November by Mr Barr about the disposal of ACTTAB. Before I make the statement, I want to thank the Treasurer for his openness to the suggestions that I made this morning about this. I have had a couple of discussions with the Treasurer, and I was very mindful of not interposing myself in the policy debate.

After consultation and after considering the implications of the Territory-owned Corporations Act, the Legislation Act, the standing orders, *House of Representatives Practice* and the *Companion to the Standing Orders of the ACT Legislative Assembly*, I had proposed to rule out of order Mr Barr's motion as it stands on the notice paper. I gave the warning to Mr Barr that I would have to do this, and there has been some discussion, I think, so that we have got an appropriate motion that does not offend the standing orders.

To set the record straight, I want to explain to members why I considered that the motion as it was originally given notice of was out of order. I saw it was problematic in a number of ways. Paragraph 2 seemed to seek to amend legislation by way of motion in the Legislative Assembly. Paragraph 3 was ambiguous about the constitution of ACTTAB. Several elements of constitutions under the Territory-owned Corporations Act are set out in that act, and it was unclear whether this motion would attempt to amend those provisions without reference back to the Assembly.

There are clear measures for amending legislation. Chapter 5 of the standing orders, chapter 11 of the Companion and chapter 9 of the Legislation Act all apply in this area. But there is no simple and straightforward statement anywhere in those places that says that acts of this Assembly are amended by no other means except by another act of this Assembly. It is probably because it is such an obvious point. But I thought that it was worth making in the context of the discussion that we had here today and so that it is put on the record and we never get into this space again.

I also refer members to page 318 of the 6th edition of *House of Representatives Practice* about the effect of motions where it says:

The House has the power, within constitutional limits, to make a determination on any question it wishes to raise, to make any order, or to agree to any resolution. In the conduct of its own affairs the House is responsible only to

itself. However, the effect of such orders and resolutions of the House on others outside the House may be a limited one.’

And it goes on to say:

Other than in relation to matters such as powers to send for persons, documents and records and its powers in regard to enforcing its privileges, decisions of the House alone have no legal efficacy on the outside world. The House, as a rule, can only bring about its power of direction into play in the form of an Act of Parliament—that is, only in concert with the other components of the legislature
...

I think that it is helpful to keep in mind that, in the context of this, the clear reading of the words implied to me, to others who raised it with me and to others that it was discussed with, the motion sought to have an effect which it had no legal capacity to do so.

As I said before, this matter was raised by my office with the Treasurer’s office this morning. I think that they acted expeditiously to address the issues, and I thank the Treasurer and his staff for their diligence in this.

ACTTAB Ltd—proposed sale

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (4.50) Responding to your ruling, Madam Speaker, I seek leave to amend my notice No 6, executive business, in the terms circulated to members.

Leave granted.

MR BARR I move the amended motion in my name:

That this Assembly:

(1) approves the disposal of the Territory’s interest in ACTTAB Limited:

(a) subject to the passing of an amendment by the Assembly to the *Territory-owned Corporations Act 1990* to remove ACTTAB Limited from Schedule 1 to the *Territory-owned Corporations Act 1990*, by way of a sale of the ACTTAB Limited shares held by the Territory; or

(b) in accordance with section 16(4) of the *Territory-owned Corporations Act 1990*, by way of a sale of the main undertakings of ACTTAB Limited; and

(2) approves the Voting Shareholders making amendments to the Constitution of ACTTAB Limited in the event of a share sale in order to replace provisions relating to Ministers, the Voting Shareholders, the Auditor-General and specific obligations relating to the *Territory-owned Corporations Act 1990*. This would ensure the ACTTAB constitution is then suitable for a private company.

On 22 November, the government announced that it intended to pursue the sale of ACTTAB Ltd. I now seek the support of this Assembly to the motion, which provides for the sale of ACTTAB either through the disposal of ACTTAB's main undertakings or the sale of the shares in ACTTAB.

Part 1(a) of the motion relates to a share sale. In order to enable the shares of ACTTAB to be sold, it will be necessary to amend the Territory-owned Corporations Act 1990 to remove ACTTAB from schedule 1 of the act. A bill to give effect to the required legislative change will be introduced into the Assembly during the implementation of the sale when more is known about the preferred form of sale for the successful buyer.

Part 1(b) concerns the sale of ACTTAB's main undertakings. This is in accordance with section 16 subsection (4)(a) of the Territory-owned Corporations Act which prevents the disposal of the main undertakings unless approved by the Legislative Assembly.

Part 2 of the motion reflects the need to also amend the constitution of ACTTAB in the event of a share sale. This is in keeping with clause 4 of the constitution which prevents any changes that are inconsistent with the Territory-owned Corporations Act 1990 unless by resolution that has been passed by the Legislative Assembly. The changes to the constitution would be determined during final negotiations about the terms of the share sale and would take effect from the sale completion date.

There are strong grounds to support the government's decision to sell ACTTAB. The ACTTAB future options feasibility study that was undertaken by PricewaterhouseCoopers found that the best option for the territory taxpayers would be to sell the business. There are serious risks to the government in continuing to own ACTTAB which are likely to increase in the current market environment. As a stand-alone entity, ACTTAB is finding it increasingly difficult to remain competitive due to a range of factors, including relatively high operating costs and limited technology.

Due to a lack of scale and government funding limitations, ACTTAB's competitive position will continue to erode as it struggles to overcome more and more customers choosing to access wagering products online. It is obvious that a sale would remove the significant commercial risks that would otherwise fall on the taxpayers.

Selling ACTTAB also provides the opportunity for the government to receive a higher upfront return compared to retaining ownership. This is because the new owner would be better able to manage risks by achieving economies of scale and scope and is likely to pay a premium to acquire ACTTAB's exclusive licence and its existing customer base.

The government is also intent on reinvesting the sale proceeds for the benefit of the community. Rather than stipulating the type of sale up front, we have chosen to let potential purchasers present their best offering, irrespective of whether it involves buying the shares to acquire the company outright or selectively purchasing the main undertakings such as the exclusive licence. As the preferences for each purchaser may

differ and in order to maximise the sale offer, the motion has been prepared to enable the government to adopt either form of sale, depending on the responses received from potential buyers.

The sale will also be conducted through an open competitive process so as to maximise the number of bidders. This approach should ensure the best outcome for the territory.

The sale process will seek initial expressions of interest subject to certain selection criteria, including demonstrated experience and credentials to manage ACTTAB successfully. Potential bidders will need to demonstrate they have the appropriate experience and capacity to operate a wagering business, including satisfying the necessary probity requirements to operate ACTTAB's exclusive wagering licence.

The ACTTAB board, the United Services Union and the local racing industry have all been consulted about the sale. The government will ensure that staff are treated fairly and equitably and that the local racing industry is not negatively affected. As part of the sale process, potential purchasers will be asked to provide details about their planned staffing arrangements and their support of the local racing industry.

The sale should be undertaken as quickly as possible to minimise the risk of destabilising the operations of the company. It is for this reason today I am seeking the support of the Assembly to the motion to enable the government to sell either the shares or the main undertakings of ACTTAB. This will assure the market that the government is able to conduct the sale, which could otherwise discourage potential purchasers from committing time and resources to the process.

I commend to members of this Assembly the motion in my name seeking agreement to allow for the disposal of any of ACTTAB's main undertakings or shares in ACTTAB as the opportunity arises.

MR SMYTH (Brindabella) (4.56): The importance of this sale to the industry, to the current staff and, I think, to the people of the ACT will ensure a great deal of interest in it. I do not think we got off to a good start by having a motion that was out of order and attempted to modify law by motion.

I am also concerned that that was now compounded by the fact that when we finally got hold of a copy of the motion and I rang Thoroughbred Park, the harness club and greyhounds ACT, none of them was aware of the motion or the content of the motion. They were quite grateful to be informed that the government was doing this today because, basically, yes, they knew the government was going sell ACTTAB but they had no idea when and they had no idea how.

If the minister wants the community on board with this, then perhaps more consultation would be appropriate. I do not see how you make changes of the nature we are about to make to an industry without involving them in the process. So perhaps it was not a good start.

When Totalcare was sold, it was a very simple motion. I can understand the purpose of the two different types of sale, to give the government some options. But the

document that was brought to the Assembly was quite simple, and it was simple because it was, in effect, the winding up and off it went.

Today is a different issue. Today we leave behind an industry. Once ACTTAB is sold—and it would appear the numbers are here for it to go ahead—there will still be an industry. There will be a large number of staff at ACTTAB that need to be looked after. The government have not, in their motion, given any indication how they will do some of the other things that the community is asking of them.

I know that the industry—it is on Thoroughbred Park letterhead but it was sent on behalf of all of the industry and was signed by Peter Stubbs, Chief Executive, Canberra Racing Club; Ashley Dwyer, Chairman, Canberra Greyhound Racing Club; and Greg Nugent, General Manager, Canberra Harness Racing Club—on 25 October sent a letter to the minister about some of the outcomes that they wanted. They said not to follow the PricewaterhouseCoopers report and wanted confirmation the government was going to sell. Indeed, Ted Quinlan the following day—I think it was the Tony Campbell race day—announced the government was going to sell ACTTAB. So he knew. The government just took a long time to come to the same decision.

In the letter, the racing industry's preferred outcome is as follows: that there be a sale of ACTTAB's business, with a condition that it ensures appropriate funding for the ACT racing industry's racing product; that the sale of ACTTAB be to a major wagering operator with the highest level of integrity and racing industry understanding; that the funding arrangements are consistent with other jurisdictions to ensure the ACT racing industry's viability and maintenance of parity of prize money with interstate clubs; that the funding arrangements allow the racing industry to be self-reliant and sustainable in the long term; and that appropriate transition and/or support arrangements are put in place for ACTTAB staff. They are perhaps not unreasonable conditions to ask the government to meet. I have simply cut and pasted those. I give full credit to the authors of the document. I have simply taken them and put them into an amendment that I will move before I finish. It says that we would like the government to ensure those five outcomes I have just listed.

If we are going to change the governance and we are going to sell ACTTAB, then we need to look at the consequences. The government will take some money. I think I heard the Treasurer say on the radio this morning that it will go to infrastructure. At the same time we have to make sure that we have an industry that is viable. The industry is very important to the ACT. The industry provides a lot of employment to the ACT. It brings business to the ACT, and it is one of the peaks of the equestrian industry in the ACT. By its very nature, it allows stock and station agents, vets and other people that support the horse industry to survive because they bring extra business to those people in the industry here.

There are opportunities in the future. With Sky having extra channels devoted to racing product, there are opportunities to develop, in the long term, new products that will put Canberra on the map in that regard. What are they? It could be—what is it, bold; I forget what the other two words were in the new marketing point—a bold and ready racing industry. So we need to help to make sure that happens. The changes today and the guidance that this place gives the government in regard to the sale should include that.

I also note Mr Rattenbury is going to move an amendment that looks remarkably similar to mine. I assume he got the same letter and had the same thought. I guess it will be the battle of the amendments. But it is clear that the majority of members of the Assembly do expect a great deal more from the government over the sale of ACTTAB before we allow that to proceed, and I would simply ask members to look at the amendment that I will move. It is a request from the industry that will be most affected, the individuals and the clubs that will be most affected, by this change as well as those individual staff who currently work for ACTTAB. I think all here would like some guarantee from the government that appropriate care and resources will be allocated to help them throughout the transition, whatever form that might take and whatever outcome that might have for them.

With that, I move my amendment to Mr Barr's motion:

Add paragraph (3):

“(3) ensure the following outcomes:

- (a) a sale of ACTTAB's business with a condition that ensures appropriate funding for the ACT racing industry's racing products;
- (b) the sale of ACTTAB to a major wagering operator with the highest levels of integrity and racing industry understanding;
- (c) that the funding arrangements are broadly consistent with other jurisdictions to ensure the ACT racing industry's viability and maintenance of parity of prize money with interstate clubs;
- (d) that the funding arrangements allow the racing industry to be self-reliant and sustainable in the long term; and
- (e) appropriate transition and/or support arrangements are put in place for ACTTAB staff.”.

MR RATTENBURY (Molonglo) (5.02): I will speak now and then seek leave to move my amendment at a later point. In the broad, the sale of ACTTAB is a move that I support. I think it is an appropriate move for the ACT government to be making at this time. I have actually had the opportunity to take this to a meeting of the Greens party and to discuss this with my members. I felt the need to do that because the Greens, as a general principle, do not believe the government should just sell its assets. There is a place, we believe, for government to maintain ownership and in cases where an organisation and operation generates a dividend, to return that to the community as part of government assets. So I was quite keen to explore the issue and that matter of principle with my party members.

I think the overwhelming message that I got back was that the government should not be in the gambling business at all, that in this day and age it was inappropriate for the government to be using its capital to sustain gambling practices. That particularly is underlined by the fact that for ACTTAB to remain competitive in a changing gambling marketplace, significant investment would be needed. Frankly, if it came

down to where ACT gambling money should be spent in coming years and trying to choose between some of the competing interests, investing in upgrading ACTTAB to keep up with the fast moving gambling industry would be pretty much at the bottom of my list. On that basis, I am also quite comfortable with the sale.

I think that there are important matters to be considered. As Mr Smyth noted, I have prepared an amendment. He has also prepared one. I think we are heading in a similar direction. There are some factors that we want to take into account when it comes to how the sale should be proceeding. I do not think at this point that we want to be too prescriptive about the sort of conditions that should be put in place around the sale.

I think it is quite appropriate that the government be given a healthy bit of latitude to negotiate with prospective buyers. I think that is quite important to maximise the return for the ACT and also to maximise the number of potential bidders. If we do put too strict conditions or too tight conditions, it may be that that does not suit the business models of some operators. I think the sort of broad values that are described in the various amendments are moving in the right sort of a direction.

I guess the difference that I have taken with Mr Smyth's amendments is simply that I felt that the framework put forward by the racing industry and some of the other comments they have made were locking us down a bit far. That is why I came up with something that, on the face of it, is a little more generic whilst getting across the key points.

Rather than drag out the debate today, I simply wanted to put on the record my view that I support the government moving to sell ACTTAB. I think there are some important things to be taken into account, such as employee welfare, ensuring that the local racing industry is not negatively affected, that the way the sale takes place provides an ongoing level of support and also, for me particularly, ensuring that the successful party not only has the appropriate experience but also has a recognised level of integrity in its gaming operations. I think that is something we would need to be mindful of to make sure that the operator, who will continue to have a presence in the local community one imagines, is the sort of person who we want doing business in this town and doing business in the gambling industry.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (5.07): I will speak to Mr Smyth's amendments. The government will not be supporting Mr Smyth's amendments. We consider that the agreement of the Assembly to sell ACTTAB should not be constrained by conditions as prescriptive as Mr Smyth has put forward, particularly those that attempt to weight the outcomes of the sale process towards the interests of one particular party.

The government needs to ensure that multiple outcomes are met. We need to ensure primarily that a fair and reasonable price is returned to the territory on behalf of the community. Any benefits of a sale should be shared appropriately and that includes, most importantly, to the broader benefit of the community.

Our sales process will require the successful bidder to demonstrate that they have the appropriate experience and capacity to operate a wagering business. This includes meeting the necessary regulatory requirements to operate ACTTAB's exclusive wagering licence. The government is also committed to ensuring that the local racing industry is not negatively affected by the sale. Let me repeat that for Mr Smyth's benefit: the government is committed to ensuring that the local racing industry is not negatively affected by the sale. How will we do this? Bidders will be asked to identify how they will be prepared to support the local racing industry. This information will also be considered in the evaluation process.

Of significant importance to the government is an assurance that staff are treated fairly. As part of the sales process, the government will be seeking, where possible, for staff to retain their jobs under existing conditions. Bidders will be asked to provide details about their terms and conditions of employment and staffing intentions. This information will be taken into consideration when evaluating proposals.

These are all issues that are most appropriately dealt with as part of the sales process. We need to allow the market flexibility to respond. This is the most appropriate way to optimise the outcomes for the territory as part of a competitive process. We understand the racing industry's desire to be treated broadly consistently with other jurisdictions. But the reality is the industry in the ACT is not consistent with other jurisdictions. This can be seen simply in the size and scale of their operations. In other jurisdictions, the racing industry contributes much more significantly to the total turnover in their state pools.

In 2012-13 total ACTTAB racing turnover was \$145.6 million, of which only \$4.025 million was generated by the local racing industry, or just 2.76 per cent of total ACTTAB racing turnover. In the ACT we currently budget fund the industry in the order of \$8 million per annum. These arrangements were put in place a few years ago to provide considerably more benefit to the racing industry than the previous arrangements where their funding was tied to the declining performance of the TAB.

The 2011 final report of the ICRC investigation into the ACT racing industry found that the local racing industry represents less than one per cent of the Australian racing industry. We understand and recognise the industry's desire to grow in the ACT and we support this as an objective of theirs. But we need to balance a number of objectives across a number of interests. In this respect, we believe that a sale that results in the racing industry being no worse off is a given. That has always been our starting point.

We will be negotiating with bidders on additional benefits to the industry. No doubt, in a competitive process and market, it will be in a bidder's interest to provide assistance and ongoing commitment to the growth of the local racing industry. Notwithstanding our preference for not restricting the conditions of a sale, we understand through the two amendments that have been brought forward that the Assembly may wish to have more information on the desired outcomes of the sale outlined in its resolution today.

So we consider that the sales objectives provide an appropriate set of parameters for the sale of ACTTAB and that they appropriately balance the needs of multiple parties to allow us to optimise the sale outcome on behalf of the entire ACT community whilst, of course, taking into account the concerns the local racing industry and, critically, the staff of ACTTAB. I consider that these amendments put forward by Mr Smyth will result in a situation where the sale price will not be maximised. We need to allow the market to respond to this sale.

The amendment put forward by Mr Rattenbury more accurately reflects the sale conditions the government has agreed to. On that basis, it will allow us to appropriately pitch to the market to allow them to respond to those conditions. It gives us flexibility to negotiate and to optimise the outcomes for the benefit of everyone—all of the stakeholders and the broader community. It represents a more balanced approach to the sale rather than just looking at the interests of a narrower section of our community.

On that basis, we will support the amendment from Mr Rattenbury to seek to achieve a fair and reasonable price through the sale to ensure that the local racing industry is not negatively affected; to achieve a timely sale; to ensure that the successful party has appropriate experience, capacity and integrity to operate a wagering business; and to ensure that employee welfare is considered. The government will be supporting the amendment that has been circulated by Mr Rattenbury.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 8

Noes 9

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

Question so resolved in the negative.

MR RATTENBURY (Molonglo), by leave: I move the amendment circulated in my name:

Add paragraph (3):

“(3) asks the government to ensure the following outcomes from the sale:

- (a) achieve a fair and reasonable price;
- (b) ensure local racing industry is not negatively affected;

- (c) achieve a timely sale;
- (d) ensure the successful party has appropriate experience, capacity and integrity to operate a wagering business; and
- (e) ensure employee welfare is considered.”.

I have spoken to the amendment already; so I will add no further comments.

Amendment agreed to.

Motion, as amended, agreed to.

Crimes Legislation Amendment Bill 2013

Debate resumed from 31 October 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (5.18): The Liberal opposition will be supporting this bill. It is an omnibus bill that amends nine acts and regulations. Some amendments are minor or technical in nature; others are more substantive. I will comment on the more substantive of the amendments.

Two amendments are made to the Crimes Act 1900. The first is to clarify that, when a police officer issues an infringement notice to a young person for a minor criminal offence, the young person is not regarded as being “under restraint” just because he or she is “in the company of a police officer”. Being “under restraint” is only intended in cases where a young person is arrested and taken in for questioning. Under this amendment there would no longer be a requirement on the police officer to contact the young person’s parent. This means that police will be able to deal with minor offences quickly and more efficiently, freeing them up to deal with more serious matters. The young person would be given an infringement notice and sent on their way.

The second is to remove the 12-month limitation on starting prosecution action for certain sexual offences. It has retrospective effect for offences committed between 1951 and 1985 for some offences against girls and between 1976 and 1985 for buggery, but not bestiality, and for indecent assault of a male.

In relation to an offence against a girl, a criminal proceeding can only begin if the offender was at least two years older than the victim. In relation to the remaining offences, a criminal proceeding cannot begin unless the prosecution also alleges the offence involved incest or was committed without consent. Power will lay with the courts to deal with prosecutions as they consider appropriate, including ordering a permanent stay on proceedings if sufficient evidence cannot be established.

This latter amendment allows for victims who perhaps were too young or simply could not garner the emotional strength or energy to bring forward a prosecution

nearer the time of the offence being committed. It does engage matters of human rights. It might even, as the scrutiny committee noted, establish new but retrospective criminal offences to the extent that the limitation has been removed.

However, I do accept that engagement of human rights is reasonable and proportionate. It does allow victims perhaps to close a chapter in their lives that doubtless would have caused them considerable emotional and other mental health problems, sometimes for decades. They, as much as offenders, if not more, are entitled to human rights.

Two amendments are also made to the Crimes (Forensic Procedures) Act 2000. The first removes the requirement for a practitioner conducting an intimate forensic procedure to be of the same sex as the suspect, serious offender or volunteer on whom the procedure is to be conducted. It also gives the offender the opportunity to refuse, in which case a practitioner of the same sex must perform the procedure. There are special, but not significantly different, provisions when the procedure is to be performed on a child or young person.

I understand the rationale for this change is that most offenders are male but most practitioners are female. This creates obvious difficulties when the legislation requires the practitioner and the subject to be of the same sex. Sometimes this can be made more complex when the integrity of the evidence depends on quick action in performing a forensic procedure.

The second amendment to the Crimes (Forensic Procedures) Act 2000 is to give courts and police power to secure the physical attendance of a serious offender before a court for a forensic procedure application hearing. This will apply whether the offender is in custody or not.

Such an application would contemplate a forensic procedure to be employed to obtain evidence relevant to other unsolved crimes. The evidence information would be entered on the national criminal investigation DNA database. In turn, this would enable law enforcement agencies in other jurisdictions to use the information in the investigation of other crimes. I understand this amendment also brings the ACT into line with commonwealth law.

This bill also amends the Drugs of Dependence Act 1989 to increase from 25 grams to 50 grams the maximum quantity of cannabis that can trigger the issue by police of a simple cannabis offence notice instead of laying criminal charges. The explanatory statement notes that the most common purchase is one ounce, which is 28.3 grams, so the amendment will capture most small quantity purchases.

On one hand this amendment would free up police and the courts. On the other hand I do have some concerns with this amendment. The explanatory statement claims that this amendment would “improve consistency with offence notice regimes in other states and territories”. However, on the basis of a jurisdictional comparative table provided to me through the attorney’s office—and I thank his office for doing that—it would appear that this amendment does not improve consistency.

According to that table, the only jurisdictions with whose laws this amendment creates any level of consistency are the Northern Territory, where notices can be given for possession up to 50 grams, and South Australia, where the threshold is 100 grams. Neither New South Wales nor Victoria have a cannabis infringement notice scheme, merely allowing police to caution offenders for possession of up to 15 grams in New South Wales or 50 grams in Victoria. So in New South Wales, for possession of amounts above 15 grams, criminal charges apply.

Currently, in the ACT, criminal charges apply for quantities over 25 grams. Under this bill criminal charges will apply only for quantities over 50 grams. A simple fine will apply where a lesser quantity is involved. Therefore, in New South Wales, the ACT's nearest neighbour, the law is stricter than this bill contemplates for the ACT. There is potential, therefore, for an increase in the drug trade in the ACT, particularly with populated urban areas close to our border.

The bill also amends the Firearms Act 1996 to require the registration of firearm frames and receivers on the basis that they can be used to manufacture complete weapons. The comparative table I was given indicates that all jurisdictions except Tasmania make similar provisions. There is an amnesty of three months to allow holders of frames and receivers to register them or dispose of them.

Finally, let me make a general observation about this bill. On many occasions before, we on this side of the house have remarked that omnibus bills should be used to make minor, technical or non-controversial amendments. While the amendments contemplated in this bill are non-controversial—other than perhaps the drugs element—they are certainly not minor and they are certainly not technical in nature. They do introduce some significant policy shifts, including the retrospective nature of certain sex offences. Once again, I call on the government, and particularly the Attorney-General, to give very careful consideration to these matters when preparing bills for debate in this place in future.

Legislative change that involves a shift in policy or covers new ground should be brought forward in the form of stand-alone bills. There is too much risk that omnibus bills like the Crimes Legislation Amendment Bill that we are debating today will create problems that could have serious consequences for the people that engage with the laws when bills are introduced in this way. I accept that it may be administratively efficient, but if we get it wrong, the effect potentially could be devastating on our community.

In closing, I would like to thank the attorney's office for the briefing that they provided and the cooperative manner in which we have dealt with a number of issues, including some amendments which were to be proposed and which we will deal with at another stage, and indicate that we will be supporting this legislation.

MR RATTENBURY (Molonglo) (5.27): This is an omnibus bill that makes amendments in several areas of criminal justice policy. The changes are relatively minor and they will assist with the effective administration of criminal justice in the territory. I will not go through every aspect of the bill but I will make some comments on some of the specific changes.

Probably the most notable change in this bill is that it would retrospectively remove a historical limitation on the ability to prosecute certain sexual offences against children. The limitation exists for offences that occurred between 1951 and 1985.

The change in this bill will ensure that these offences can be prosecuted. This is an issue that has attracted some discussion in the media recently. It is a change I agree with, and I am quite sure that it is a change that the wider community agrees with. The change comes midway through the national inquiry into child sexual abuse. That inquiry has not only brought to light this archaic limitation on the ability to prosecute child sexual abuse in certain circumstances, but also it is likely to uncover old offences which could now be brought to criminal trial. I think it would be a serious injustice if these could not be prosecuted.

I understand that a limitation period was put in place over 50 years ago, and there is little information existing about its rationale. I think it is fair to say that whatever the thinking was at that time, modern society accepts that it is not appropriate to put a two-year limitation period on the ability to bring a prosecution for sexual offences against children. It is well understood that, unfortunately, it can take many years for these tragic crimes to manifest. Often, it only occurs when the victim is an adult.

It is important to consider the human rights dimension to this change. Of course, that is an important consideration in all criminal offences, with their serious implications for the accused. The scrutiny of bills committee provided a comprehensive analysis on this matter which I have considered. My office also discussed the matter with the Human Rights Commission, which added a helpful perspective.

On one hand there is a question raised as to whether the rights of the defendant are unreasonably affected by the retrospective removal of the limitation period. In this case I think the change is quite justifiable, reasonable and does not unreasonably limit human rights.

The change does not retrospectively criminalise behaviour; it only retrospectively removes a limitation period. In my view, issues that may arise in relation to the length of time between a prosecution and offence can be dealt with adequately by existing laws of evidence. As I said, the change is an important one for the protection of children and for ensuring justice can be done.

Regarding the change in the bill which allows serious offenders to be brought before the court for the hearing of a forensic procedure order application, I note that this issue also invites some human rights discussion. This is dealt with well in the explanatory statement, and I also point out that the new clause contains safeguards for an offender who is a child or an incapable person by allowing them to have an interview friend.

I also mention the change in this bill relating to the Criminal Code. The bill amends the default application date in chapter 2 of the Criminal Code to 1 July 2017. This is essentially because the ACT is still in the process of progressively implementing the model code. This is taking some time, partly because there is a large amount of ACT

legislation to bring into line and partly, it seems to me, because the model criminal code project appears to have lost its momentum. The benefits of harmonisation evaporate when only the ACT, the Northern Territory and the commonwealth have even adopted model criminal codes. It is one of the examples that make people lose faith in the COAG process, and it is a reminder that when the ACT really wants to achieve reform in an important area, it should often move itself rather than wait for slow and often broken national processes.

One of the changes made in the bill is an amendment to the definition of “stolen property” as it relates to the offence of receiving stolen property. I agree with this change. It was recommended by the DPP. My understanding is that previously, to successfully prosecute this offence, the DPP would have to prove an entire chain of custody. As members can imagine, with the way that stolen property can move quickly between several people, this can be very difficult to show. The offence still requires that the person receiving the property knew that it was stolen, which of course is the key mental element for this offence.

Lastly, I will mention the amendment that changes the amount of cannabis a person can be in possession of in order for police to serve an offence notice in lieu of prosecution. Currently, this simple cannabis offence is defined to include possession of less than 25 grams of cannabis. It appears, however, that the most commonly purchased amount of cannabis for personal consumption in the territory is 28.35 grams—perhaps more easily understood as an imperial ounce. This, of course, means that the offence notice provision is often unavailable, largely defeating its purpose.

I support changing the simple cannabis offence amount to 50 grams to ensure that it is effective. One of the benefits, as the explanatory statement points out, is that the use of this scheme will improve access to early diversion away from the criminal justice system through police intervention. I have made the point before that these diversionary and early intervention initiatives are a very important part of our approach to criminal justice. I think they are particularly underlined by some of the discussions that have been taking place about the pressures on our corrections system. I am pleased to support the bill today.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (5.33), in reply: I thank members overall for their support of this bill. The amendments in the bill result from issues brought to my attention by justice stakeholders, including the DPP, Policing and our courts.

The changes in this bill are significant and important, none more so than the amendments that deal with access to justice for victims of historic sexual offences. Since 1951 victims of certain sexual offences have had only 12 months to report the offences perpetrated against them. This was the case until 1985, when the limitation periods were repealed, but the effect of those limitations continued. This bill, therefore, removes those periods created in 1951 and 1976 so that these sexual offences can now be prosecuted.

Children who were sexually assaulted between 1951 and 1985 have also been affected by this limitation period. The difficulty experienced by victims of these offences in reporting within a 12-month period is even greater for children, who may not even know at the time that what is happening to them is wrong. Adults living with this trauma have also had to suffer because our laws have denied them any avenue for justice.

We now know that limitation periods like these are fundamentally unjust and in conflict with all we have learned in recent times about sexual assault reporting. Victims of sexual assault may not report the crimes committed against them for many years, for a range of reasons. These may include that the perpetrator is a family member. A child may not understand the nature of the offending behaviour inflicted upon them. Threats may have been made by the perpetrator to silence the victim. Victims may believe that they themselves are at fault or other family members may encourage the victim not to report.

All of these factors highlight the importance of removing the limitation period. It is an important response, particularly in the context of the new royal commission into offending behaviour against children and young people in care which is currently underway.

Turning to the other provisions outlined in the bill, I will address in particular the changes proposed in relation to the operation of the ACT's simple cannabis offence notice. The proposal is to extend the provisions of the application of the notice, to move it from the current provision of a person holding an amount of cannabis up to 25 grams to an amount up to 50 grams.

Mr Hanson says that the comparison table that was provided to him highlighted that in fact it is only the ACT, the Northern Territory and South Australia that have different threshold amounts, and that ours is the lowest compared to those other two jurisdictions. That is because those are the only three jurisdictions that have simple cannabis offence notices. All the other jurisdictions deal with cannabis offences in a range of different ways, but without an offence notice, a fine, an expiation notice, as an alternative to a criminal action of some sort. So that is why that comparison is made in that way.

But it is simply the case that it is inappropriate for persons holding small amounts of cannabis for personal use to be engaged in the full-blown process of the criminal justice system, including hearings in court and possible time in jail. There are alternatives that should be exercised—and the simple cannabis offence notice is one of those—and the threshold amounts should be consistent with the amounts being deployed for personal use; otherwise the simple cannabis offence notice scheme simply does not operate as intended. So that is the rationale behind that change.

As Mr Rattenbury highlighted, the other important change is amending the definition of "stolen property" for the offence of receiving stolen property so that it means an appropriation of property. The current definition requires proof of a chain of title,

which is an extremely difficult level of proof to demonstrate and prove beyond reasonable doubt. Therefore changing this provision will ensure that no such proof is required, bringing the ACT into line with other jurisdictions.

These are important changes. There is a range of other changes in the bill. I think it is appropriate that when there are a multitude of relatively small, discrete but nevertheless important proposals put forward by justice stakeholders to our criminal law, they are dealt with in a manner like in this bill. It is certainly a much more expedient way to go about it. As long as the details and the issues at play are spelt out comprehensively, as they have been in this case, both in the presentation speech and in the briefing subsequently provided to members, I do not think there can be, realistically, any serious objection to undertaking amendments in this way. I thank members for their support and 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.

Heavy Vehicle National Law (ACT) Bill 2013

Debate resumed from 24 October 2013, on motion by **Ms Burch**:

That this bill be agreed to in principle.

MR COE (Ginninderra) (5.40): The opposition is pleased to support the Heavy Vehicle National Law (ACT) Bill 2013. The bill is an application act to bring ACT regulation for heavy vehicles into line with the national approach. It is accompanied by the Heavy Vehicle National Law (Consequential Amendments) Bill 2013. This bill has been brought to the Assembly to ensure that the ACT fulfils its commitments under the Council of Australian Governments intergovernmental agreement on heavy vehicle regulatory reform.

This bill, along with the consequential amendments bill, allows the application of the heavy vehicle national law in the ACT. It also allows the National Heavy Vehicle Regulator to regulate heavy vehicle activities in the ACT, even though it is located in Queensland. After the current intergovernmental agreement was reached, the national heavy vehicle law was enacted by the Queensland parliament. New South Wales, Victoria, South Australia and Tasmania have subsequently adopted the laws, but they have not yet commenced.

Legislation to allow the adoption of the national law is currently being developed in the Northern Territory. Western Australia has not signed the intergovernmental agreement but is expected to implement laws similar to the national laws soon. The national law applies to all vehicles with a gross vehicle mass over four and a half tonnes. It consolidates modern laws for heavy vehicles that have been adopted and

developed over many years. The national law provides the national registration of heavy vehicles and prescribes the standards for these vehicles. It prescribes measures to control speed and prevent drivers driving while fatigued. It also imposes duties and obligations on operators, drivers and other people who may influence compliance with requirements under the law.

Administration of the national law will be the responsibility of the national heavy vehicle regulator, but the regulator will make agreements with state and territory road transport authorities to administer parts of the scheme. Police and road managers will also continue to be involved in implementation and enforcement of the legislation. Infringement notice offences and penalties will continue to be covered by current ACT laws and legal proceedings will continue to be brought before the ACT Magistrates Court and ACAT. Vehicle registration charges will be collected by the regulator. In future, part of the revenue will be given to states and territories for road maintenance while the rest will be retained by the regulator for administrative costs.

The bill is designed to reduce red tape and improve efficiency in the transport industry. This should increase productivity in the sector. The opposition is pleased to see a reduction in such red tape. However, we will watch carefully to see that the new laws, including the establishment of the national regulator, do not, in fact, bring another layer of red tape.

While the opposition will be supporting the bill, we have been disappointed by the process. The bill was presented to the Assembly in October and was set down for debate on Tuesday of this week. However, due to extensive comment from the scrutiny committee, debate had to be delayed in order to give the minister time to provide a response.

While the minister has provided a comprehensive response to the comments, it is disappointing the opposition has not had enough time to properly consider the legislation. As is often the case with a national scheme, the ACT is close to being the last jurisdiction to adopt these laws, and they have been rushed through the Assembly as the government is playing catch-up. In future, the government should be better prepared and bring large pieces of legislation like this earlier in the year so that the opposition and stakeholders have time to properly consider them.

The opposition is pleased to support this bill today and hopes that improved efficiency in the heavy vehicle transport sector follows.

MR RATTENBURY (Molonglo) (5.43): I will make some brief comments on both the heavy vehicle national law bill and the Heavy Vehicle National Law (Consequential Amendments) Bill. The two bills are complementary, of course, and they form a legislative package designed to implement the new nationally harmonised scheme for regulation of heavy vehicles. The national scheme is intended to streamline and improve efficiency for heavy vehicle administration, including issues such as accreditation, vehicle standards, and fatigue management.

I will try to improve the efficiency of the Assembly by addressing both of them at the same time. Despite these bills and the accompanying regulations being quite enormous, I want to keep my remarks fairly brief.

These harmonised laws have been evolving between states for decades, so I think congratulations are in order for the officials that have been working on it, including in the ACT government. It has certainly been a big task. The most recent impetus was the 2009 COAG decision to establish a National Heavy Vehicle Regulator to administer a single set of heavy vehicle rules. The regulator is based in Queensland. We are adopting the schedule to the Queensland legislation, which includes the model rules. Most of the new rules should begin next year with some elements, such as registration, delayed in an anticipation of further work, such as the development of a national registration system. The explanatory statement effectively outlines the areas that are regulated by the new model laws. Essentially these are the registration of heavy vehicles, standards for using heavy vehicles on the road, operational requirements such as mass and size limits, secure loading and road access, speeding controls, fatigue management and duties and obligations on operators, drivers and other responsible persons.

Harmonisation of laws between jurisdictions is an interesting issue. Certainly it can be problematic when the various states and territories have a hodgepodge of different rules and regulations. It is often difficult for industry, and it can be costly and inefficient on various levels. But, on the other hand, we always have to be careful that harmonisation does not water down the progress that might have been made in a particular jurisdiction. I would not want the ACT to suffer a policy regression in order to fit into a less progressive national scheme. Of course, national schemes often settle for the lowest common denominator as they try to get everyone to agree.

That was one of the Greens' concerns with another recent national harmonisation effort in work health and safety. While we supported that scheme overall, we were concerned about some of the good aspects of the ACT system potentially being lost, and some of them, in fact, were. One of those was the ability for unions to progress prosecutions under the act. We unsuccessfully moved an amendment to protect that right. This was an issue I was alive to as I reviewed the proposed heavy vehicle laws. Despite the benefits of harmonising this regulatory complex area, I do not want the ACT locked into something that is deficient and which may prevent us doing something better in the future or adopting something which might have a negative impact on the ACT environment.

Firstly, I had some concern that the proposed changes allowed for the regulator to approve exceptions to size and loading standards, as well as exceptions to the usual allowed heavy vehicle routes. But I am satisfied that this arrangement affords the ACT the appropriate level of participation in these decisions.

Naturally, I had some concern that the arrangement might mean that B-triple trucks, or potentially even bigger, could be rumbling through Canberra's streets at the whim of a decision-maker in Queensland. But these decisions can only be made if agreed to by the local jurisdiction's delegate—in this case the ACT's Road Transport Authority. It is important that the ACT is not ceding away its power to a national regulator. We still need to be able to make decisions in our local interest. Members may have heard me comment on the B-triple issue last year. I am not keen to see them in the ACT, at least not before we have done further and careful investigation.

In a similar vein I note that any proposed future changes to the model laws will still come through the ACT Assembly via disallowable instruments. We will not be subject to the decisions and changes of a distant regulator. The model law contains several absolute liability offences. These, of course, enliven the issue of the right to a fair trial under section 21 and the right to presumed innocence under section 22 of the territory's Human Rights Act. It is an issue the scrutiny of bills committee has drawn attention to. Absolute liability offences should only be approved in the most exceptional cases. There needs to be a very clear and legitimate reason for penalising someone in the absence of fault.

In this case I am satisfied with their use. They are in a highly regulated environment and concern issues such as vehicle safety. The highest maximum from most of the absolute liability offences in this legislation is \$10,000. Penalties relating to overloaded vehicles can go higher than this depending on just how overloaded the vehicle is. It could go up to a possible \$30,000. There are no imprisonment sentences available for these absolute liability offences and, in these circumstances, I think they are justified.

One of the main impacts of the new national heavy vehicle laws will, of course, be the reduction in red tape and other burdens for the heavy vehicle transport industry. I agree this is a good achievement. As I have said, no-one wants duplication, inefficiencies or unnecessary burdens on any industry. However, it raises an interesting question about the direction in which Australia's transport industry is headed. One of the most obvious effects of the laws is that they will help large road vehicles move around Australia between states and it will have significant advantages for the use of road freight. The downside, as anyone interested in environmental sustainability will recognise, is that heavy vehicle road freight is not really a sustainable transport solution. We need to be putting efforts into alternative transport. That does not mean the changes in this harmonised law are bad; they are good and they improve efficiency. It is more a question of where our national transport priorities lie.

Unfortunately, the proportion of rail freight in both the ACT and Australia has been declining and road freight has been taking over. Rail is much more sustainable as a freight option. A report by ARRB consultants found that rail freight produces up to 90 per cent fewer emissions per tonne of freight carried than road freight. Any government committed to emission reduction should be looking at how to facilitate a switch to rail freight. Road freight, is of course, more vulnerable to peak oil, an issue discussed in this place before, as well as being more dangerous. Is long-term reliance on road freight really sustainable in a low carbon, post-peak oil world? We are not really addressing that question at that moment.

Creating the national heavy vehicle scheme has been a very large exercise. I would love to see the same kind of national effort that has gone into improving road freight go into enabling and supporting more sustainable transport like rail freight. On that note, I also point out that this national heavy vehicle scheme does not contain anything to manage or improve vehicle technology or fuel economy. An outright modal shift away from road transport is a complicated affair, so fuel efficiency

improvements are also important to reduce the fuel used in our transport system. Unfortunately, the federal government has been notoriously slow in implementing these improvements.

Having made those few remarks, I will be supporting the passage of these two bills today.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (5.51), in reply: I thank members for their support of this bill, Before I make some concluding comments, I present the following paper:

Revised explanatory statement.

In 2008 the Council of Australian Governments agreed the national partnership agreement to deliver a seamless national economy, one important plank of which is to deliver reforms to improve the efficiency of transport regulation. The Heavy Vehicle National Law (ACT) Bill and the accompanying Heavy Vehicle National Law (Consequential Amendments) Bill which we are considering today reflect the culmination of an important stage in the territory's participation in the nation's transport reform program which resulted from that historic COAG agreement. These bills allow for the application of the heavy vehicle national law in the Australian Capital Territory and for the regulation of heavy vehicle activities in the territory under that law by the National Heavy Vehicle Regulator.

The heavy vehicle national law directly reflects COAG's 2011 intergovernmental agreement on heavy vehicle regulatory reform 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 National Heavy Vehicle Regulator. Following Queensland, New South Wales, Victoria, South Australia and Tasmania have enacted application legislation, and the Northern Territory anticipates doing so later in 2014. Although Western Australia is not part of the national agreement, it is expected to adopt mirror legislation in the near future.

Adoption of the national law 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 based on model laws developed by the National Transport Commission. The detail of those jurisdictional laws has lacked consistency across Australia, as states and territories adopted the model laws with variations to cater for their individual needs and circumstances.

By contrast, the heavy vehicle national law brings together this body of model laws into an integrated regulatory package. Adoption of the national law will align the laws of states and territories and create a single functioning national regulatory regime. The goal is to improve productivity in the heavy vehicle industry and the broader economy

by eliminating the burden of complying with multiple jurisdictional requirements when moving passengers and freight interstate.

It is important to note that the national law was developed in a process which included extensive national consultation with a wide variety of stakeholders, including industry and union representatives, to ensure that this will be a workable, fair and, importantly, safety focused 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. It has been endorsed by the industry at large, and stakeholders are eager to see it become a reality.

While the national regulator has been delivering a limited number of services through delegated arrangements with jurisdictional regulators since January this year, it will soon be ready to open its doors and begin to function as a genuine one-stop-shop for a wide range of regulatory matters. To enable this, a common commencement date in all participating jurisdictions has now been agreed as 10 February 2014. With the passage of the bills before the Assembly today, six jurisdictions including the ACT will participate from that date. It is an historic achievement.

I thank members for their support of this bill and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Heavy Vehicle National Law (Consequential Amendments) Bill 2013

Debate resumed from 24 October 2013, on motion by **Ms Burch**:

That this bill be agreed to in principle.

MR COE (Ginninderra) (5.56): As I have foreshadowed, the opposition will be supporting the Heavy Vehicle National Law (Consequential Amendments) Bill 2013. The bill is required to ensure the implementation of the application bill and together the bills will enable the territory to fulfil its commitments under the COAG intergovernmental agreements on heavy vehicle regulatory reform. This bill amends many pieces of territory road transport legislation and repeals several pieces of legislation.

The amendments remove heavy vehicle matters that are now covered in the national law from the current legislation. The ACT road transport laws relating to drink and drug driving, careless and dangerous driving, excessive speed and the Australian road rule requirements will continue to operate for heavy vehicles. As part of implementing the national law, participating jurisdictions have agreed that Queensland administrative law will apply to the national heavy vehicle regulator.

The opposition is pleased to see the implementation of national standards for heavy vehicles, which are designed to reduce red tape and improve efficiency in the sector. The opposition will support the bill today.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (5.57), in reply: I thank the opposition for their succinct support of this bill today. This bill contains consequential amendments associated with the passage of the Heavy Vehicle National Law Bill. It provides for a range of operational matters concerning the implementation of the national law. I thank members for their support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

At approximately 6 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put and negatived.

Trinity Christian School

Ministerial statement

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (5.58), by leave: I am happy today to report to the Assembly on progress to date that the ACT government has made in relation to traffic safety on McBryde Crescent near Trinity Christian School. Members will recall that I provided an outline of issues relating to traffic and pedestrian safety around schools in the ACT, and on McBryde Crescent, Wanniasa, during the debate on Ms Lawder's motion on 23 October this year.

Trinity Christian School located on McBryde Crescent is currently the subject of an active investigation into traffic and pedestrian safety on roads in the vicinity of the school. Inquiries relating to road safety and traffic management around schools usually relate to traffic volume levels at school peak times, the speed of travelling vehicles and illegal parking activities and are, of course, focused on children's safety. Such inquiries are investigated by Roads ACT and are considered part of their normal day-to-day duties.

Investigations are always undertaken in consultation with the individual school as issues are raised. Since my last discussion about this issue in the Assembly, Roads ACT has been actively working towards the completion of the review of concerns raised by the school community and developing options for improvement. Trinity Christian School, like most schools in the ACT, provides car parking and pick-up and

set-down arrangements within the school's grounds. The 40-kilometre-an-hour school zone provided on McBryde Crescent covering the frontage of the school, including the access to the car park and bus zone area, supports these arrangements.

Pedestrian crossing facilities, such as the underpass west of the school near Laurens Street, and the pedestrian refuge island on McBryde Crescent near Bromley Street, were provided previously to enhance the safety of pedestrian and cyclist movement of students of the school and the community at large. Roads ACT is aware that McBryde Crescent experiences concentrated increases in traffic in the morning and afternoon school times. While this is the situation across all schools in the territory, I recognise the genuine concerns that have been raised in regard to Trinity specifically.

The reduced speed limit during school times and supporting infrastructure serves to highlight to all road users that additional care needs to be undertaken when driving near schools. All road users, including the school community, parents and carers have an obligation to obey the road rules and be aware and act with courtesy, particularly near schools. The investigation has considered the schools located on McBryde Crescent—being Erindale College, St Mary MacKillop College and Trinity Christian School.

Comments that were received by Roads ACT as part of the residential street improvement project for Wanniasa have also been considered where they related to McBryde Crescent and/or the schools. I am pleased to advise that Roads ACT has identified a number of improvement options specifically in relation to Trinity Christian School. A school crossing will be provided near Bromley Street. Roads ACT also plans to make changes to parking arrangements on Bromley Street to improve the safety of traffic movements during school pick-up and set-down times. The expectation is to progress this following consultation with affected residents subject, of course, to issues that may be raised during this consultation.

Roads ACT staff have consulted with the principal of Trinity Christian School, who has indicated support for the measures. The expected time line is to implement the measures early in 2014. Roads ACT has considered additional options. These include the provision of a left-turn bay into the school car park on McBryde Crescent and the possible formalisation of parking arrangements for the school off Taverner Street. These are high cost works which will be considered further as potential capital works projects in future programs.

These investigations, improvements and general management of the road network contribute to the ACT's good road safety record in comparison to other parts of Australia, particularly in relation to traffic and pedestrian safety at schools. A strategic goal of the existing ACT road strategy is to have an ACT community that shares the responsibility for road safety.

Investigations such as these can result in improvements in infrastructure such as signage, line marking or other traffic management facilities. To support such infrastructure, the Justice and Community Safety Directorate and ACT Policing already have ongoing programs covering road safety awareness and enforcement relating to school zones. Schools are also made aware about their role in improving safety through driver behaviour and the behaviour of all road users.

The ACT was the first amongst states and territories in Australia to introduce 40-kilometre-an-hour speed zones in the vicinity of primary schools. These speed zones were introduced in 1985. Since then, safety records around schools in the ACT have been positive and considered to be one of the best in the country. The ACT government is committed to maintaining this safety record and providing a safe and efficient environment for all road users.

Legislative Assembly—staff Statement by Speaker

MADAM SPEAKER: Before I call the minister, I would like to put on the record my appreciation to the staff of the Legislative Assembly as we come to the conclusion of the last sitting day of 2013. To Tom Duncan, Max Kiermaier, Janice Rafferty and all the staff of the Clerk's office and chamber support, I extend my particular thanks. Their professionalism, knowledge and experience is highly appreciated by me, as the advice that they give me most of the time makes me look reasonably good. But I have been a bit off my game today, I think.

To all the Assembly staff in governance, business support, Hansard, the library, the technical support people and the committee office, I wish to express my particular thanks for such professionalism and the work that they do.

We run this Assembly on a very modest budget but we do often punch above our weight. I draw members' attention in particular to a successful conference. I refer to the first time that this Assembly has hosted the Presiding Officers and Clerks Conference. It was a testament to the staff and it has been highly appreciated by those who attended. I had the opportunity last week to meet with a number of my Speaker colleagues, all of whom again reinforced their thanks for the hospitality of the ACT Legislative Assembly and expressed again their appreciation for the professionalism of our staff.

Last year at this time I contemplated whether it was appropriate for Assembly members to get a puppy for Christmas. I thought that as we are approaching Christmas again I should reconsider my ban on the notion of a puppy for Christmas. I have contemplated who would pay for the vet bills. When it was put to Ian Duckworth I think he probably had, dare I say it, kittens. Max has still refused to coordinate the poo patrol and no-one yet has shown me that there would be enough leadership and cooperation in this place that we would be able to home a puppy and ensure that it would continue to be well adjusted.

I do not think that we could agree on a roster for walking it. I am sure that people would commit to the roster and then renege. We could not agree on what it would be fed, what the kennel would look like, let alone the breed, whether we should go for pedigree or for rehoming some deserving bitser. So again, members, I am sorry; there is no puppy for Christmas for you lot.

I have considered that we might put 600,000 fairy lights on the ACT Legislative Assembly to mark the Christmas season but I have also been told by Ian that the

traffic management bills could not come out of the territorial budget. So there will be no Christmas lights, but I do remind members that there will be Christmas drinks. They are Speaker's Christmas drinks, not end of year drinks. They are labelled as Christmas drinks. They will be in December and there will be a Christmas tree, I am told, that is 1.6 metres high. I do encourage all members and staff of this place to attend.

I want to particularly pay thanks to my own staff, to Clinton, Tio, George, Keith and Katie. I particularly want to thank Clinton for another year of extraordinary professional service. His professionalism and ability are recognised by all who have dealings with him in this place. I think he is a fine officer and I am very privileged to have him in my office.

To my family, Olivia, Tom, Julia, Bella and especially those at home, Lyle and Conor, I want to thank them for keeping me grounded and walking the dogs more often than I do.

Members, I extend to you all and to all your staff the greetings of the season. I wish you all a happy, peaceful and holy Christmas and that you come back in 2014 refreshed and in a better mood.

Adjournment

Motion by **Mr Corbell** proposed:

That the Assembly do now adjourn.

Valedictory

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (6.08): Well, another year draws to conclusion, and what a year it has been. This is the opportunity that we take to say thank you to a range of people, and I would like to begin by thanking the people of Canberra who allow me the privilege of serving as Chief Minister. Being Chief Minister in our centenary year in particular is something I have enjoyed immensely and cherished.

I thank the public service across the board. It is very difficult to single individuals out but, in general, the ACT is very well served by an extremely professional public service who have very significant demands placed on them, whether it be in health, in education, in administration, in corrections or in policy areas. We are very lucky that we have a dedicated workforce in the ACT, and I appreciate the work they do. To the staff here in the Assembly, another year of excellent service across the board.

I thank my colleagues here with me on this side who have provided me with the support and occasionally the advice I need to do my job properly. I see firsthand how hard each and every one of you works to ensure the government's agenda is implemented, and I feel very lucky to serve as a member of this team.

To my staff, thank you. You regularly work beyond the call, and I appreciate your efforts very much and, indeed, the laughs we have which keep me sane. To the ALP staffers, you are an excellent team—a mix of experience and new members who get on and do their job very professionally—and I thank you.

To the other members in this place, to Minister Rattenbury, who is not in the chamber, I extend my thanks to him. It is a new way of operating, and as another year goes by where we have had our challenges, we seem to always find a way to make the agreement that we reached some 15 months ago work.

To the members of the opposition, whilst we do not often agree—it might surprise you that I actually enjoy it more when we do agree—I wish you all the best for the festive season. I hope you all manage to have a break and enjoy the time with your families. Feel free to take as many holidays as you would like for as long as you like, because I find when you are having a break that, somehow or other, it makes my workload that little bit easier as well. I extend that to all of you, except to Minister Rattenbury who is due back on deck in two weeks' time and will be expected to be here.

Politics is at times a bruising business, and it can certainly take its toll on our energies and ideas. So it is important that we use this time to refresh ourselves and spend time with our families.

To my family, thank you for another year of putting up with my crazy life—to Dave and to the children, who graciously, and sometimes not so graciously, put up with endless phone calls, disruptions and a mother that seems to race in and out more than most.

In conclusion, and on a lighter note, I have particularly enjoyed some of the attention being paid to food safety by the *Canberra Times*. I would like to say that I think everyone understands how seriously this government takes all matters of food safety. This is never more true than at Christmas time when there is a sharp increase in risky behaviour in food being consumed across the community. Members are aware that our current resources include the sausage sizzle sergeants, the quiche police, the frittata squad and the chicken and egg cops. In light of the community's determination to continue to consume risky foodstuffs, the government has decided we will need to increase our effort in this area and, as such, additional supplementation with some temporary recruits to bolster existing resources will be added to our team.

I can advise that they will be known as the turkey force, the pork corps, the pudding detectives and the seafood scouts. I am sure all members would agree that in order to manage the risks associated with Christmas lunch, these reinforcements are needed. And, if nothing else, at a minimum it will ensure that the Sunday paper is guaranteed a front page scandal for the next few weeks. Merry Christmas to all, and please eat safely.

Valedictory

MR HANSON (Molonglo—Leader of the Opposition) (6.12): I thank the Chief Minister for her kind remarks and I look forward to seeing the turkey police out there. First I want to thank you, Madam Speaker, for your service to the Assembly this year. You are undoubtedly fair and balanced. Sometimes I do not like that, but I thank you for it. You have brought great authority to the role as Speaker. I wish you could be a little bit less fair and balanced sometimes, but I accept that your rulings are always accurate.

To my team, thank you very much for the opportunity to lead the Canberra Liberals. It is a great honour, it is a great privilege, and I am humbled. As I have said before in this place many times, it is a great team. I think the diversity, the enthusiasm, the professionalism, is outstanding. We have grown as a team this year and are performing our role exceptionally well as a very capable and competent opposition in the ACT. I look forward to continuing that with the team in the years ahead.

To my staff, when you are in opposition—which is something that a number of those opposite have not had the pleasure of—you find that you have to find quality because you do not have quantity. Oppositions run a little bit on the smell of an oily rag, like an insurgency. We have the highest quality staff, and I am very, very pleased with the work they have done and the great dedication they have shown to the Assembly in supporting the MLAs. I particularly mention my staff: the chief of staff, Ian Hagan, is worthy of particular note. His contribution in terms of what he has delivered to the whole team has been absolutely outstanding. He is very much someone that stays in the back rooms working very hard, but I would like to—and I am sure all of us would feel the same way—acknowledge his contribution to our team.

To Neil Hermes, Joe Prevedello, Chris Inglis, Tio, who now works in my office, Jessica Hynson, my very hardworking PA, and to Juliet Toohey and Emily Davis who have escaped up on to the hill and are now providing service to members up there, thank you to you all.

I say thank you, also, to all the hardworking ACT public servants, particularly those who will be working hard over Christmas while we are enjoying a break—the staff in health and emergency services, the front-line staff and, indeed, all of the administrative staff working over the Christmas period. As much as the Chief Minister in her stump speech will say that we are just criticising the staff, let me assure you that that is not the case.

To our adversaries over there on the other side, Chief Minister and your team, I wish you all the very best for Christmas and the festivities ahead, and also to Shane Rattenbury. A particular mention to my new boot camp colleague, Simon Corbell. As many of you would be aware, we now do boot camp together. We have not yet sparred—the rest of the boot camp team are looking forward to us putting the gloves on. But it has inspired me to lift the heavier kettle bells, to run a little bit faster, never to be beaten by Simon Corbell.

Mr Corbell: I beat you the other day.

MR HANSON: Well, I was lifting heavier kettle bells, I would like to add. Although he beat me on certain running activities, I do believe I was lifting heavier kettle bells, and that may remain a matter for debate. That is my story and I am sticking to it. That is the way it is being spun.

To Tom Duncan and all of your very hardworking staff, again you have provided outstanding service to all of the members here without fear or favour, and we thank you for it.

It has been a very big year for all of us. I would like to quickly pay tribute to two former members of the place: to Zed Seselja, I congratulate him on becoming a new senator. All of us who listened to his maiden speech know we have great things ahead from our new senator. I would also like to note Gary Humphries's long and distinguished service both as a servant of this place and also as a senator to the ACT.

To you all, merry Christmas. Take the time to spend with your families, with your loved ones. I look forward to re-engaging in combat with you all in the New Year.

Valedictory

MRS JONES (Molonglo) (6.18): I want to put on record my thanks to all members of the community who have entrusted me to represent them and to undertake to resolve issues affecting them as they go about their daily lives. As a proud member of the Liberal Party ACT Division, the Canberra Liberals, I want to put on record my thanks to party members for another year of service to the community that they have undertaken in their service to the party. None of us in this place would be here or be able to do the work we do in fighting for our own world view if they were not there keeping the organisation going. Thank you each from the heart. I continue to learn so much from you.

I thank my fellow MLAs for your friendship and support. I have deeply valued you each this year as the year has unfolded. I thank Jeremy for his leadership and Alistair for his capable assistance in leading the charge. I would like to thank my fantastic staff. I am very blessed to be assisted by Mrs Danielle Young's talent, vast experience, enthusiasm and commitment to our goals and Mr Peter Hosking's strength, energy, commitment and enthusiasm for learning. In what has been a great year for learning for all of us, I have been ably assisted and encouraged by my team.

I thank those opposite for their kindly manner, aside from the politics and the views that we each represent. I thank the attendants who work so hard in order that we can do our jobs. And as shadow minister for women and multicultural affairs, I wish to thank all the women and many enthusiastic multicultural communities and wish them a happy Christmas and a prosperous 2014. I wish the same for all in this place.

**Fatherhood
Valedictory**

MR WALL (Brindabella) (6.19): Becoming a parent for the first time is an exciting and joyful milestone in anyone's life, should they be lucky enough to experience it. Naturally, a first-time father is filled with a huge sense of achievement and is so proud it is understandable that every opportunity is seized to tell the world of this news. Madam Speaker, I am no different. On 8 November at 4.10 pm, Sophia Katherine Wall was born into this world weighing 2.83 kilograms, six pounds and four ounces on the old scale—48 centimetres in length, with 10 fingers, 10 toes and a full head of hair.

As many members would appreciate, Christine and I are now having to quickly come to terms with the new centre of our universe. She already possesses the significant power to control our sleeping patterns. It goes without saying, though, that Sophia is the most gorgeous baby ever to be born into this world; of course that is my unbiased opinion.

Whilst becoming a dad is probably the biggest achievement of the year for me, there are a number of points I would like to reflect on following my first year as a member in this place.

From the outset of being elected as a member for Brindabella, my focus has been primarily on the local issues that impact my constituents on a daily basis, be it the footpaths in their suburb, paint falling from a new pedestrian bridge, a missing street sign or antisocial driving behaviour. Sometimes we are able to provide the impetus to see an issue resolved. Sadly, at other times the ideology gets in the way of common sense.

To the residents of Uriarra Village, the fight to protect what makes your village special is not yet over. I appreciate the dedication and support that many of the residents out there have given to me over the past months. I hope that they all have the opportunity over the Christmas break to get some well-deserved rest and to take the opportunity to reflect on their combined efforts and achievements as a community.

Much of what we do here as members is not possible without support, be it from our family or from friends, staff or respective political parties. I would like to acknowledge continued support from all members of the southern electorate branch of the Canberra Liberals, with particular thanks to those members who have served or continue to serve on the branch executive. Taking on any of these roles is demanding and requires a substantial contribution of voluntary time, particularly in an election year. For that, all members are grateful.

My office simply would not function if it were not for the efforts of the two Kates in my office. Kate Davis has a wealth of knowledge and experience gained from her time here at the Assembly and has helped to successfully guide yet another member through their rookie year in the Assembly. Kate has offered sound advice, direction and support through the year, and for that I am indebted. Katie Lankuts continues to

go over and above to try and get me in the right place at the right time—a challenge for anyone at the best of times. Her professional skills have grown significantly through the year and her commitment to always give her best is an asset to me and my office.

It would be remiss of me if I did not mention my wife, Christine, who is my person. I am forever grateful for her love and support in this job. It is often tough on our families, this role, and her continuing patience and understanding make it just that little bit easier.

On a slightly more festive note, I wish to pass on wishes for a merry Christmas and a happy new year to everyone here at the Assembly. I hope that the festive season is an opportunity for everyone to have a restful break, and I look forward to the challenges that 2014 will present us.

Valedictory

MR GENTLEMAN (Brindabella) (6.23): I, too, would like to place on the record my thanks to the electors of Brindabella and also to my staff—Ellie Yates, Brett Jones and Jason. Thanks to my caucus colleagues—Katy, Simon, Andrew, Chris, Mary, Yvette and Joy—and all of their staff, to you, Madam Speaker, to members of the opposition and also to Mr Rattenbury and his staff for the amount of work I have put them through this year.

A special thanks to Chris Bourke's staff, Jane and Chris, for helping us to formulate our extensive work on the dissenting report for the estimates committee. Thanks also to the committee office—Margie Morrison, Veronica Strkalj from the PETAMS committee, Dr Brian Lloyd from JACS, Andrew Snedden, Dr Andrea Cullen, Matt Ghirardello, Lydia Chung, Trevor Rowe from the committee office and Nicola Kosseck for all her work on the estimates committee.

Thanks to Tom and Max, along with their staff—Janice, Joanne, Anne, Michelle and the others—for all their tireless work. Thanks to Rod and Rick, along with everybody else from the attendants and facilities team and, of course, the library.

I also thank our centenary team in CMD for all their work this year on the centenary of Canberra celebrations. It has been a fantastic year for Canberra. I am pretty sure I have not left anybody out. To finish, I would like to say “Nollaig Chridheil”, which is Scottish-Gaelic for “Good wishes at Christmas time”.

Trish Keller OAM

Phillip Heath

Valedictory

MR COE (Ginninderra) (6.25): Madam Speaker, prior to getting to the festive greetings, there is an adjournment debate that I did not quite get to yesterday. I want to speak about a couple of principals in Ginninderra who will soon be finishing up at their respective schools and who I have had the honour to have dealings with. Trish Keller has been the principal of Giralang primary school since 2007. Prior to this she

was the principal of Narrabundah primary school from 2000 to 2006. During her time at Narrabundah primary, Trish set up the innovative Koori classroom, a place where Indigenous students, parents and community members could feel comfortable and other schools could learn about Indigenous culture. The Koori classroom was just one of the innovations Trish implemented during her extensive teaching career. In 2006 Narrabundah Primary School won the AAU Arthur Hamilton award for reconciliation education, in part due to the Koori classroom.

Trish was awarded the Order of Australia Medal in 2006 for service to the community, particularly through programs initiated at the Narrabundah Primary School and to education. She is an active member of the Order of Australia Association and was involved in establishing the school-based student citizenship awards program which started in 2009. Student citizenship awards are awarded by the Order of Australia Association to outstanding individuals and groups at ACT schools.

She nurtured a wonderful and caring environment at Giralang Primary School, which I have been privileged to visit on a few occasions. She was instrumental in developing the school's special relationship with the Rats of Tobruk Association and the wonderful opportunities that has created for the association and the school community.

Trish has a bachelor of education and is a fellow of the Australian College of Educators and Australian Council for Educational Leadership. She is involved in a number of organisations outside of education, including the Friends of the Arboretum. I am sure she will be very, very busy in her retirement, and I wish her and her family well.

Madam Speaker, Phillip Heath has been the principal of Radford College since 2009. Prior to this, he was the principal of St Andrew's Cathedral School in Sydney for 14 years. During his time as principal at St Andrew's, Phillip oversaw the transition to a co-educational school and introduction of classes from K-2 as well as the establishment of the Gawura campus for Aboriginal and Torres Strait Islander children. During Phillip's time as principal at Radford the school has achieved strong academic results and has twice received the Order of Australia Association award for community service.

Phillip was educated at St Paul's College, Bellambi and went on to receive first class honours in reformation history at the University of Wollongong in 1980. He has also taught at Trinity Grammar School in Summer Hill, the King's school in Ely and William Clarke College in Kellyville. Phillip is a fellow of the Australian Council for Educational Leadership, a former Chairman of the Headmasters Conference New South Wales and the current national Chairman of the Association of Heads of Independent Schools of Australia.

Phillip has been appointed as the ninth headmaster of Barker College and will commence in 2014. I know he is highly regarded by the Radford community, and I enjoyed the professional and compassionate leadership style which he demonstrated at Radford. I wish him and his family well.

Madam Speaker, I too want to wish all members, staff and family all the best for Christmas. There are a couple of areas of the Office of the Legislative Assembly that I would like to particularly mention. The first is the staff of the Hansard department, to whom I give a slight workout each sitting day come the adjournment debate. And I would also like to pay tribute and thanks to the wonderful work done in the education office. They do a superb job in bringing people into this place, which I know, Madam Speaker, is a particular mission of yours. The education office do a superb job in bringing so many school students into the Assembly and giving them a wonderful experience in how democracy works here in the ACT.

I thank all my colleagues on the opposition benches for your support and friendship over the year. It has been an interesting year for the Liberal Party, both here at the Assembly and over at the hill, but it is something that will make us stronger and something I know we will all build upon going forward to 2016.

I thank staff throughout the opposition corridor but especially those in the Leader of the Opposition's office and, of course, in my own office. In particular, thanks to Ruth for her diligence and professional demeanour in all that she does and also to Rachel. I put on the record my thanks to the management committee of the ACT division of the Liberal Party, in particular to the five incoming senior positions--Peter, John, Tom, Tony and Arthur—and to my branch chair, Robert. I thank them for the service they give the ACT through the Liberal Party.

As I said at the beginning, I wish you all the very best for Christmas.

Dogs Valedictory

MS BERRY (Ginninderra) (6.30): At the last sitting for 2012 I spoke about all of the dogs I had met that year and the importance of improvements to the Belconnen dog park. When I came in to this place I did not think there was much I was going to find in common with your good self, Madam Speaker, but it turns out we share a love of canines.

Tonight, 12 months on, I am happy to rise to inform the Assembly of the completion of these works and to introduce the most important of the dogs I met this year. Sadly, earlier this year, Elkie the hunter, my loyal companion, passed away. Elkie was a great canine activist. Like many young political aspirants, she began her political career attending rallies as a radical young puppy. In her adult life she made a smooth transition, first to the role of community organiser for the dogs of Ginninderra and finally by coming into the tent as the adviser on canine issues in my office. She is greatly missed by my family and everyone who knew her.

Whilst the Assembly will not be getting a puppy this year, my family recently has seen the addition of a new furry friend. Cassie Cupcake, the canine campaigner, was a rescue dog and has stepped into some very big paws. Cassie is still learning many of the important skills of canine campaigners. But with her border collie instincts and the training she is getting in keeping our new chooks, Flappy, Orange and Tweety, in line, I know that soon she will be as good with a crowd as she is with a photo op.

I am sure that it will not surprise anyone here that in the coming years I will be helping my community to organise further improvements to the Belconnen dog park. Whilst the park, with its size-appropriate sections, is now lovely and sunny into the evening, through the winter Cassie and many of the dogs in Belconnen miss out on the after-work trip to the dog park due to insufficient lighting. As I said 12 months ago, dogs have a lot of benefits to the health of our community but they also add to our families. Dogs provide good company, lots of affection and unconditional love. But balancing the needs of our family and our jobs is difficult, and I believe that our dogs should not miss out on a little quality time at the dog park on the nights when we are all stuck at work.

When we care for Canberra's dogs we care for our community, and I look forward to working with my neighbours over the coming year to make Canberra an even better city for our dogs.

I would also like to put some thankyou's on the record. Thank you to all of the people in Ginninderra and across Canberra that I have had the privilege to meet this year. It has been wonderful to meet each and every one of you. Even though sometimes we might not have agreed, it has still been a great privilege to have those conversations.

A big thank you to all of my colleagues here in the Labor Party and all of your staff. Thank you for your help and assistance throughout the year. Mr Rattenbury, to your office and all of your staff, and to all of those MLAs opposite, it has been lovely meeting you all. Whilst we do not agree on many things, I think we have been able to find a few things in common.

I thank all of my comrades in the union movement for their continued support, and all of my awesome friends, my basketball team and my family. My children would challenge even the greatest debaters in this place, I reckon, in the conversations that we have at home. To Lisa and Matt in my office, thank you both for being so amazing. I am grateful that you are both on my team. Thank you as well for your understanding—probably more tolerance than anything—of my working in your office space rather than in my own.

I would like to thank everybody in this place, particularly the staff, starting with the cleaners who move through our offices early in the morning when we are all still sleeping, and to everybody else that provides back-up and support to each of us—the attendants who move quietly through, refilling our water glasses, all the committee and education staff; everyone. We put you all on that basketball court and thank you all very much. I wish you all a very happy and safe festive season and a happy new year, when we get to that time. I look forward to the coming three years.

ACT Burley Griffin Canoe Club Valedictory

MR DOSZPOT (Molonglo) (6.35): Before I get to the thankyou's, I have one final community event recognition for the year. I would like to draw the attention of the Assembly to an event that was held last weekend, the ACT Burley Griffin Canoe Club's 20th annual 24-hour relay challenge.

The Burley Griffin Canoe Club, which celebrates its 23rd anniversary this year, is an ACT-based community organisation that caters for all paddling disciplines, from flat water marathon racing, canoe polo, ocean racing, stand-up paddle boarding and sprinting, to recreational and touring kayaking. Its members have represented the club at national and international events. For the last two years the club has won the prestigious New South Wales marathon racing club of the year trophy.

The 24-hour relay challenge is the club's signature event. The aim of the competitors is to paddle as many laps of a four-kilometre course as possible on the Molonglo River within a 24-hour time limit, from 10 am on Saturday to 10 am on Sunday. The race is open to all levels of kayakers, ocean ski paddlers and stand-up paddle boarders, each going hard and competing against each other and the clock.

The event has grown in size and stature over the years, and this year saw many interstate paddlers from New South Wales and Victoria come to Canberra. Over the last two years there has also been a significant increase in the number of corporate teams, with many participants subsequently joining Burley Griffin Canoe Club.

In addition to being a personal kayaking challenge, the 24-hour is also a fundraising event. This year over \$4,000 was raised for Marymead, a community-based not-for-profit organisation with a 43-year history of supporting vulnerable and disadvantaged children and families.

I congratulate the winning individual paddler, Richard Barnes from New South Wales, who paddled 196 kilometres, and the winning team composed of Canberra and south coast paddlers—Adam Scott, Karmen Ison, Richard Fox, Allan Newhouse, Ben Hannan, our own Russell Lutton from Hansard, and team manager extraordinaire Carolyn Williams—who paddled 260 kilometres in the 24 hours for the outright win in this year's challenge.

Worthy of note too was BGCC junior Ben Rake, who set the fastest lap time of 17 minutes 10 seconds in the race. Also thanks to Ceara Clark and James Suthern for their contribution to raising funds for Marymead.

Madam Speaker, I would also like to thank community groups like the Yarralumla Residents Association, where Marea Fatseas and her committee have made us very welcome. I congratulate the committee on their active involvement that has produced some marvellous community activities, such as the centenary community dinner that had over 400 residents involved.

I also congratulate the Inner South Community Council and Manuka Traders, Woden Community Council, Narrabundah Community Association, Hackett Community Association, Kingston Traders, who have taken such civic pride in their initiative to restore Green Square, and the Eastlakes Cricket Club and president Phil Winter and his committee for their initiatives and contribution to development of young cricketers. I congratulate Woden Valley Football Club on their ability to maintain such a large junior football club with around 2,000 players. Their resources are stretched to the limit, but people like John Brooks, John Helgersen, Gordon Carmichael and Alan Hinde inspire their colleagues by their own volunteering efforts.

There are many people I would like to thank for their support, starting with my own staff—senior adviser Sue White, who has been a most valuable contributor, not only to my office but to the newer members on our side of the Assembly. Sue, a sincere thank you to you for your contribution. Paula Nash, who has joined us this year, has done such a great job in assisting with the many constituent issues that our office handles. Thanks also to Albert Orszaczky, who helped us out this year as a volunteer.

To all my Liberal colleagues—Jeremy, Vicki, Alistair, Brendan, Andrew, Giulia and Nicole—thank you for your friendship and support during the year. I thank colleagues' staff members—Ian, Theo, Clinton, Merlin, Kate, newcomer Joe Prevedello, Keith, Chris, Ruth, Danielle, Emily, Angela, Emma, Jess and Maria, and two people who have left our employ, Hannah and Juliet, as well.

As Chair of the Standing Committee on Justice and Community Safety and the JACS scrutiny committee, I thank all members of these committees for their contribution—the secretary of JACS, Dr Brian Lloyd; and the secretariat of the JACS scrutiny committee: Mr Max Kiermaier, secretary; Anne Shannon, assistant secretary; Joanne Cullen, acting assistant secretary; Mr Peter Bayne, legal adviser, bills; and Mr Stephen Argument, legal adviser, subordinate legislation.

To all our parliamentary colleagues in government and on the crossbench and the Assembly secretariat, I wish you all a very happy and safe Christmas and time spent with your families. I hope that you have a very good Christmas this coming year. I have enjoyed working with all of you.

Finally, to my family—Maureen, Adam, Amy, Nettie, Ed, Isabella, Noah, Kasia and Andrew—thank you for your support, love and understanding.

Valedictory

DR BOURKE (Ginninderra) (6.39): Not only are Canberrans confident, bold and ready; we are fortunate to live in a city with a short average commute to work of 20 minutes, allowing us time and energy to pursue personal interests, to spend time with family and friends, and to enjoy the wonderful cultural offerings of the bush capital that have been especially fine this centenary year.

I particularly thank my constituents in Belconnen and west Gungahlin for taking the time to write to me or meet me about their concerns or issues. Often it is about issues where people's experiences do not meet our best expectations. The observations and insights people share help keep us grounded and keep us working to make Canberra the best it can be for all.

On a human level, I continue to learn of poverty, homelessness, neighbourly disputes, racism and misfortune. I also learn about the best of human nature: self-sacrifice, caring for one another and the wonderful creative ideas people have that make our lives richer. Whatever the issue, it is a privilege to play a part in improving the lives of the residents in my electorate, Ginninderra, and Canberra generally.

As we approach the end of the centenary year, I praise the centenary projects and events that many of us have enjoyed. They are a great opportunity to share the wonders of this city and explore the possibilities for our next century.

Most recently I was at the Hall showgrounds to launch the Canberra centenary horse ride. It was a beautiful evening, and the young riders' excitement was palpable about the next day's ride. I learnt that we have the highest level of horse ownership per capita of any major Australian city.

Another recent centenary event was an opportunity to congratulate 80 Aboriginal and Torres Strait Islander golfers who took part in the national championships and came from across Australia. These are just a couple of recent events demonstrating the variety of the centenary and the joys of our city.

I am very grateful for the unerring support my team has received over the year from the learned Clerk and chamber support, the Speaker's office, the helpful and talented Office of the Legislative Assembly, and Hansard, technology and library staff.

I mention also the cheerful and diligent attendants and facilities staff and the education office, of course, for encouraging the public to the Assembly, and all those involved in our magnificent display of artworks. I convey a very special thanks to the very able committee office, and particularly the expertise and patience of the committee secretaries Trevor, Nicola, Andrea and Margie.

I thank my Labor colleagues for their support, friendship and good humour, our colleague Shane Rattenbury and all of the executive staff who have assisted with my representations. I also thank our sparring partners across the chamber for some interesting times and occasional amusement. I thank my wife for her continued encouragement, help and forbearance, and I thank my office team and my volunteers for their hard work and loyalty.

Madam Speaker and the rest of the Legislative Assembly, I look forward to seeing many of you at the second set of annual report hearings for the year and all of you at the Speaker's Christmas drinks. If anything like last year, it promises to be a great get-together.

Valedictory

MS LAWDER (Brindabella) (6.43): It was less than four months ago that I made my inaugural speech in this place; so I do not feel the need to go through a million thank-yous again. But I would very briefly like to express my appreciation to everyone in the Assembly, including the staff, but especially to Rachael Eason in my office, to Angela McGuinness, my adviser, and to my family.

Six months ago I would not have dreamed that I would be here making an adjournment speech. In fact, I did not know what an adjournment speech was. Here, hopefully for your enjoyment, is my Christmas adjournment offering, entitled "The last sitting day before Christmas." I hope you take it in the festive spirit in which it is intended. With apologies to Clement Seymour, here we go.

A few weeks until Christmas, and all through the building
Every member was stirring, to holidays yielding.
The greeting cards had all been written out by hand
And distributed magically throughout our wide land.

The backbenchers jockeyed and jostled and climbed
While visions of ministries danced in their minds.
The Chief Minister and the Greens were ready to snooze
And had told themselves they could never lose.

When out on the lawns of Kingston was a clatter
They sprang from their chairs to see what was the matter.
No sooner was the grass settled when along came a review
Of the pricing structure for our troubled ACTEW.

The federal challenge to the Equal Marriage Act
Was another hurdle to the Greens-Labor pact.
Then what to our wandering eyes should appear
But a large-scale solar farm, to the residents' fear.

But with a town full of protestors lively and quick
I knew in a moment it wouldn't stick.
More rapid than light rail, the problems they came,
And I can write them and list them and call them by name.
Now hospital data, next tripling of rates
Oh, executive contracts, too many jail inmates.

Such a long list, the Chief Minister called,
Just get away, get away, go away, all.
Like the documents that come from a good FOI
When they are requested, piled up so high
Or uncollected recycling, the issues come through
The Cotter Dam overspend, the GDE too.

It seems only a minute since the opportunity arose
To join the Assembly, a path that I chose.
I nodded my head, and with eight vital votes,
I was confident, bold, ready, or so said my notes.

Mr Hanson, our leader, impeccably dressed head to foot,
His clothes no longer from a uniform put.
A bundle of policies was flung on his back
And he looked very gleeful just opening his pack.

His eyes how they twinkled, his face all aglow
From his mornings at boot camp, he is not just for show.
His droll little mouth was drawn up like a bow
And the hair on his chin was clean-shaven as though
Peter Jean was waiting to take the best shot
With Mr Coe or maybe Doszpot.

There was experience of decades from Brendan Smyth
Who knows that a budget surplus is a myth,
Mrs Dunne as the Speaker, plus Mr Wall
Mrs Jones and myself making up us all.

They were warm and welcoming as I replaced Zed
And celebrated when the Libs won at the fed.
A wink of their eye and a nod of their head
Soon gave me to know I had nothing to dread.

We spoke a few words and went straight to work
And, using up question time, sort out the murk.
Still seeking the ultimate questions to find
The secrets the government is hiding behind.

While I am wistful for a more gentle approach
To each other in the chamber, I bear no reproach.
So in spite of the insults and slurs that we make
Merry Christmas to all, have a happy, safe break.

Valedictory

MS PORTER (Ginninderra) (6.47): Whilst I do write poetry, I have not got any tonight, you will be glad to know. We have had a really long day today; we have had many long weeks in this place, a fairly intense environment. Everyone is very anxious to get home this evening and out of this intense environment, so I will not speak for very long.

I would like to just say a big thankyou to all in this place. Special thanks to my staff—to my new staff member Zara, who joined me this year after Jack finished his cadetship; to my long-suffering Mirinie, who most of you know as Charles; to Tim; and to the volunteer, Onyii, who joined us this year to help me with some research on the voluntary euthanasia matter.

To my Chief Minister whose support I value so much and to all my colleagues—each one of you has given me so much support and I thank you all and your staff. To Mr Rattenbury—thank you for all those letters that you reply to all the time. There are many of them, as you know. To those opposite—thank you very much for your support during my recent ill health event. My colleagues here all supported me; you did also, and I want to thank you for that.

Thank you to everyone that runs this place—Tom, Max and everyone; and you, Madam Speaker—and keeps us all in order, and to those who look after our daily needs, to those who assist us in corporate, in committees, in the library, in Hansard and in IT. And a special thankyou to Neal for when he attends to my quick requests for assistance from the education office from time to time.

I would also like to thank everyone in my electorate for being so loyal in your continuing faith in me, for entrusting me with the matters that concern you. I would like to thank each and every one of you. I hope that you all have a safe and good

holiday. I extend my thanks also to the volunteers who will be working over the festive season who supply services, friendship and support to those who are lonely and isolated during this time.

Madam Speaker, I will just mention that many of us have dogs. I can only speak for myself, but I would be very pleased to bring my dog in on a roster. I would look after her while I was here, doing all the things that you mention I should do. And maybe Ms Berry would like to bring in her dog. We could draw up a roster. I know that my husband would like me to take a greater share of the minding of the menagerie that I have at home. Along with the cooking, the shopping and all the other things that he does for me, there is, of course, his loving care, and I thank him for that.

As I said, it has been a long day and we have had many days in this place. I wish everybody a happy Christmas and great festive season.

Valedictory

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) (6.50): I just want to speak briefly. I would offer to bring my dog in, but he is a 12-month-old staffy and he has not got the manners for group company at the minute so I will just leave him at home digging in the garden.

I would like to say thank you to the staff that have helped me through the year—Phil Tardif, Victor Violante, Emma Clarke, Erin Bennett, Marc Emerson and, most recently, Emily Springett. I also thank the DLOs. DLOs keep us all sane and well provided for. To Chris and Kylie, who are the DLOs at the moment, well done to you—and to the other DLOs and indeed the department staff.

To the team in the Assembly—all the work that you do to support us you do with grace, you do with a smile and you do with a straight face, which is quite incredible. To my caucus colleagues—you are simply the best team to work with; I look forward to coming back and doing that again next year. To my family—I could not do it without your help. To those opposite and to the side—thank you and let's do it all again next year. And to the good folk of Brindabella, where the air is cleaner, the sky is bluer and the grass is greener—thank you for your support and I will continue to do the right thing by you all.

Ms Porter interjecting—

MS BURCH: Yes, the deep southerners are very proud. I am sure all those opposite can understand that.

In short, to one and all, have a safe and very pleasant break.

Valedictory

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) (6.52): I would like to keep my remarks quite brief as well. I am not sure that I can follow on from Ms Lawder with the new addition to the Assembly's repertoire, a stump poem, but she certainly got all the key elements in there that feature in the Liberal Party commentaries from time to time. I think it was quite an impressive effort.

I would like to take this opportunity to thank the directorates that I have worked with this year. Gary Byles, the Director-General of TAMS, and the many staff through TAMS put in a very dedicated effort to look after this city to the best of their ability. To Natalie Howson and the team from the Community Services Directorate who deal with some of the most vulnerable people in Canberra and do it with great compassion and great enthusiasm—I thank them for their efforts in what is often a difficult working environment. And I thank Kathy Leigh, the Director-General of Justice and Community Safety, and her staff, particularly, in my case, the staff at Corrective Services, who work in a very difficult environment and do it with great enthusiasm, great compassion and a real sense of wanting to make a difference to the lives of those who perhaps are not as fortunate as the rest of us.

I would particularly like to acknowledge the departmental liaison officers who work in my office. We Greens can be an interesting bunch to work with sometimes. I think they have found it quite a cultural experience to spend 12 months with us. We have had a lot of fun. We go through a bit of shared food. It turns out that quite a few people in my office grow fruit and vegetables so we end up with all sorts of random shared meals in our office at times but it always provides a nice focus. I would particularly like to acknowledge the work of the DLOs, who really do a great job creating that connection between a minister's office and the departments or the directorates. I also thank the ministerial and cabinet services staff, and Laurel Coyles and the team at executive support. It is a bit of a new experience moving into the executive wing, and we have really appreciated the support from those staff to help us do it as smoothly as possible.

I would like to thank my own staff, in particular—Larry, Neneh, Laura, Logan, Jarrah, Indra, Matt, Ali, Helen and, of course, Tom Warne-Smith, who some of you will have been quite happy to see the departure of. You all know why I say that.

To my cabinet colleagues, thank you for having me. It has been an interesting learning experience. We have probably all taken something from the last 12 months. I look forward to continuing to deliver the best we can for Canberra over the coming years.

To other members, thank you for your contributions, inputs and correspondence. It does make sure that I never have any dull weekends as I work my way through the significant piles of material. But I take it very seriously. Whilst the politics in here can get a bit rough sometimes, I actually do read all of the letters that come in, and we do our best to particularly get out and fix those things around the city that sometimes get

broken, get damaged or perhaps have not been cared for as well as they might have been. I look forward to continuing to do my best with my agencies to keep those things up to the best standard we can through 2014

To the staff of the Legislative Assembly—I do not see you nearly as much these days. It is quite a disconnect from being the Speaker and dealing with you all on a regular basis and sitting up on the second floor where there is much more limited contact, but thank you for your ongoing professionalism in the conduct of the Assembly.

Colleagues, it has been quite a 12 months. It has certainly been a different experience for me since the last election. It is one that, on the whole, I have enjoyed. They say every job has its days, and this one certainly does. I wish you all an enjoyable festive season. I hope people have a chance to have a break, to spend time with our neglected families, pets, gardens or hobbies. Whatever the thing is that you have neglected in the last 12 months, I hope you get some time to do it over Christmas. I hope to survive the coming six days, in which I will be running 220 kilometres across Cambodia. That seemed like a good idea when I entered, and my idea of a holiday. Most people think that is crazy, and perhaps they have a point to make there. But I do intend to survive it, and I look forward to seeing you all when I get back in a couple of weeks time.

Valedictory

MR SMYTH (Brindabella) (6.57): Thanks and merry Christmas to all the workers of Canberra and the volunteers of Canberra who will keep the city going over the Christmas break. To you, Madam Speaker, and, through the Clerk, to all the staff, thank you very much, particularly to Dr Cullen, the secretary of PAC. To colleagues on both sides of the house, to your staff and families, a merry Christmas. To the Liberal Party, particularly members of SEB, the division of management committee, thank you for all that you do for me and for the party. To the people of Canberra, thank you very much. I hope Christmas is successful and very relaxing for you.

To my staff, the year started with Angela McGuinness who has moved on, thank you to Angela. To Emma Gowling who was the 2013 ACT vocational student of the year and has now joined my office, welcome. To the inscrutable Melvin Connor, thanks for all your efforts. To my family, Amy and Lorena, David and Robert, thanks very much for all that you do for me. Merry Christmas to you all. My gift to you all is the remaining four minutes and three seconds of my allotted time.

Mr Hanson: Hear, hear!

MR SMYTH: The sweetest gift.

Question resolved in the affirmative.

The Assembly adjourned at 6.58 pm until Tuesday, 25 February 2014 at 10 am.

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Answers to questions

Denman Prospect—sale (Question No 148)

Mr Smyth asked the Treasurer, upon notice, on 19 September 2013:

- (1) In relation to the Land Development Agency's decision to develop Denman Prospect, where is the sale of Denman Prospect listed in the ACT Budget.
- (2) What was the forecasted revenue to be generated through this initiative and how will this be recorded in the Territory's financials.
- (3) What are the forecasted costs to the Territory to develop Denman Prospect and how will this be recorded in the Territory financials.
- (4) How is released land recorded in the Budget, is this at time of offer or at time of sale.

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

- (1) Denman Prospect is included in the 2013-14 Budget as an englobo sale and the associated revenue was incorporated into the 2013-14 land sales estimates.
- (2) The revenue forecast for the Land Development Agency was \$100 million in 2013-14 with the revenue recorded in the financial statements for that year offset by any costs that were incurred in the sale.
- (3) The Economic Development Directorate (EDD) has advised that the Land Development Agency is currently preparing a business plan for the development of Denman Prospect, including financial forecasts for development costs and revenue. The development costs and revenues are expected to be reflected as part of the 2013-14 Budget Review update.
- (4) Land revenue is recognised in the Territory's financial statements when the significant risks and rewards of the sale of land are transferred to the purchaser. While the point of recognition from one sale may differ from another, depending on the terms of the individual contract, in the majority of cases revenue is recognised on settlement.

Government—executive contracts (Question No 152)

Mr Hanson asked the Chief Minister, upon notice, on 22 October 2013:

- (1) In relation to the 61 long term Executive contracts tabled by the Chief Minister in the Assembly on 6 and 15 August 2013 and 17 September 2013, how many Executives provided a written statement of personal financial interests at the time they signed the contract under the Public Sector Management Act 1994, as required by section 17a of their contract.

- (2) In relation to those Executive referred to in part (1) who did not provide a statement on the day of signing the contract, (a) on what date was a statement provided and (b) how many Executives did not provide a statement.
- (3) In relation to those Executives referred to in part (1), how many have updated their statements as required in the contract they signed under the Public Sector Management Act 1994 and as required by section 17b of their contract.
- (4) In relation to those Executives referred to in part (1), how many notified the employer of any conflicts in the contract signed under the Public Sector Management Act 1994 and, as required by section 19 in their contract, prior to signing their contract.

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

- (1) Forty-five Executives provided their Declaration of Private Interests on or before the dates of their contract. Three Executives provided their Declaration of Private Interests within 1 week of the date of the contract. Five Executives provided their Declaration of Private Interests within 1 month of the date of the contract.

Three Declarations of Private Interests were unable to be located and have subsequently been provided.

For individuals' privacy I am not able to provide these numbers by directorate. In some directorates the numbers of Executives are small and as such, providing a directorate breakdown may identify individual staff.

- (2) For those Executives who provided the Declaration of Private Interests later than one month after the date of their contract, the list below shows the time taken for the provision of the Declaration of Private Interests:
 - 1 month, 18 days
 - 1 month, 22 days
 - 2 months, 6 days
 - 3 months, 6 days
 - 1 year, 7months, 21 days.
- (3) Seven Executives have updated their Declaration of Private Interests.
- (4) No Executives have notified the employer of any conflicts in the contract before they signed the contract.

**Government—executive contracts
(Question No 153)**

Mr Hanson asked the Chief Minister, upon notice, on 22 October 2013:

- (1) In relation to a newly appointed Director General, and in the absence of a signed and written contract under section 28 of the Public Sector Management Act 1994, what authority, delegation, regulation or process is used to (a) determine salary level from 1.1 to 3.12, (b) determine the contract start date and (c) initiate salary payments.

- (2) In relation to parts (1)(a) and (c), who makes that decision or exercises that authority or delegation.
- (3) In relation to a newly appointed Executive, and in the absence of a signed and written contract under section 72 of the Public Sector Management Act 1994, what authority, delegation, regulation or process is used to (a) determine salary level from 1.1 to 3.12, (b) determine the contract start date and (c) initiate salary payments.
- (4) In relation to parts (3)(a) and (c), who makes that decision or exercises that authority or delegation.
- (5) Did the Solicitor General's advice, referred to by the Minister in the Assembly on 19 September 2013 concerning the legal status of employment of Executives, address the issue of the legality of the approval process by which Executives were engaged prior to signing contracts; if so, what was that advice.
- (6) Did the Solicitor General provide advice concerning the legal status of employment of Executives engaged without a contract; if so, what was that advice.

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

- (1) and (3) Remuneration for each executive salary level is determined annually by the Remuneration Tribunal. The date employment commences is negotiated between the parties and recorded in the contract. The offer and acceptance of appointment provides authority to pay salary, and can be evidenced in forms including a signed brief or salary election form.
- (2) and (4) Executive job sizes are determined by Mercer. Pay rates for those job sizes are set by the Remuneration Tribunal. Directors-general are (since 2011) engaged by the Head of Service following a merit selection process.
- (5) The advice provided by the Solicitor-General is reflected in my statements to the Assembly.
- (6) The advice provided by the Solicitor-General is reflected in my statements to the Assembly.

Crime—tyre slashing incidents (Question No 154)

Mrs Jones asked the Minister for Police and Emergency Services, upon notice, on 23 October 2013:

- (1) How many tyre slashing incidents have been reported to the police since 2001 within the inner-south suburbs, particularly Narrabundah and Griffith.
- (2) How many incidents were reported in each year between 2001 and 2013 in (a) Narrabundah, (b) Griffith and (c) other suburbs in the inner south.
- (3) In relation to the suburbs outlined in part (2), (a) in what street(s) did each of these incidents take place and (b) how many tyres were damaged in each of these incidents.

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

ACT Policing records all reported incidents on an electronic storage system known as PROMIS. Statistics are not recorded to the level that permits reporting on specific incident types, for example, reports of damage to tyres is recorded within the category of 'property damage'.

The ACT Policing Performance Evaluation and Review Team has manually extracted eight years of data relating to tyre damage reported within the suburbs of Narrabundah and Griffith, however, is unable to exact data dating back to 2001, or all inner south suburbs, due to the time required to perform such a task.

The table below provides the relevant information for Questions 1, 2(a) and 2(b):

1 July 2005 - 30 June 2013									
Reported incidents of tyre slashing									
Financial Year Reported									
SUBURB	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	Total
GRIFFITH	4	5	9	2	4	4	11	10	49
NARRABUNDAH	5	7	15	13	12	15	28	28	123
Total	9	12	24	15	16	19	39	38	172

With reference to Questions 1 and 2(c), manually extracting the requested data for the inner south suburbs is not possible due to the time required to perform such a task.

- (3) In relation to the suburbs outlined in part (2), (a) in what street(s) did each of these incidents take place and (b) how many tyres were damaged in each of these incidents.

The table below provides the relevant information for Question 3:

1 July 2005 - 30 June 2013										
Number of Tyres										
Financial Year Reported										
STREET NAME	SUBURB	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	Total
ARUNTA	NARRABUNDAH				4			1	3	8
ARUNTA Total					4			1	3	8
BARRALLIER	GRIFFITH	1						4	3	8
BARRALLIER Total		1						4	3	8
BEGA	NARRABUNDAH				4	5				9
BEGA Total					4	5				9
BELL	GRIFFITH								1	1
BELL Total									1	1
BLAXLAND	GRIFFITH			4						4
BLAXLAND Total				4						4
BOOLIMBA	NARRABUNDAH			6	4			4	5	19
BOOLIMBA Total				6	4			4	5	19
BREMER	GRIFFITH								1	1
BREMER Total									1	1
BUNDEELA	NARRABUNDAH						2		2	4
BUNDEELA Total							2		2	4
BURKE	GRIFFITH								2	2
BURKE Total									2	2

CALEY	NARRABUNDAH					8	8
CALEY Total						8	8
CANBERRA	GRIFFITH			4			4
CANBERRA Total				4			4
CAPTAIN COOK	GRIFFITH	6				1	7
	NARRABUNDAH		2			1	1
CAPTAIN COOK Total		6	2			2	11
CARNEGIE	NARRABUNDAH	1					1
CARNEGIE Total		1					1
EUROKA	NARRABUNDAH					4	4
EUROKA Total						4	4
EYRE	GRIFFITH			4			4
EYRE Total				4			4
FAVENC	GRIFFITH					2	2
FAVENC Total						2	2
FINNISS	NARRABUNDAH	2					2
FINNISS Total		2					2
FRANKLIN	GRIFFITH	2					2
FRANKLIN Total		2					2
FROME	GRIFFITH		4			5	3
	NARRABUNDAH		4	4	3	4	
FROME Total			8	4	3	9	3
GOYDER	NARRABUNDAH	4				4	1
GOYDER Total		4				4	1
GREEN	NARRABUNDAH						8
GREEN Total							8
GREGORY	GRIFFITH					1	1
GREGORY Total						1	1
GYMEA	NARRABUNDAH					4	
GYMEA Total						4	4
HACKING	GRIFFITH				1		
	NARRABUNDAH		3		2		
HACKING Total			3		3		6
HODGKINSON	GRIFFITH						5
HODGKINSON Total							5
ILUKA	NARRABUNDAH					2	
ILUKA Total						2	2
JANSZ	GRIFFITH						0
JANSZ Total							0
JERRABOMBERRA	NARRABUNDAH					1	2
JERRABOMBERRA Total						1	2
KARLOO	NARRABUNDAH					2	
KARLOO Total						2	2
KEIRA	NARRABUNDAH	2	8	8		4	
KEIRA Total		2	8	8		4	22
KOOTARA	NARRABUNDAH	2		5	2	1	2
KOOTARA Total		2		5	2	1	2
LEAHY	NARRABUNDAH		2				
LEAHY Total			2				2
LEFROY	GRIFFITH					1	
LEFROY Total						1	1
LIGHT	GRIFFITH	2	5			1	
LIGHT Total		2	5			1	8
LINDSAY	GRIFFITH	2					
LINDSAY Total		2					2
LUMEAH	NARRABUNDAH						5
LUMEAH Total							5
MARLEE	NARRABUNDAH	2		1			
MARLEE Total		2		1			3

MATINA	NARRABUNDAH			12			5	4	2	23
MATINA Total				12			5	4	2	23
MCINTYRE	NARRABUNDAH	3		2		4	3	4		16
MCINTYRE Total		3		2		4	3	4		16
MCKINLAY	NARRABUNDAH				4	8		1	10	23
MCKINLAY Total					4	8		1	10	23
MCMILLAN	GRIFFITH	4		7			9		4	24
	NARRABUNDAH				4		11	2	2	19
MCMILLAN Total		4		7	4		20	2	6	43
MEEHAN	NARRABUNDAH		2							2
MEEHAN Total			2							2
NYRANG	NARRABUNDAH					6				6
NYRANG Total						6				6
ROE	GRIFFITH	2								2
ROE Total		2								2
SPRENT	NARRABUNDAH								4	4
SPRENT Total									4	4
STRZELECKI	NARRABUNDAH				1		1	1	4	7
STRZELECKI Total					1		1	1	4	7
STUART	GRIFFITH		1	2	3				1	7
	NARRABUNDAH	4		4				1	4	13
STUART Total		4	1	6	3			1	5	20
STURT	GRIFFITH			1				3		4
	NARRABUNDAH		4	6	4	4	4	3	4	29
STURT Total			4	7	4	4	4	6	4	33
TALLARA	NARRABUNDAH			1				3	5	9
TALLARA Total				1				3	5	9
THROSBY	NARRABUNDAH			2		2				4
THROSBY Total				2		2				4
WALKER	NARRABUNDAH		2					4	7	13
WALKER Total			2					4	7	13
WAMBOOL	NARRABUNDAH							2	1	3
WAMBOOL Total								2	1	3
WARBURTON	NARRABUNDAH				5					5
WARBURTON Total					5					5
Total		20	28	70	52	43	46	70	101	430

Budget—savings (Question No 156)

Mr Smyth asked the Treasurer, upon notice, on 24 October 2013:

- (1) Will the Treasurer list all implemented savings initiatives, and values, for (a) Ceasing Initiatives, (b) General Savings and (c) Service Reprofitting as noted in 2013-2014 Budget Paper 3, page 171.
- (2) Will the Treasurer list all savings initiatives, and values, that have been identified but not yet implemented and when they will be implemented.

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

Preparing a detailed response to the Member's question regarding the implementation status of savings initiatives represents a diversion of significant resources from a number of Directorate's ongoing business that I am not prepared to authorise. However, I have listed below a number of examples of the types of savings that underpin the information provided at page 171 of the 2013 14 Budget Paper 3:

- Chief Minister and Treasury Directorate (CMTD): Structural changes – savings of \$1.148 million over four years.
 - CMTD will refine its internal structures following the merging of the former Chief Minister and Cabinet and Treasury Directorates.
- Commerce and Works Directorate (CWD): Implementation of an invoice automation solution – savings of \$0.979 million over four years.
 - CWD will implement a system to facilitate electronic processing of all types of invoices, with or without purchase orders.
- Justice and Community Safety Directorate (JACS): Restructure Corporate – savings of \$0.482 million over four years.
 - JACS will restructure its corporate support operations team and identify efficiencies.
- JACS: Amalgamation of Boards and Committees within the Office of Regulatory Services – savings of \$0.240 million over four years.
 - JACS will review the operation of committees within the Office of Regulatory Services and streamline their operation as necessary.
- Environment and Sustainable Development Directorate (ESDD): Sustainability Programs – savings of \$5.447 million over four years.
 - ESDD will refine the ACTSmart program to gain efficiencies and focus on areas of greatest demand.
- ESDD: Overhead Costs – savings of \$80,000 over four years.
 - ESDD will reduce energy consumption costs through implementation of energy saving measures.
- Community Services Directorate (CSD): Strategic Policy and Business Support – savings of \$2 million over four years.
 - CSD will review its existing grant programs to reduce administration and overhead costs, and in light of changes arising from the rollout of DisabilityCare Australia.
- CSD: Strategic Policy and Business Support – savings of \$0.873 million over four years.
 - CSD will outsource Disability ACT's leased fleet to a community transport provider.
- Territory and Municipal Services Directorate (TAMS): Indirect and support overhead savings – savings of \$3.040 million over four years.
 - TAMS will reduce its corporate support costs.

Planning—city to the lake facilities (Question No 158)

Mr Smyth asked the Minister for Economic Development, upon notice, on 24 October 2013:

In relation to the City to the Lake Facilities, will the Minister list all studies, including date conducted and associated costs relating to the (a) 30 000+ seat rectangular stadium, (b) regional aquatic centre and urban beach and (c) Australia Forum - convention and exhibition centre.

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

The City to the Lake precinct was considered in a holistic way. The major facilities have been considered within this overall context and some have also been considered individually. As a result, the precinct study is included in this response. All amounts exclude GST.

Precinct studies

Linking City to the Lake – Urban Strategy (October 2013) - \$1.22 million

(a) Stadium

A City Stadium is proposed within the above City to the Lake precinct strategy report.

(b) Aquatic Centre and urban beach

Canberra Olympic Pool Long Term Options Study (2011) - \$180,000

The purpose of the study was to develop a conceptual plan for development of Canberra Olympic Pool and surrounding areas, providing a high quality aquatic leisure centre with complementary development. The scheme was initiated with the expectation that redevelopment of the pool would occur on site, with no consideration at that time to relocate. The stadium proposal for the site only emerged as a possibility when the study was in its final stages. The study will provide important input towards the potential inclusions in the new West Basin facility.

(c) Australia Forum

In 2009-10, the Government matched private sector funding of \$250,000 to undertake a scoping study for a new convention centre for the ACT, badged as the Australia Forum. The study was publicly released in April 2011.

The Government conducted a workshop on 19-20 September 2013 with industry experts and key stakeholders including Canberra Business Council and Canberra Convention Bureau. The workshop reviewed and confirmed the functional requirements for the Australia Forum, and reached a consensus view that the City Hill site will accommodate the functional brief and can achieve an iconic outcome. Broad requirements were identified as required to bring the project to investment ready, including options for funding and delivery. The cost of the workshop and summary report was some \$76,000.

**Motor vehicles—electric vehicle concessions
(Question No 159)**

Mr Smyth asked the Minister for Economic Development, upon notice, on 24 October 2013 (*redirected to the Minister for Environment and Sustainable Development*):

- (1) Will the Minister list all electric vehicle concessions and subsidies available to Canberra residents and businesses.
- (2) How many people/businesses are currently eligible for these schemes.
- (3) What is the year-on-year value of these initiatives since their implementation.

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

- (1) There are two types of concessions available for the purchasers of electric vehicles: stamp duty free and registration discounts.

Electric vehicle purchasers do not have to pay for stamp duty. This is levied at the time of vehicle sale and applies only at the first sale of a new vehicle.

There is also a registration discount, which is a supplementary financial incentive for new vehicle purchases. Unlike the one-off stamp duty discount, however, the registration discount applies each time the vehicle is renewed, providing an ongoing and reinforcing benefit to the owner. The discount is currently set at 20% off the registration component only (excluding compulsory third Party Insurance, Road Rescue Fee, Road Safety Contribution and Short Term Registration Surcharge).

- (2) Any person or business that satisfies vehicle registration requirements is eligible for stamp duty and vehicle registration fee concessions. There are currently 124 electric powered vehicles registered in the ACT (at 29 October 2013) that have been granted these concessions.

(3)

Receipt Year	Stamp Duty
2002	\$150.00
2003	\$579.00
2004	\$1,887.00
2005	\$2,079.00
2006	\$1,302.00
2007	\$3,333.00
2008	\$102.00
2009	\$2,238.00
2010	\$1,593.00
2011	\$6,024.00
2012	\$12,346.00
2013	\$2,931.00
Total Stamp Duty Concessions	\$34,564.00

Receipt Year	Totals
2002	\$255.00
2003	\$1,746.20
2004	\$2,161.60
2005	\$2,216.30
2006	\$2,298.80
2007	\$2,556.26
2008	\$2,747.90

2009	\$2,453.65
2010	\$3,403.75
2011	\$3,999.12
2012	\$5,983.76
2013	\$5,858.12

Total Registration fee	
Concession Amount	\$35,680.46

Trade—export awards (Question No 160)

Mr Smyth asked the Minister for Economic Development, upon notice, on 24 October 2013:

- (1) Will the Minister list all award categories for the ACT Chief Minister's export awards for the last five financial years.
- (2) Will the Minister provide, for each award category referred to in part (1), the (a) name of winner, (b) names of finalists and (c) total number of applicants.

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

- (1) Please note Attachment A
- (2) Please note Attachment A
- (2) (a) Please note Attachment A.
- (b) A process of selecting 'finalists' is not undertaken for the export awards. Award recipients are selected from the full list of nominees. ACT Award winners go on to be finalists in the National Awards.
- (c) Please note Attachment A.

2013		2012		2011	
National Award Category		National Award Category		National Award Category	
Agribusiness	<i>Inland Trading Co (Aust)</i>	Agribusiness	<i>Inland Trading Co (Aust)</i>	Arts & Entertainment	<i>Benjamin Shine Studio</i>
Business Services	<i>Northrop Consulting Engineers</i>	Arts & Entertainment	<i>Bearcage Pty Ltd</i>	Emerging Exporter	<i>Quintessence Labs'</i>
Creative Industries	<i>Bearcage Pty Ltd</i>	Emerging Exporter	<i>Locata Corporation</i>	ICT	<i>eWay</i>
Education & Training	<i>University of Canberra</i>	ICT	<i>XP Solutions</i>	Small to Medium Services	<i>Noetic Group</i>
Environmental Solutions	<i>XP Solutions</i>	Small to Medium Services	<i>Seeing Machines Limited</i>	Large Services	<i>Aspen Medical</i>

Health & Biotechnology	<i>Aspen Medical</i>	Small to Medium Manufacturer	<i>Datapod</i>	Minerals & Energy	<i>Sentinel Pty Ltd</i>
Information, Communication Technology (ICT)	<i>Seeing Machines Limited</i>	Large Services	<i>Aspen Medical</i>	Small Business	<i>Recruitment Systems Pty Ltd</i>
Infrastructure & Construction	<i>Windlab</i>	Minerals & Energy	<i>Digitalcore Pty Ltd</i>		
Small Business	<i>eValua</i>	Small Business			
ACT Award Category		ACT Award Category		ACT Award Category	
Exporting Government Solutions	<i>Royal Australian Mint</i>	Microbusiness	<i>DougsWordClock</i>	Microbusiness	<i>Lipotek Pty Ltd</i>
ACT Exporting to Asia	<i>IE Asia Pacific</i>				
Emerging Exporter	<i>Quintessence Labs'</i>				
Total number of applicants	25		36		31

*ACT Exporter of the Year

*New ACT category in 2013

2010		2009	
National Award Category		National Award Category	
Agribusiness	<i>Inland Trading Co (Aust)</i>	Arts & Entertainment	<i>Lucy Media</i>
Arts & Entertainment	<i>Lucy Media</i>	Education & Training	<i>CIT Solutions</i>
Emerging Exporter	<i>Shaw Vineyard Estate</i>	Emerging Exporter	<i>Windlab</i>
ICT	<i>Funnelback Pty Ltd</i>	ICT	<i>Stratsec. Net Pty Ltd</i>
Small to Medium Services	<i>Stratsec. Net Pty Ltd</i>	Large Services	<i>Aspen Medical</i>
Small to Medium Manufacturer	<i>Australian Scientific Instruments</i>	Small to Medium Services	<i>Sentinel Pty Ltd</i>
Small Business	<i>GP Sports Systems Pty Ltd</i>	Small to Medium Manufacturer	<i>Dyesol Limited</i>
Total number of applicants	33		28

*ACT Exporter of the Year

*New ACT category in 2013

**Emergency services—infrastructure
(Question No 162)**

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 24 October 2013:

- (1) When was the initial anticipated completion date for the Charnwood Fire and Rescue Station.
- (2) What was the initial cost estimate for this project and has this cost been revised; if so, what is the revised cost.

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

- (1) The original anticipated completion date for the West Belconnen Ambulance and Fire & Rescue station was for 20 December 2013. The new station became operational for Ambulance and Fire & Rescue on 8 October 2013.
- (2) \$21.318m of capital funding was provided in the 2012-13 Budget for the West Belconnen Ambulance and Fire & Rescue station project. The capital budget was revised to \$20.278m due to the design and supervision component (\$1.040m) being added to Phase 2 Due Diligence. The project was delivered within budget, with risks well managed and contingency funds preserved.

**Energy—solar
(Question No 167)**

Mr Wall asked the Minister for the Environment and Sustainable Development, upon notice, on 29 October 2013:

- (1) Can the Minister provide the modelling used to create the publication *How Canberra is Becoming the Solar Capital of Australia*.
- (2) What is the estimated wholesale price of electricity used in the 2021 cost to household projection in the publication.
- (3) What is the estimated number of households used to calculate the cost per household figure in the publication.
- (4) What is the estimated annual generation capacity of each of the large scale sites as indicated in the publication.
- (5) How is the figure of GreenPower for over 10,000 homes calculated, as appears in the publication.

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

- (1) The model, summarised below, is relatively straightforward. It takes the per-megawatt-hour (MWh) feed-in tariff to be paid to a solar generator, deducts from it the wholesale price of electricity (plus a 15% peak pricing premium (see further

details below)), then multiplies the resulting cost by the total annual output of each of the ACT solar generators that will receive a feed-in tariff entitlement. This amount equals the total annual large-scale feed-in tariff pass-through cost. To arrive at the annual per-household pass-through cost, the total cost is divided by the proportion of ACT electricity sales consumed by households then that amount is divided by the total number of Territory households (see further details below). The weekly household cost is the annual household cost divided by 52.

Generator	Capacity: MW	FiT price: \$/MWh	2016 wholesale price + solar premium: \$/MWh	2016 generation: MWh	2016 weekly household cost	2021 wholesale price + solar premium: \$/MWh	2021 generation: MWh	2021 weekly household cost
Zhenfa	13	\$178	\$59.92	21,913	\$0.131	\$101.73	20,790	\$0.076
OneSun	7	\$186	\$59.92	11,627	\$0.074	\$101.73	11,451	\$0.046
FRV	20	\$186	\$59.92	38,065	\$0.242	\$101.73	37,310	\$0.150
Total				71,605	\$0.447		69,551	\$0.272

- (2) The 2021 wholesale price used in the model was \$88.46/MWh, equal to the \$86.30/MWh NSW (carbon inclusive) wholesale price forecast by Bloomberg New Energy Finance for 2020 with annual inflation of 2.5% added. A premium of 15% is added to this amount to take account of solar generation at times of higher than average wholesale prices (a premium recommended by Bloomberg New Energy Finance) to get a premium-inclusive wholesale price of \$101.73/MWh.
- (3) For 2016, the assumed number of ACT households was 154,734 and for 2021 it was 163,385.
- (4) The generation capacity of the solar plant to be developed by FRV Royalla Solar Farm Pty Limited is 20MWAC; the capacity of the plant to be developed by OneSun Capital 10MW Operating Pty Ltd is 10MWAC (3MW of which will not be supported by the large-scale feed-in tariff); and the capacity of the plant to be developed by Zhenfa Canberra Solar Farm One Pty Limited is 13MWAC. The total generating capacity of the three solar facilities is 40MWAC. This is the maximum amount of instantaneous power that may be produced by the facilities at the AC terminals of the inverter. Annual generation rates, estimated by the proponents are presented in the Table above (see *2016: generation MWh* and *2021: generation MWh*).
- (5) This figure was arrived at by taking the total annual output from the three ACT solar generators that will receive a feed-in tariff entitlement, 71,605MWh/yr, then dividing it by the current average annual ACT household consumption of electricity which is around 7MWh/yr. The result is the number of households for which the solar facilities are able to produce 100% of their electricity (10,229, rounded down to 10,000).

Budget—lease variation charge (Question No 168)

Mr Coe asked the Treasurer, upon notice, on 30 October 2013:

- (1) How many applications for adaptive re-use remission of the lease variation charge (LVC) have been made under DI2012-79.
- (2) How many of these applications have been approved.

- (3) What is the value of the remissions in part (2).
- (4) What percentage of the LVC do these remissions represent.
- (5) How many public artworks, and which artworks, have been funded under this scheme.

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

There have been no applications for adaptive reuse remissions under DI2012-79.

Roads—remediation works (Question No 170)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 30 October 2013:

- (1) How many kilometres of road surface remediation has been carried out for the (a) 2012-2013 and (b) 2013-2014 to date financial years.
- (2) What were the suburb and location of this remediation.
- (3) What was the cost of the remediation.
- (4) How much of the cost of remediation was borne by the (a) ACT Government and (b) individual contractors.
- (5) What was the timeframe between identification of the problem and remediation taking place.
- (6) Who was responsible for monitoring the state of road surfaces that were identified as needing remediation.

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

- (1) (a) The number of kilometres of road surface remediation carried out for 2012-2013 financial year is equivalent of approximately 2km of road.
- (b) The number of kilometres of road surface remediation carried out in the current 2013-2014 financial year to date is equivalent of less than 250 metres of road.
- (2) In 2012-2013 remedial works were undertaken on small areas at the following locations:

Road	Suburb	Road	Suburb
Federal Highway	Majura	Maygar St	Hughes
Gungahlin Drive	Mitchell	McNicholl Pl	Hughes
Farrer St	Braddon	Millen St	Hughes
Sorlie Pl	Chapman	Spence Pl	Hughes
Allara St Carpark	City	Wark St	Hughes
Hutton St	City	Webster St	Hughes

Collier St	Curtin	Galloway St	Isabella Plains
Holman St	Curtin	Groveland Cres	Isabella Plains
McPhee Pl	Curtin	Saltbush Pl	Isabella Plains
Foxall St	Holder	Dyson St	Lyneham
Hellyer St	Holder	Heysen St	Weston
Warner Pl	Holder	Lycett St	Weston
Brand St	Hughes	Meldrum St	Weston
Coxen St	Hughes	Preston St	Weston

And short sections of:

Road	Suburb
Bowen Drive	Barton
Athllon Dr	Phillip
Launceston St	Phillip
William Webb Dr	Evatt

In 2013-2014 remedial works have been undertaken on a short section of Bugden Avenue in Fadden.

- (3) Remedial works on resurfacing contract works are defects which are repaired by the resurfacing contractor at no cost to the Government.
- (4) (a) There was no costs to the Territory resulting from remedial works.
 (b) The cost of maintaining, repairing and resurfacing defects is borne by the resurfacing contractor, the Government does not collect this data.
- (5) Remedial works are undertaken within 12 months from the time of the defect being identified.
- (6) Roads ACT engages a Superintendent to supervise the resurfacing contractor undertaking works and to ensure works are undertaken to meet the contract requirements.

Government—mobile phones (Question No 171)

Mr Coe asked the Treasurer, upon notice, on 31 October 2013:

- (1) What is the standard call rate and flagfall for the ACT Government mobile phone contract.
- (2) When was the contract entered into.
- (3) What carrier provides the mobile phone service.

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

- (1) Currently there are 2 contracts for the use of mobile phones: Optus and Telstra. The rates listed below are inclusive of GST.

OPTUS contract

Under the Optus contract, no flagfall rate is applied.

The Optus call rates are:

Mobile call - Optus mobile to Optus mobile	\$0.11/min
Mobile call - Mobile to non-Optus mobile	\$0.138/min
Mobile call - Mobile to fixed line	\$0.138/min

TELSTRA contract

Under the Telstra contract, a flagfall rate is applied, however, the current flagfall rate with Telstra is \$0.

The Telstra call rates are:

Flagfall	\$0.00	Connection fee per call
Primary call rate – National voice calls to an Australian fixed or mobile number	\$0.1200	Per 30 second block with no flagfall
Intra Account calls - Calls to Mobile Data Bundled Account (MDBA) Telstra mobiles to MDBA Telstra mobiles on the same account	\$0.0501	Per 30 second block, for voice calls made to any other mobile service on the same account

(2) Optus contract started **9 April 2004**.

Telstra mobile rates contract started **2 February 2011**.

(3) Optus and Telstra both provide mobile services to the ACT Government.

**Government—mobile phones
(Question No 172)**

Mr Coe asked the Chief Minister, upon notice, on 31 October 2013:

- (1) What were the monthly costs of each Minister's mobile phone since 2012.
- (2) How many mobile phones are issued to staff, broken down by Minister's offices and the Executive.
- (3) What was the average monthly phone bill for each phone in part (2).

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

Answers to the member's questions are at Attachment A.

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

Housing—social housing initiative (Question No 173)

Mr Coe asked the Minister for Housing, upon notice, on 31 October 2013:

- (1) How many dwellings were built through the Social Housing Initiative within the National Building Economic Stimulus Plan, broken down by type, e.g. multi-unit dwelling.
- (2) What was the total value of funds received from the Commonwealth for the Initiative.
- (3) How many dwellings were transferred to community housing organisations, broken down by organisation.
- (4) How many dwellings are being managed by community housing organisations, separate to those in part (3), broken down by organisation.
- (5) How many of the dwellings built through the Initiative have been sold to (a) tenants, (b) general sale or (c) other.

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

- (1) The total number of dwellings built under the Nation Building and Jobs Plan Economic Stimulus Initiative was 421. Of these 378 are multi-unit dwellings, including the 244 older person's units built on the community facilities zoned land provided free by the Government. 37 are houses, including terrace housing and dual occupancy housing and there was one larger house for housing 6 people with a disability and counted as six dwellings under the Stimulus guidelines.
- (2) Total Commonwealth funding under the Stimulus Initiative was \$93.48 million, comprised of \$87.08 million for construction of dwellings and \$6.4 million for repairs and maintenance of dwellings to ensure that the dwellings were retained as public housing rather than being sold.
- (3) The number of dwellings transferred to community housing providers using stimulus funding was 51, excluding the 16 originally funded by Stimulus for CHC Affordable Housing but exchanged as CHC Affordable Housing had also received National Rental Affordability Scheme Incentives for these dwellings. The table below shows the distribution of Stimulus funded dwellings to community organisations.

Community Entity	Number of Dwellings
CHC Affordable Housing	22
Salvation Army	23
Uniting Church - St Margaret's	6
Total	51

- (4) The number of dwellings managed by community housing organisations, separate to those in part (3) is 56, with 52 managed by Argyle Community Housing Limited and four by ECHO.

- (5) There have been no sales of dwellings built under the Stimulus Initiative to (a) tenants (b) general sale or (c) other, except as noted above under the transfers to the community sector.
-

**ACTION bus service—dead running
(Question No 174)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 31 October 2013:

- (1) What is the cost of dead running, the time taken for dead running and the number of kilometres of dead running per day on the proposed 2014 ACTION bus network (a) broken down by week day, Saturday and Sunday services and (b) for buses allocated to Redex services.
- (2) What is the answer to part (1) limited to CNG buses.

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

Network 14 is currently being finalised, with feedback from the consultation process being built into the network. At this stage, it is not possible to provide accurate approximations of dead running statistics.

**Environment—urban trees
(Question No 175)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 31 October 2013:

How many dead or dangerous trees were removed and how many trees were replanted, by suburb, during 2011, 2012 and 2013 to date.

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

TAMS removed 883 dead or dangerous trees in 2011 calendar year and 800 dead or dangerous trees in the 2012 calendar year. During 2013 to date, 858 dead and dangerous trees have been removed.

The attached table (**Attachment A**) reflects removal and replanting of trees by suburb in 2011, 2012 and to date during 2013.

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

**Chief Minister and Treasury Directorate—outputs and savings
(Question No 176)**

Mr Smyth asked the Chief Minister, upon notice, on 31 October 2013:

- (1) Further to Output Class 1: Government Strategy for the Chief Minister and Treasury Directorate in Budget Paper 4, pages 35-37 and in relation to (a) Output 1.1 Government Policy and Strategy, (b) Output 1.2 Public Sector Management, (c) Output 1.3 Industrial Relations Policy and (d) Output 1.4: Coordinated Communications and Community Engagement, will the Minister provide a breakdown of supporting programs and initiatives for each output, including (i) the value of funding for each program/initiative, (ii) dates of commencement and completion (or ongoing) for each program/initiative and (iii) performance measures for each program/initiative.
- (2) What are the staff numbers and corresponding employment levels for each output and how is this reflected in staffing allocations to deliver and manage each listed program/initiative.
- (3) Will the Minister provide a list of capital works and upgrades for each of the listed outputs and, where applicable, include (a) commencement and completion dates and (b) the budgeted and actual costs of the projects.
- (4) Have identified savings been identified within these outputs; if so, will the Minister provide (a) a list of identified savings, (b) the value of identified savings, (c) program/initiative impacts as a result of these savings and (d) staffing impacts as a result of these savings.

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

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without diversion of significant resources from the Chief Minister and Treasury Directorate's ongoing business that I am not prepared to authorise.

**Chief Minister and Treasury Directorate—outputs and savings
(Question No 177)**

Mr Smyth asked the Treasurer, upon notice, on 31 October 2013:

- (1) Further to Output Class 2: Financial and Economic Management for the Chief Minister and Treasury Directorate in Budget Paper 4, pages 37-38 and in relation to (a) Output 2.1 Economic Management and (b) Output 2.2 Financial Management, will the Minister provide a breakdown of supporting programs and initiatives for each output, including (i) the value of funding for each program/initiative, (ii) dates of commencement and completion (or ongoing) for each program/initiative and (iii) performance measures for each program/initiative.

- (2) What are the staff numbers and corresponding employment levels for each output.
- (3) Will the Minister provide a list of capital works and upgrades for each of the listed outputs and, where applicable, include (a) commencement and completion dates and (b) the budgeted and actual costs of the projects.
- (4) Have identified savings been identified within these outputs; if so, will the Minister provide (a) a list of identified savings, (b) the value of identified savings, (c) program/initiative impacts as a result of these savings and (d) staffing impacts as a result of these savings.

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

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without the diversion of significant resources from the Chief Minister and Treasury Directorate's ongoing business. I am not prepared to authorise that additional work.

Commerce and Works Directorate—outputs and savings (Question No 178)

Mr Smyth asked the Treasurer, upon notice, on 31 October 2013:

- (1) Further to Outputs for the Commerce and Works Directorate in Budget Paper 4, pages 166-169 and in relation to (a) Output 1.1 Revenue and Government Business Management, (b) Output 2.1 Shared Services ICT, (c) Output 3.1 Shared Services Procurement, (d) Output 4.1 Shared Services Human Resources and (e) Output 5.1 Shared Services Finance, will the Minister provide a breakdown of supporting programs and initiatives for each output, including (i) the value of funding for each program/initiative, (ii) dates of commencement and completion (or ongoing) for each program/initiative and (iii) performance measures for each program/initiative.
- (2) What are the staff numbers and corresponding employment levels for each output.
- (3) Will the Minister provide a list of capital works and upgrades for each of the listed outputs and, where applicable, include (a) commencement and completion dates and (b) the budgeted and actual costs of the projects.
- (4) Have identified savings been identified within these outputs; if so, will the Minister provide (a) a list of identified savings, (b) the value of identified savings, (c) program/initiative impacts as a result of these savings and (d) staffing impacts as a result of these savings.

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

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies.

More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without diversion of significant resources from the Commerce and Works Directorate's ongoing business that I am not prepared to authorise.

Government—late payments (Question No 179)

Mr Smyth asked the Treasurer, upon notice, on 31 October 2013:

- (1) For each ACT Government Directorate, will the Minister provide the number of invoices paid after the due date by the relevant Directorates in the (a) 2010-2011, (b) 2011-2012 and (c) 2012-2013 financial years.
- (2) Of the payments referred to in part (1), how many were paid (a) between 1 and 30 days after the due date, (b) between 31 and 60 days after the due date and (c) between 61 and 90 days after the due date.
- (3) What was the total number of invoices paid by the relevant Directorates in the financial years referred to in part (1).

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

The tables below are in response to questions 1, 2 and 3.

Reporting Entity	Number of Invoices Paid to External Parties during 2010-11					
	On Time	Payment made past due date (refer note 1 below)				Total
		1-30	31-60	61-90	90+	
CMCD	2,548	393	118	45	60	3,164
	81%	12%	4%	1%	2%	100%
CSD	33,925	5,684	2,394	823	1,025	43,851
	77%	13%	5%	2%	2%	100%
EDD	10,438	1,478	449	187	232	12,784
	82%	12%	4%	1%	2%	100%
ESDD	6,912	452	159	63	75	7,661
	90%	6%	2%	1%	1%	100%
ETD	25,903	3,335	852	396	605	31,091
	83%	11%	3%	1%	2%	100%
HD	72,680	7,816	2,344	910	1,170	84,920
	86%	9%	3%	1%	1%	100%
JACSD	21,630	2,837	755	361	487	26,070
	83%	11%	3%	1%	2%	100%
TAMSD	56,692	7,120	1,512	662	1,033	67,019
	85%	11%	2%	1%	2%	100%
TD	20,131	2,438	718	300	369	23,956
	84%	10%	3%	1%	2%	100%
CWD	0	0	0	0	0	0
	0%	0%	0%	0%	0%	0%
Total	250,859	31,553	9,301	3,747	5,056	300,516
	83%	10%	3%	1%	2%	100%

Table 1: Number of Invoices Paid to External Parties during 2010-11

Reporting Entity	Number of Invoices Paid to External Parties during 2011-12					
	On Time	Payment made past due date (refer note 1 below)				Total
		1-30	31-60	61-90	90+	
CMCD	2,109	203	68	17	31	2,428
	87%	8%	3%	1%	1%	100%
CSD	38,666	7,034	3,163	574	1,178	50,615
	76%	14%	6%	1%	2%	100%
EDD	13,194	1,787	505	221	270	15,977
	83%	11%	3%	1%	2%	100%
ESDD	6,762	609	176	53	85	7,685
	88%	8%	2%	1%	1%	100%
ETD	21,916	3,272	780	367	617	26,952
	81%	12%	3%	1%	2%	100%
HD	75,088	9,278	2,627	1,039	1,364	89,396
	84%	10%	3%	1%	2%	100%
JACSD	34,343	3,297	879	477	579	39,575
	87%	8%	2%	1%	1%	100%
TAMSD	54,664	5,876	1,506	729	1,235	64,010
	85%	9%	2%	1%	2%	100%
TD	19,408	3,094	845	377	560	24,284
	80%	13%	3%	2%	2%	100%
CWD	0	0	0	0	0	0
	0%	0%	0%	0%	0%	0%
Total	266,150	34,450	10,549	3,854	5,919	320,922
	83%	11%	3%	1%	2%	100%

Table 2: Number of Invoices Paid to External Parties during 2011-12

Reporting Entity	Number of Invoices Paid to External Parties during 2012-13					
	On Time	Payment made past due date (refer note 1 below)				Total
		1-30	31-60	61-90	90+	
CMCD	3,303	420	119	64	54	3,960
	83%	11%	3%	2%	1%	100%
CSD	38,470	5,132	4,270	1,476	1,012	50,360
	76%	10%	8%	3%	2%	100%
EDD	12,685	1,487	424	192	271	15,059
	84%	10%	3%	1%	2%	100%
ESDD	5,835	541	183	93	101	6,753
	86%	8%	3%	1%	1%	100%
ETD	22,176	2,994	811	360	447	26,788
	83%	11%	3%	1%	2%	100%
HD	78,572	8,808	2,486	1,173	1,551	92,590
	85%	10%	3%	1%	2%	100%
JACSD	34,075	2,497	797	353	536	38,258
	89%	7%	2%	1%	1%	100%

TAMSD	56,363	3,972	1,241	553	1,043	63,172
	89%	6%	2%	1%	2%	100%
TD	8,279	1,132	388	163	196	10,158
	82%	11%	4%	2%	2%	100%
CWD	10,208	1,362	417	218	277	12,482
	82%	11%	3%	2%	2%	100%
Total	269,966	28,345	11,136	4,645	5,488	319,580
	84%	9%	3%	1%	2%	100%

Table 3: Number of Invoices Paid to External Parties during 2012-13

Notes 1:

1. This information has been extracted from the Oracle Financials System by Shared Services based on 35 days from the invoice date. Due to how the 'due date' field is used in the system, this methodology provides the most accurate payment data possible. A parameter of 35 days has been used instead of 30 days to allow for the normal time lag that occurs before a directorate receiving invoices from suppliers.
2. Invoices can remain unpaid past the due date for a variety of valid reasons:
 - The invoice is being disputed by the directorate with the vendor or further documentation is required;
 - The invoice received is an invalid tax invoice;
 - The invoices details are incorrect resulting in the invoice not being received by the correct agency or area within the agency; or
 - The invoice is issued by the vendor well after the date specified on the invoice.

Housing—land rent scheme (Question No 180)

Mr Smyth asked the Treasurer, upon notice, on 31 October 2013:

- (1) How many households were under the Land Rent Scheme at the 4% rate having entered into a lease prior to 1 October 2013.
- (2) How many households, having entered into a lease prior to 1 October 2013, are currently accessing the 2% discounted rate.
- (3) As a result of the implementation of the Land Rent Amendment Bill 2013, how many households in part (1) would qualify for the new scheme at the 2% rate if they entered into a lease on 1 October 2013 or after.

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

- (1) There are 685 land rent property owners, of which 460 are individuals and 225 are identified builders, under the Land Rent Scheme at the 4% rate as 31 October 2013.
- (2) There are 417 individuals under the Land Rent Scheme at the 2% rate as 31 October 2013, which had entered into a lease prior to 1 October 2013.

- (3) Information about household income is not collected from lessees paying at the standard 4% rate so it is not possible to provide the number of applicants who would qualify for the new scheme at the 2% rate if they entered into a lease on 1 October or after.

Economic Development Directorate—outputs and savings (Question No 181)

Mr Smyth asked the Minister for Economic Development, upon notice, on 31 October 2013:

- (1) Further to Output Class 1: Economic Development for the Economic Development Directorate in Budget Paper 4, pages 133-135 and in relation to (a) Output 1.1 Economic Development Policy, (b) Output 1.2 Business Development, (c) Output 1.3 Tourism, (d) Output 1.4 Sport and Recreation, (e) Output 1.5 Venue and Events and (f) Output 1.6 Land Strategy and Infrastructure Delivery, will the Minister provide a breakdown of supporting programs and initiatives for each output, including (i) the value of funding for each program/initiative, (ii) dates of commencement and completion (or ongoing) for each program/initiative and (iii) performance measures for each program/initiative.
- (2) What are the staff numbers and corresponding employment levels for each output.
- (3) Will the Minister provide a list of capital works and upgrades for each of the listed outputs and, where applicable, include (a) commencement and completion dates and (b) the budgeted and actual costs of the projects.
- (4) Have identified savings been identified within these outputs; if so, will the Minister provide (a) a list of identified savings, (b) the value of identified savings, (c) program/initiative impacts as a result of these savings and (d) staffing impacts as a result of these savings.

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

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without diversion of significant resources from the Economic Development Directorate's ongoing business that I am prepared to authorise.

Community Services Directorate—outputs and savings (Question No 182)

Mr Smyth asked the Minister for Community Services, upon notice, on 31 October 2013 (*redirected to the Minister for the Arts*):

- (1) Further to Output Class 3.2: Arts Engagement within the Community Services Directorate in Budget Paper 4, page 328, will the Minister provide a breakdown of

supporting programs and initiatives for the output, including (a) the value of funding for each program/initiative, (b) dates of commencement and completion (or ongoing) for each program/initiative and (c) performance measures for each program/initiative.

- (2) What are the staff numbers and corresponding employment levels for each output.
- (3) Will the Minister provide a list of capital works and upgrades for each of the listed outputs and, where applicable, include (a) commencement and completion dates and (b) the budgeted and actual costs of the projects.
- (4) Have identified savings been identified within these outputs; if so, will the Minister provide (a) a list of identified savings, (b) the value of identified savings, (c) program/initiative impacts as a result of these savings and (d) staffing impacts as a result of these savings.

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

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without diversion of significant resources from the Community Services Directorate's ongoing business that I am not prepared to authorise.

Justice and Community Safety Directorate—outputs and savings (Question No 183)

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 31 October 2013:

- (1) Further to Output Class 4.1: Emergency Services within the Justice and Community Safety Directorate in Budget Paper 4, page 215, will the Minister provide a breakdown of supporting programs and initiatives for the output, including (a) the value of funding for each program/initiative, (b) dates of commencement and completion (or ongoing) for each program/initiative and (c) performance measures for each program/initiative.
- (2) What are the staff numbers and corresponding employment levels for each output.
- (3) Will the Minister provide a list of capital works and upgrades for each of the listed outputs and, where applicable, include (a) commencement and completion dates and (b) the budgeted and actual costs of the projects.
- (4) Have identified savings been identified within these outputs; if so, will the Minister provide (a) a list of identified savings, (b) the value of identified savings, (c) program/initiative impacts as a result of these savings and (d) staffing impacts as a result of these savings.

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

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies.

More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without diversion of significant resources from the Justice and Community Safety Directorate's ongoing business that I am not prepared to authorise.

**Bushfires—fuel management plan
(Question No 184)**

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 31 October 2013 (*redirected to the Minister for Territory and Municipal Services*):

- (1) In which month and year did the Government remove the Bushfire Fuel Management Plan 1998 from government agencies and public libraries.
- (2) How were these plans disposed of.
- (3) Where were they removed from.
- (4) Does the Government still retain copies of this Plan in government agencies; if so, where.
- (5) Does the Government still retain copies of this Plan in public libraries; if so, where.

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

- (1) The Bushfire Fuel Management Plan (BFFMP) 1998 was prepared in an effort to combine the bushfire fuel management activities being undertaken by the three major ACT land management agencies in place at that time. It had a two year review period with BFFMP's being prepared in 2000 and 2002. After the fires in January 2003 and following recommendations from the McLeod Report, the Bushfires Act was repealed and in 2004 it was replaced with the Emergencies Act. The Emergencies Act specified the requirement for a Strategic Bushfire Management Plan to replace the previous Bushfire Fuel Management Plan in recognition that fire preparedness was more than purely bushfire fuel management. It is not known in which month or year the Bushfire Fuel Management Plan 1998 was physically removed from government agencies.
 - (2) TAMS still have a copy on file for historical purposes. It is not known how other agencies handled the disposal of this obsolete document.
 - (3) This is unknown as it became the responsibility of those who had copies of this document.
 - (4) The ACT Parks and Conservation Services Fire Unit still retain a copy of this document. It is kept as a historical document as it provides a good indication of the significant progress that the ACT Government has made in relation to fire preparedness across the ACT.
 - (5) The ACT Heritage Library has two copies of the Bushfire Fuel Management Plan 1998 and the Assembly Library has three copies.
-

**ACT Rural Fire Service—brigade numbers
(Question No 185)**

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 31 October 2013:

In relation to ACT Rural Fire Service Brigade numbers, as of 27 October 2013, what were the total numbers of paid up members in the (a) Gungahlin Brigade, (b) Guises Creek Brigade, (c) Hall Brigade, (d) Jerrabomberra Brigade, (e) Molonglo Brigade, (f) Rivers Brigade, (g) Southern Brigade and (h) Tidbinbilla Brigade.

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

The ACT Rural Fire Service is supported by 621 active Volunteer members as at 28 November 2013:

- (a) Gungahlin Brigade has 84 active members
- (b) Guises Creek Brigade has 61 active members
- (c) Hall Brigade has 67 active members
- (d) Jerrabomberra Brigade has 86 active members
- (e) Molonglo Brigade has 85 active members
- (f) Rivers Brigade has 137 active members
- (g) Southern Brigade has 62 active members
- (h) Tidbinbilla Brigade has 39 active members

All membership fees are managed by each Brigade generally by the agreement of the membership on an annual basis at their Annual General Meetings.

**Emergency services—resignations
(Question No 186)**

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 31 October 2013:

- (1) Can the Government confirm the resignations of the (a) Deputy Chief Officer, Rural Fire Service and (b) Deputy Chief Officer, State Emergency Service.
- (2) When were the respective resignations tendered.
- (3) Has a process been initiated to fill these positions; if so, when was this initiated and what was done; if not, why not.
- (4) What sections of the Emergencies Act 2004 stipulate the Government's responsibilities to fill these roles.

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

- (1) The Government can confirm that:

- (a) The Deputy Chief Officer (DCO), ACT Rural Fire Service (RFS) retired on 12 July 2013.
 - (b) The Deputy Chief Officer (DCO), ACT State Emergency Service (SES) resigned on 31 October 2013.
- (2) In response to the question:
- (a) The RFS DCO informed the RFS Chief Officer of his intention to retire on 27 June 2013.
 - (b) The SES DCO resignation dated 27 September 2013 was received by the JACS Director-General on 2 October 2013.
- (3) Yes, a process to fill these positions was initiated prior to the separations of the officers with the RFS Operations Manager acting as the RFS DCO from 15 July 2013. An acting SES DCO arrangement was put in place from 1 November 2013. A separate process to permanently fill these positions will be undertaken at a later time.
- (4) Section 32(1) of the *Emergencies Act 2004* (the Act) states that “*The director-general may, after consulting the commissioner, appoint a public servant to be the deputy chief officer of a service*”. Sections 53 and 58 of the Act stipulate the constitution of the ACTRFS and ACTSES respectively, which includes the DCO positions.
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National Arboretum Canberra—photography (Question No 188)

Mr Smyth asked the Minister for Territory and Municipal Services, upon notice, on 31 October 2013 (*redirected to the Chief Minister*):

- (1) When was the \$200 charge for photos taken at the National Arboretum implemented.
- (2) Are charges levied by the hour or is this a flat rate.
- (3) Since the implementation of this charge, how much money has the National Arboretum generated.
- (4) Will the Minister list all other photography-related charges levied on the public at the National Arboretum and for each charge (a) what is the anticipated revenue generated for this year and (b) how much has been collected thus far.
- (5) Will the Minister list all other charges levied on the public at the National Arboretum, including parking charges, and for each charge (a) what is the anticipated revenue generated for this year and (b) how much has been collected thus far.

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

- (1) 5 April 2013.
Note that the photography fee was ceased on 31 October 2013.
- (2) The fee was a per hour rate for weddings and a per image rate for photographs to be used commercially.

(3) Nil.

(4) See response to (1) and (3).

(5) Current fees and charges are available at
www.nationalarboretum.act.gov.au/functions2/fees_and_charges

(a) anticipated revenue for 2013/14:

- car parking \$208,000
- tours, hire and education \$ 250,000

(b) year-to-date revenue as at end October 2013 is as follows:

- car parking \$68,408
- tours, hire and education \$33,454.

Note the revenue in (5) (b) does not include receipts pending collection, banking and reconciliation.

National Arboretum Canberra—operating costs (Question No 189)

Mr Smyth asked the Minister for Territory and Municipal Services, upon notice, on 31 October 2013 (*redirected to the Chief Minister*):

Will the Minister provide a breakdown of all costs to manage and operate the National Arboretum.

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

A breakdown of the National Arboretum Canberra costs for the 2013-14 financial year is as follows:

Total expenses	4,036,853
Employee expenses	1,690,470
Management and maintenance of forests, buildings and facilities	1,307,742
Stock items purchased for sale in retail shop	355,000
Events and promotions	190,000
Insurance costs	140,000
Water and sewerage	120,000
Motor vehicle costs	80,000
Bonsai pavilion – consumables	35,000
Other operational costs	118,641

ACT Gambling and Racing Commission—outputs and savings (Question No 190)

Mr Smyth asked the Minister for Racing and Gaming, upon notice, on 31 October 2013:

- (1) Further to Output Class 1.1: Gambling Regulation and Harm Minimisation within the ACT Gambling and Racing Commission in Budget Paper 4, page 426, will the Minister provide a breakdown of supporting programs and initiatives for the output, including (a) the value of funding for each program/initiative, (b) dates of commencement and completion (or ongoing) for each program/initiative and (c) performance measures for each program/initiative.
- (2) What are the staff numbers and corresponding employment levels for each output.
- (3) Will the Minister provide a list of capital works and upgrades for each of the listed outputs and, where applicable, include (a) commencement and completion dates and (b) the budgeted and actual costs of the projects.
- (4) Have identified savings been identified within these outputs; if so, will the Minister provide (a) a list of identified savings, (b) the value of identified savings, (c) program/initiative impacts as a result of these savings and (d) staffing impacts as a result of these savings.

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

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without diversion of significant resources from the Economic Development Directorate's ongoing business that I am not prepared to authorise.

Planning—service stations (Question No 196)

Mrs Jones asked the Minister for the Environment and Sustainable Development, upon notice, on 27 November 2013:

In what year did the former Shell service station in Campbell close.

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

The former ACT Planning and Land Authority became aware of the closure of the Campbell service station site in 2007.

Planning—service stations (Question No 197)

Mrs Jones asked the Minister for the Environment and Sustainable Development, upon notice, on 27 November 2013:

- (1) What is the time frame for completion of the development on the former petrol station site in Duffy.
- (2) Are there any potential problems that could delay completion.

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

- (1) The Lessee has a Development Approval (DA) that currently expires on 1 July 2014. The Lessee has also extended the building and development provisions in the Crown Lease.

Within specific parameters, the *Planning and Development Act 2007* permits a Lessee to apply to extend the completion timeframes in the DA past 1 July 2014 and to extend the provisions of the Crown Lease should it be necessary to do so.

- (2) The Environment and Sustainable Development Directorate has not been advised of any problems that could delay completion.

**Community Services Directorate—outputs and savings
(Question No 199)**

Mr Wall asked the Minister for Disability, Children and Young People, upon notice, on 28 November 2013:

- (1) Further to (a) Output Class 1.1: Disability Services and Policy, (b) Output Class 1.2: Therapy Services and (c) Output Class 4.1: Youth Services, within the Community Services Directorate in Budget Paper 4 of the 2013-2014 Budget Papers, will the Minister provide a breakdown of supporting programs and initiatives for each output, including (i) the value of funding for each program/initiative, (ii) dates of commencement and completion (or ongoing) for each program/initiative and (iii) performance measures for each program/initiative.
- (2) What are the staff numbers and corresponding employment levels for each output.
- (3) Will the Minister provide a list of capital works and upgrades for each of the listed outputs and, where applicable, include (a) commencement and completion dates and (b) the budgeted and actual costs of the projects.
- (4) Have identified savings been identified within these outputs; if so, will the Minister provide (a) a list of identified savings, (b) the value of identified savings, (c) program/initiative impacts as a result of these savings and (d) staffing impacts as a result of these savings.

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

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without diversion of significant resources from the Community Services Directorate's ongoing business that I am not prepared to authorise.

**Community Services Directorate—outputs and savings
(Question No 202)**

Mrs Jones asked the Minister for Multicultural Affairs, upon notice, on 28 November 2013:

- (1) Further to Output Class 3.1 Community relations in the Community Services Directorate in Budget Paper 4 of the 2013-2014 Budget Papers, will the Minister provide a breakdown of the supporting programs and initiatives for each output, including (a) the value of funding for each program/initiative, (b) dates of commencement and completion (or ongoing) for each program/initiative and (c) performance measures for each program/initiative.
- (2) What are the staff numbers and corresponding employment levels for each output.
- (3) Will the Minister provide a list of capital works and upgrades for each of the listed outputs and, where applicable, include (a) a list of identified savings, (b) the value of identified savings, (c) program/initiative impacts as a result of these savings and (d) staffing impacts as a result of these savings.

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

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without diversion of significant resources from the Community Services Directorate's ongoing business that I am not prepared to authorise.

**Community Services Directorate—outputs and savings
(Question No 203)**

Mrs Jones asked the Minister for Women, upon notice, on 28 November 2013:

- (1) Further to Output Class 3.1 Community relations in the Community Services Directorate in Budget Paper 4 of the 2013-2014 Budget Papers, will the Minister provide a breakdown of the supporting programs and initiatives for each output, including (a) the value of funding for each program/initiative, (b) dates of commencement and completion (or ongoing) for each program/initiative and (c) performance measures for each program/initiative.
- (2) What are the staff numbers and corresponding employment levels for each output.
- (3) Will the Minister provide a list of capital works and upgrades for each of the listed outputs and, where applicable, include (a) a list of identified savings, (b) the value of identified savings, (c) program/initiative impacts as a result of these savings and (d) staffing impacts as a result of these savings.

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

The ACT Government prepares its budget on an outputs basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without diversion of significant resources from the Community Services Directorate's ongoing business that I am not prepared to authorise.

Education and Training Directorate—outputs and savings (Question No 205)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 28 November 2013:

- (1) Further to Output Class 2.1: Non Government Education in Budget Paper 4, page 292, will the Minister provide a breakdown of the supporting programs and initiatives for this output, including (a) the value of funding for each program/initiative, (b) dates of commencement and completion (or ongoing) for each program/initiative and (c) performance measures for each program/initiative
- (2) What are the staff numbers and corresponding employment levels for each output.
- (3) Will the Minister provide a list of capital works and upgrades for each of the listed outputs and, where applicable, include (a) commencement and completion dates and (b) the budgeted and actual costs of the projects.
- (4) Have identified savings been identified within these outputs; if so, will the Minister provide (a) a list of identified savings, (b) the value of identified savings, (c) program/initiative impacts as a result of these savings and (d) staffing impacts as a result of these savings.

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

The ACT Government prepares its budget on an output basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without diversion of significant resources from the Education and Training Directorate's ongoing business that I am not prepared to authorise.

Education and Training Directorate—outputs and savings (Question No 206)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 28 November 2013:

- (1) Further to Output Class 1: Public School Education in Budget Paper 4, pages 290-292, and in relation to (a) Output: 1.1 Public Primary School Education, (b) Output 1.2: Public High School Education, (c) Output 1.3: Public Secondary College Education and (d) Output 1.4: Disability Education in Public Schools, will the Minister provide

a breakdown of the supporting programs and initiatives for this output, including (i) the value of funding for each program/initiative, (ii) dates of commencement and completion (or ongoing) for each program/initiative and (iii) performance measures for each program/initiative

- (2) What are the staff numbers and corresponding employment levels for each output.
- (3) Will the Minister provide a list of capital works and upgrades for each of the listed outputs and, where applicable, include (a) commencement and completion dates and (b) the budgeted and actual costs of the projects.
- (4) Have identified savings been identified within these outputs; if so, will the Minister provide (a) a list of identified savings, (b) the value of identified savings, (c) program/initiative impacts as a result of these savings and (d) staffing impacts as a result of these savings.

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

The ACT Government prepares its budget on an output basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without diversion of significant resources from the Education and Training Directorate's ongoing business that I am not prepared to authorise.

Education and Training Directorate—outputs and savings (Question No 208)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 28 November 2013:

- (1) Further to Output Class 3.1: Planning and co-ordination of Vocational Education and Training Services in Budget Paper 4, page 293 of the 2013-2014 Budget Papers, will the Minister provide a breakdown of the supporting programs and initiatives for this output, including (a) the value of funding for each program/initiative, (b) dates of commencement and completion (or ongoing) for each program/initiative and (c) performance measures for each program/initiative
- (2) What are the staff numbers and corresponding employment levels for each output.
- (3) Will the Minister provide a list of capital works and upgrades for each of the listed outputs and, where applicable, include (a) commencement and completion dates and (b) the budgeted and actual costs of the projects.
- (4) Have identified savings been identified within these outputs; if so, will the Minister provide (a) a list of identified savings, (b) the value of identified savings, (c) program/initiative impacts as a result of these savings and (d) staffing impacts as a result of these savings.

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

The ACT Government prepares its budget on an output basis. Data at that level is published in the Budget Papers, along with budgeted financial statements for agencies. More detailed information on activities within outputs is available in annual reports. This includes audited financial statements. Data is not available in the form and at the level requested without diversion of significant resources from the Education and Training Directorate's ongoing business that I am not prepared to authorise.

Questions without notice taken on notice

Emergency services—resignations

Mr Corbell (*in reply to a supplementary question by Mr Smyth on Wednesday, 23 October 2013*): The positions of Deputy Chief Officer of the Rural Fire Service (RFS) and Deputy Chief Officer of the State Emergency Service (SES) have been filled in accordance with sections 53 and 58 of the *Emergencies Act 2004*.

The former ACTSES Deputy Chief Officer (DCO) resigned from the SES with effect from 31 October 2013 to pursue other career opportunities. The Deputy Chief Officer role is a public service position. An acting DCO arrangement was put in place from 1 November 2013.

The former ACTRFS DCO retired from this position in July 2013. This position is currently being filled in an acting capacity by the RFS Operations Manager. The RFS DCO role is also a public service position.

Health—reusable bags

Ms Gallagher (*in reply to a supplementary question by Mr Smyth on Thursday, 31 October 2013*): I undertook to check the form in which advice was provided to me on the link between reusable bags and food borne illness and provide that advice to the Assembly.

In March 2013, ACT Health provided me with formal advice in response to the publication of a research paper which concluded that following the ban of plastic grocery bags in San Francisco, there was a significant increase in deaths and emergency room visits caused by food borne pathogens. The authors had attributed this to the increasing use of reusable bags which they thought may be contaminated with bacteria causing food borne illness.

The information contained in the research paper was analysed by ACT Health. Advice to me suggested that the research paper does not provide valid data that could conclusively prove that an increase in the use of reusable bags has led to any increase in food borne illness or deaths. In addition, ACT Health advised me that the San Francisco Department of Health had noted the study's limitations - especially that the data used by the authors in calculating deaths associated with gastrointestinal illness

included deaths attributed to *Clostridium difficile* infection. The San Francisco Department of Health concluded that the inclusion of cases of this illness in calculating deaths attributable to food borne illness invalidates the study's conclusions regarding death rates.

ACT Health has confirmed that the comments made by Professor Hugh Pennington in October 2013, as noted in News.com.au, offer no new evidence to suggest that there is a link between reusable bags and food borne illness.

As I stated in the Assembly, the Government would be very cautious about issuing advice to consumers based on out of context comments included in a short news.com.au news article without undertaking further analysis of the concerns raised.

Disability services—respite care

Ms Burch (*in reply to a question and a supplementary question by Mr Wall on Wednesday, 27 November 2013*): In response to the Member's questions, I can inform the Assembly.

The Request for Tender Documentation - 23236.110 – Respite Service for People with Disability includes estimated costs to operate each Centre Based Respite Service. Estimated costs were based on the operational costs and rosters used by Disability ACT translated to relevant Awards and other costs. Sample rosters used by Disability ACT were included in the tender document.

Examples of estimated costs include: salary on-costs; administration; overheads; food; vehicles; toys; loose furniture; training and professional development. Estimated costs are based on the number of available beds, operating 354 nights per year and offset by the expected contribution from residents or their families.

Hughes Respite has slightly higher expenses in salaries and wages (including food, vehicles and administration) which are offset by higher contribution rates for adults over 21 years (currently \$25.20 per night) and lower contributions for children under 16 years (currently \$5.80 per night). Final funding allocations were rounded to provide a modest contingency.

An open tender process allows each respondent to make a submission based on the funding allocation. A respondent is able to submit an alternative bid with a different funding allocation in addition to their conforming submission. They are able to do so. All potential respondents with questions must refer those questions to the contact officer for the tender. Their contact details are available at www.procurement.act.gov.au while the tender is open.

Planning—Giralang shops

Mr Corbell (*in reply to a supplementary question by Mr Doszpot on Tuesday, 29 October 2013*): Yes, I have had one meeting in 2013 with individuals who objected to the Giralang proposal.

Roads—speed cameras

Mr Corbell (*in reply to a supplementary question by Mr Coe on Tuesday, 26 November 2013*): Apart from the Hindmarsh Drive P2P incident there are no other reported lightning strikes on the Road Safety Camera Network.

ACT Emergency Services Agency—management

Mr Corbell (*in reply to a question by Mr Hanson on Wednesday, 27 November 2013*): ACTAS first raised the issue with my Office on Friday 9 November 2012 with additional information provided in an email on 14 November 2012.

A brief provided by the Directorate was received in my Office on 15 November 2012 and signed by me on that day.