Debates

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Thursday, 8 May 2014

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Thursday, 8 May 2014

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.

Holidays Amendment Bill 2014

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) (10.01): I move:

> That this bill be agreed to in principle.

The Holidays Act 1958 does not currently provide for a public holiday for Christmas Day, Boxing Day and New Year's Day if these days fall on either a Saturday or a Sunday. Instead, if these days fall on a Saturday or a Sunday, the official public holiday is either the following Monday or the following Tuesday if Boxing Day falls on a Sunday.

For workers who are required to work on Christmas Day, Boxing Day or New Year's Day, the consequences of them not being declared public holidays can be significant. Firstly, workers may not be entitled to the full benefit of any public holiday loading that would be available if they were working on a public holiday. Secondly, those workers would not be able to exercise their right to reasonably refuse to work on a public holiday, that right being enshrined in the commonwealth's national employment standards. Finally, people who are required to work on public holidays are not able to enjoy the time with their family and friends that the rest of us take for granted on these important social occasions.

In 2010, 25 December fell on a Saturday and the act provided a substitute public holiday for Monday, 27 December. In 2010, representatives of the Shop, Distributive and Allied Employees Union met with the then Minister for Industrial Relations to discuss this issue after receiving notice that a major retailer, though not opening on 25 December, planned to roster staff on to work and require them to take annual leave to cover the day's absence. This was clearly not a situation that a worker should be presented with at any time of the year, let alone on Christmas Day, with the effect of losing a day's annual leave to work on that day. As a result, and in order to prevent such mean-spirited behaviour occurring again, the ACT government declared 25 December an additional public holiday for 2010.

Both 25 December 2011 and 1 January 2012 fell on a Sunday, and the government again acted to declare those days public holidays. This issue will arise again in 2015,

2016 and 2017 when at least one of the relevant days falls on a weekend, In anticipation, the ACT government has now determined that it should, in recognition of the territory's seven-day workforce, legislate to ensure that workers do not miss out on their public holiday entitlements and are able to reasonably refuse to work, to share time with their family and friends on these days.

The ACT is not going it alone in this regard. It is worth highlighting that at the end of May 2009, the New South Wales government commissioned Professor Joellen Riley to undertake a review of the Banks and Bank Holidays Act 1912. That review recommended, in part, changes to the observance of Christmas Day, Boxing Day and New Year's Day when these days fell on a Saturday or a Sunday.

New South Wales has subsequently repealed the Banks and Bank Holidays Act and replaced it with the Public Holidays Act 2010 to permanently clarify the provision of public holidays. Therefore, as from 31 December 2011, 1 January and 25 and 26 December have all been standard public holidays in New South Wales. In addition, when any of these days fall on a weekend, there are additional public holidays the following Monday or Tuesday, as appropriate.

The government has considered a range of options but we believe that maintaining a public holiday regime consistent with New South Wales is the most preferred option. It is also consistent with best practice approaches and provides certainty into the future for both businesses and workers.

The Commerce and Works Directorate's Shared Services has indicated that the cost to the ACT public service of penalty rates for a standard public holiday is approximately $468,000, excluding the operations of ACTION. Shared Services has also indicated that the cost to the ACT public service of penalty rates payable for a non-public holiday Saturday would increase by approximately $286,000 if the Saturday worked was a public holiday. Hence this will impact the 2015-16 financial year. There will be an additional increase if the Sunday worked is a public holiday.

While the increases in penalty costs are indicative, they do represent the quantum of cost to the government as a whole, spread across most directorates. However, in 2010, 2011 and 2012 when additional public holidays were declared, all relevant ACT government directorates absorbed this cost within their existing budgets. It is proposed that this be the case for future public holiday declarations.

It is difficult to quantify the financial impact on the private sector of any option that involves amending the act. Increasing the number of public holidays potentially creates up to an additional three days in which employers may need to pay the relevant loadings. It is anticipated this may affect the hospitality and health sectors, as well as some in the retail industry.

Therefore consultation was undertaken with employer and employee groups through the ACT Work Safety Council, with members present at a meeting on 17 May last year provided with seven weeks to provide written comment on the proposed changes to the act. No written responses were received. Employers are represented on the council by the ACT Council of Social Service, the Canberra Chamber of Commerce and Industry and the Master Builders Association.

Nevertheless, I am aware that employer groups may have raised concerns about the cost of additional public holidays. I have taken those concerns into account, but ultimately I consider that the rights of workers and their families to enjoy a public holiday should be appropriately recognised by law.

In addition, the Canberra Business Council was provided with a further opportunity to comment on this proposal. While no formal written comment was received from this group, the Canberra Business Council expressed similar views to other employer groups.

The working arrangements and employers' needs have evolved over time and have led to an increase in non-Monday-to-Friday workers. This amendment recognises that evolution and moves with it to provide the workers of the ACT with their rightful entitlements and also the legal protections to share and enjoy significant public holidays with their family and friends in a manner in which so many other people in our community take for granted during the Christmas and New Year period. I commend this bill to the Assembly.

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

Territory and Municipal Services Legislation Amendment Bill 2014

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

Title read by Clerk.

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (10.10): I move:

> That this bill be agreed to in principle.

Today I am presenting a bill to make minor and technical amendments to several pieces of legislation within the territory and municipal services portfolio. The Territory and Municipal Services Legislation Amendment Bill 2014 will improve the effectiveness of a range of ACT laws through uncontroversial amendments to improve operational efficiency and clarify minor aspects of policy. The bill amends the Animal Diseases Act 2005, Domestic Animals Act 2000, Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005 and the Public Unleased Land Act 2013.

The bill amends section 34 of the Animal Diseases Act 2005 to replace the definition of "swill" with the nationally agreed definition of "prohibited pig feed" and "feeding of prohibited pig feed to control stock". Swill feeding is the traditional name for the feeding of food scraps and other waste material to pigs. This practice has caused foot and mouth disease outbreaks overseas, including a catastrophic epidemic in the

United Kingdom in 2001. Swill feeding is well recognised as a significant risk factor for the introduction of several emergency animal diseases, with the potential for devastating impacts on Australia's livestock and related industries and overall economy.

The amendments that I am proposing are in anticipation of national legislation to stop the spread of several animal diseases. The Matthews report, commissioned by the Australian government Department of Agriculture, Fisheries and Forestry, identified the effectiveness of swill feeding provisions as one of 11 significant issues in foot and mouth disease preparedness. In response to this report, the National Biosecurity Committee developed a national foot and mouth disease action plan. The development of nationally harmonised swill feeding legislation and controls forms part of this plan. To support emergency animal disease control activities in the event of an outbreak of foot and mouth disease in Australia, the bill introduces section 34A to provide for the rapid removal of all exemptions to the definition of "prohibited pig feed".

This bill also amends the Domestic Animal Act 2000 and the Magistrates Court (Domestic Animals Infringement Notices) Regulation 2005, to replace the term cat "curfew" with "containment". This amendment is designed to help better reflect the intention of the legislation in requiring cat owners to contain their cats to their property in designated areas.

Due to the risk cats pose to native wildlife, the ACT government has declared cat containment areas in Bonner, Crace, Coombs, Denman Prospect, Forde, the Fair at Watson, Lawson, Molonglo and Wright. Residents within cat containment areas are required to keep their cats confined to their premises 24 hours a day. This can be achieved by confining cats to the house or providing a purpose-built cat enclosure on the premises. It is anticipated that this amendment will enhance residents' understanding of the objectives of the legislation and their obligations.

The bill also amends the Public Unleased Land Act 2013. During the federal election campaign in September 2013, it was discovered that the Public Unleased Land Act could be interpreted to mean that approval is required to place on unleased land any sign, whether fixed or movable. However this was not the original intention. The bill amends section 26 of the Public Unleased Land Act to clarify that an approval is only required to place fixed signs on unleased land, not movable signs.

Finally, the bill amends an incorrect reference in section 98(4)(d)(i) of the Public Unleased Land Act, by replacing the incorrect reference to section 101 with the correct reference to section 99. Amendments to the Public Unleased Land Act 2013 will further improve the laws that govern the use of public land.

The Territory and Municipal Services Legislation Amendment Bill 2014 puts forward technical amendments that do not reflect major changes in government policies. However the amendments in the bill are designed to help the government better administer the laws that govern public unleased land, urban cat management and primary industries. This in turn will help to better protect and assist people in our community. I commend this bill to the Assembly.

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

Justice and Community Safety—Standing Committee
Proposed reference

MR RATTENBURY (Molonglo) (10.15): I move:

That this Assembly:

(1) notes:

(a) police pursuits policy remains a complicated issue that must balance enforcement of the criminal law with community safety;

(b) from 2000-2011, there has been an average of 15 crashes and 18 deaths each year related to police pursuits;

(c) several Australian jurisdictions have reviewed and altered their police pursuits policies in recent years; and

(d) technology to assist criminal investigations and mitigate the need for police pursuits continues to improve; and

(2) refers to the Standing Committee on Justice and Community Safety for inquiry and report by the last sitting day in November 2014, the issue of police pursuits policy, including:

(a) an examination of the most recent evidence and policies on police pursuits including from Australian and international jurisdictions;

(b) hearing evidence from relevant stakeholders such as police, members of the community and experts in appropriate academic fields;

(c) recommendations relating to police pursuits policy in the ACT; and

(d) any other relevant matter.

This is a motion that asks the Assembly's Standing Committee on Justice and Community Safety to inquire into the issue of police pursuits in the ACT.

Members are probably aware that I have raised the issue of police pursuits policy before. I have been clear about my own view that I think the ACT should at least trial a more restrictive police pursuits policy. This would entail restricting police pursuits to situations where a serious crime has been committed. In 2011 I raised the issue in a community discussion paper and, at the time, I did not have support from either the Labor or Liberal parties for a change.

I do not want to re-prosecute the argument now, and my motion does not ask the other parties to support a policy change. But I do ask for the support of the Assembly to let a committee look at this important area of policy. As I will discuss in a moment, it remains an issue that is ripe for committee and community consideration. Research, technology and policy work on police pursuits continues to progress. Let us give the

Assembly and the Canberra community the benefit of having a committee look closely at this issue, consider the complexities of the policy, talk to the community, talk to the police and other stakeholders, and provide a report and recommendations. This will be a very valuable exercise in ensuring we have the right balance in our police pursuits policy.

Police pursuit policy is a vexed area. The police have an important role in enforcing the criminal law. But at the same time police pursuits create a risk to those involved and the wider community as they often lead to dangerous and high-speed driving.

Let me say from the outset that I acknowledge the very difficult job of our police officers. The police do a very good job and they do a very valuable job for our community. By bringing this motion I am not seeking to criticise the police. The motivations of police officers undertaking pursuits are good and honourable and in line with ACT police practice and procedures.

There is a legitimate question for the community, however, regarding law enforcement practices that expose the community to risks. It will be very valuable for the committee to canvass the views of the public, to look at the experience of other jurisdictions and to talk to police about the challenges they face in enforcing the law and deciding whether and when they pursue a vehicle.

We cannot look at the issue of police pursuits without acknowledging the very sad reality that police pursuits are implicated in a surprising number of deaths in the Australian community. A recent analysis from the Australian Institute of Criminology showed that from 2000 to 2011 in Australia, there have been an average of 15 crashes and 18 deaths each year related to police pursuits. When you stop and think about it, that is an astounding number of tragic fatalities: an average of 18 deaths every year related to police pursuits. That is 218 deaths between 2000 and 2011 across Australia. I think that is a figure that is not widely known in the community. It is a key motivation for me and it is why I believe that both the Assembly and the community should look at this issue more closely.

To provide some further detail, 110 of the 218 deaths were of alleged offenders who were driving the vehicle being pursued; 26 deaths were of alleged offenders who were passengers in the vehicle being pursued; 82 of the deaths were innocent passengers in the vehicle being pursued, or other innocent bystanders or road users, often pedestrians or in a completely separate vehicle that had nothing to do with the pursuit. Six of the deaths were police members killed in pursuits.

In Canberra specifically, between 2004 and 2010, seven people died in accidents related to police pursuits, and there have been other crashes and injuries.

That information is from one of the Australian Institute of Criminology's *Trends & Issues in Crime and Criminal Justice* series papers, released in the middle of last year. I recommend it to members as it is valuable research in an area that is typically not well researched or well publicised.

From my experience, there is a common view in a community that police should pursue suspects, because it is what the police are supposed to do; they cannot just let criminals get away. The reality is more complex than this.

The first important fact is that the vast majority of police pursuits are initiated in response to minor offences. I think this is another fact of which the broader community is not generally aware. The most prevalent type of offence committed prior to a fatal pursuit is traffic related—that is, an offence such as speeding, dangerous driving or registration and roadworthy offences. So the question becomes: is this an acceptable threshold to initiate a police pursuit given the risk of death and injury it creates for those involved and the broader community? Is the community willing to bear that risk in order to detain someone who might have committed a traffic offence? After traffic offences, the next most prevalent offence committed prior to a fatal pursuit was motor vehicle theft, followed by drink-driving offences.

Overall, available data in Australia shows that 141 of the 160 offences that resulted in a fatal pursuit were related to the improper or unsafe operation of a motor vehicle. New South Wales statistics show that only 11 per cent of police pursuits were to pursue a fleeing criminal from a crime scene. I do not know the ACT statistics on how many pursuits are the result of minor or more serious offences. The likelihood is that it is similar to the general trends. This is, of course, information that the committee could investigate.

A view that is growing in popularity in relation to police pursuits is that it is not worth risking death and injury in order to arrest a person who has committed a minor offence. To illustrate the point, I will read a quote from a Canadian police officer recounting an actual case involving pursuit of a stolen car which resulted in the death of the suspect. I think this quite vividly illustrates the dilemma. He said:

> … let's face it, you're driving around a big bullet, and it can kill … To take a human life over a $40 000 vehicle? It's wrong for him to be there, it's wrong for him to be in the stolen vehicle, it was wrong for him not to stop when he was initially instructed to stop, but it cost him his life and it wasn't worth it. We lost in the situation, everyone came out as losers. The members who were involved are all scarred for life, the family certainly has a significant loss in their life, the vehicle we were trying to save—that was a write-off, so what did we gain from it—nothing.

Another common assumption is that if a suspect flees from police they must have committed a serious offence. However, the evidence shows this to be untrue. Qualitative studies from the United States National Institute of Justice found that most people fled because they were scared of the consequences of minor offences.

Long-term evidence from the USA also shows that introducing restrictive pursuits policies does not have a negative effect such as an increase in crime. For example, the Miami-Dade Police Department in Florida introduced a policy in 1992 limiting pursuits to violent felons only. The review five years later found that the policy had significant public safety benefits, including an 82 per cent decrease in pursuit-related injuries. The reduced level of pursuits and injuries remained stable following the introduction of the policy without an increase in the crime rate or the number of suspects attempting to flee from police.

Similar results have been achieved elsewhere, including in Australia. In 1991 Tasmania Police introduced a restrictive policy that only allowed pursuits for violent offences such as murder and kidnap. Tasmanian Assistant Commissioner Scott Tilyard said:

> … one of the things that people will say is that if police can't pursue for a whole range of things, then crime will get out of control ... but in our experience that has certainly not been the case … in the last 10 years our crime categories have reduced significantly in Tasmania. For example, motor vehicle stealing, which used to be one of the main triggers for pursuits, has actually gone down. Back in 2000, nearly 4,000 cars were stolen each year in Tasmania, last year we had just 1,300 stolen.

As I said, I make these points not to ask the Assembly to agree to change police pursuits policy. I make them to show that it is a difficult area of policy, perhaps more complicated than we realise, and it is an area where common assumptions prove to be unfounded. It would be fruitful for a committee to look at the evidence in more detail, hear from people involved and examine experiences in other places. Other jurisdictions have engaged in similar review processes in recent years, with the goal of reducing the risk of fatality during pursuits. This has not happened in the ACT.

Throughout 2009, for example, the Queensland State Coroner and the Queensland police service worked together to review its pursuit policy. The resulting recommendations aimed to re-focus the pursuit policy on safety rather than law enforcement, discouraging officers from pursuing vehicles for minor traffic and drink-driving offences. This resulted in a revised, more restrictive police pursuits policy adopted in late 2011. South Australia Police similarly reviewed and reformed its pursuit policy, introducing a more restrictive policy in January 2012. As I mentioned, Tasmania has been using a restrictive police pursuits policy for many years.

Just last month, the New South Wales coroner released a report following the 2011 death of a young man involved in a police chase. The coroner called for a comprehensive root and branch review of issues such as when to terminate a pursuit and when the costs outweigh the benefits of pursuing a suspected criminal. The coroner recommended special consideration when pursing a motorbike rider, because of the greater risk of death, an interesting acknowledgement that motorcycle riders are vulnerable road users. He also suggested that chases that were initiated should be limited to two minutes. These are all issues that would benefit from investigation in the ACT

In conclusion, let me reiterate the reasons I think that this Assembly should support a committee inquiry into police pursuits.

Police pursuits are clearly a difficult area of policy, requiring a balancing of community safety and the need to enforce the laws. They unfortunately are implicated in many deaths, injuries and accidents. There is growing evidence about the benefits of more restrictive policies and growing evidence from other jurisdictions that demonstrates the outcomes, in terms of crimes, number of people fleeing and accident rates, of different policies across the spectrum of possibilities. Other Australian jurisdictions have been both reviewing and refining their policies. This has not been done in the ACT.

Perhaps most important is that a committee will give the opportunity to the Canberra community to provide its opinion on what the right balance should be. What is the acceptable balance of law enforcement and risk to safety that Canberrans think is appropriate? In the end, the police force are there to serve the community, both to protect them from crime and also to protect them from the risk of death or injury that could result from enforcing the criminal law. A committee is a good way to let the community have its say, and I commend the referral to the Assembly.

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) (10.27): The government will not be supporting this motion today. Police pursuits constitute an important public safety issue as well as a law enforcement issue. There is no doubt that there needs to be an appropriate balance between the community interest in maintaining law and order and apprehending offenders while at the same time ensuring that people in the community are safe. Mr Rattenbury's motion is, regrettably, a further attempt to revisit previous discussions on police disputes in this place.

I want to start first and foremost by rebutting the accusation that there has been no review of police pursuit policy here in the ACT. In fact there have been repeated reviews, and I will draw members' attention to this in the course of my comments.

As I publicly stated in April 2012, the government supports police being able to determine when they need to pursue. Police are the people at the coalface. They are dealing with particular operational requirements when they make decisions about whether to engage in a police pursuit. The community and the government are well aware of the impact on innocent people when police pursuits end in a fatality, which is why ACT Policing applies comprehensive guidelines on urgent duty driving and pursuits. Police in the ACT do not pursue as a matter of course. They make an assessment as to the nature of the incident they are attempting to address and the safety of the broader public.

In March 2013 the Australian Institute of Criminology released the report *Motor vehicle pursuit-related fatalities in Australia, 2000-11*. This paper provided the results of research into motor vehicle pursuits, and the deaths that can result, in order to form an evidence base on which to better understand and respond to this issue. It looked at the number of motor vehicle pursuit deaths Australia wide that occurred between 2000 and 2011, the characteristics of people who died in a police pursuit, the characteristics of pursuits that resulted in the fatality, and the number of police pursuits each year and the death rates from police pursuits.

Between January 2000 and December 2011, across Australia there were 186 fatal pursuit-related vehicle crashes, resulting in 219 deaths. This is an average of 17 crashes and 20 deaths per year. When compared to the number of pursuits that occur each year, less than one per cent of pursuits are fatal.

The report found that innocent people comprised 37 per cent of deaths, or 81 deaths, in the study period, of which 17 per cent, or 37 deaths, were of passengers in the

vehicle being pursued; 20 per cent, or 44 deaths, were other bystanders or road users; and 14 per cent, or six deaths, were police. The majority of fatal pursuits involved young males under the age of 25, and more than half of all fatal pursuit-related crashes occurred in urban environments between 8 pm and 4 am. In almost nine out of every 10 cases—that is, 88 per cent of all cases—the alleged offender driving the vehicle being pursued had consumed alcohol, drugs or a combination of both. Of the offences that resulted in a fatal pursuit, 88 per cent, or 143 deaths out of 162, were related to improper or unsafe operation of a motor vehicle.

Significantly, this paper also found that the ACT had a declining level of police pursuit. It showed a 44 per cent decrease in pursuits in the ACT from a peak in 2007 of 130 pursuits to 73 in 2011. This is reflective of changes in police approach and methodology during this time. Further, it found that the ACT consistently has the lowest rate of motor vehicle pursuit-related fatal crashes per 1,000 pursuits in Australia.

Since reporting started on pursuit-related fatal crashes per 1,000 pursuits in 2006, the ACT recorded a zero result—that is, no fatal crashes as a result of pursuits—in 2006, 2007, 2008, 2009 and 2011. The ACT recorded a result of 12.3 pursuit-related fatal crashes per 1,000 pursuits in 2010 due to one incident which resulted tragically in four fatalities when a stolen vehicle collided with another vehicle on Canberra Avenue. The vehicle which caused the collision had been stolen in New South Wales and was pursued into the ACT by New South Wales Police immediately prior to the collision. 2010 is the only year in which the ACT recorded a rate of motor vehicle pursuit-related crashes.

The paper also showed that the ACT has the highest average speed per pursuit at 146 kilometres an hour, above the national average of 129.8. It is unclear how the report calculates this figure, but the factors that may contribute to it could include the fact that the ACT road network is of a higher quality than other major Australian cities, with higher average travel speeds and lower levels of congestion, and the small sample size for the ACT which could allow a single pursuit data item to highly influence the ACT average.

Recent data in relation to pursuits undertaken by ACT Policing indicates that for the period 1 April 2013 to 31 March 2014 there were 105 police pursuits in the ACT, a decrease of 1.9 per cent compared to the 107 pursuits recorded for the previous year. Of the 105 police pursuits between 1 April 2013 and 31 March 2014, 61.9 or 65 per cent were terminated by police. This is a small decrease when compared to the 66.3 per cent or 71 pursuits terminated by police in the same reporting period in 2012-13.

For the same period just over 33 per cent of police pursuits resulted in the vehicle being intercepted, an increase in interceptions when compared to the 28.5 per cent intercepted in the previous year. The average length of time for a pursuit in the ACT was two minutes and 44 seconds, with approximately 43 per cent of pursuits lasting less than two minutes.

ACT Policing applies comprehensive guidelines on urgent duty driving and pursuits. It has in place rigorous governance systems for pursuits and is comfortable with existing guidelines and the balance of operational and public safety objectives.

The AFP national guideline, "ACT Policing: urgent duty driving and pursuits", outlines the circumstances in which police are authorised to engage in pursuits, as well as when it is prudent to terminate because of safety concerns. All operational members of ACT Policing receive training in relation to this guideline.

ACT Policing's guidelines align with the Australia New Zealand police pursuit principles developed by the Australia New Zealand Police Advisory Agency, of which ACT Policing is a member. In many respects ACT Policing's definition of a pursuit exceeds that defined by the ANZPAA pursuit principles.

The guideline clearly articulates the considerations that drivers of a police vehicle and the operations sergeant must take into account. Should any of these considerations outweigh the purpose for urgent duty driving, the pursuit will be terminated. Under the guidelines a direction to terminate the pursuit may be given by a member in the vehicle who is senior in rank or experience to the driver, the team leader of the driver, a member performing the duties of superintendent or above, or the operations sergeant monitoring and oversighting the incident.

All pursuits undertaken by ACT Policing officers are oversighted by the police pursuit review committee, which reviews all pursuits to analyse trends and issues. The committee reports to the ACT Policing executive and any trends are raised through regular management meetings.

The committee reviews all police pursuit driving incidents, identifies any problems or patterns developing in AFP driver behaviour, identifies any training requirements, makes recommendations in relation to cancellation or suspension of a member's driving authority, and recommends amendments to the pursuits guidelines.

A written report is provided to the Deputy Chief Police Officer (Response) each quarter regarding trends, training issues, welfare or personnel management matters, following any major incident involving a police pursuit, or at any other time that the committee considers it necessary.

The police pursuit review committee is comprised of senior members of ACT Policing, the superintendent operations and superintendent traffic, the superintendent judicial operations, a district superintendent and the AFP's chief driving instructor. Any pursuit which results in a police collision is also investigated in accordance with the relevant requirements, which includes investigation or oversight by the collision investigation and reconstruction team.

Turning to the issues of reviews of policy, the adequacy and appropriateness of the AFP national guideline "ACT Policing: urgent duty driving and pursuits" has been the subject of a number of recent independent and internal reviews, including a review in 2007 by Mr Alan Cameron, a former Commonwealth Ombudsman.

In order to facilitate the ongoing monitoring of police pursuits in the ACT, the performance evaluation and review team has maintained the database established during internal reviews. The database provides ongoing data collection allowing for ready access and reliable analysis of pursuit information in the ACT.

In addition to this ongoing monitoring and previous reviews, the Chief Police Officer has initiated two internal reviews related to pursuits. The first review is of the national guideline "ACT Policing: urgent duty driving and pursuits", led by the AFP's chief driving instructor, with ACT Policing having a number of members from both operations and traffic operations on the review committee.

The second review requested by the Chief Police Officer was a review of all pursuits which occurred in the ACT during the previous two years, with specific attention to be paid to pursuits which occurred in 2014. Convened by the Deputy Chief Police Officer (Response), this body of work included terms of reference focusing on the appropriateness and currency of the existing national and ACT Policing governance framework relating to pursuits, the alignment of ACT Policing practices and procedures with state and territory counterparts, levels of compliance with ACT best practice relating to pursuits, adequacy of current legislation to combat offenders who fail to stop when requested by police, and any trends in relation to the uptake of pursuits which result in police members or the public being placed in undue danger. The results of this additional review are due to be made to the Chief Police Officer in the very near future.

There have also been judicial reviews of pursuits. In January this year ACT Coroner Peter Dingwall published his report into the fatal collision on Canberra Avenue in 2010. In his report Coroner Dingwall found that the driver of the stolen motor vehicle was attempting to evade apprehension by New South Wales police officers. The New South Wales police officers were carrying out their duty to investigate and apprehend offenders and no criticism could be made of those officers. Although the officers had decided to terminate the pursuit, the pursuit had not yet been terminated at the time of the collision. However, termination of the pursuit at that stage would not have altered the ultimate result. The coroner was not satisfied that the pursuit should have been terminated at any time earlier than it was and the four deaths were caused by the actions of the driver of the stolen vehicle.

Relevantly, two of Coroner Dingwall's recommendations related to improvements in police pursuit policy. Firstly, the coroner recommended that a training package be prepared and delivered to New South Wales police who are special members of the AFP, dealing with cross-border pursuits and compliance with the AFP national guideline, "ACT Policing: urgent duty driving and pursuits". Secondly, he recommended that a training package be prepared and delivered to ACT-based AFP members who are special members of New South Wales police, dealing with cross-border pursuits and compliance with the New South Wales police safe driving policy. These recommendations have been fully implemented by ACT Policing and New South Wales police. This training now forms part of the mandatory training package for AFP special constables and New South Wales police recognised law enforcement officers and commenced in April 2011 and May 2012 respectively.

The government is committed to ensuring that ACT residents are safe. Part of that commitment is to provide a robust framework which gives our police the ability to maintain law and order and apprehend offenders. This robust framework needs to include the ability to pursue suspects when appropriate.

Whilst I understand Mr Rattenbury's desire to revisit previous discussions on police pursuits, his commentary does not take into account the many recent reviews of ACT Policing's pursuit policy and work that ACT Policing continues to undertake to further strengthen its robust pursuit guidelines. The framework we already have in the ACT for disputes is demonstrably robust. The government does not support this proposal today. *(Time expired.)*

MR HANSON (Molonglo—Leader of the Opposition) (10.42): We will not be supporting the referral to committee. Some of the points that have been made by the government I think have been well made. I will not attempt to be repetitious, but it is an issue of balance. It is a balance between what the police have got to do to keep the community safe and making sure that in the course of their duties when they engage in pursuits they do so in a manner that reduces the amount of risk for the community. I am confident that the framework that the police have at the moment is the right balance.

I do not say this simply as a matter of guesswork. As the minister has outlined, there have been internal reviews, there have been external reviews, there have been judicial reviews—and, indeed, I have spoken to police. I had conversations about this issue with the previous chief police officer. I have a meeting with the new chief police officer later this month and that will be a topic of discussion. I have had conversations with the Australian Federal Police Association. I believe that Shane Rattenbury has not done some of those things. I do not think he understands some of the implications of pursuing what he is trying to do.

Let us be very clear, Madam Speaker, that this is not some objective look at police pursuits. This is not something that Shane Rattenbury would have us believe—that is, just having a look at something to try and gather the evidence so we can come to a view. Mr Rattenbury has an agenda. His agenda is to do away with the ability of the police to engage in pursuits. I know this because I can go to his community discussion paper of 2011 on police car chases. That is what he called for. Basically, he said that he wants to prevent police from engaging in police pursuits for a range of different things. If it was a serious offence like murder, rape or armed robbery then police would be allowed to engage in pursuits, but not for traffic infringements—and he labelled them "simple" traffic infringements, trying to downgrade them.

Essentially, what he is saying is that if you get in a stolen car and are speeding, on drugs or drunk, you can do so with impunity. What he is saying is that the police would be hamstrung, that they would be incapable of pursuing people for those sorts of offences. We know that that happens in our community. The reason it does not happen more often than it does now is that the police are out there on our streets keeping us safe and acting as a significant deterrent to people that would otherwise be able to do that with impunity.

Under the Shane Rattenbury model what we would see, basically, is a green light given to young men, in most cases, to steal cars, drive at any speed they like and drive drunk, because all they would have to do is evade the police. What sport it would be under the bold world that Shane Rattenbury sees where a group of young men can get

in their car, hoon past the police at speed, giving them the finger, and there is nothing the police can do. That is what Shane Rattenbury wants. That is what he thinks is a good idea. Can you imagine the impact that would have on the safety of our community?

There is always an effect when you introduce legislation. Mr Rattenbury is saying that there would be fewer pursuits, and under his model there would be fewer pursuits. But what would be the effect of those fewer pursuits? I cannot give you an exact number, but I think we can all understand that we would be giving a green light to many more young hoons out there on our streets. What would be the impact of that? What would be the impact of people being allowed to do that? How many more car accidents would we see? How many more innocent people or, indeed, young men driving those cars would we see critically injured or killed as a result? The effect of what Mr Rattenbury is proposing, I think, would have a dire consequence in our community.

Given that this is where Mr Rattenbury stands—we know that is what he is trying to get, and he is trying to get some of his mates to come along to this committee to support his position—and given that we know the government's position on this, and I support the government's position, this committee would be a waste of time. This committee would really be an exercise for Shane Rattenbury to try and get people to come along to support his view—and to do what, to achieve what? If Mr Rattenbury wants to move legislation then he should do that. If he wants to convince his cabinet colleagues of the merits of constraining the police then let him do that, because he will not have my support. I am encouraged to hear, and glad to hear, that he will not have the government's support.

Do not think for a minute, Madam Speaker, that if the evidence was contrary to what Mr Rattenbury is pursuing that he would then change his mind. What Mr Rattenbury says—and we have seen it so frequently—is this: "I look at the evidence. It's evidence based." Well, let me give you a very stark example, Madam Speaker, of what Mr Rattenbury does with committees that are evidence based. Mr Rattenbury is pursuing, with the government, a piece of planning legislation. That was put to committee. Every single person that submitted to that committee said, "Don't do this legislation."

Based on Mr Rattenbury's principle, based on what he is saying and the reason we have to have this committee, he will now oppose that legislation because the evidence that has been presented says, "Don't do it." One hundred per cent of people that submitted to that committee said, "Don't do it." We know he will not; we know that he is still sticking by the legislation. The point is that Mr Rattenbury is trying to set up this committee simply to further a narrow ideological agenda, a piece of very poor policy and a piece of policy that would result in increased criminal activity on our streets, increased activity that I believe would result in more accidents, more injuries and more fatalities.

I support our police. I have faith in our police. They do an incredibly difficult job. It is a decision that they have got to make when they are out there, often at night, as to when to engage in a pursuit and when to call off that pursuit. I think it is remarkable, of the reviews that have been conducted, that they have got it right so often. So there is no crisis. There is no failure in what the police are doing. Mr Rattenbury is unable

to come in here and say that the police are not conducting themselves with absolute professionalism, because they are. Occasionally there will be errors of judgement. There will be difficult decisions that will be made that will be made in the heat of the moment and no doubt there will be evidence you can point to where it could have been done better. I think that is the nature of the very difficult job that police have.

What I will not be doing is engaging in this exercise that Mr Rattenbury wants, which is to hamstring our police, restrict their ability to keep our community safe and give a green light to anyone who wants to go out there, steal a car, drive recklessly and engage in behaviour that would increase traffic accidents, fatalities and critical injuries on our streets. We will not be supporting this referral. If Mr Rattenbury wants to pursue his policy then he is entitled to do that, but he will not be getting support from the Canberra Liberals.

MR RATTENBURY (Molonglo) (10.52), in reply: It is a shame that that is the outcome we have reached today. It is quite clear where the Assembly stands on this matter. I think Mr Hanson's speech has ably demonstrated exactly why we should have this committee inquiry. He has just stood here and repeated a whole series of assumptions which he openly said he has no evidence to support.

What I sought to do today, I think in a quite straight and serious way, was to bring in a series of facts which I think do beg questions in the community and which do warrant further examination. Make no mistake—and I said it in the very first paragraph of my speech—I have a particular view. I was perfectly up-front about that and I have been perfectly up-front on the public record. What I am trying to do is encourage my Assembly colleagues to look at the range of evidence that is available and to ensure a discourse in this place. The fact that Mr Hanson has such discomfort with that reflects much more on him than it does on my motivations in bringing this forward.

I am simply asking the Assembly to have a look at the range of evidence. I reject the insinuation from Mr Hanson about my desire for people to be able to operate with impunity—far from it. The debate I want to have is: what is the worst outcome? What level of risk is the community willing to bear in tracking down somebody who stole a car? Is it essential that we catch them at the exact moment or is it an acceptable outcome that the police, through all of their intelligence capability, might catch up with somebody 24 hours later and still charge them with the offence without the risk of a high-speed pursuit through our suburbs? That is a valid debate to have, because that is what the community needs to have a think about.

I hear what Mr Corbell said about the range of internal reviews that have been undertaken by the police and the various examinations that have taken place. I should say that in the remarks I was making I was endeavouring to reflect on the fact that I did not think there had been a significant public discourse on this. I accept that my words probably came out not quite reflecting that, so I clarify my position. I take on board what Mr Corbell said.

Nonetheless, I think it is important that we have a community debate to say: what is the right level of risk; is there a better way to do this? That is the conversation I want to have. I have cited today a range of studies from other jurisdictions. Contrary to the

dog whistling that Mr Hanson was doing over there and the implications he was putting on me, I do not have any desire for, and I do not support, people getting away with these sorts of offences. I think there is a better way to go about this.

For Mr Hanson to say that I am interested in letting people get off the hook and I want people to be able to do these things with impunity is simply a falsehood. I have never said that. My discussion paper makes that perfectly clear. My remarks today have made that perfectly clear. I have outlined that in jurisdictions that have taken this approach, crime has not increased. I have also been able to cite examples today where, in fact, crime rates have decreased. I am not interested in an increase in crime in this town. Actually, I talk quite a bit about community safety in my remarks.

Unfortunately, we are not going to have a review, I think that is a shame. I do not think it is good enough to be passive about this. I do not think it is good enough to just say, "The police should make their own judgement." As I said in my remarks, I think the police take the decisions for the best reasons they have at the time. But I think there is a role for the Assembly, on behalf of the community, to engage in a policy discussion about what expectations we have and to be clear with our police force about what community expectations are and ensure that they are aligned with the operations and the difficult decisions that the police are expected to take, usually under pressured circumstances. I absolutely acknowledge that, and that is why we should be having a cool, calm discussion so that the frameworks are very clear.

I think this will be a debate that will flow on. We are seeing other jurisdictions look at this more carefully and more openly than the ACT is willing to do. I think that is a positive thing. I have no doubt that this conversation will continue at another time. It is quite clear that the Assembly is not going to support this today and I think that is a matter of regret.

Question resolved in the negative.

Executive business—precedence

Ordered that executive business be called on.

Independent Competition and Regulatory Commission (Water and Sewerage Price Direction) Bill 2014

Debate resumed from 10 April 2014, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (10.57): I thank the Treasurer for making a briefing possible on this bill. Madam Speaker, as you saw with the release on 2 April of the Auditor-General's report on the price determination, this bill is the government's way of addressing recommendation 3. To refresh the chamber's memory, the recommendation suggested:

> The Government should address the issues associated with the potential invalidity of the current price direction.

Members will recall the Auditor-General's report where it cited advice from Mr Peter Hanks QC:

> … because the Treasurer's reference to the ICRC dated 13 October 2011 omitted to specify the period in relation to which the ICRC was to decide on the level of prices for services, the Price Direction made by the ICRC in Report No 6 of 2013 is invalid because, without the referring authority having specified that period, the power conferred by section 20(1) of the ICRC Act could not be exercised.

And this is on page 48.

On the matter of your failure to specify a regulatory period for the ICRC's price determination, the Auditor-General's report cited the Australian Government Solicitor's advice:

> In legal terms it is our view that the ICRC made a jurisdictional error when determining the limits of its powers. Due to faulty terms of reference, the ICRC was never properly seized of a jurisdiction to make a valid price direction for any period.

This is on page 45 of the report. To this, the ACT Government Solicitor responded with the following:

> The ICRC is at liberty, albeit within the bounds of reasonable administration decision-making, to determine the period during which the price direction will operate.

This is on page 46 of the report. Whether it was Mr Barr's intention to omit the requisite period of the determination, thinking that the ICRC has the power to determine the period of its price determination, and to confer discretion on the ICRC to choose the regulatory period, we will never know.

On the matter of Mr Barr's failure to specify a regulatory period for the ICRC price determination, the Auditor-General found that the June 2013 price direction may have no legal effect due to ineffective terms of reference for the investigation.

For the sake of this bill, it is also worth while to note the Auditor-General's opinion that a definitive conclusion on this issue may not be achieved until tested through a judicial process. Yet the government's response to the Auditor-General's finding is to introduce appropriate legislation to ensure the validity of the price determination. So in the hubbub of disagreement between the Auditor-General, Mr Barr, ACTEW, the ICRC, the ACT government and Mr Hanks, what we have now is yet again another well and truly Andrew Barr train wreck of process.

The ICRC bill should in reality be called "Mr Barr's Independent Competition and Regulatory Commission the Treasurer is Right at All Costs Bill 2014". What is the proof for this? Pretty much the issues that were raised regarding the validity of the termination due to the Treasurer's omission in his terms of reference of a specified regulatory period for the determination. So this bill aims to fix that by just reinforcing that it is valid, and in effect "it is valid because I said it is valid".

Regarding the validity of the terms of reference, clause 6 of the bill aims to fix the problem with the following:

> To remove any doubt, the terms of reference have effect, and are taken always to have had effect, for all purposes as if a period was specified in the terms of reference.

"I got it wrong, I now have to legislate to make it right."

Regarding the validity of the water and sewerage price direction, clause 7 of the bill aims to fix the problem with the following:

> To remove any doubt, the water and sewerage price direction has effect, and is taken always to have had effect, for all purposes as if a period was specified in the terms of reference.

Of course the Treasurer got this wrong.

Regarding the validity of the period set out by the ICRC for determination, clause 8 of the bill offers the following:

> To remove any doubt, an industry panel review of the water and sewerage price direction may determine the regulatory period in which the direction, or a new price direction substituted for the direction, is effective.

Would it not have been simpler if the Treasurer had put the period in?

This is the gist of it: the price determination is valid because the Treasurer says it is so. End of discussion. So if there is a disagreement, pass laws to make your version right, instead of following the time-honoured process of, if necessary, taking it through the courts.

You can be a bit cynical about this. Perhaps soon the government will be moving legislation in this chamber to validate their pet projects, like light rail, to be good because they say it is so. Maybe Mr Corbell will introduce a bill to make it legally valid that there is no bullying in the ESA because he says so. In fact, there is almost a cynical exercise in the priority projects bill. "We will make these projects priority and we will do them anyway because we simply want to."

The truth is, this price determination, as handled by the Treasurer, has thus far been nothing short of a fiasco, another train wreck from Andrew Barr in the long tradition of land rent, which we have now had to attempt to fix several times, extension of time, which we have now had to legislate for because they got it wrong in the first place—and I have no doubt that we will be back—and of course now the ICRC price determination train wreck.

The government's poor management of ACTEW, even with the Treasurer and Chief Minister as key shareholders, has led to dividends to the territory being revised downwards by approximately $121 million over four years, and income tax

equivalents of $54 million over the same period. It was only the other day when I raised my concerns in this chamber that we began to see poor solution after poor solution from the government, and today's bill confirms that it is no exception. Because of Mr Barr's bungling, we are now faced with having to pass a law to make the government's version of the truth valid. And not supporting it means further uncertainty to the territory's financial position and further uncertainty on water and sewerage prices and service delivery.

We are faced with the reality created by the government. We will be supporting the bill. Let us hope the Treasurer gets it right next time, but we certainly will not be validating poor process, we certainly will not be validating poor decisions by the Treasurer and we certainly will not be validating his ineptitude.

MR RATTENBURY (Molonglo) (11.04): This matter comes about today as a result of the Auditor-General's report into the water and sewerage pricing direction. The audit was concerned with the processes and systems used to set the price direction, not the actual prices themselves, and that is the origin, as I think Mr Smyth has touched on, for why we are here today.

The third recommendation of the audit was:

> The Government should address the issues associated with the potential invalidity of the current price direction.

Again, that is what this bill seeks to do. The recommendation was made on the basis of advice from Mr Peter Hanks QC to the Auditor-General's Office that the price direction could be invalid, as it did not specify a regulatory period for the price direction. The ICRC set a price direction for six years, and I note that the ICRC does not believe that the price direction is invalid as a result of this.

So we have a situation where—and I note that the Treasurer also thinks the same—it is essentially varying legal opinions. The response to that by the government has been to introduce this legislation to ensure that the price direction is valid, and the bill explicitly removes any doubt that the terms of reference would have effect as if a period was specified in the terms of reference.

So I think it is prudent of the government to accept the advice given by Mr Hanks via the Auditor-General and ensure the validity of the price direction. It seems a preferable outcome, where we have got essentially lawyers at 20 paces putting different perspectives, and it is prudent for the government to come to this place and clarify the intent.

I do not think it is worth the risk of it being challenged and being found to be invalid. While there is disagreement about the legal opinion, I think this is a prudent approach to ensuring absolute clarity, and that is the basis on which I will be supporting the bill today.

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) (11.06), in reply: I thank members for their

contribution to the debate. As members are aware, the finding of the Auditor-General's performance audit into the water and sewerage process which was released in April was that there may be a question, based upon a legal opinion, of the validity of the terms of reference.

This obviously, as Mr Rattenbury has indicated, is contested by a number of other parties. But in order to put the issue beyond any doubt whatsoever, and to confirm the validity of the price direction, the government has responded to the Auditor-General's recommendations in this way.

This bill not only confirms the validity of the terms of reference and the price direction but, importantly, provides clarity for the newly appointed industry panel who will review the ICRC's price direction. And it is critical that the panel is able to undertake their work with certainty. In order to ensure that the absence of a specified period within the terms of reference does not impact upon the industry panel, the bill provides guidance about the regulatory period that can be set by the industry panel should they substitute a new price direction following their deliberation.

Most members would be aware that the industry panel has been appointed. It is chaired by Mary Anne Hartley QC, and she is joined by Sally Farrier and Claire Thomas in this important work. This process will continue throughout 2014, I anticipate. Having had an introductory meeting with the industry panel members, I am sure that their combined experience and extensive knowledge of price regulation and regulated industries will be invaluable as they consider ACTEW's application for review.

Having said that, I thank members for their support of the legislation and 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.

Justice and Community Safety Legislation Amendment Bill 2014

Debate resumed from 20 March 2014, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (11.09): The Canberra Liberals will be supporting this bill. It makes minor non-controversial amendments to legislation administered by the JACS directorate. Six acts and two regulations are amended. I am aware of an amendment that the government will propose in the detail stage of the debate, and I foreshadow that the opposition will be supporting that amendment also.

I will comment briefly on some of the amendments.

The Agents Act 2003 and Agents Regulation 2003 are amended to de-regulate the travel agent industry by 31 December 2015, including a wind-down of the travel compensation fund. This is part of a national approach agreed to by fair trading and consumer affairs ministers. I note from our consultation with the Australian Federation of Travel Agents that the industry supports the amendments. Primarily this is because the industry will be more competitive, particularly with online overseas agents that are not subject to Australian regulatory frameworks.

Under the Family Provision Act 1969 the time for making a family provision claim against a deceased estate reduces from 12 to six months. The ACT Public Trustee advises that this will create efficiencies in the management of deceased estates and is more in line with the practice in other jurisdictions.

Amendments to the Legal Profession Act 2006 and the Legal Profession Regulation 2007 transfer barrister licensing and disciplinary matters from the Law Society to the Bar Association. The sense of this amendment is self-evident.

The amendments also create a process to ensure that, unless there are good reasons, trust moneys are kept in the ACT. This is because the interest earned goes to the statutory interest account and is used in legal assistance programs.

Finally, there are two amendments to the Public Trustee Act 1985.

The first provides the Public Trustee with more flexibility in advancing trust entitlements to beneficiaries. Currently the Public Trustee has the power to advance up to 100 per cent of trust entitlements to beneficiaries under trusts established by court order—for example, a third-party damages order. However, this is limited to up to 50 per cent for other trusts, such as deceased estates, including intestate estates. The amendment allows the Public Trustee to advance 100 per cent of beneficiary entitlements in all cases. This will provide the Public Trustee with more scope to meet what are sometimes very grave needs of beneficiaries. Currently, regardless of whether or not a need is critical or urgent, the Public Trustee's hands are tied, sometimes to the serious detriment of the beneficiary.

The second amendment reduces from six months to three the time in which a creditor can make a claim against a deceased estate. Again, this creates efficiencies for the Public Trustee and facilitates the early distribution of estates to beneficiaries.

The JACS directorate have identified the need for these amendments, which are generally minor and non-controversial in nature. We acknowledge their work and we will be supporting the bill.

MR RATTENBURY (Molonglo) (11.13): I also will be supporting this bill. It makes a number of minor policy changes in the Justice and Community Safety portfolio. I will make a few brief comments.

The first amendment removes regulation and licensing for travel agents, a move which is designed to reduce red tape and is in line with national changes led by ministers for fair trading. The rationale is that the modern business model of travel agents has outgrown the existing system, which is now 28 years old. The changes are in line with the national agreement made by fair trading ministers.

This level of deregulation raises a concern about appropriate protections for consumers. I note that consumers will have the ongoing protection of the Australian Consumer Law in relation to the travel industry. While I accept the change, I will put on record that I think it is important to ensure that consumer protections remain adequate. The government should monitor how the industry operates following this deregulation and ensure that the Australian Consumer Law is not too blunt an instrument to provide the necessary protections.

A second amendment will replace a reference to “the” coroner with “a” coroner in the Coroners Act. This removes an unnecessary limitation on the authorising of certificates, which will allow the body of a deceased person to be buried or cremated. It reduces an unnecessary delay which could cause distress to a grieving family. Amendments also remove a requirement that the coroner’s annual report is to be part of the JACS annual report. This actually undoes an earlier amendment which was supposed to make life easier for the Chief Coroner. In practice, apparently it has made it more difficult. The change is now being reversed, and the Chief Coroner will once again produce an individual annual report. I understand that the Chief Coroner has been consulted about both of these amendments and is satisfied.

The amendment to the Director of Public Prosecutions Act clarifies that the DPP can appear for an applicant for a forensic procedure order whether or not the proceeding was initiated by the director. I understand there was some uncertainty in practice, and the amendment clarifies this.

The changes to the Family Provision Act reduce the time in which a family provision claim can be made against a deceased estate from 12 months to six months. The reason is that a claim will mean a delay for distribution of the estate while it is sorted out, which can cause hardship. I agree that this approach balances the rights and interests of the potential claimants and the interests of the estate’s beneficiaries. The change is relatively consistent with the time limits in other jurisdictions. The changes have been requested by the Public Trustee.

The Public Trustee also requested the changes to the Public Trustee Act. The minor amendments ensure that the Public Trustee is able to advance the whole of a trust’s funds to assist a beneficiary in situations other than one ordered by a court. Apparently the Public Trustee has limits in these circumstances; the update will allow it to more appropriately deal with certain intestate estates, which are becoming more common. As the explanatory statement outlines, these include estates with infant children or superannuation trusts with no advancement provisions. The bill also changes the amount of time that creditors have to make a claim against an estate from six months to three months. The concern expressed by the Public Trustee is that the present six-month period is delaying the finalisation of estates and causing distress and financial hardship to estate beneficiaries, particularly if they have been reliant on the deceased for financial support.

Further changes are made to the Legal Profession Act which ensure that lawyers hold trust money from ACT matters in an ACT trust account. This might occur when a firm operates in and out of the ACT. The interest from these accounts helps to fund the ACT's legal assistance programs. Amendments also move the responsibility for barrister's licensing and disciplinary matters from the Law Society to the Bar Association. The Bar Council will continue to act in an advisory role in relation to its assessment, advisory and reporting functions. The aim is to better align responsibility and function. I understand that these changes have been requested by the Law Society and Bar Association.

Lastly, I note that Mr Corbell has circulated one additional amendment which replaces the words "employees average weekly" with the word "male" in the Civil Law (Wrongs) Act and the Workers Compensation Act. This is a technical correction of terminology, and I support the change.

The changes that have been made to this bill have been explained in greater detail by the explanatory statement and by Mr Corbell's introductory remarks, so I will not go into any more detail and will simply conclude by saying that I support these changes.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.17), in reply: I thank members for their support of the Justice and Community Safety Legislation Amendment Bill.

This amendment bill focuses on assistance and support that make a difference in the lives of ordinary Canberrans.

Among other things, the bill contains amendments which will support the Public Trustee and his office to continue to serve some of our community's most vulnerable citizens. These changes are designed to reduce delays in finalising estates and modernise the process in the administration of those estates. The amendments will assist in reducing stress on family and friends while they are grieving the death of a loved one.

Amendments to the Coroners Act, Family Provision Act 1969 and Public Trustee Act 1985 will assist families during a difficult time.

The amendments to the Coroners Act will reduce unnecessary delays in the release of a body for cremation or burial.

Changes to the Family Provision Act will minimise delays in the finalisation of deceased estates. Currently, the ACT has one of the longest time frames for lodging a family provision application. Currently, eligible applicants have 12 months after the date when administration in respect of the estate of a deceased person has been granted to make a claim. As a consequence, finalisation of an estate can be delayed to well in excess of 12 months following a death. Delays of this magnitude can cause considerable hardship to beneficiaries of an estate. Therefore it is proposed that this period be reduced to six months, balancing the need for claimants to have adequate

time to obtain legal advice and commence proceedings while still allowing the estate to be wound up within a more reasonable time. There is no uniformity between jurisdictions on this matter, but a six-month time frame brings the ACT more into line with most states. The proposed amendments will not adversely affect potential claimants as there is existing provision to apply to the court for an extension of time.

The bill reduces the time available to creditors to make a claim against an estate and reduces the time in which a family provision claim may be made. Presently, any creditor who has a claim against the estate of a deceased person has six months after the Public Trustee has provided notice to notify the Public Trustee in writing. This is delaying the finalisation of estates and causing distress and potential financial hardship to estate beneficiaries, particularly if they were reliant on the deceased for financial support. The bill reduces the time for a creditor to make a claim to three months. This still allows sufficient time for creditors to obtain legal advice and commence proceedings. The reduced time frames for these claims will provide a better balance between the interests of potential claimants and the interests of the beneficiaries of the estate.

The bill also amends the Public Trustee Act to standardise and modernise processes for trust fund advances, and ensures that all beneficiaries have equal access to trust funds in times of need.

While the Public Trustee Act empowers the Public Trustee to advance the whole of trust funds under administration for the maintenance of the beneficiary where needed, that power is currently limited to trusts established under direction of the court. Intestate estates with infant children, victims of terrorism and superannuation trusts with no advancement provisions are becoming more common; however, these are not administered by the courts. For advances in trusts established other than by order of the court, the Public Trustee has had to rely on the Trustee Act 1925, and was limited to advances up to the whole of the income and half the trust capital.

Taken together, these amendments will minimise delays in finalising estates, while ensuring that potential claimants have a reasonable window of opportunity to pursue claims against the estate.

The bill also implements a Council of Australian Governments decision to phase out the existing travel agent industry regulatory framework and initiate the travel industry transition plan. This plan will reduce red tape by introducing a voluntary industry accreditation scheme, and assist Australian travel agencies to become more competitive with offshore providers. Consumers will continue to be protected under the provisions of the Australian Consumer Law. These include consumer guarantees which require travel agents to provide services with an acceptable level of skill and technical knowledge, and to take all necessary care to avoid causing loss or damage to their customers. The changes to travel agent regulation will assist the approximately 99 licensed travel agents operating in the ACT. Removing red tape for travel agents is another good example of the government’s commitment to supporting Canberra businesses.

Other minor reforms in the bill include changes to the Legal Profession Act which will allow the Law Society to protect the primary source of legal assistance funding in the ACT. Legal assistance funding reduces the barriers faced by people who could not otherwise afford legal representation in accessing the justice system, in resolving disputes and the protection of their rights.

Other changes to the Legal Profession Act provide for greater efficiencies in the regulation and licensing of barristers in the ACT. At present the Bar Council informs the Law Society's assessment, compliance and disciplinary processes for barristers, but the Bar Association council does not have formal responsibility for matters concerning barristers. It is intended that the Bar Council will continue in its assessment, advisory and reporting functions, but will now advise the Bar Association, not the Law Society, in relation to barristers.

The amendment to the Director of Public Prosecutions Act supplements the existing powers the director has in relation to forensic procedures by making it clear that the director can conduct proceedings for applicants under the Crimes (Forensic Procedures) Act.

The bill is focused on timely and continuous change to the statute book to streamline the operation of the law. I thank members for their support of the bill. As has been foreshadowed, the government has one minor technical amendment, which I will speak to in the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.24): Pursuant to standing order 182A(b), I seek leave to move amendments to this bill that are minor and technical in nature together.

Leave granted.

MR CORBELL: I move amendments Nos 1 to 5 circulated in my name together *[see schedule 1 at page 1334]*. I present a supplementary explanatory statement to these amendments.

The amendments I am moving to this bill are minor and correct an oversight made in previous legislation.

Last year the Assembly passed the Statute Law Amendment Act 2013 (No 2). That act contained technical amendments to the Civil Law (Wrongs) Act 2002 and the Workers Compensation Act 1951. The amendments change references to “all males average total earnings” to “all employees average weekly total earnings”. Therefore, the amendments that I am moving today will reverse those changes.

The Statute Law Amendment Act changes commenced on 25 November last year. They had the unintended effect of changing which Australian Bureau of Statistics measures could be used to calculate damages for lost earnings. The amendments I am moving today will restore the previous measures and ensure that no member of the community faces reduced compensation simply because of this technical oversight.

The amendments commence retrospectively from 25 November 2013. Because the change was an oversight and not intended, these amendments will ensure that no compensation claims made from the time of the 2013 changes are affected.

I commend the amendments to the Assembly.

MR HANSON (Molonglo—Leader of the Opposition) (11.26): The opposition will support these amendments, which, as the Attorney-General has outlined, correct an error made by amendments made in the Statute Law Amendment Bill 2013 (No 2) to the Civil Law (Wrongs) Act 2002 and the Workers Compensation Act 1951.

The amendments proposed in this bill affect the definition of average weekly earnings. In the case of the Civil Law (Wrongs) Act they relate to the limit of three times average weekly earnings as the maximum amount of damages for loss of earnings a court can assess in relation to damages for personal injury claims. In relation to the Workers Compensation Act they relate to the dictionary section of the act and so apply whenever it is referred to in the act.

These amendments are retrospective to November 2013. I caution that they should not be to the detriment of any person who has a relevant claim or, furthermore, any person who may make a claim in the future. I call on the government to monitor the potential for such a situation and to take necessary action to ensure that no claimants are disadvantaged.

We will support these amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

Statute Law Amendment Bill 2014

Debate resumed from 10 April 2014, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (11.28): The opposition will be giving in-principle support to the Statute Law Amendment Bill. However, in the detail stage we will be proposing two amendments, and I will comment on those a little later.

This bill, organised into four schedules, makes minor technical and non-controversial amendments to a range of acts and regulations. Schedule 1 outlines minor, non-controversial amendments initiated by government agencies. Three acts are amended, which I will come back to in a moment. Schedule 2 makes minor, non-controversial amendments to the Legislation Act 2001. This bill adds to the act a definition of "coroner". It does so because the term is used in a number of acts. A single, central definition ensures consistent interpretation across the statute book. Schedule 3 makes routine amendments to 26 acts and regulations. They correct minor errors, update language and drafting, improve syntax, make minor consequential amendments, provide for minor transitional arrangements and make other minor changes.

These so-called SLAB bills can also include a fourth schedule allowing for routine repeals of legislation. No legislation is repealed in this bill.

Many of these amendments are made on the initiative of the Parliamentary Counsel's Office. The PCO has a strong commitment to ensuring the ACT statute book is one of the most successful, logical and easy to read in the country. The PCO can be justifiably proud of their efforts, and we in this place are very appreciative of the good work that they do.

I return briefly to the amendments made in schedule 1 of the bill. These amendments are more substantive than those made in the other schedules, and there is often a risk that they might push the boundaries of the purpose of omnibus legislation. The purpose of so-called omnibus bills is to make minor technical and non-controversial amendments to legislation. They should not be used, as this government has done in the past, to sneak through substantive policy changes.

Let me dwell briefly on the amendments made to the three acts in schedule 1 of this bill. The Corrections Management Act 2007 is amended to expand the field from which a minister may appoint an adjudicator under the act. The adjudicator reviews disciplinary matters and segregation decisions. Currently only a magistrate can be appointed. The amendment allows the minister to choose between a judge, a magistrate, a retired judge, a retired magistrate or a legal practitioner with five years or more experience.

The expansion of the field to cover practising and retired members of the judiciary seems pragmatic. However, to put legal practitioners into the class of the judiciary seems to me an illogical mixing of professional disciplines, roles and expertise. This is particularly so given decisions of the adjudicator are subject to review under the Administrative Decisions (Judicial Review) Act 1989.

This amendment borders on being one of a substantive change to policy. I foreshadow that in the detail stage my colleague the shadow minister for corrections, Mr Wall,

will propose an amendment that removes legal practitioners from the scope of choice available to the minister.

The second act to be amended is the Cultural Facilities Corporation Act 1997. The amendment repeals, from 1 July 2014, the requirement on the corporation to produce its quarterly report. We will support this amendment because it creates a significant administrative efficiency for the corporation.

I am aware that the corporation's quarterly reports are substantial documents which the corporation staff must surely spend an inordinate amount of time preparing. And for what, Madam Deputy Speaker? The reports are tabled and noted in this place. They rarely, if ever, draw comment, debate or even public interest.

I know the corporation include much of the content of the quarterly reports in other publications such as their annual reports. This amendment will relieve considerable double handling, consumption of staff time and allocation of money that could perhaps be more usefully applied elsewhere within the corporation's operations and activities.

Sadly, though, the attorney has failed to explain fully the implications of this change. In his presentation speech he talked about the impact of change on the Assembly, but failed to discuss the impact the change might have on external users of the quarterly report. Once again, this amendment borders on a substantive change to policy. Nonetheless, in the interests of encouraging practical efficiency gains for the Cultural Facilities Corporation, we will support it.

Finally, the bill amends the Dangerous Substances Act 2004. The amendment provides that a person who has corresponding duties under this act and the Work Health and Safety Act 2011 is held to comply with the Work Health and Safety Act if they comply with this act. In the event of any inconsistency, the WHS act prevails.

In general, this is a pragmatic amendment which again creates efficiency and mitigates doubt. However, it begs the question as to why there should be legislative inconsistencies, especially when it involves issues that can become emergencies.

Laws and officer duties of this kind should be harmonised. My colleague the shadow minister for industrial relations will propose an amendment that puts a sunset of one year on the provisions relating to how any inconsistencies are dealt with. This will give the government an opportunity to review the dangerous goods act and the Work Health and Safety Act to identify the inconsistencies and to bring forward amending legislation that ensures legislative harmony so that workers know that there will be no confusion about how they should be dealing with situations.

Whilst the amendment to the dangerous goods act does not amount to a substantive policy shift, it is important for people who work under multiple laws to know that their work done under one law will not bring them into conflict with another. This is especially so in the case of the explosion that occurred in Mitchell in 2011. In such cases workers need to be able to think and act quickly in the knowledge that their actions will be supported by law.

Madam Deputy Speaker, by far the majority of this bill is to be supported. In doing so I take the opportunity to once again acknowledge the good work of the Parliamentary Counsel's Office. It is their good work that results in many of these amendments. Their commitment and dedication to making the ACT statute book the best and most successful in the country again is to be applauded.

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) (11.36): I will be supporting the passage of this bill. It contains technical amendments to the Legislation Act and to a variety of other acts to update and improve the form of the legislation. These are changes such as redundant references and typographical errors. These are proposed by the ACT's parliamentary counsel, and they are no doubt discovered as they go about their everyday work of preparing new legislation and amendments to existing legislation.

My office and I undertook the unenviable task of looking through each of these amendments, and I can confirm that in our opinion they are indeed minor and technical.

In addition the bill makes a number of minor policy changes. It changes the Corrections Management Act to allow the minister to appoint as adjudicators under the act people who are not necessarily a magistrate. Adjudicators review disciplinary matters and segregation decisions under the act. This person needs to be suitably qualified but does not necessarily need to be a magistrate. It is a change that will help remove the burden on current sitting magistrates. I note Mr Wall has circulated an amendment to this section. I will flag now that I will not be supporting it, but I will discuss that further when we get to that amendment.

The bill also removes the requirement for the Cultural Facilities Corporation to provide quarterly reports to the minister which are tabled in the Assembly. As a member of the Assembly for almost six years, I have been receiving these reports regularly. I agree with the explanatory statement's comment that they are not usually the subject of discussion in the Assembly and that the information in them is available elsewhere, such as in the annual report.

The bill also clarifies that a person complying with their duties under the Dangerous Substances Act will also be complying with the corresponding duties under the Work Health and Safety Act. In relation to Mr Smyth's foreshadowed amendment on this issue, I understand the rationale for the amendment but I am assured that the government is currently working through harmonisation of the dangerous substances and work health and safety duties. I will reserve my further comments on that until later in the discussion. However, at this stage I will be supporting the bill in principle.

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) (11.38), in reply: I thank members for their comments in relation to this bill. As members have observed, the changes in this bill are minor and non-controversial. It carries on with a technical program of amendments which the government pursues to maintain the currency, accuracy and workability of the territory's statute book.

I would like to address a number of matters that members have raised in their comments on the bill in principle. Firstly, in relation to the Corrections Management Act, the amendments proposed in schedule 1 to expand the field of adjudicators for the purposes of section 177 of the act are necessary. Currently, adjudicators must be magistrates. However, the amendments will allow the minister to appoint anyone who is judicially qualified; that is, anyone capable of performing the duties of a judicial officer. Therefore a judge or magistrate, a retired judge or magistrate, or someone who has been a legal practitioner for five years or more and is therefore qualified to be appointed as a judicial officer may be appointed as an adjudicator.

I note that the opposition has amendments to this bill—amendments which I should observe are outside time in relation to notice provisions. There is no reason, in the government's view, why, in principle or practice, a person should have to be a sitting judge or magistrate in order to be an adjudicator under the act. An experienced and eminent lawyer or a retired judicial officer is an entirely suitable appointee to this role. My colleague Mr Rattenbury, as Minister for Corrections, will expand on the practicalities relating to this change.

The bill repeals section 15 of the Cultural Facilities Corporation Act which requires the Cultural Facilities Corporation to give the minister a quarterly report on the operations of the act and the corporation during that quarter, and this must be presented by the minister in the Assembly.

The quarterly reporting requirement is being removed because other sources provide the same information. For example, information about the corporation's activities is found in the annual report, seasonal calendars of events and the websites of the Canberra Theatre Centre and ACT Museums and Galleries. Annual reports of the corporation's activities and performance will continue to be prepared as required under the Annual Reports (Government Agencies) Act. I think this is a sensible change and one that reduces a level of duplication of effort that is already being achieved in other reports placed on the public record.

In relation to the changes to the Dangerous Substances Act, this is amended to insert new section 8A to clarify the relationship between this act and the Work Health and Safety Act. Both acts give rise to corresponding duties in relation to dangerous substances, including asbestos and hazardous chemicals. New section 8A makes it clear that if a person has corresponding duties under both acts and the person complies with their duties under the Work Health and Safety Act, they are also taken to have complied with corresponding duties under the Dangerous Substances Act.

Section 8A(2) also states that to the extent of any inconsistency between the duty or power in relation to a dangerous substance under the two acts the duty or power under the Work Health and Safety Act will prevail. However, section 8A(3) provides that if the duties or powers under both acts can operate concurrently they must not be taken to be inconsistent.

I note that Mr Smyth has an amendment in relation to this proposal. The government is not able to support Mr Smyth's amendment. The importance of the government

amendment is to provide clarity and surety to duty holders. Mr Smyth's amendment, in the government's view, has the potential to do the opposite and create confusion. Therefore we cannot support it, and I will speak further on this later in the debate.

Finally, with respect to the definition of "coroner" in the Legislation Act, this small amendment will increase accessibility and make the law more user friendly as the term is used in a number of acts and items of subordinate legislation. These changes will assist in clarity in relation to legislation. Overall, I thank members for their general support of this bill and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

MR WALL (Brindabella): I seek leave of the Assembly to propose amendments to the Assembly that have not been circulated in accordance with standing order 178A.

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), by leave: Madam Deputy Speaker, in relation to the request to grant leave, the government will not be opposing leave, but I take this opportunity to remark that the government is willing to grant leave to allow for the workability and efficient operations of this place.

The standing orders prohibit Mr Wall from moving the amendments because he lodged them too late, and that is why he needs leave. The government will grant leave. I make the observation that it is incumbent on all members in this place to cooperate in a similar manner to allow the business of government and the business of the Assembly to be conducted smoothly. I would ask the opposition in particular to reflect on its position in relation to not granting leave to the government earlier this week in relation to other matters and to reflect on the fact that from time to time it will need leave for some of its matters also.

MR WALL (Brindabella), by leave: Madam Deputy Speaker, it has been brought to my attention that it is part of the standing orders that a signed copy of the amendments need to be presented to the Clerk's office 24 hours prior. This is the first time that I have attempted to move amendments to a bill in this Assembly since being elected. I would also like to note that both Mr Rattenbury and Mr Corbell's offices were notified, I believe, on Tuesday morning of the intention. So I believe ample notification was given. It was a failure of process.

MR HANSON (Molonglo—Leader of the Opposition), by leave: I will just make a quick comment in response to Mr Corbell's sanctimonious lecture, if I may, Madam Deputy Speaker. The issue that Mr Corbell is alluding to is the fact that he is not providing statements to the opposition or to the Assembly two hours prior to presenting them in the Assembly, as was the form in the last Assembly; we did that.

I make the point that with these amendments that we are looking at today, Mr Corbell and Mr Rattenbury have had them for 48 hours. Perhaps Mr Corbell could realise that the opposition, in this case, has done everything it can to provide the relevant ministers with the information 48 hours in advance of this being debated. The minister's quibble is the fact that he is not prepared to provide statements two hours in advance of their debate. That is probably worth responding to, after the sanctimonious little lecture that we got.

MADAM DEPUTY SPEAKER: Is leave granted for Mr Wall to move his amendments?

Leave granted.

MR SMYTH (Brindabella): Madam Deputy Speaker, I also seek leave of the Assembly to propose amendments to the Assembly that have not been circulated in accordance with standing order 178A. I do apologise for not having lodged them in a timely fashion.

Leave not granted.

Standing orders—suspension

MR SMYTH (Brindabella) (11.47): I move:

> That so much of the standing orders be suspended as would prevent me from moving my amendments.

Madam Deputy Speaker, I have already apologised for the untimely lodging of these amendments. It is important that if there are amendments sitting over a bill they be discussed. The arrangements have been put in place to help facilitate debate and, as has been said, notice was given to the offices. The government are now bringing on so many bills that they expect to pass the very next sitting. Of course, in the interim you have got to go out and consult with industry. We have got to have our own internal party processes. You then, if necessary, need to go to parliamentary counsel and get amendments prepared. The problem is caused by the government's lack of agenda and their almost death knell approach to tabling legislation and then assuming that the Assembly will pass it almost immediately.

Mr Corbell has not had a good week, and we understand why Mr Corbell has not had a good week. It is interesting that he rushes off to Mr Rattenbury. Let me talk to the Assembly about the approach of the two ministers. The opposition has simply said that in this new hierarchy of statements that we have, where we have ministerial statements by leave and now we have statements by leave, it is not inappropriate to have some notice so that debate can actually flow. The request for the early notice on the statements by leave that ministers now do is so that the opposition member can be ready to participate fully in the debate. There is often a call from those opposite that we work more harmoniously together, but when you ask for the opportunity to be informed so you can participate fully in the debate, Minister Corbell simply says no.

Let us give Mr Rattenbury a pat on the back. His office has made it abundantly clear that if they want to make a statement by leave, they will, and they have in the past circulated those statements with a couple of hours notice so that the member responsible for that portfolio can actually participate in the debate fully. Congratulations, Mr Rattenbury. That is the difference of approach.

As members may or may not be aware, issues have been raised that have been brought to the attention of the manager of government business, Mr Corbell. This new approach is actually causing the secretariat some difficulty because they have not been tabling these statements at the appropriate time as set out in the standing orders. It causes difficulty for the table office. There is confusion or some concern that perhaps the statements tabled by leave, as opposed to ministerial statements by leave, might not be covered because they are not published. It creates confusion and difficulties for the staff. That is why we refused leave. Mr Corbell just gets on his high horse and says, "No, I'm a minister. I can do what I want." What was suggested to him was a process—

MADAM DEPUTY SPEAKER: Mr Smyth, I interrupt you for a moment. If you would just sit down for a minute. Can you stop the clock, please? Mr Smyth, I think we are talking about the fact that you have not been granted leave to move your amendments. We are not talking about ministerial statements or statements by leave. I understand that they are part of the argument that you wish to prosecute, but let us just stick to the subject, which is the suspension of standing orders so that you can, in fact, do what you want to do. Mr Smyth, you may continue.

MR SMYTH: Thank you, Madam Deputy Speaker. I would contend it is entirely relevant because Mr Corbell has taken this approach because he did not get leave earlier in the week. He said that. If he wants tit-for-tat politics, that is fine, but I am explaining to members the rationale. There are bigger issues beyond simply giving the opposition two hours notice of a statement. The Greens minister has been able to come to grips with that concept.

Mr Corbell: Madam Deputy Speaker, on a point of order—

Mr Smyth: Can we stop the clock, please?

MADAM DEPUTY SPEAKER: We have stopped the clock.

Mr Corbell: Mr Smyth is deliberately ignoring your ruling. You have asked him to remain relevant to the question as to why leave should be granted in relation to his amendments. He is ignoring your ruling and I would ask you to again remind him that he must be relevant to the question before the chair.

Mr Hanson: Madam Deputy Speaker, on the point of order, Mr Smyth is being entirely relevant to the debate. He is explaining why his amendments need to be considered today, that they are important, that they are relevant to debate, and that the only reason the minister is objecting to them, in his own words, is basically just churlish tit for tat. I think those points being made is entirely relevant to the debate.

Mr Smyth has not been going to the substance of the amendments he is considering. He has not talked about that at all. He is simply talking about why we should be considering these amendments and why leave should be given to do so. He has been entirely relevant to the debate, Madam Deputy Speaker.

Mr Corbell: On the point of order, Madam Deputy Speaker, what Mr Hanson thinks is relevant or not is not for consideration. The fact is that you, Madam Deputy Speaker, have already ruled that Mr Smyth was not being relevant. He has ignored your ruling and he needs to come back to being relevant to the question before the chair.

MADAM DEPUTY SPEAKER: Thank you, Mr Corbell. I uphold Mr Corbell's initial point of order. I would like you to remain relevant to the subject matter of the suspension of standing orders, Mr Smyth.

MR SMYTH: The reason I have for the suspension of standing orders is about gaining leave. I am discussing examples of where leave has been granted or not been granted to make my case. I have not gone to the substance of the amendments, as is appropriate. So I would simply contend that I am entirely within the—I accept your ruling.

The majority of times in this place the opposition grants leave. Anybody who wants to go back and check the record will know that we do that, because we think members should have an opportunity to discuss things. Very rarely do we seek leave, and in this case I have already apologised. Yes, they were late; I do apologise. Members, let me apologise again if I have not been clear enough: my apologies. I can say it louder; I can say it softer; I can say it quicker; I can say it slower. I apologise. Yes, I did not get the amendments in on time.

But the thing is we can either use the amendments to improve the bill, and they will go down on their merits, or we can have the churlish behaviour that the manager of government business so often takes now when he does not get his own way. It is important that we get things right, and sometimes it takes a little bit longer. The undue haste in which many bills are brought on in this place now by a government that really is lacking an agenda and lacking priorities, as we heard yesterday, means that sometimes we have to allow leave. *(Time expired.)*

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) (11.55): It is pleasing to me that Mr Smyth's lack of sincerity is now on the public record in relation to this matter. He adopts an inconsistent approach. He expects the government to grant him leave, but he is not prepared to extend the same courtesies to the government.

Mr Smyth: On a point of order, Madam Deputy Speaker—

MADAM DEPUTY SPEAKER: Would you resume your seat, Mr Corbell. Stop the clock. What is the point of order, Mr Smyth?

Mr Smyth: Mr Corbell sought leave to rule that my talking about other matters of leave was irrelevant to this case. I would ask you to apply the same standard to him that he asked be applied to me—if we want to have sincerity in this place.

MADAM DEPUTY SPEAKER: I think the question of Mr Smyth's sincerity or not, Mr Corbell, is not relevant to the suspension of standing orders. Will you remain relevant, please?

MR CORBELL: Thank you, Madam Deputy Speaker. The government's position on this is that we think the issue around the application of leave needs to be approached consistently by all parties. The government is not going to press the matter now that we have the clear inconsistency on the part of the Liberal Party and Mr Smyth on the record.

Mr Smyth: On a point of order, Madam Deputy Speaker—

MR CORBELL: The government will not be calling a vote on this matter.

MADAM DEPUTY SPEAKER: Resume your seat.

Mr Smyth: It is the same point of order, Madam Deputy Speaker. The minister cannot ignore your direction. He is speaking about matters outside, as I did, and he sought that I be stopped. We are not allowed to use the word "hypocrisy", so I will not. He should listen to you and take your direction. He has flouted that and you should bring him to order.

MADAM DEPUTY SPEAKER: Mr Smyth, I think Mr Corbell has completed his—

Mr Hanson: Sanctimonious lecture.

MADAM DEPUTY SPEAKER: Mr Hanson, would you like to withdraw that?

Mr Hanson: Madam Deputy Speaker, I was simply assisting you. You seemed to be lost for words.

MADAM DEPUTY SPEAKER: I do not need your assistance, Mr Hanson. Please withdraw that statement.

Mr Hanson: I would just ask your advice whether "sanctimonious lecture" is unparliamentary, Madam Deputy Speaker. I am just asking why I am withdrawing it.

MADAM DEPUTY SPEAKER: Because it is a reflection on Mr Corbell's character.

Mr Hanson: Madam Deputy Speaker, I am not indicating that I will not adhere to your ruling, but I just want to ask you for some advice before I do. In debate we often talk about whether or not we agree with someone's points. I would have thought that describing what someone has said as a sanctimonious lecture would not constitute

unparliamentary language. I think it is a pretty accurate description of exactly what occurred. I would ask you if you could just—

MADAM DEPUTY SPEAKER: Are you going to withdraw it, Mr Hanson?

Mr Hanson: I have asked you the question: is it now going to be on the list of unparliamentary phrases? Why else am I withdrawing it?

MADAM DEPUTY SPEAKER: I told you why I think you ought to withdraw it. I think it is a reflection on Mr Corbell's character. Are you going to withdraw it?

Mr Hanson: I agree it probably is. I withdraw.

Mr Smyth: On a point of order, Madam Deputy Speaker, on standing order 73: is that now a ruling on the word—that "sanctimonious" is unparliamentary language?

MADAM DEPUTY SPEAKER: I will seek the Clerk's advice on this at a later stage, but at this point I am saying that I believe it is a reflection. I believe it is a reflection on Mr Corbell's character. I do not mind from which side of the floor this kind of language comes from. I am just saying that I believe that that is a reflection on the person's character. I was quite disturbed by it when it was said before. I thought that I might call it before, but I did not, but as it continues I feel more uncomfortable with it. Now we are at the point where you have withdrawn.

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

Detail stage

Clauses 1 to 5, by leave, taken together and agreed to.

Schedule 1, amendment 1.1.

MR WALL (Brindabella) (12.00): I move amendment No 1 circulated in my name *[see schedule 2 at page 1335]*.

Madam Speaker, the amendment seeks to omit the ability for a legal practitioner of five years experience from being appointed as an adjudicator on a matter of disciplinary action. Whilst I accept the merit of the amendment as a whole to expand the criteria of those eligible to be appointed from simply a magistrate to a magistrate or a judge, current or former, I think they are suitably qualified professionals with an apt amount of experience to preside over such severe issues.

Just to put into context what the role of the adjudicator is in the process of disciplinary actions, initially, once a disciplinary action has been initiated, the individual may choose to appeal that, and that is normally an internal review appeal process overseen by a corrections officer. Should there be a request for a further review of the decision, the director-general of corrections is actually the next individual required to provide a further inquiry into the issue.

The third appeals option is for the appointment of an adjudicator. Given that the adjudicator sits in such a senior position over the process of an appeal of an internal disciplinary action, it is only suitable that someone with appropriate judicial experience is given that position. Whilst a legal practitioner might be aptly qualified for appointment to the judiciary, they do not have the current professional experience of presiding over custodial matters. I think that would see a lowering of the standard of the appeals process. Whilst a legal practitioner might have substantial experience, it may not be relevant to criminal matters but perhaps in property or commercial law. Therefore, that individual is going to lack the experience that would be required to preside over a third-rung review of an internal disciplinary matter. Therefore, I seek the support of all members of this Assembly to ensure that the integrity of the appeals process as set out in the Corrections Management Act is maintained by supporting this amendment to the bill.

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (12.04): I will only speak the once, but I would like to add to the comments that Minister Corbell made earlier. I will not be supporting Mr Wall’s amendment. I have had a think about it, but I think that the intent behind this is perhaps different to the way Mr Wall has perceived it. The requirement for a person to have been a lawyer for five years is the same requirement that must be satisfied before a person can be appointed a magistrate per the Magistrates Court Act or a resident judge per the Supreme Court Act.

Adjudicators oversee decisions made by the director-general, and it is important that the person exercising the function has a high level of analytical skills and legal knowledge. If an adjudicator can only be appointed from judges and magistrates, then the field of potential appointees is, in my view, unnecessarily and potentially unworkably restricted. Judges and magistrates themselves only need to have been a lawyer for five years to have been appointed. So I think the effect of Mr Wall’s amendment, should it be supported, would be an adjudicator must be more qualified than a magistrate or a judge, and that is something that I do not think I can agree with.

As with the appointment of magistrates and judges, the appointment of adjudicators will, of course, be carefully considered. Adjudicators perform an external review role of decisions made about detainee discipline and segregation.

What I can share with the Assembly, as the minister who will have responsibility for these appointments should this provision be passed, is that whilst I have not made any final decision on the appointment of adjudicators, the sort of person that the government has in mind in having this kind of amendment is perhaps somebody who is sitting on the Sentence Administration Board, who clearly would have significant skills and who, I think, would be qualified and have the right level of expertise to be undertaking the sorts of functions that are being performed.

Another person that might be considered suitable for this position would be a member of the ACT Civil and Administrative Tribunal. These are the sorts of positions, which the intent is, could be appointed under this legislation. We are not limiting it to that, but they are the kinds of positions that I had envisaged might be the case under this provision.

So I think Mr Wall's amendment would be unnecessarily restrictive. I think that the five years of legal experience does provide the requisite skills for assessing these kinds of review matters. On that basis, I will not be supporting the amendment put forward today, and I echo the comments that the attorney made earlier.

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) (12.07): I can assure Mr Wall that the provision that a person who has had at least five years experience as a lawyer is the minimum qualifying provision for someone to be appointed a judge, a magistrate or a special magistrate. Indeed just yesterday the government announced a number of appointments of new special magistrates, a number of whom were drawn from the legal profession but who had no previous judicial officer experience.

The effect of Mr Wall's amendment is that persons would have to have had previous judicial officer experience to be an adjudicator but you can become a magistrate, a special magistrate or a justice of the Supreme Court with a lesser qualifying requirement. I do not believe the role of an adjudicator is more senior or more significant than the role of a magistrate, a special magistrate, let alone a justice of the Supreme Court. The practicalities of this issue of course are that the minimum qualifying period of five years is just that, a minimum qualifying period.

The government look specifically at the experience, background and attributes of persons that are appointed to these roles, whether it is a magistrate, a special magistrate or, potentially in the future, an adjudicator. We look specifically at their experience. Yes, they must be a lawyer. They must have been a lawyer for five years. But as Mr Rattenbury indicates, they would be expected to have had experience in relevant areas of the law, such as the Sentence Administration Board or the Civil and Administrative Tribunal or in other areas that suitably qualify them.

So Mr Wall can be reassured that this is not a lesser bar or that people who are inappropriately qualified will be able to be appointed adjudicators. The approach for adjudicators is consistent with the requirement for judges and for magistrates

The other observation to make on this matter is that the government looks very closely at all of these appointments and it also undertakes relevant consultation. That ensures that we get suitable persons to perform these roles. If we were to limit it in the way that Mr Wall proposes, then we would have a much smaller pool of people to draw upon as potential adjudicators and it would be much more difficult for the government to find suitably qualified persons who were available to undertake these roles.

There are not many retired judicial officers in Canberra. The government does draw upon the services of retired judicial officers from time to time. Indeed, a number of acting appointments to the Supreme Court, which the government announced yesterday, did include retired judicial officers. But it is a much smaller pool. The role of adjudicator compared to the role of, say, an acting judge of the Supreme Court or acting or special magistrate is considered a more senior role for those retired judicial officers than the role of an adjudicator.

So I think we have to keep those issues in mind. The government cannot support this amendment.

Question put:

That **Mr Wall's** 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.

Amendment 1.1 agreed to.

Amendment 1.2.

MR WALL (Brindabella) (12.15): I move amendment No 2 circulated in my name *[see schedule 2 at page 1335]*. As I said before, this is an amendment to ensure that the rigour of the appeals process in the Corrections Management Act and the appointment of the adjudicator are not diluted and watered down and that the appropriate expertise and rigour are possessed by the individual that is appointed.

Amendment negatived.

Amendment 1.2, agreed to.

Amendments 1.3 to 1.5, by leave, taken together and agreed to.

Amendment 1.6.

MR SMYTH (Brindabella) (12.16), by leave: I move amendments Nos 1 and 2 circulated in my name together *[see schedule 3 at page 1335]*.

Mr Barr: Can you grant yourself leave?

MR SMYTH: If the question is how I grant myself leave, apparently the Assembly agreed with my request, Mr Barr. So maybe I can.

I am concerned that there are an increasing number of examples where there are conflicts between bills and government policies but we are never told how they are resolved. Indeed, the examples that all come to mind are in Mr Corbell's areas of responsibility. Last year we did some amendment which I think created a conflict between the Emergencies Act and the environment act, which was left unresolved, as

to who had the supreme power to grant or not grant permission to have a controlled burn.

Earlier this week, on the tabling of the public accounts committee report on the second appropriation bill—and we learnt this in the inquiry—there is a recommendation that where there is a lesser standard for the reporting of bullying and the action to be taken, then the lesser standard is to be accepted until the government resolves the conflict. Today we have another example of the conflict. We are about to insert into the Dangerous Substances Act a provision that under the relationship between this act and the Work Health and Safety Act, if something is in conflict, then we defer to the Work Health and Safety Act. And I think it is unfortunate.

Legislation should not have something in it that says this act is inferior to another act. I think what we should have is, particularly for those that work in these wells, something about which act applies and how it is applied. And I do not think it is unreasonable to say, "We accept your amendment today but we are going to put a year's sunset clause in." That is effectively what my amendments are doing. So the government is forced to actually rectify the inconsistency.

I heard Mr Rattenbury say that he has been assured that the government are working on it. If that is the case, then this should not be a problem. This is just a check to make sure that one year from today the government have actually done the job that they have told Mr Rattenbury they are going to do. You might want to take the government at face value but, as I have said, there are a number of examples that have occurred in the last couple of months where the inconsistencies are there. If there is a problem, if it is unclear, if it is an inconsistency, then let us make sure we address it. All we are simply doing is saying you have got a year to fix the problem. They are not unreasonable amendments.

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) (12.19): The government will not support the amendments proposed by Mr Smyth today. The amendment to the Dangerous Substances Act contained in this bill provides a level of certainty to duty holders who may have overlapping duties under the Work Health and Safety Act and the Dangerous Substances Act.

The WHS Act is duty-based legislation and it aims to protect the health and safety of workers and other persons who may be impacted by a person's business or undertaking. The Dangerous Substances Act is also duty-based legislation aimed to protect workers, the public, the environment and anyone who may be affected by the handling of dangerous substances such as explosives, asbestos and chemicals. The Dangerous Substances Act applies in both work and non-work settings.

As members would be aware, the government is signatory to an intergovernmental agreement to harmonise work health and safety laws across Australia. The Work Health and Safety Act was enacted for this purpose. National harmonisation has many benefits for us, including a reduction in cross-border issues for business, additional regulatory support from harmonised jurisdictions and the ability to enact a wide range of regulations, codes of practice and guidance of material.

However, the harmonised work health and safety law regulates some aspects of dangerous substances in the workplace such as chemicals and asbestos. While the ACT is yet to adopt these regulations, it intends to do so shortly. As a result, it is currently possible for a person to have overlapping duties under both acts in a workplace setting. The amendment proposed by the government provides certainty to a duty holder in these circumstances and provides that if a person has overlapping duties and they comply with the Work Health and Safety Act in relation to dangerous substances such as chemicals and asbestos, the person is taken to comply with the Dangerous Substances Act and cannot be penalised.

In introducing the new chemical and asbestos regulations in the Work Health and Safety Act, the government proposes to work to ensure there is as little overlap or inconsistency as possible. Therefore this amendment has been developed to provide certainty to duty holders and removes any unintended confusion.

The proposed amendments put forward by Mr Smyth run the risk of creating considerable uncertainty. What the government is doing is saying to duty holders that there is no uncertainty. This amendment by the government puts the issue beyond doubt. There are no ifs or buts about when it may or may not continue to take effect. The amendment puts the issue beyond doubt. If you comply with one law, you comply with the other. End of story. The provision would be repealed when harmonisation is complete, not before.

While I understand members are keen to put an end date to this process—and the government does intend to complete this within 12 months—I do not wish to commit to such a time frame in statute because there may be changes and further discussion required through industry consultation and there may need to be appropriate lead times to allow industry to comply with resulting changes. Therefore, if this harmonisation is not able to occur within 12 months, I do not wish to see a statutory sunset clause in the legislation.

I consider that the government’s approach on this matter is a better one, to ensure that harmonisation is completed properly, ambiguity is removed from the statute book and the process is not rushed due to some arbitrary, statutory time frame. This will allow sufficient time for meaningful industry consultation and also time to enable any necessary transitional provisions to comply with resulting changes. The government does not support the amendments.

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (12.23): Just very briefly, I think that there is an issue here that one can easily take either view on. We have a choice between putting a statutory time frame on it to perhaps squeeze for things to be got on with and the approach that Mr Corbell has argued, that you want a level of flexibility to allow for some industry consultation, some possible variance and implementation time frames.

There are, of course, merits in each of those arguments. I think, on balance, rather than having a drop-dead deadline and we may then have to come back and alter it in

this place because of some perfectly valid reason, the approach that Mr Corbell has argued is the better one in this instance.

Question put:

That **Mr Smyth's** amendments 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.

Amendment 1.6, agreed to.

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

Bill agreed to.

Sitting suspended from 12.27 to 2.30 pm.

Questions without notice

ACT Ambulance Service—defibrillators

MR HANSON: My question is to the minister for emergency services. Minister, on 30 October 2013 you gave this Assembly assurances that the territory's defibrillators purchased for the ACT Ambulance Service "have been rectified by the supplier in accordance with the terms of the contract". Minister, since you have given assurances to this Assembly that the defibrillator defaults have been "rectified", have any further clinical care notices been issued in regard to these defibrillators?

MR CORBELL: I am not advised of any further notices of that nature being issued.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, since this issue was raised, how many additional defibrillator malfunctions are you aware of that have been reported?

MR CORBELL: I am advised of only once incident where there was a potential failure with a battery for a defibrillator. In that respect, existing agreed protocols in place when the unit is first powered up identified the failure prior to the equipment being deployed.

It is the case, as I have previously indicated to members, that the new defibrillators purchased by the ACT came with batteries that have been identified by the manufacturer as a deficient batch. As a result, the manufacturer has issued a worldwide recall of that batch of batteries, and the new batteries are in the process of being supplied to the ACT Ambulance Service.

In relation to the other matter that I note was reported in the *Canberra Times* this morning, I can advise that on that occasion the defibrillator did not fail. It did not fail. The monitor did not deliver a shock, because the monitor detected a high level of thoracic impedance. I am advised that thoracic impedance is electrical resistance across the chest of the patient being treated, which is measured by the monitor. In this situation, the monitor performed exactly as it was supposed to do.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, is it true that battery failure and reliability is now plaguing these monitors?

MR CORBELL: As of today, no.

MADAM SPEAKER: Mr Gentleman, a supplementary question.

MR GENTLEMAN: Minister, how has the Transport Workers Union responded to this issue?

MR CORBELL: I thank Mr Gentleman for the question. I am advised that the Transport Workers Union, which of course represents our ACT ambulance paramedic workforce, has confirmed that at no time has patient safety been compromised as a result of a number of these technical problems with defibrillators. That is reassuring, because that is exactly the same advice I am receiving from the management of the ACT Ambulance Service. The fact that the union that represents paramedics is also confirming that that is the case, that at no time has patient safety been compromised, should provide reassurance from the coalface as well as from our organisational leaders that this issue is being appropriately managed.

ACT Ambulance Service—defibrillators

MR WALL: My question is to the minister for emergency services. Minister, is it true concerning the defibrillator monitors in the ACT Ambulance Service that, as a consequence of the unreliability of this equipment, ambulances are now fitted with automated external defibrillators?

MR CORBELL: The ACT Ambulance Service did, when these faults were first detected last year, put in place contingency arrangements to ensure that at no time was patient safety compromised. That included additional defibrillation capacity should that be required in an emergency. These were prudent and sensible steps to take to ensure that at no time patient safety was compromised. I am pleased to say that the confirmation we have from the ACT Ambulance Service and from the union representing our ambulance paramedics is that at no time has patient safety been compromised.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Minister, is it true that due to the unreliability of the monitors in giving accurate and consistent blood pressure readings, ambulances are now carrying manual cuff blood pressure reading equipment?

MR CORBELL: Ambulances have always carried manual blood-reading equipment.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, is it true that on some occasions, due to a lack of reliable batteries, ambulance workers have had to swap batteries between ambulances?

MR CORBELL: That was the case last year but following the recall put in place by the manufacturer those problems are no longer occurring.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, is it true that these units have been subject to recalls worldwide?

MR CORBELL: I am advised that the batteries that were supplied with these units were subject to a recall worldwide, and I gave you that information in the previous answer that I gave you. The defibrillators themselves have been reviewed by the manufacturer and appropriate steps taken, consistent with the contract we have in place with the manufacturer. The manufacturer has a warranty period. We are still within that warranty period. No additional cost is being incurred to ACT ratepayers. No patient safety is being compromised as a result. The manufacturer continues, with the ACT Ambulance Service, to rectify the problems that have occurred with this equipment. Those have largely, in fact overwhelmingly, now been rectified. I am pleased with the work and the cooperation we have seen from the manufacturer with the ACT Ambulance Service.

Economy—IKEA store

DR BOURKE: My question is to the Chief Minister. Chief Minister, earlier today you announced that a new IKEA store is to be built in Canberra. Can you inform the Assembly about this development and how it will impact on the ACT and the surrounding region in terms of economic benefit and employment?

MS GALLAGHER: I thank Dr Bourke for the question. It is good news that IKEA has announced the arrival of a new store in Canberra to be opened in September 2015. It is a great announcement for Canberrans who have often sought an IKEA store and have travelled to the Sydney locations for IKEA’s products.

The store will be located adjacent to Majura Park, which is already seen as a major retail hub for Canberra. I think IKEA will be a strong driver of economic growth in this precinct, acting as a magnet for other large investors and generating local retail

activity which has previously not occurred within our borders. The development also provides an opportunity for future light industrial development in this area.

The store represents a significant economic and employment opportunity for Canberrans. It also signals from IKEA, as an international investor, a very strong demonstration of confidence in the territory's economy, in particular given that IKEA stores are generally only located within cities with a population much greater than the ACT's.

I acknowledge that the government, and in particular the Economic Development Directorate and the senior staff there, have worked very hard to ensure a smooth process to bring IKEA to Canberra. The Deputy Chief Minister and I originally met with IKEA probably 18 months ago, at the very beginning of those discussions, and it is fantastic to see that those discussions have led to this announcement today. It means there will be 250 local jobs once the store becomes operational, but obviously there will be several hundred jobs created during the construction phase.

It was also great to hear from the Australian manager of IKEA, David Hood, today that they are putting significant investment into solar energy production on the roof of the store. They take their responsibilities seriously in terms of the environment and minimising risks to local communities by looking at how they can have a more sustainable footprint. He was very positive about the solar energy generation that will occur from that site.

It is going to be a fantastic result. He assured us it will have a full-service restaurant. So for anyone who wants those Swedish meatballs, they will be available. The Swedish ambassador, who is due to leave our city after six years of service here, also spoke at the event at lunchtime. We could probably say he is an honorary Canberran now. I urged him to come back and visit Canberra in his retirement and shop locally at our local IKEA store.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Chief Minister, what does IKEA's decision mean in terms of the company's confidence in the ACT's economy into the future and business confidence as we face commonwealth government cuts?

MS GALLAGHER: I thank Dr Bourke for the question. It is relevant today, and indeed has been in the last few months, when I think there has been speculation around confidence in investing in the ACT. What we are seeing is that IKEA have done as they would always do as an international company of this order—do their paperwork and look at the data very closely before making a decision, particularly as it involves bringing a store to a population well below their normal threshold for having a store open.

So they do see the long-term confidence in the economy here and the opportunities that are presented by being part of a regional retail precinct. They are very positive about the opportunities that exist out at Majura and being close to the Majura parkway. I think their investment has come at exactly the right time for us as a city. Instead of

talking it down, we have got an international investor which has done all the work it needs to do, seen the opportunities in Canberra, and is prepared to come and invest and generate local jobs growth here in the private sector.

MADAM SPEAKER: Supplementary question, Ms Berry.

MS BERRY: Chief Minister, what has the government done to facilitate the arrival of IKEA to the national capital, and when is the store scheduled to open?

MS GALLAGHER: I thank Ms Berry for the question. The government has undertaken a number of proactive steps to facilitate the arrival of IKEA to Canberra. I originally met with senior executives, including David Hood, from IKEA some 12 to 18 months ago. At that time they were just looking at the idea of an IKEA store in Canberra but certainly had not firmed up any final position on it. I think the Deputy Chief Minister met with IKEA as well.

The coordinator general within the Economic Development Directorate was asked by the government to work closely with IKEA and across government to facilitate their examination of the possibility of a store in Canberra. I would say that IKEA spoke very positively, in fact, they said it had been a very good process in Canberra to finalise their decision-making working with a range of different directorates.

The site is currently used by TAMS as a stockpile for the adjoining Majura parkway construction, so there is some work required to enable the handover of the land. But based on the timetable of works that is being facilitated across government, we expect to be able to hand over the site between August and December this year. Then there is about a 12-month construction process. I think everybody involved in the project would like to see the store open by December 2015.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Chief Minister, what consultation has your government undertaken with local retailers already operating in the space to assess the impact IKEA will have?

MS GALLAGHER: We have ongoing discussions with business industry groups—

Mr Hanson interjecting—

MS GALLAGHER: If you are asking me did I go and ask the opinion of small business about whether or not they would like IKEA to come to Canberra, no, I did not. The government does not pick and choose winners when we are making decisions like this.

Opposition members interjecting—

MS GALLAGHER: No, we do not. IKEA and the government have worked together to deliver what is a good outcome for Canberra and the region, generating 250 ongoing jobs, building up a retail precinct in Majura, supporting competition in the retail market, which is ultimately very good for consumers—

Mr Hanson interjecting—

MS GALLAGHER: Mr Hanson, we do support competition in the retail space. I note the Chamber of Commerce and Industry were at the announcement today and supportive of the announcement that was being made for the future of our city. Indeed, if you take the time to meet with an organisation like IKEA, the interest that is generated in the retail space around their location actually being in Canberra is good for local business. We expect it will attract people to Canberra from the region who may otherwise have gone to Sydney or Melbourne. What we will see is them coming to Canberra.

This is good on every level and should not be talked down by the opposition. If you find yourselves able to talk down this announcement, it is a new low for you guys. An IKEA store coming to Canberra, generating jobs, generating activity and building up the future of the Majura Park precinct—if you are able to put a negative slant on that then that is a real new low for you guys.

ACT Ambulance Service—defibrillators

MR SMYTH: My question is to the minister for emergency services. Minister, on 30 October 2013, you stated in this Assembly:

> People, rightly, expect that, if the worst happens and they have a heart attack or a friend or family member does, the ambulance officers that respond have equipment that enables them to deal with that heart attack. Well, at no point in time have these defibrillators operated in a manner that meant they did not work in terms of the electric shock treatment.

Minister, since issuing this assurance, have there been any cardiac arrest cases where the territory's defibrillators did not deliver shocks to the patient?

MR CORBELL: I am not aware today of any particular incidents of that nature. I will go and review the record in case there are incidents that have been reported earlier, but as far as I can recall there has not been a single instance where that has occurred. And this is confirmed, to that extent, by the comments of both the chief officer of ACT ambulance and the union representing our paramedics, who are both on the public record now repeatedly saying at no time have these technical issues with our defibrillator equipment compromised patient safety. I think that is a very strong endorsement and confirmation from the front line as to exactly what the circumstances are.

We are working through a range of technical issues but they have largely been resolved. There are a number of minor issues as we go through the battery replacement program. As I have indicated previously, the manufacturer has issued a worldwide recall of the batteries that are used to power the defibrillators because there has been a faulty batch, and we were the recipient of that faulty batch. So they have withdrawn that and they are replacing them. That is the appropriate thing for them to do, and they are doing that consistent with the terms of the contract, at no additional cost to the ACT and with their full cooperation with ACT ambulance.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Minister, I refer you to the clinical safety alert CSA0414 that says that on 28 April 2014, following a cardiac arrest—

MADAM SPEAKER: Preamble, Mr Smyth.

MR SMYTH: the cardiac summary identified that a shock had not been administered effectively.

MADAM SPEAKER: Sorry, Mr Smyth, there is supposed to be no preamble. Come to the question.

MR SMYTH: Minister, do you stand by your statement that there have been no failures of these machines?

MR CORBELL: I am not advised of any failure that has compromised patient safety.

MADAM SPEAKER: Supplementary question, Ms Lawder.

MS LAWDER: Minister, subsequent to the failure of the defibrillators, did any patients die?

MR CORBELL: It would follow that if there has been no compromising of patient safety then there has been no adverse clinical event which would result in such a circumstance as that suggested by Ms Lawder. I would suggest that to make such a claim or to ask such a question is tantamount to scaremongering.

MADAM SPEAKER: Supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, how are paramedics trained to deal with patient safety and heart events?

MADAM SPEAKER: Could you just repeat the question, Mr Gentleman.

MR GENTLEMAN: Yes. I asked the minister how are paramedics trained to deal with patient safety and heart events—in direct response to his answer to the first question.

MADAM SPEAKER: I just did not hear what you said.

MR CORBELL: Ambulance paramedics are trained comprehensively to deal with these circumstances. They have fail-safe and backup procedures should there be any compromising of or problems with the delivery of care due to a piece of equipment. That is a normal thing. That is what you would expect our ambulance officers to do. That is what you would expect the Ambulance Service to put in place. And that is what they have in place.

Once these issues were identified with the new equipment, the manufacturer was called in and asked to rectify them. They have been fully compliant and have rectified those problems. But I say again, and I do not know how many times I need to say it, that at no time has patient safety been compromised, and there have not been any adverse outcomes for patients as a result of these technical issues with the equipment.

The equipment itself is performing well. There are problems with the batteries, and the batteries issue is being addressed. There have been some minor issues with other aspects of the equipment that are essentially small teething problems with its deployment. They are also being worked through.

I say again that the advice from the chief officer, the clinical head of ACT Ambulance Service, is that there have been no adverse patient outcomes. That is confirmed by the union that represents our paramedics delivering the services on the front line.

Economy—business development

MR GENTLEMAN: My question is to the Minister for Economic Development. Minister, can you update members on the government's support for businesses in the territory, including the implementation of the government's business development strategy?

MR BARR: I thank Mr Gentleman for the question. The government continues the implementation of our business development strategy. As I have previously noted in this place, the strategy has achieved a number of significant benefits for the territory, not least in continued record levels of employment in the ACT. It was very pleasing to see today that the latest employment figures showed a further 300 Canberrans in employment, taking the number of people employed in the territory to 215,400, which I understand is an all-time record level of employment in the Australian Capital Territory.

Those 300 new jobs in April also continue the very impressive record over more than a decade now where this economy has added 10 new jobs every single day on average. Another 300 jobs in April demonstrates the strength of this economy and certainly ensures that as we go into what we anticipate will be a difficult period flowing from the Liberal Party's decision to slash and burn at a federal level, particularly in relation to Canberra—we are fairly certain we will be disproportionately targeted—now more than ever we need to continue our focus on economic reform, on taxation reform and ensuring that our policy settings attract new investment into this city.

The example today of IKEA announcing a major investment in Canberra is yet another example of the business development strategy ensuring that Canberra is an attractive place for new investment.

We have recently announced the establishment of the Canberra innovation network, a not-for-profit body that works with all stakeholders to accelerate the rate of innovation in the territory. There have also been a number of other important developments in the implementation of our business development strategy in recent months.

We continue the work of the red tape reduction panel, inviting new members onto the panel to assist the government with the task of further deregulation in our economy. As part of the COAG deregulation agenda panel members are working with the government to implement deregulation measures for the ACT locally and as part of the national agenda.

The government has also ramped up its international business outreach activities with the Chief Minister's recent participation with the Prime Minister and other state and territory leaders in Australia in China Week activities. As the Minister for Economic Development I have led delegations to South East Asia and to the United States and Singapore. In June I will be leading one of the largest ever Canberra business delegations to Singapore. I am very pleased at the very strong level of support from the Canberra Business Council and the ACT Exporters Network for that particular trade mission.

We are also very pleased with the recent launch of the Griffin accelerator, Canberra's very own business start-up accelerator facility. It is a collaboration between several of Canberra's innovation institutions driven by the Australian National University. It will deliver a program for entrepreneurs to validate their ideas, to develop networks and to finetune their business models. It is financially supported by some of Canberra's leading business innovators.

We have also recently launched the Chief Minister's export awards, and we look forward to seeing another national category winner following up on Aspen Medical's outstanding success at the national level in 2013.

The business development strategy has also strongly signalled the importance of the digital economy to the territory in the future. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, how is Invest Canberra helping to grow the business sector in the territory?

MADAM SPEAKER: I am sorry, Mr Barr, can you hang on a second. Mr Gentleman's first question was about the business development strategy. I am subject to correction but I do not know that I heard mention of Invest Canberra in the answer. I am not quite sure how the supplementary question relates.

MR GENTLEMAN: Madam Speaker, it is within the business strategy.

MADAM SPEAKER: Okay. Mr Barr.

MR BARR: Invest Canberra was formally launched in December 2013 as a dedicated investment promotion agency to help shape and sharpen the territory's investment facilitation process. Invest Canberra has been building systems and capability right through the period of its formal launch last year and it is now fully operational and working to an established and clear strategy.

We now talk about our value proposition—the areas of our economy that have a compelling investment story to tell—providing a frame for our outward communication. Invest Canberra has already undertaken work to analyse how Canberra is perceived by external investors and has recognised the need to promote points of difference that make us attractive.

Invest Canberra has been active in promoting Canberra's investment credentials, specifically relating to the city to the lake project, capital metro and a range of tourism infrastructure opportunities in key markets, particularly Singapore and China.

Invest Canberra is building on an already strong relationship with Austrade, resulting in more investment leads, and it is developing relationships with a number of high value investors who are poised to make significant investments in the territory economy.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, what recent activities and announcements have been made as part of the business development strategy and to support business?

MR BARR: Last week the Chief Minister's export awards for 2014 were launched. These awards acknowledge and highlight the importance of growth within the territory's exporting community. It is particularly pleasing to see that in recent times the rate of export growth out of the ACT has been well in advance of the national average. Now, nearly $1.3 billion worth of goods and services are produced in this economy and sold internationally. There has been rapid growth not only in the volume of goods and services exported from the ACT but also in the diversity of our exporters network.

It has been particularly pleasing to be able to support a number of Canberra businesses. Six Canberra-based businesses have recently been supported through the innovation connect grant program. The latest recipients range from cloud-based communication services to high-speed and cost-effective genomic testing technologies. Further, the rollout of brand Canberra is continuing and is being used by many right across the city to promote our city and the brilliant possibilities that exist here for business, tourism and investment.

MADAM SPEAKER: Supplementary question, Ms Berry.

MS BERRY: Minister, what are some recent examples of success stories among the Canberra's business sector?

MR BARR: It is really pleasing to be able to update the Assembly on a number of outstanding outcomes for businesses in the territory. Members may be aware—we have discussed this in this place before—that Lithicon, a business spun out of research at the ANU, recently sold for $76 million, a true Canberra success story.

Another example is Datapod. When we launched the export awards, it was a previous category winner at the awards. Datapod is now operating in the global modular data

centre market, which is estimated to be worth about $40 billion by 2018. Datapod recently secured a contract with the Washington Suburban Sanitary Commission, which is the seventh largest water utility in the US. This is an exciting development for Datapod. It was a very, very competitive process and they are absolutely thrilled to have cracked the US market in such a big way.

It really gives it a very strong foothold in the US public sector market. As I have observed in this place before, the market for services to government in the United States is more than $1 trillion. It is bigger than the Australian economy. So taking advantage of the free trade arrangements that apply between our two countries, Canberra firms that have been excelling in selling to the Australian government are now accessing and selling their services to the US government in a market that is bigger than the Australian economy.

This is another example of a Canberra-based business having excellent success in putting forward a world-leading and innovative product, taking it to the marketplace and winning contracts. I think it further highlights the importance of continuing to grow the export market.

This economy is small. We are two per cent of the Australian economy and Australia is around two per cent of the world economy. If businesses are to grow out of this city, they have to have an export focus. It is fantastic to see that our exporters have been growing faster than the national average. *(Time expired.)*

Visitors

MADAM SPEAKER: Before I call Ms Lawder, I acknowledge the presence in the gallery today of members of University of the Third Age. Welcome to your Assembly.

Questions without notice
Housing—stock management

MS LAWDER: My question is to the Minister for Housing. Minister, you recently advised, in response to a letter regarding a constituent on the housing waiting list, that there were no modified class C properties currently available. On follow up, you advised that there is currently no record available of Housing ACT properties which have been modified to cater for people with a disability. I was also advised that a condition audit is currently taking place to establish this data for all 12,000 Housing ACT properties, but it will take five years to be completed. Minister, how can housing stock be effectively managed when the directorate does not hold a record of, among other things, the disability modifications which have been made to houses?

MR RATTENBURY: I thank Ms Lawder for the question. As Mr Lawder rightly identifies, there are around 12,000 properties managed by Housing ACT. They have quite a broad range of age, from some that are very new and are built to the best possible standards, with six-star energy ratings, and fully adaptable for people with a disability, through to houses that are, frankly, quite old. It is true that Housing ACT does not have a full account of all the features of each of those properties. That is why

a condition audit is now underway through the government's maintenance contractor, Spotless. That condition audit is looking at a range of things for housing, including, for example, how well insulated they are and whether steps need to be taken in terms of their energy ratings.

So there are a range of factors. As Ms Lawder has identified, there are gaps in knowledge, and that is why this audit is now being undertaken, to improve Housing ACT's knowledge and improve asset management.

MADAM SPEAKER: Supplementary question, Ms Lawder.

MS LAWDER: Minister, given that the condition audit is gathering information on the condition, safety, functionality, appearance and useful life of the property, does Housing ACT hold any of this information currently?

MR RATTENBURY: As I said, Housing is seeking to improve the level of knowledge it has about properties. There are obviously particular records of properties in terms of the number of bedrooms, the age of the property and the like, but Housing is seeking to improve that knowledge. In the meantime, tenants who do have maintenance issues or particular needs are of course welcome to contact Housing ACT through their housing manager, and many of them do. In fact, members across the chamber at times contact me on behalf of their constituents to seek for particular matters to be dealt with.

Housing is constantly working to ensure that tenants have a suitable property, whether it is through having an occupational therapist come and assess a property or whether it is having Spotless come and assess a property. There is the long-term asset management strategy that Housing is putting in place and also it is seeking to address the immediate needs of specific tenants.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, why would a condition audit take five years when theoretically every Housing ACT property is inspected at least once annually?

MR RATTENBURY: If I understand the question properly, I think Mrs Jones is asking about two different things. An annual inspection is undertaken by housing managers. They go and visit the property and look over it and also interact with the tenant, which is part of Housing ACT's support of tenants. That is quite different from having a technical expert go out and assess, for example, the energy efficiency of a home and a range of other maintenance matters that someone with particular skills would assess, as opposed to the housing manager, who is playing the role of a tenancy manager and giving a level of community support.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what is the cost of this condition audit?

MR RATTENBURY: I will need to take that on notice.

Health—budget

MR DOSZPOT: My question is to the Minister for Health. Minister, you are quoted as saying that the high level of growth was unsustainable and that you would take moves to slow the increase. I quote: "It's clear we have to look at new ways to manage our growing health costs." Minister, what will be the impact on the delivery of health services if the government cuts the health budget?

MS GALLAGHER: The government is not cutting the health budget.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: How much will you reduce costs by, minister, to make the management of the hospital sustainable?

MS GALLAGHER: The health budget exceeds $1.2 billion a year. We are at the moment growing at a rate of between six and eight per cent, closer to eight per cent over the long term, over the last 10 years. So if nothing is done to slow the growth of health expenditure, it will consume all of the ACT's budget—all of it. So that means no funding for education, municipal services, all the priorities that we have and all the priorities that you have. That is in the long term. That will not happen until after 2050, but if we do not take steps to try to rein in the growth in health expansion, it will be unsustainable for the Legislative Assembly of 2050 and beyond.

We are trying to look at ways of slowing the growth from around eight per cent to somewhere closer to five per cent. So it is not talking about cutting health expenditure; it actually still continues to grow, and grow in the order of several hundred million dollars per year. It is about not growing as rapidly as it has in the last 10 years.

There will be some discussions we have to have with the community. Every government at every level is having them. This is exactly the problem that Minister Peter Dutton is talking about now federally. Costs for the commonwealth government in health expenditure have grown at about the same rate as well. They are certainly using health at the forefront of some of the budget emergency talk that they are having now.

It is a genuinely serious issue. We do contribute to that as a community. The rise in chronic diseases and our unhealthy lifestyles are compounding the expenditure in health. So some of the work we are doing in the healthy weight initiative is part of the answer. *(Time expired.)*

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, how will you meet increases in demand for health services if you do not increase the health budget?

MS GALLAGHER: I think it will be through a variety of means. They will include early intervention; prevention; growing the primary healthcare sector here in the ACT;

making sure people use primary healthcare where they can and not deteriorate to the point where public hospital services are the only answer; reducing the impact of chronic diseases, in partnership with the primary healthcare sector; looking at what services we provide, looking at how we provide them, how efficiently they are provided. For example, the rollout of e-health will significantly contribute to savings in processes across the health system nationally.

There is not one single solution to this. I think we do have to have a discussion about, as a community, how much we are prepared to pay for health and for the health system. For example, the recent expansion of elective surgery has been very expensive to both the ACT budget and the commonwealth budget. We are not sure that the commonwealth will continue to fund that partnership come 30 June and they may withdraw between $5 million and $8 million per year that has been coming into the ACT's elective surgery program. Yes, that has ensured people have got access to operations quicker but it has also driven demand, because as soon as people have their operations and they come off the list, just as many join the list. So there is a supply and demand argument in the health system as well.

It is probably a range right across the board. That is how you manage to slow the growth—not stop it, not cut it but slow the growth.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Minister, is the high cost of TCH comparative to other hospitals across other jurisdictions having an impact on our escalating health costs?

MS GALLAGHER: I do not know why you single out Canberra Hospital, because the costs at Canberra Hospital are the same as at Calvary hospital. We are a high-cost jurisdiction. We are about to undertake—

Opposition member interjecting—

MS GALLAGHER: We are a high-cost jurisdiction. Part of that is our historical arrangements under superannuation, which ensure that our staff are paid anywhere but usually around nine per cent more for super. That is slowly changing with the decisions we have taken as a government, but that is part of the reason. The other reason is that we have historically had to pay much more for visiting medical officers to come and work in Canberra than other jurisdictions because of the size of our jurisdiction. That is starting to change somewhat. But we also offer a whole range of services that a community of 350,000, 380,000 or even 500,000 would not normally receive. There is a whole range of reasons.

Mr Hanson: We get fee for service from New South Wales, don't we?

MS GALLAGHER: Yes, at New South Wales cost.

Mr Hanson interjecting—

MADAM SPEAKER: Order! No conversation across the chamber. You have asked your question, Mr Hanson.

MS GALLAGHER: It is, for the reasons I have just outlined. If Mr Hanson is suggesting that we should slash the salaries of VMOs to make them more comparable to New South Wales, then go out and start arguing that. These are complex reasons. Yes, the ACT health system must find savings and must drive efficiency. We are signed up to the national efficient price, and that is helping to drive efficiency across the health system. That is part of it.

These are not easy savings to find. Ultimately they get back to the patients. Our approach to health care has been to provide high-quality care to patients and to provide as many of those services in Canberra as possible. That is what we will continue to do, but we will look to drive efficiency. *(Time expired.)*

Education—Canberra Institute of Technology

MS PORTER: My question, through you, Madam Speaker, is to the minister for education. Minister, can you highlight some of the key outcomes in the recently tabled CIT annual report and how they place CIT for future success?

MS BURCH: I thank Ms Porter for her question. As the report shows, while CIT has faced challenges in recent years, it continues to perform very well. Vocational education and training has seen significant changes over recent years, including changes to the public TAFE sectors in Queensland, South Australia, New South Wales and Victoria. As the ACT's only public provider, CIT has fared better than most of its counterparts, particularly in international markets and increasing enrolments.

CIT's mission is to change lives through quality education and skills development for individuals, industry and community. In 2013, despite a period of real change, the CIT met its delivery targets and student and employer satisfaction remained very high. During 2013 the CIT council conducted a review into CIT's future governance, and it provided some positive direction as the CIT moves through changes expected in the coming years. I am currently considering those options arising from that review and can indicate to the Assembly that some changes will come into effect.

To address its internal capacity and organisational culture, the CIT has also undertaken a strategic review and planning process. This resulted in a major internal restructure last year. CIT continued to maintain strong partnerships with businesses and industry and released its new strategic plan after significant consultation with staff and other key stakeholders. The new plan has greater focus on strengthening CIT's position to be successful in the increasingly competitive vocational education and training market.

Other highlights for CIT during 2013 include learner satisfaction remaining at 92-plus per cent and employer satisfaction at 89 per cent, CIT receiving a further seven-year accreditation as a higher education provider, and CIT being successful again at the Australian awards for training of excellence with a local student Ian Goudie being runner-up in the Australian vocational student of the year for 2013.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, what do indicators show in relation to the continued growth and performance of CIT into 2014?

MS BURCH: CIT has worked hard during 2013 to position itself to face the challenges of a changing vocational education and training environment. As part of this, the new strategic plan has a stronger focus on learners, people and partners to strength its position as a training leader and to be successful in a more competitive market that will be in place by 2016.

CIT's new management structure and changes to flow from the government's review will help to ensure its continued success in Canberra, the region and national and international markets. Enrolments for 2014 are on track for another successful year, with a total delivery of nominal hours up 1.2 per cent and total enrolments up 3.3 per cent on the same time last year.

Profile delivery is also up 5.3 per cent, while the ACT enrolment rate for apprentices is up 16.6 per cent on the same time last year. International students are up 30.8 per cent and total international student delivery is up 10.5 per cent on the same time last year. This is, I think, a quite significant and positive achievement, given the difficulties faced by many international students accessing vocational education and training in Australia.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, is there a revised plan for the CIT to merge with the University of Canberra?

MS BURCH: No.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Minister, can you provide more details about CIT's success in providing education to students from Indigenous backgrounds?

MS BURCH: I thank Dr Bourke for his question. I am pleased to report that enrolments of Aboriginal and Torres Strait Islander students have been steadily increasing, up from 388 students in 2010 to 663 students last year. Aboriginal and Torres Strait Islander students enrolled at CIT are supported by a dedicated Indigenous student support coordinator and the CIT Yurauna Centre.

The Indigenous staff at CIT Yurauna Centre regularly phone students, and meet with them and with their teachers to identify where students may need additional support to succeed in their studies. Staff make every effort to contact students not attending through SMS messaging, phone calls or personalised letters encouraging students to return to study.

Staff also work closely with students to overcome barriers that impede enrolment, such as access to identification documents or cultural restrictions that may prevent them from using the name on their birth certificates. All Indigenous students across

CIT are sent welcome to CIT letters soon after enrolment to introduce them to the CIT Yurauna Centre team and they receive information about the assistance that is available.

Support can also be provided in areas of Aboriginal cultural issues impacting on study requirements, housing and justice, travel, and study support for literacy and numeracy, research and writing assignments. CIT also has in place a very strong reconciliation plan. It makes all efforts across all students to make sure that they have quality education and positive outcomes.

Planning—project facilitation

MR COE: My question is to the Minister for the Environment and Sustainable Development and is in relation to the Planning and Development (Project Facilitation) Amendment Bill 2014. Minister, the Standing Committee on Planning, Environment and Territory and Municipal Services presented a statement to the Assembly on Tuesday, 6 May about its inquiry into this bill. When will the government provide a response to the Assembly, if they are at all?

MR CORBELL: I thank Mr Coe for the question. The government has not yet reached a formal view in relation to these matters. We will be doing so in the coming days. Once that view has been reached the government will make further announcements.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, what amendments to the bill will the government make and will the government be bringing on the bill next Thursday, as has been foreshadowed?

MR CORBELL: I refer the member to my previous answer.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, why didn't the government consult with the community before introducing this bill?

MR CORBELL: There is nothing more public than putting a bill on the table of the Assembly.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, why are you determined to proceed with this bill when no witnesses to the inquiry were in favour of it?

MR CORBELL: I refer Mr Wall to my previous answer to Mr Coe.

Legislative Assembly facilities—fundraising

MRS JONES: My question is to the Chief Minister. In today's—8 May—*Canberra Times* there is reference to a fundraiser Ms Berry hosted where she advertised her

office as a point of contact for the Labor Party fundraiser. Is your team aware that the use of Assembly offices for political fundraising is prohibited?

MS GALLAGHER: Sorry, I did not hear the last bit of the question.

MRS JONES: Is your team aware that the use of Assembly offices for political fundraising is prohibited?

MS GALLAGHER: I thank Mrs Jones for the question. If there is concern—and I have not seen any formal advice on this; I saw it raised in the paper and I have not had a chance to talk to Ms Berry about it. There was some concern over the use of a phone number on the flyer. If that is not appropriate then a mistake has been made.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Chief Minister, is it appropriate to use Assembly telephone resources for fundraising events?

MS GALLAGHER: I must say I am not across what is allowed in detail in the executive area, but if there was a mistake made around a phone number on an invitation, then I am sure that can be corrected.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, have there been any other occasions where members of the government have used their offices for fundraising purposes?

MS GALLAGHER: I am not aware of any, Mr Doszpot.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, specifically, have there been any other occasions where Labor political fundraisers have had an Assembly office telephone number as the point of contact?

MS GALLAGHER: Not that I can recall, but I have been in this place for 12 years. There have been issues across the chamber over that time. There have been a lot of different issues across the chamber—more on your side, I would have to say—but I cannot specifically recall one.

Housing—affordable housing scheme

MS BERRY: My question is to the Minister for Housing. Minister, you recently announced changes to an ACT government housing program—

Members interjecting—

MADAM SPEAKER: Order! Mr Hanson interjected in a conversation with Ms Burch and I could not hear Ms Berry. Ms Berry, it would be helpful if I could hear

you. You are also taller than most and the microphone does not pick you up as well. I just have to listen harder.

MS BERRY: Thank you, Madam Speaker. Minister, you recently announced changes to an ACT government housing program called the affordable housing scheme. Could you please provide the Assembly with an overview of this program?

Opposition members interjecting—

MADAM SPEAKER: Order! Mr Hanson and Mr Coe.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Rattenbury has the floor, Mr Hanson.

MR RATTENBURY: The ACT government is committed to providing a range of innovative affordable housing options for older people as part of the affordable housing action plan. This program of Housing ACT is a response to that commitment. Specifically, the affordable rental scheme which was launched in 2011 is for people aged 65 or over who already rent a property but are having difficulty sustaining their tenancies. Applicants must meet certain pension and assets eligibility tests but, essentially, the program is designed to provide safe and affordable rental options to older Canberrans over the age of 65 who may not be eligible for normal public housing assistance but who would really struggle in the private market.

As minister for both housing and ageing, I hear of these issues quite a bit. Seniors whose incomes are declining as they come to the end of their working life but also people who would perhaps not have a strong asset base—

Opposition members interjecting—

MADAM SPEAKER: Order, members! It really is disruptive. I can hardly hear Mr Rattenbury and I do not think Mr Rattenbury can hear himself think over the conversations across the chamber.

Mr Coe interjecting—

MADAM SPEAKER: Mr Coe! I have called you to order.

MR RATTENBURY: It is a shame that the Liberal Party are so busy snickering away over there that they are not even interested in what is quite a valuable scheme for older Canberrans who, at the end of their lives, find themselves perhaps on a fixed income and struggling to make it in the private rental market. The government has sought to provide an innovative product that helps tackle that. It is particularly an issue for many older women who, for a range of reasons—

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson! I warn you, Mr Hanson.

MR RATTENBURY: You really can't help yourself, can you?

MADAM SPEAKER: No, Mr Rattenbury, it is not your job; it is my job.

MR RATTENBURY: Fair enough. The point is this product is designed to specifically assist older Canberrans who are financially struggling. As I was starting to say before Mr Hanson interrupted, it is particularly an issue for older women who often, for a range of circumstances, later in their lives find themselves single, perhaps with not many assets and either a low or fixed income. This group of older women in our community are particularly vulnerable. A product like the affordable rental scheme seeks to fill that gap in the market and assist those Canberrans who are finding themselves in that gap between being eligible for public housing and not being able to make it financially in the private rental market. That is the intent of that program and why the government offers it.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, can you please outline the changes to the scheme?

MR RATTENBURY: I did make some changes to the scheme in response to concerns raised by some of the tenants, some of the constituents, who contacted me. The scheme was set up in a way where tenants were required to pay 74.9 per cent of market rental rates, which is the standard definition for affordable housing or community housing, whether it is from the government or the community sector.

We found that by tying tenants to a rigid definition of affordability, some of the tenants were in a situation where they were being asked to potentially pay 40 to 50 per cent of their income in rent. This is clearly not the intent of the scheme. Most definitions of housing affordability talk about paying up to 30 per cent of income on housing costs. Beyond 30 per cent, people are considered to be in housing stress.

I directed Housing to work through the issues with tenants and then, based on that, we have taken a new and more flexible approach to setting the rental rates. There will now be a six-tier banded approach where tenants will pay a rental rate based more on their income than on an arbitrary definition of affordable housing.

This provides a greater level of flexibility for tenants. It means that people will be able to stay in the same home as they age and that the rent charged by government will more accurately reflect their personal circumstances. I think this is a good initiative. It has certainly been welcomed both by the tenants and a range of stakeholder groups.

MADAM SPEAKER: Before I call you, Mr Gentleman, could I just draw the opposition's attention to the fact that I have made a number of comments about the level of noise from the opposition benches. I know that you have stopped interjecting but the level of noise is actually quite high and it is very difficult for members to be heard. People have asked questions, and they are entitled to hear the answers. And I need to hear the answers as well. Mr Gentleman.

MR GENTLEMAN: Minister, what has been the response to these changes amongst the tenants?

MR RATTENBURY: The tenants have been very pleased with these changes. They were really very stressed under the previous arrangements. I received a number of letters. When we spoke to the tenants by telephone, they really were very stressed about the situation which was putting them under significant financial pressures. So they have been very appreciative of the change in policy. I think it is a good outcome for the current tenants but also for the program to be able to help others who find themselves in these circumstances.

I would also note that a number of key stakeholders such as the National Council of Women ACT and ACTCOSS, who recognise the particular stresses that older women, in particular, find themselves in from a financial perspective, have been also very supportive of these changes because they know that women in this demographic group, for want of a better expression, do find themselves facing particular stresses.

We will, of course, be watching now to monitor these changes to ensure they achieve the intended objective and also get the feedback from the tenants. But I can say that so far the feedback from the tenants has been very positive.

MADAM SPEAKER: Dr Bourke, a supplementary question.

DR BOURKE: Minister, will this accommodation for older women encompass facilities like Lady Heydon House in my electorate in Spence?

MR RATTENBURY: It covers a range of accommodation across the city. I cannot remember the specific addresses, Dr Bourke, but it applies to the range of properties that Housing has in this category, where there is a dedicated number of properties that have been allocated for this scheme. I am happy to provide you—obviously, within the bounds of privacy—with some feedback on those locations.

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

Supplementary answers to questions without notice

Health—poisonous mushrooms

MS GALLAGHER: Yesterday, in response to a question from Mr Wall around mushrooms, I said I would follow up what had been done specifically with food businesses.

The Health Protection Service wrote to all food businesses following two deaths in January 2012. The letter strongly recommended that people did not pick, prepare or eat wild mushrooms, no matter where they were growing. On 2 May 2014, the Health Protection Service wrote a further letter, advising that food businesses were not to pick wild mushrooms for use in their food products. In May 2014, HPS wrote to key industry players, who have cooperated in distributing the message not to pick wild mushrooms.

Multicultural affairs—Fringe Festival

MS BURCH: Yesterday, there was a question from Mr Doszpot around the program as part of the grant process. I table the following paper:

> Fringe 2014—Detailed program.

Housing—stock management

MR RATTENBURY: Earlier today in question time I was asked about the cost of the condition audit of public housing in the ACT. I can inform the Assembly that under the previous total facilities management contract, the condition audits had a reimbursable cost of $150 per property, but the negotiation of the current contract in 2012-13 saw a change that provided for the condition audits to be included in the base-level management fee as part of the contractor's preparation of the annual planned maintenance program. This has resulted in a saving of approximately $600,000 per annum.

Privilege

Statement by Speaker

MADAM SPEAKER: Before we go any further, I would like to make a statement. On 7 May 2014, Mr Coe gave written notice of a possible breach of privilege concerning a statement made by Mr Corbell in the Assembly that day. Mr Coe has asserted that a person has disclosed to Mr Corbell proceedings of a private meeting of the Standing Committee on Planning, Environment and Territory and Municipal Services. I present, for members' information, a copy of the following paper:

> Alleged breach of privilege—Letter from Mr Coe to the Speaker, dated 7 May 2014

Under provisions of standing order 276, I must determine as soon as practicable whether or not the matter merits precedence over other business. If, in my opinion, the matter does merit precedence, I must inform the Assembly of the decision, and the member who raised the matter may move a motion without notice and forthwith to refer the matter to a select committee appointed by the Assembly for that purpose. If, in my opinion, the matter does not merit precedence, I must inform the member in writing, and may also inform the Assembly of that decision. I am not required to judge whether or not there has been a breach of privilege or a contempt of the Assembly. I can only judge whether the matter merits precedence.

In 2008, the Assembly adopted standing order 242, which sets out a procedure to be followed in respect of committees affected by any unauthorised disclosure of proceedings. In accordance with that standing order, I will write to the chair of the committee in order to ascertain from that committee whether the alleged unauthorised disclosure had a tendency substantially to interfere with the work of that committee or actually cause substantial interference, and for that committee to report to the Assembly by Tuesday next week on the matter.

When the committee has reported to the Assembly, I will further consider the matter in accordance with the standing orders to determine whether the matter merits

precedence over other business. As I have said, I will write to the chairman of the committee. I will also write to Mr Coe to formally give an interim response to his letter.

I have decided to refer the matter under standing order 242, because, in deciding whether a matter has precedence, I have to exhaust all options before going down that path. I have decided that the standing orders and the clear view of the Assembly when it adopted standing order 242 were to give us this option.

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:

Duncan Edghill, dated 1 and 3 April 2014.

Gary Rake, dated 8 April 2014.

Glenn Bain, dated 24 March and 3 April 2014.

Short-term contracts:

Ann Lyons Wright, dated 14 and 15 April 2014.

Carolyn Grayson, dated 11 April 2014.

Gaynor Stevenson, dated 14 and 15 April 2014.

Karl Cloos, dated 28 March 2014.

Luke Jansen, dated 12 March and 9 April 2014.

Malcolm Prentice, dated 7 April 2014.

Rebekah Smith, dated 15 April 2014.

Contract variations:

Anita Perkins, dated 2 April 2014.

Bruce Fitzgerald, dated 3 and 4 April 2014.

Coralie McAlister, dated 8 April 2014.

Elizabeth Beattie, dated 27 and 28 March 2014.

Howard Wren, dated 4 April 2014.

Jeremy (David) Roberts, dated 4 and 7 April 2014.

Karen Doran, dated 18 March and 10 April 2014.

Patrick McAuliffe, dated 13 March and 7 April 2014.

Paul Wyles, dated 7 April 2014.

Vanessa Sutton, dated 17 and 26 March 2014.

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

Leave granted.

MS GALLAGHER: I present a 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. Today I present three long-term contracts, seven short-term contracts and 10 contract variations. The details of contracts will be circulated to members.

Overseas visit report—China
Paper 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 paper:

> Overseas visit report—China, 8-12 April 2014.

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

Leave granted.

MS GALLAGHER: Today I table a report on the outcomes of my visit to Shanghai in April. I was invited, along with all first ministers, to participate in the Prime Minister's trade mission to Asia, culminating in the Australia Week in China initiative. Australia Week in China is an Austrade initiative to promote Australia as a trade, investment, education and tourism destination.

By joining the mission in Shanghai I was able to attend key Australia week events and was able to conduct a series of meetings that supported the government's strategic interest with business and educational institutions in China. Central among these was the Australia-China tourism investment roundtable, hosted by the federal Minister for Trade and Investment, the Hon Andrew Robb.

I presented the ACT government's city to the lake project to this high-level delegation of Chinese investors, and was pleased at the significant interest they showed. As one of the largest urban renewal projects in Australia, on premium land in the national capital, city to the lake is an attractive proposition for international investors.

My presentation was an opportunity to reiterate Canberra's advantages—advantages which are well known to us but not always well recognised outside Australia. At the roundtable I highlighted that in the ACT we have one level of government, meaning a single point of contact for companies wishing to do business; that we are home to leading research and development organisations, have world-class educational institutions, and have a culture of innovation; and that Canberra has a well-educated workforce, high labour productivity, modern infrastructure and low business costs.

Another important aspect of this trip is strengthening strategic relationships with businesses in China. I held meetings with the renewable energy company Zhenfa new energy, Huawei Technologies and China state rail. These meetings were an opportunity to discuss some of the ACT's major projects, including renewable energy, digital Canberra initiatives, and light rail.

During this visit, I was pleased to continue building on the positive outcomes of the education mission to China in September 2013 with the vice-chancellors of ANU and UC. There are many benefits for overseas students studying here in the ACT's world-class tertiary and research institutions, including Canberra's beauty, amenity and safety. Canberra is also an attractive option for researchers and academics looking to do short-term programs and exchanges.

The vice-chancellor of the ANU and I met with Fudan University on this trip and heard they would like to offer every one of their students an exchange opportunity by 2020, as well as provide opportunities for staff to spend time abroad. I signed an MOU with Shanghai Normal University to foster new and mutually beneficial relationships between ACT government schools and Shanghai Normal University and their 17 affiliated university schools. The MOU is in a framework for students and teachers from Canberra and China to share information, experience and understanding of language and culture.

Another key outcome of this visit was the establishment of a scholarship in partnership with Canberra business Yellow Edge. This scholarship will provide the opportunity for three Canberrans to take part in the global leadership practice program at the prestigious China Executive Leadership Academy in Pudong, CELAP.

Supporting the ACT's business, education and tourism sectors—particularly in fast-growing international markets—is a key part of broadening Canberra's economic base and supporting new sources of growth and employment. As the epicentre of Asia's remarkable economic growth, China is a key component of this objective, and through this short but productive visit we have been able to progress important new opportunities for the ACT.

Financial Management Act—instruments
Papers and statement by minister

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

> Financial Management Act, pursuant to section 18A—Authorisations of Expenditure from the Treasurer's Advance, including statements of reasons to:
>
> > Canberra Institute of Technology, dated 24 April 2014.

Community Services Directorate, dated 2 May 2014.

Justice and Community Safety Directorate, dated 11 April 2014.

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

Leave granted.

MR BARR: As required by the Financial Management Act 1996, I table three instruments issued under section 18. Advice on each instrument's direction and a statement of reasons must be tabled in the Assembly within three sitting days after it is given.

Section 18 of the FMA provides for the Treasurer to authorise expenditure from the Treasurer's advance. I present three section 18 instruments today. The first instrument provides net cost of outputs appropriation to the Canberra Institute of Technology for $906,515 to cover cost pressures experienced by the CIT. The second instrument provides net cost of outputs appropriation to the Justice and Community Safety Directorate for $1.8 million to meet higher than expected demand for working with vulnerable people background checks. The third instrument provides expenses on behalf of the territory appropriation to the Community Services Directorate for $2 million to meet short-term cash requirements until the anticipated passing of Appropriation Bill 2013-2014 (No 2).

Additional details regarding all instruments are provided in the statement of reasons accompanying each instrument that I table today.

Paper

Mr Corbell presented the following paper:

Legislation Act, pursuant to section 64—Financial Management Act—Financial Management (Credit Facility) Approval 2014 (No 1)—Disallowable Instrument DI2014-54 (LR, 6 May 2014).

Infrastructure—investment
Discussion of matter of public importance

MADAM ASSISTANT SPEAKER (Ms Lawder): Madam Speaker has received letters from Ms Berry, Dr Bourke, Mr Coe, 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 Gentleman be submitted to the Assembly, namely:

> The vital contribution investment in infrastructure makes to creating confidence and job generation in the ACT.

MR GENTLEMAN (Brindabella) (3.44): Madam Assistant Speaker, I would like to thank you for the opportunity to discuss the contribution infrastructure investment makes to confidence and job generation in the ACT. This issue has been extremely relevant for the ACT due to the expected impacts from commonwealth cutbacks.

Infrastructure investment is one of the main and best ways for governments to promote long-term improvements in productivity, which leads to long-term growth and improved living standards for the whole community. Infrastructure achieves this productivity growth by enhancing the efficiency with which private sector resources can be used. For example, well-functioning roads can make it easier for transport of goods, which will lower fixed costs for businesses. A well-functioning transport system should reduce travel time and costs for people. This will also obviously deliver favourable social impacts through reducing travel stress and increasing the connectedness of communities, as well as environmental benefits.

Communications infrastructure provides a platform for production and innovation in both the private and public sectors. Robust utilities infrastructure provides essential services for the community and for businesses.

There have been a range of estimates over time about the potential benefits of public investment in infrastructure. One estimate which has been referred to in recent years by the commonwealth Treasury and the World Bank is that a one per cent increase in the public capital stock can raise total factor productivity by 0.4 per cent. The Organisation for Economic Cooperation and Development also advises that investment in physical infrastructure can boost long-term economic output to a greater degree than other types of investment.

Over the past five years the ACT government has delivered more than $3.5 billion of infrastructure. This significant investment has delivered a wide range of benefits to businesses and the community, from improvements to roads to sporting facilities, and servicing greenfield land to enable development. Much of this infrastructure will service the ACT for decades to come.

High-quality social infrastructure also provides a range of benefits to the community. Social infrastructure can provide us with a vibrant city and great neighbourhoods, high-quality services and a healthy population that is educated and skilled. The ACT government has a strong infrastructure planning framework in place to ensure that we deliver benefits for both the community and the economy.

Whenever a decision is made on infrastructure it is subjected to the practices of good governance, including performance and conformance criteria. These criteria include value for money, return on investment, use of new technologies to ensure efficiencies, meeting regulatory requirements and harmonising with national infrastructure reform agendas, such as that led by the Council of Australian Governments.

Infrastructure investment can also play a key role in promoting macroeconomic stability. While the ACT is unable to control expenditure decisions by the commonwealth government, we are able to ensure that the ACT maintains a strong level of investment in infrastructure. This investment will help to support the ACT economy as well as deliver long-term benefits to the community.

Infrastructure projects are delivered by the construction sector, which currently employs over six per cent of the ACT workforce. But this does not tell the full story. Growth in the construction sector also drives employment in a range of related professions, such as architecture, engineering, law and finance. Analysis undertaken by the Economic Development Directorate shows that construction is the second-largest industry in the ACT, behind the public service, producing approximately 10 per cent of real output in the ACT in 2012-13. This means that the construction industry generated a substantial share of the territory's gross state product.

Clearly, infrastructure investment and construction sector activity have a strong potential to provide the ACT with a source of economic stability over the coming years. Stability is important to allow businesses to have confidence and to be able to make long-term business decisions. The ACT government understands how important it is to provide businesses with stability.

In March 2014 the ACT government announced a package of initiatives designed to provide confidence and economic stimulus for the ACT building and construction industry. This industry has played a key role in ACT economic growth over the last 10 years. The elements of the package include bringing forward civil works at the Moncrieff suburb in Gungahlin, changes to the lease variation charge which will include remissions for developers, simplifying and reducing extension of time charges for developers, and project facilitation legislation that will provide identified priority projects with the certainty to proceed.

These measures will help to maintain confidence and job creation in the ACT. In particular, the development of Moncrieff will involve the construction of roads, water, sewerage and public spaces such as parks and playgrounds. This work will generate significant direct economic activity across the ACT. Additionally, this development will lay the foundation for future investment in new commercial centres, schools, health facilities and all the facilities that accompany the development of a new suburb.

The importance of infrastructure investment has been emphasised in the Council of Australian Governments. At the council meeting earlier this month, the Chief Minister signed a national partnership agreement on asset recycling. This agreement will involve the commonwealth providing financial incentives for the states and territories to sell assets and reinvest the proceeds in productive infrastructure. State and territory governments will negotiate a package of asset sales and infrastructure investment with the commonwealth. The government will be considering potential options for participating in this initiative over the coming months.

The ACT government has a strong understanding of the contribution that investment in infrastructure makes to the community and has delivered an impressive pipeline of

investment in recent years. The government is also committed to ensuring that this pipeline of activity remains strong, and ensuring that the ACT receives the greatest possible benefit from sound infrastructure planning.

While cutbacks from the commonwealth government are out of our control, infrastructure investment will help to support business confidence and job creation over the next few years. Members may be aware that the government has a significant pipeline of major projects, including the capital metro light rail project, city to the lake, the University of Canberra public hospital, the Australia forum and a new enclosed football stadium.

This is in addition to continued land release for new dwelling sites right across Canberra, such as Southquay in my electorate of Brindabella, the Molonglo valley, Riverview in west Belconnen, and, of course, Gungahlin. And this is in addition to the ongoing investment in roads, schools, health facilities and the like which is providing Canberrans with the infrastructure and services that our community deserves and expects.

For example, major road projects in my electorate now include the Isabella Drive-Drakeford Drive upgrade, with construction due for completion later this year, and the Ashley Drive upgrade. Stage 1 construction started in September last year and is due for completion in about the middle of this year. There are, of course, further examples right across the territory.

There are few greater priorities for any government than caring for the health and wellbeing of their community. The ACT government's health infrastructure program—HIP—is about completely overhauling the territory's health system and working closely with the community, healthcare consumers, staff and stakeholders to build a better, responsive, accessible, safe and innovative health system of the highest quality. The opening of the Tuggeranong health centre and the new health walk-in centre at Tuggeranong due to be opened very shortly are really good examples of that.

The ACT government will invest close to $2 billion into making sure every aspect of the ACT's healthcare system can support the needs of its growing community. The HIP will build confidence in the healthcare system by providing new and enhanced healthcare facilities to meet the future healthcare demands of the Canberra community.

It has already begun to address the demand for improved community health care with the opening of three new community health centres across the territory; women and children have a world-class facility in the Centenary Hospital for Women and Children; and the emergency department intensive care unit extension has enhanced our acute-care capacity. Future facilities that will be delivered include the new Canberra region cancer centre and the University of Canberra public hospital.

The HIP has already generated significant flow-on benefits to the ACT, including generating major activity in the construction industry. Its outcomes will stimulate ongoing growth in support industries, health-related tertiary education and the healthcare workforce. The HIP has generated jobs within the construction industry and, in addition, is enabling and informing the sustainable expansion of the health workforce into the future.

In addition to jobs generated in relation to the design and construction of HIP projects, the program also employs people to undertake the planning, management and coordination of related activities. As at April 2014 2,390,433 man hours have been invested in HIP construction projects, not including support and coordination.

By investing in our people, new health facilities and the latest technology, the HIP will deliver to the people of the territory the right services in the right place when they need them, and stimulate economic and workforce growth well into the future.

In closing, I would like to touch on just one particular infrastructure example and how it will benefit our community. In October 2012 the government announced an election commitment to construct two new ESA facilities, a proposed new Fire and Rescue station in south Tuggeranong and a new combined ambulance and Fire and Rescue station in Aranda.

In the 2013-14 budget the government allocated $17.360 million for the construction of the new station in south Tuggeranong—I reiterate that figure: $17.360 million for the construction of the new station in south Tuggeranong—as the next major step in rolling out our strategy to improve emergency response coverage across the territory. This new station will be built immediately to the south-east of the roundabout intersection of Tharwa and Drakeford drives.

The turning of the first sod for the new south Tuggeranong Fire and Rescue station occurred on 17 February this year and I am advised that the civil works are well underway. This new facility will not only create jobs during the construction phase but it will provide a quality facility to house Emergency Services staff and it will give residents of south Tuggeranong the confidence that, should the worst happen, these vital workers will have the best possible facilities.

The government's strong commitment to infrastructure is not only creating confidence in the territory; it is creating jobs right across our community.

MR COE (Ginninderra) (3.58): The delivery of infrastructure is certainly extremely important for our economy. I would say that it is in fact one of the roles of government to do so. It is one of the roles of government to deliver things which the private sector are unable to do or it is impracticable for them to do. Public infrastructure, especially by way of public infrastructure on public land, is something that I think is in fact a core business of government.

It is for that reason that you would think that a government that have been in the job for 13 years would be better at it, Madam Assistant Speaker. Given that they have had 13 years of practice, given that they have had 13 years of mismanagement, given that they have had 13 years of problems, you would think that at some point they might indeed learn the errors of their ways.

Of course, the litany of failures in the infrastructure space over the last few years alone would be enough to make us really question whether this government are at all capable of delivering capital works. Every year in the territory budget—and I am sure this year will be no different—we see all the rollovers again. Many millions of dollars

get rolled over into the next financial year because the government did not get their act together in terms of getting on with the job and doing what they said they would in the previous year's budget.

Yesterday I spoke about a few of the issues, a few of the litany of problems that the government has had by way of infrastructure problems. Of course, the secure mental health facility is one. It is already up to $25 million and it is still not there. Tharwa bridge took years and years and the cost went up and up. The ESA headquarters blew out by tens of millions of dollars. And the mother of all infrastructure failures was, of course, the Cotter Dam. We still do not have a final figure for the Cotter Dam. It would be interesting to know whether the government has that figure yet.

The dam wall was originally going to cost $120 million and then it went up and up and up: $363 million, $390 million, $404 million. Currently, I think it is at about $411 million or $412 million. It will be fascinating to see what the Auditor-General finds as a result of her extensive investigations into this issue. I would not be at all surprised if the Auditor-General finds that perhaps there were not the time penalties that there should have been in that contract. Perhaps, in fact, there was an incentive for the alliance to go slow on that project. It will be very interesting if the Auditor-General makes that finding.

Of course, the full contract, the full TOC, is not available, I do not believe, to the public. Therefore there are certain elements—I would say some of the important elements—which it is very important for us to see. I hope that the Auditor-General has been able to get to the bottom of why the costs spiralled so much, especially from $363 million to $411 million, with costs that cannot clearly be allocated for any particular reason.

We also have the Gungahlin Drive extension, which I am sure the opposition is going to keep talking about because it is so iconic of this government. It was a $53 million project, meant to be delivered in 2005. Years later, and $200 million later, the road is finally finished.

Mr Gentleman spoke about a few projects that the government has in the pipeline. He spoke of light rail, city to the lake, the Australia forum and the stadium. They all sound great; they all sound really good. The problem is that there is no money in the budget. In fact I do not think there is a single dollar in the budget for capital works for any of those four projects—light rail, city to the lake, Australia forum and the stadium.

Whether they can count some of these reports as notionally being capital spend as opposed to recurrent spend, who knows? The fact is that these projects are nowhere near shovel-ready and nowhere near having anything tangible put in place. The business case has not been made for any of them as yet. They all sound good; they have all got very good artist impressions. This government keeps the artist impression industry in business. They all have dozens of cafes with a million bikes parked out the front and it all looks very rosy. Unfortunately, it is a bit like the city plan which is not actually a plan: these projects never seem to get off the ground. No matter how many trips there are to New Zealand looking at stadiums, no matter how many study trips there are, no matter how many times they go on overseas trips to try and find something, unfortunately, the money just is not quite there.

We wait with bated breath for something on one of these projects. And who knows? Maybe this is the year when the budget will include millions of dollars in capital works for each of these projects—or, perhaps more likely, they will say, "We're just a few months away from that foreign investor writing the cheque." I have a feeling that we are always going to be just a few months away from that cheque coming in from overseas which is going to bankroll all of these projects. Well, we can live in hope. Meanwhile there are other projects in Canberra that I think have been left by the wayside. I hope that the government ensures that it gets back to core business rather than some of these ideas, which, whilst they might sound good, perhaps do not have a very high likelihood of getting off the ground.

Infrastructure is vital to ensuring the future economic growth of Canberra, but it is investment in the correct infrastructure, the infrastructure which will produce the best economic outputs, which needs to happen here in our capital. It is sad that this government seem to be sidetracked by large and expensive transport infrastructure projects such as capital metro. The government do not seem to be concerned by the economic outputs when they decide to invest in infrastructure; rather, they look for the most grandiose scheme, the one that will grab the most headlines, but not the one that will produce the best economic results.

The government's light rail project, in particular, I believe, is ill-conceived because, quite frankly, they did not do the work prior to committing to the project. The light rail project is far from a case study of how taxpayers' money should be spent on infrastructure. For starters, the government had not conducted economic modelling or public consultation on any other potential light rail route in the ACT when they decided to build Gungahlin to the city. In fact the government had not even finalised any plans for the future of light rail in the ACT when they announced that the route would be going ahead, with the support of Mr Rattenbury. Therefore it is not surprising that when the government investigated the Gungahlin to the city light rail route the results were less than optimal.

On the government's own modelling the benefit of light rail is minor, and even under minor adverse circumstances it will produce a negative economic result for Canberra. This is in their own report. I think that Mr Barr, of all those opposite, is very much aware of this.

Furthermore the government's own modelling even suggests that investment in other forms of transport infrastructure would be much cheaper to the taxpayer and produce far better economic results. This was picked up by Infrastructure Australia who, when refusing to grant $15 million to this project to conduct a feasibility study, queried why the government was going ahead with light rail when there were other options which produced better economic results. Infrastructure Australia was also at a loss to explain how this government had excluded other potential infrastructure projects. The government seemingly provided a limited rationale for excluding other infrastructure options.

How can we say that this government are truly concerned with creating confidence and job generation in the ACT when they are investing $614 million in a project which is so poorly thought out? Only now are they starting to think about a broader

ACT network. Suddenly they are interested in a staging of the network, but only after they have committed to the first stage.

Given this large investment, why didn't the government conduct an economic analysis of all the other routes? Why didn't the government have any plans to expand light rail in the ACT when they announced the Gungahlin to the city route? And why doesn't the government follow its own advice, and the advice of Infrastructure Australia, and invest in other transport infrastructure which is cheaper and provides better economic returns for the people of Canberra?

We do believe that the delivery of infrastructure is a very important matter of public importance. It is just a shame that this government is not doing a good job.

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) (4.08): I thank Mr Gentleman for bringing forward this matter this afternoon. There is no doubt that infrastructure has a very important role in creating confidence in the Canberra community and in generating jobs in the territory. The government has long acknowledged this, which is why we have pushed ahead and will continue to push ahead with a significant program of infrastructure spending and delivery.

But before going any further, it is certainly worth reflecting on this, the final sitting of this Assembly before the 25th anniversary of the very first sitting of the Assembly, which was in 1989 on 11 May, I understand—that anniversary comes up this weekend—just how far we have come as a territory in terms of delivering infrastructure. I think that in our very first Assembly, the very first territory budgets had an infrastructure program of well less than $100 million each year. And, in fact, those first few budgets were very tough for the territory, as the adjustment to self-government began.

Ten years ago our capital works budget was just a little over $100 million—$109 million. In 2013-14, our capital works budget is $775 million and we have a four-year infrastructure investment program worth $1.27 billion. Over the last five years alone, the government has significantly boosted investment in infrastructure to grow the economic and social fabric of the territory, starting from an amount of $296 million invested in 2008-09; $580 million in 2009-10, and particularly in that instance with the support of the commonwealth government around investment in our schools and our social housing; $601 million in 2010-11, again supported by the commonwealth government; $572 million in 2011-12; and $578 million in 2012-13.

Over half a billion dollars in direct infrastructure spending each year by this government has helped to transform the city. It has opened up new suburbs, new housing opportunities, new transport infrastructure, new health facilities and new schools. There have been new schools opened each year and expanded vocational, education and training facilities. The region is now more attractive than ever for business investment, as we have seen just today with the announcement from IKEA of their significant investment in the city. We have also become a more attractive destination for international and domestic students as a result of significant infrastructure investment partnerships with the ANU and the University of Canberra.

The government's long-term commitment to building the city's infrastructure is abundantly clear, and this commitment has several important effects. I will spend some time now reflecting on those.

First and foremost, this investment generates jobs. The money that we are investing to build infrastructure is money that goes into the pockets of, predominantly, our local workforce, whether they are tradies or architects or, indeed, as Mr Coe seems to deride, those who do artistic impressions of such work—

Mr Coe: They do a great job, I said.

MR BARR: They do a great job, and we are predominantly visual people and we like to see what something will look like. Of course, we invest in these people and they invest in our local economy. And the government's investments here will be particularly important in the coming months and years, as we anticipate a significant withdrawal of the commonwealth government in terms of its expenditure in the city both as an employer and as an infrastructure investor.

Secondly, infrastructure spending provides for improved services and facilities that the community needs, ranging from hospitals and schools through to roads and emergency services. Investing in education infrastructure certainly played an important part in building and maintaining confidence in jobs in the territory in recent times. In the first instance, of course, there is an immediate impact that that construction activity has either for a new school or in enhancing existing education infrastructure. But those first building jobs and the direct injection of money into the economy had a great impact. In the longer term those schools and those education institutions have benefits from that infrastructure investment well beyond the construction phase.

Investment in education infrastructure ensures that students now and into the future have high-quality places in which to learn, to grow and to thrive and certainly ensures that those who go through high-quality schools and vocational education and training institutions will develop the skills and knowledge to contribute to our economy and our community and gain meaningful and dignified work in their adult life. Thirdly, a commitment to investment creates confidence in our community that the government is working for them and creating the right conditions for growth and investment.

Our investment in social infrastructure in Gungahlin, for example, is creating a vibrant precinct for the community and providing the right incentives for business to co-invest in the growth of the Gungahlin town centre. The recent investments in terms of the Southquay development in the Tuggeranong town centre are another example where the government's infrastructure investments can certainly lead to co-investment from the private sector. Our infrastructure investments in the Woden town centre and the forthcoming partnership with Westfield in relation to the upgrading of the Woden bus interchange by which we will leverage significant investment from Westfield is another example similar to what has occurred in the Belconnen town centre in recent times.

So right across the city, from Tuggeranong in the south, through Woden, Weston Creek, the city, the inner south, the inner north, Dickson, for example, Gungahlin, west Belconnen—right across the city, government investment in infrastructure is providing opportunities for co-investment.

Mr Coe: Pialligo

MR BARR: Indeed, the master planning work that is occurring in Pialligo and Hall certainly allow for investment.

Mr Coe: Tharwa and Uriarra.

MR BARR: And indeed, in Tharwa and in Uriarra, yes, as well—right across the city and in the rural villages as well, Mr Coe.

City to the lake will certainly involve a similar process, and there is no shortage of interest from the private sector in partnering with government around the investment opportunities—and not just in group and town centres but right down to the local level in terms of investment in infrastructure upgrades of our local shopping centres, our local community centres. There has been significant work undertaken in recent times, and more to come.

The government's support for private sector investment, particularly investment facilitation through Invest Canberra, is helping businesses in the territory to grow. Our work to accelerate innovation in the territory and our close relationship with the tertiary education sector have certainly contributed tens if not hundreds of millions of dollars in construction activity as our universities build the facilities and infrastructure to carry out their important work.

As just a few examples to highlight that, there is the partnership with the ANU that has led to the transformation and regeneration of City West as a vibrant tertiary education precinct, the development of ANU's Advanced Instrumentation and Technology Centre at Mount Stromlo as part of a world-class space and spatial precinct, working with the CSIRO to establish the high-resolution plant phenomics centre at Black Mountain, supporting the CSIRO and the ANU to accelerate the formation of the global sciences innovation precinct at Black Mountain, working closely with the University of Canberra in the establishment of its sports commons and a new public hospital. There are some other high-profile examples of private sector infrastructure development, obviously headlined by the $500 million project at the airport and of course today's announcement from IKEA of their investment in Canberra.

But there are also a range of smaller businesses who are out there every day investing in new infrastructure and creating jobs in the community, and this is evidenced by the fact that over the last decade nearly 36,000 new jobs have been added to the ACT economy, 10 new jobs created every day for 10 years. It is an amazing record of growth for the ACT economy. And we will continue to invest in infrastructure and continue to support the creation of jobs in the territory.

In the coming few years, with the commonwealth withdrawing from any significant role in growing the ACT economy, it will fall to the territory government and to the private sector to make those investments, and we certainly look forward to working in partnership with a large number of interested investors to continue to grow jobs and infrastructure in the territory.

Discussion concluded.

Adjournment

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

> That the Assembly do now adjourn.

The Assembly adjourned at 4.19 pm until Tuesday, 13 May at 10 am.

Schedules of amendments

Schedule 1

Justice and Community Safety Legislation Amendment Bill 2014

Amendments moved by the Attorney-General

1
Proposed new clause 2 (1) (ba)
Page 2, line 8—

insert

(ba) schedule 1, part 1.2A (Civil Law (Wrongs) Act 2002);

2
Proposed new clause 2 (1) (e)
Page 2, line 10—

insert

(e) schedule 1, part 1.9 (Workers Compensation Act 1951).

3
Proposed new clause 2 (4)
Page 2, line 15—

insert

(4) Schedule 1, part 1.2A and part 1.9 are taken to have commenced immediately after the commencement of the *Statute Law Amendment Act 2013 (No 2)*, schedule 3, amendment 3.28.

4
Schedule 1
Proposed new part 1.2A
Page 7, line 5—

insert

Part 1.2A Civil Law (Wrongs) Act 2002

[1.19A] Section 98 (3), definition of *average weekly earnings*, paragraph (a)

omit

employees average weekly

substitute

males

5
Schedule 1
Proposed new part 1.9
Page 34, line 5—

insert

Part 1.9 Workers Compensation Act 1951

[1.106] Dictionary, definition of *AWE*, paragraph (a)

omit

employees average weekly

substitute

males

Schedule 2

Statute Law Amendment Bill 2014

Amendments moved by Mr Wall

1
Schedule 1, part 1.1
Amendment 1.1, explanatory note
Page 3, line 14—

omit

, or someone who has been a legal practitioner for not less than 5 years

2
Schedule 1, part 1.1
Amendment 1.2
Proposed new section 177 (4) (c)
Page 3, line 21—

omit

Schedule 3

Statute Law Amendment Bill 2014

Amendments moved by Mr Smyth

1
Schedule 1, part 1.3
Amendment 1.6
Proposed new section 8A (4)
Page 6, line 3—

insert

(4) Subsections (2) and (3) and this subsection expire 1 year after the day this section commences.

2
Schedule 1, part 1.3
Amendment 1.6, explanatory note
Page 6, line 15—

insert

New section 8 (4) expires subsections (2), (3) and (4) 1 year after the day new section 8 commences. This will give the Government time to identify any potential inconsistencies between this Act and the WHS Act and to introduce legislation to harmonise the 2 Acts. This is particularly important in cases of emergency, such as the explosion that occurred in Mitchell in September 2011, where harmonised laws and officer duties are critical.

Answers to questions

Health—medical compensation payments (Question No 250)

Mr Hanson asked the Minister for Health, upon notice, on 18 March 2014:

(1) How much has the Health Directorate paid to patients in medical compensation in each of the past 10 financial years.

(2) How many cases of medical compensation occurred in each of those years.

(3) What is the average value paid to each patient in each of those years.

(4) How much is attributed to The Canberra Hospital or to other management units in each of these years.

(5) For the current financial year, how much compensation has been paid or has been ordered to be paid.

(6) How many compensation cases have been lodged against the Directorate that are currently pending, in negotiation, or unresolved.

(7) What medical compensation insurance arrangements have been put in place by the Directorate.

(8) How much has this medical compensation insurance cost per annum for each of the past 10 financial years.

(9) What is the annual internal administrative cost to the Directorate to manage claims and payments.

(10) Does the Directorate engage outside legal, medical or administrative services to assist in resolving claims and payments.

(11) What is the annual cost for these external legal, medical or administrative services.

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

1.

Financial Year payments made	Compensation paid for Medical Malpractice Claims
2003/2004	$1,408,151.25
2004/2005	$1,334,993.50
2005/2006	$1,744,662.47
2006/2007	$611,200.00
2007/2008	$2,108,991.99
2008/2009	$5,833,772.25
2009/2010	$3,780,239.45
2010/2011	$2,376,553.40
2011/2012	$7,734,720.15
2012/2013	$11,356,956.01

2. This table reflects the number of medical negligence claims received by ACT Health during the past 10 financial years and includes the year to date 2013-14 figures.

Financial Year claim commenced	Number of Medical Malpractice claims
2003/2004	22
2004/2005	42
2005/2006	25
2006/2007	16
2007/2008	19
2008/2009	26
2009/2010	27
2010/2011	44
2011/2012	33
2012/2013	39
2013/2014 YTD	26

3. This table reflects the average cost of medical negligence claims during the past 10 financial years based on the compensation payments identified at question 1. This amount can be grossly overestimated where high cost claims have been paid out in a given year.

Financial Year	Number of claims paid out in Financial Year	Average Compensation paid for Medical Malpractice claims
2003/2004	21	$67,054.82
2004/2005	19	$66,749.68
2005/2006	2	$145,388.54
2006/2007	5	$122,240.00
2007/2008	12	$162,230.15
2008/2009	15	$388,918.15
2009/2010	16	$236,264.96
2010/2011	14	$169,753.81
2011/2012	21	$368,320.01
2012/2013	20	$567,847.80

4.

Financial Year	TCH Campus	Other management units
2003/2004	$1,408,151.25	$0.00
2004/2005	$1,334,993.50	$0.00
2005/2006	$1,744,662.47	$0.00
2006/2007	$611,200.00	$0.00
2007/2008	$2,072,685.99	$36,306.00
2008/2009	$5,757,772.25	$76,000.00
2009/2010	$3,698,122.85	$82,116.60
2010/2011	$2,376,553.40	$0.00
2011/2012	$7,573,053.48	$161,666.67
2012/2013	$11,321,214.01	$35,742.00

5. As at 28 March 2014, ACT Health has paid $4,010,118.68 in compensation for 21 Medical Malpractice claims for the current financial year and is liable for plaintiff legal costs on some recent settlements that are yet to be quantified or assessed.

6. As at 28 March 2014, there are 103 claims that are open pending, in negotiation, or unresolved in relation to alleged medical negligence against ACT Health.

7. ACT Health is insured through the ACT Insurance Authority (ACTIA). ACTIA engage actuaries to determine the premium for the next policy year based on a complex assessment of the ultimo ACT Health, discounted to reflect the estimated investment returns that ACTIA will receive over the period between receiving the premium and paying the claims. Any further questions regarding these insurance arrangements should be directed to ACTIA.

8. The following table outlines the medical negligence premium for ACT Health over the last 10 financial years by policy year including the current financial year. ACTIA arranges medical malpractice insurance for the Territory, based on information provided to it by ACT Health and other ACT Government entities. ACTIA indemnifies ACT Health for any legal liability associated with an event that falls within the scope of this policy up to, but not exceeding, the amount of the agreed self-insured retention. The terms of the insurance vary from year to year, but in 2012-13 the agreed self-insured retention was an aggregate of $20 million, with a deductible of $350,000 per claim. ACT Health pays an excess on each claim, the amount of this excess varies between $10,000 and $50,000. The premium is predominantly in place to maintain the self insurance budget for the current policy year, reinsurance policy costs, and ACTIA's administrative on-costs.

Policy Year	ACT Health Medical Malpractice Premium (GST Exclusive)
2003/2004	$11,286,627
2004/2005	$12,096,169
2005/2006	$12,398,573
2006/2007	$20,983,538
2007/2008	$21,508,127
2008/2009	$21,818,851
2009/2010	$23,213,223
2010/2011	$23,619,490
2011/2012	$27,316,008
2012/2013	$26,514,479
2013/2014	$29,354,640

9. ACTIA manages claims on behalf of the Territory and engages the ACT Government Solicitor's (ACTGS) office to provide legal support services. The cost of the claims management service is included within the premium that ACT Health pays to ACTIA. A proportion of operating expenses of the Insurance and Legal Liaison Unit and Medico legal claims coordination sub unit can be directly attributed to managing under excess claims and providing assistance to the ACTGS and making payments as directed by ACTGS. This is estimated to be in the vicinity of $250,000 per annum.

10. The ACTGS engages legal, medical or administrative services on ACT Health's and ACTIA's behalf. Legal Counsel is engaged by ACTGS in accordance with the requirements under the *Law Officers (General) Legal Services Directions 2012*. The costs are paid by ACTIA via ACTGS disbursements and are included within ACT Health's premium cost.

11. Costs for external legal, medical or administrative services are borne by ACTIA for all insured claims and are all inclusive within the premium. For the minority of claims outside their insurance policy terms, the annual cost to ACT Health, based on an average of the last four financial years, is $6,365.80.

Territory and Municipal Services Directorate—surveys (Question No 256)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 20 March 2014:

(1) How much money has the Government spent on surveys for the last three financial years.

(2) What companies have been engaged and at what cost.

(3) How are subjects and issues identified as being the subject of surveys.

(4) Does the Government provide survey companies with names and/or addresses of people to ask questions of; if not, how are respondents chosen by the survey companies engaged by the Government.

(5) Does the Government (a) provide funding for, and (b) endorse, the provision of gifts or remuneration to respondents of surveys conducted on behalf of the Government.

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

(1) Territory and Municipal Services has spent in the order of $503,000 on surveys in the last three financial years.

(2) The survey companies and their costs are as follows:

Market Attitude Research Services	$168,236.71
Market Solutions	$77,545.02
Micromex	$216,419.76
Purdon Associates	$24,370.00
Nexus Research	$11,748.00
People Dynamics	$4,280.00
Market Attitude Research Services	$168,236.71

(3) Subjects and issues are identified in the following way:

Parks and City Services Customer Satisfaction Survey	Used to report against TAMS' accountability indicators and improve services
Playgrounds and Community Parks survey	Used to identify community needs
Shopping Centre upgrades	Used to identify community needs
Horse Agistment Client Survey	Horse paddock clients are asked to rate the overall service provided by the Territory agistment contractor

Kangaroo Management Attitude Survey	To gauge the communities view on the management of eastern grey kangaroos and policies relating to the annual culling program.
Libraries ACT Survey	The library survey subjects were chosen to determine community needs, customer satisfaction, gather evaluation and benchmarking
Libraries and Learning Survey	The library survey subjects were chosen to determine community needs, customer satisfaction, gather evaluation and benchmarking
Library Borrowing - for loans policy evaluation	Information used to formulate loans policy
Cemeteries Post Burial Survey	Customer satisfaction survey used for service improvements
Capital Linen Workforce Survey	Workforce Survey - Focused on perception of workforce behaviour and performance
ACT NoWaste Mugga Lane Local Resident Survey	Subjects identified by the planning consultants to inform community attitudes to the Mugga Landfill expansion Stage 5 proposal
Canberra Connect Annual Customer Satisfaction Survey	Based on ensuring services are satisfactory, meet expectations and to gain understanding of trends, issues and opportunities. They are also used to report against TAMS' accountability indicators
TAMS Annual Survey including follow up focus groups	The subjects chosen reflect on the diversity of the TAMS' portfolio. The annual survey also reports against TAMS' accountability indicators
Communications Methods Survey	Assessed how people currently receive / prefer to receive ACT Government information

(4) No.

The Horse Agistment Client Survey and Cemeteries Post Burial Survey are completed by respondents that have opted in to complete a survey.

In the case of the Canberra Connect Customer Satisfaction Survey respondents are randomly selected from a database of residents that have volunteered to complete surveys. This database is owned and managed by the survey company.

Participants in the TAMS annual survey focus groups are representatively selected to ensure they broadly mirror the profile of the community.

The survey of ACT Government communications methods was completed by those on a database of residents that volunteered to complete surveys. The survey was also promoted through ACT Government channels.

The remainder of TAMS' survey respondents are randomly selected by the survey company from the White Pages.

(5) a) No.

b) No.

Motor vehicles—compensation funds (Question No 260)

Mr Smyth asked the Treasurer, upon notice, on 20 March 2014:

(1) Does the Territory require motor vehicle dealers and repairers to contribute to compensation funds.

(2) What are the formal names of these funds.

(3) Where are these funds noted in the Budget Papers.

(4) Who administers these funds.

(5) Where are the funds kept.

(6) What is the value of these funds.

(7) Have there been any claims against these funds; if so, can the Minister list all claims since the establishment of these funds.

(8) Have there been any name changes to these funds.

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

(1) The Territory requires motor vehicle dealers to contribute to a compensation fund under subsection 91(2) of the *Sale of Motor Vehicles Act 1977*. The *Fair Trading (Motor Vehicle Repair Industry) Act 2010* does not require licensed motor vehicle repairers to contribute to a compensation fund in the Territory.

(2) The formal name of this fund is the Motor Vehicle Dealers Compensation Fund and the contribution is $477.00 for each 12 months per place of business (apportioned on a monthly or part thereof basis if less than twelve months), with a minimum fee of $61.00 (GST is not applicable).

(3) The Motor Vehicle Dealers Compensation Fund was created by Part 9 of the *Sale of Motor Vehicles Act 1977*. The trust fund is managed by the Justice and Community Safety Directorate (JACS) and these funds are not part of the Budget process.

(4) The Fund is administered by the Office of Regulatory Services.

(5) The majority of the Motor Vehicle Dealers Compensation Fund is invested with Public Trustee ACT and a small cash component is held with Westpac Banking Corporation - the whole of government banking services provider.

(6) The Motor Vehicle Dealers Compensation Fund holds a cash balance of approximately $1.392m as at 28 February 2014.

(7) Yes, claims have been made against the fund. The information in relation to the claims is provided without the details of the consumer or the motor vehicle dealer as this is not publically available information.

Claim 1 - 2009 (encumbered vehicle) - $9,000 was paid from the Fund
Claim 2 - 2009 (failure to comply with the Act resulting in loss) - $11,050 was paid from the Fund
Claim 3 - 2010 (encumbered vehicle) - $61,715.90 was paid from the fund.

The Office of Regulatory Services has published on its website the *Sale of Motor Vehicles Compensation Fund Guide*. The guide outlines the criteria for making a claim.

(8) The fund was established in 1977 and at inception was known as the Compensation Fund, although the term Motor Vehicle Dealer is also now included as a descriptor.

Sport—volleyball
(Question No 262)

Mr Doszpot asked the Minister for Sport and Recreation, upon notice, on 8 April 2014:

(1) Is he able to say what is the Volleyball ACT membership numbers for calendar years 2010, 2011, 2012 and 2013.

(2) Does this number include beach volleyball players.

(3) What is the number of beach volleyball players for calendar years 2010, 2011, 2012 and 2013.

(4) How many active players are registered in volleyball and beach volleyball.

(5) How many volleyball clubs are there in the ACT.

(6) How many beach volleyball clubs are there in the ACT.

(7) What competitions are currently conducted for both volleyball and beach volleyball.

(8) When and where are those competitions held.

(9) What are the player attendance numbers for those competitions.

(10) What is the source of your information.

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

(1) Volleyball ACT (VACT) membership numbers for the previous four years are as follows:
- 2010 – 1137 members;
- 2011 – 1275 members;
- 2012 – 1952 members; and
- 2013 – 2609 members.

VACT has three membership categories, as used by all state and territory volleyball associations and accepted by the Australian Sports Commission, as follows:
- full member (someone who plays more than three times a year);
- associate member (coach, associate, match official), and
- casual member (training only – not captured in participation figures but recognised as a member, tournament play, school cups etc.).

(2) Detailed membership data for beach volleyball participants has only been recorded by VACT since 2013. Prior to this VACT's membership data did not distinguish between indoor and beach volleyball members.

(3) In 2013, VACT had 1016 beach volleyball members including 357 Full members and 659 Casual members. Of the Casual members, a number of them take part in training sessions only and do not participate in competitions or tournaments.

(4) The 2609 members in 2013 were categorised as follows:
- 1578 Full members;
- 159 Associate members; and
- 872 Casual members.

(5) There are six volleyball clubs affiliated with VACT:
- ADFA Patriots;
- ANU Phoenix;
- Belconnen Volleyball Club;
- ACT Dragons;
- Canberra Hornets; and
- Tuggeranong Panthers.

(6) Each of the six affiliated volleyball clubs include beach volleyball participants. Full beach volleyball membership with VACT includes membership with the participants' nominated club.

(7) The following indoor volleyball and beach volleyball competitions are currently offered by VACT:

Indoor

Competition/Tournament	**When Held**	**Participants (each team has up to 12 players)**
Open & Recreational Leagues	April – June July - October	44 teams
Canberra Volleyball League (elite level competition)	April – June July – August	25 teams
School Cup	August	15 teams
College Cup	August	10 teams

Australian Volleyball League (National competition, ACT has a men's and women's team entered)	October – November	2 teams
Summer Indoor Season	November – February	9 teams
Good Neighbour Tournament – Annual team based tournament with teams from around Australia	November	108 teams

Beach

Competition/Tournament	**When Held**	**Participants**
Open & Recreational League	November – February	90 players
ACT Beach Series – elite level competition	December – January	60 players
ACT Beach Cup	March	50 players
School Cup	March	150 players
Gala Days	December (x2) January (x2)	361 players

(8) VACT utilise courts at Lyneham Hockey Centre and Southern Cross Stadium (Greenway) to conduct their indoor competitions. Beach volleyball competitions are currently conducted at courts located at Canberra Olympic Pool.

Season and tournament dates are included as part of the response to question 7.

(9) Player participation numbers for each competition/tournament are included in the response to question 7.

(10) The information provided in response to the Member's question was sourced from VACT.

Planning—section 63 crown lease
(Question No 263)

Mr Smyth asked the Minister for the Environment and Sustainable Development, upon notice, on 9 April 2014:

(1) Have there been any amendments made to the Crown Lease for Section 63 in relation to commence and complete.

(2) Have there been additional provisions in the draft lease since being issued prior to the auction; if so, (a) what were those amendments and (b) when were the amendments made.

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

(1) On 2 April 2012 the Environment and Sustainable Development Directorate (ESDD) granted an approval to extend the completion of works timeframe referred to in the Crown Lease. The new completion date approved was 13 March 2014.

On 13 January 2014 ESDD granted a further approval extending the completion of works timeframe to 12 March 2016.

(2) No provisions have been added to the draft lease since it was issued prior to auction.

Planning—lease variation charge
(Question No 264)

Mr Smyth asked the Minister for the Environment and Sustainable Development, upon notice, on 9 April 2014:

(1) Since the Lease Variation Charge (LVC) came into effect, how many buildings have been redeveloped in the city.

(2) Will the Minister provide a list of redevelopments referred to in (1).

(3) Was the Canberra Club project approved under the Change of Use Charge (CUC) or Lease Variation Charge and (a) how much did the Government receive in stamp duty on the sale, (b) how much did the Government receive in stamp duty on the sales of the apartments and (c) what was the CUC/LVC paid.

(4) Was the Manhattan Apartments project approved under the Change of Use Charge or Lease Variation Charge and (a) how much did the Government receive in stamp duty on the sale, (b) how much did the Government receive in stamp duty on the sales of the apartments, (c) how much did the Government receive in general rates on the apartments (i) since the completion of the project and when this was a commercial building prior to redevelopment, (d) how much did the Government receive in land tax (i) since the completion of the project and (ii) when this was a commercial building prior to redevelopment and (e) what was the CUC/LVC paid.

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

1) Six buildings

2) Block 6 Section 24 City (Nishi)
Block 1 Section 52 City (Manhattan)
Blocks 2-4 Section 18 Braddon
Block 6 Section 19 Braddon
Blocks 17 & 18 Section 21 Braddon
Block 22 Section 21 Braddon (Mode 3)

3) The Lease Variation for the Canberra Club was approved under Change of Use Charge (CUC);
a) Under the Taxation Administration Act 1999, I am not in a position to disclose individual taxpayer information. On this basis I cannot provide an answer to this question.
b) As above.
c) The amount of CUC paid is commercial in confidence.

4) The Lease Variation for the Manhattan Apartments was approved under Change of Use Charge (CUC).

a) Under the Taxation Administration Act 1999, I am not in a position to disclose individual taxpayer information. On this basis I cannot provide an answer to this question.
b) As above
c) (i), (ii) As above.
d) (i), (ii) As above
e) The amount of CUC paid is commercial in confidence.

Alexander Maconochie Centre—detainees (Question No 266)

Mr Wall asked the Minister for Corrections, upon notice, on 9 April 2014:

(1) How many sentenced detainees currently at the Alexander Maconochie centre are aged between, (a) 18 – 25, (b) 26-40, (c) 41 -65 and (d) over 65.

(2) How many remandees currently at the Alexander Maconochie centre are aged (a) 18 to 25, (b) 26 to 40, (c) 41 to 65 and (d) over 65.

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

(1) The number of sentenced detainees as at 1 March 2014 at the Alexander Maconochie Centre aged between:

(a) 18-25 years is 50.
(b) 26-40 years is 124.
(c) 41-65 years is 65.
(d) Over 65 years is 2.

(2) The number of remandees as at 1 March 2014 at the Alexander Maconochie Centre aged between:

(a) 18-25 years is 20.
(b) 26-40 years is 42.
(c) 41-65 years is 14.
(d) Over 65 years is 2.

Roads—slurry seal (Question No 268)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 10 April 2014:

(1) In relation to the trial of slurry seal for road resurfacing, in which locations will slurry seal be used for resurfacing during the trial.

(2) What is the cost of the trial.

(3) How is slurry seal applied to road surfaces.

(4) What is the estimated lifespan of slurry seal.

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

(1) Microsurfacing (slurry seal) has been placed on a cycle path between Fyshwick and Queanbeyan, on sections of Bowen Drive in Barton and Kingsford Smith Drive in North Canberra and on car parks at Charnwood Shops, South Kaleen shops and Hawker shops. Further sites will be considered.

(2) The cost of the microsurfacing trial works to date is $247,045 inc GST.

(3) The microsurfacing is blended on site and placed using a specialised paving machine.

(4) The life of microsurfacing on a sound pavement is expected to be 15 years.

Planning—extension of time fees (Question No 269)

Mr Coe asked the Treasurer, upon notice, on 10 April 2014:

(1) What is the value of extension of time (EOT) fees owed to the Government.

(2) How many leaseholders have attracted EOT fees.

(3) Specifically for the period 1 July 2012 to 31 March 2014 (a) what is the value of EOT debts that were accrued, (b) in how many cases have EOT debts been accrued, (c) how many leaseholders will be eligible for a waiver as announced on 6 March 2014, (d) what is the value of EOT debt waivers that could be applied, (e) how many leaseholders paid EOT fees during this period and (f) what was the total amount.

(4) How will eligible leaseholders be informed of their eligibility for the waiver announced on 6 March 2014.

(5) How many leaseholders have already sought the waiver and how much has been reimbursed.

(6) What is the maximum EOT fee owed by a single leaseholder to the Government.

(7) How many leaseholders are accruing EOT fees.

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

(1) EoT fees owed to Government from 1 July 2012 to 10 April 2014 is approximately $6,875,451.00.

(2) From 2008 to April 2014 ESDD has assessed 2590 applications which have attracted EoT fees.

(3) (a) With the current stimulus package this number is still being assessed;
(b) With the current stimulus package this number is still being assessed;
(c) With the current stimulus package this number is still being assessed;
(d) This cannot be determined;
(e) With the current stimulus package this number is still being assessed; and
(f) With the current stimulus package this number is still being assessed.

(4) The stimulus package has been announced through media and through ESDD's website.

(5) As at 16 April 2014 three waiver applications have been received and are currently being processed.

(6) Approximately $2.4 million.

(7) From 2003 there are currently 1442 leaseholders that could potentially be accruing EoT fees.

Questions without notice taken on notice

Transport—light rail

Mr Corbell *(in reply to a supplementary question by Mr Coe on Wednesday, 9 April 2014)*: I am advised that the guidelines set by Infrastructure Australia in relation to preparing submissions do not permit the use of land value uplift modelling.

The areas assessed under economic appraisal can be found on page 28 of the Infrastructure Australia Submission.

Transport—light rail

Mr Corbell *(in reply to a supplementary question by Mr Coe on Wednesday, 9 April 2014)*: At the Environment and Sustainable Development Directorate Estimates Hearing of 24 June 2013, Mr Jeremy Hanson MLA, Chair, asked:

- Could I ask then: what are the per annum running costs? You do not know what the subsidy will be, but what do you expect this to cost per annum to run?

Mr Glenn Bain, the then acting Project Director, responded to a question from the Chair:

- We have got some preliminary indications that we are looking at somewhere around a $7 million figure for ongoing operating costs per annum.

I have been advised that the figure of approximately $7 million was taken from the 2012 Infrastructure Australia Submission. The last page of attachment B to that report indicates annual operating costs settling at some $6.8 million once fully operational.

ACT public service—IT security

Mr Barr *(in reply to supplementary questions by Mr Doszpot and Ms Lawder on Thursday, 10 April 2014)*:

1) Which ACT government directorates are still running Windows XP?

The vast majority of desktops have been migrated from XP to Windows 7, with over a thousand business applications tested successfully with the current Standard Operating Environment.

The following directorates have a small portion of their desktop fleet running Windows XP:

- Community Services Directorate - HomeNet

- Health Directorate – The key systems within Health is the Winscribe application and Orthoview where a number of PC's have a dependency on these applications, both of these have projects underway to migrate to Windows 7 compliant versions. A small number of other applications have implication for less than 10 users each.

- Commerce and Works Directorate – MYOB HR21 (Rators) and Atlas PDF Reports.

- Justice and Community Safety Directorate – Joist, Promadis, Traffic Camera Office (TCO) and a small number of peripheral devices that have a dependency on Windows XP operating system. All of these with the exception of TCO have been transitioned to Win7 or action plans are in place for transition or alternate support.

- Territory and Municipal Services Directorate – Navision; Linenweb.

- Environment and Sustainable Development Directorate – epalm which is used to publish documents for the processing of lease conveyancing enquiries; one PC connected to an OCE scanner (for building plans and related documents); and the document store for the Mitchell office.

- Canberra Institute of Technology – no remaining application incompatibilities.

2) When exactly will updates take place on the areas still using XP and to what systems?

Shared Services ICT is continuing to work with directorates to upgrade from XP to Windows 7. Upgrade timeframes are driven by the time required to upgrade or replace the application systems that are not compatible with the Windows 7 platform, listed in answer (1) above.

The ACT Government has an extended support arrangement in place with Microsoft to ensure that we will continue to receive security patches for Windows XP, thereby mitigating the security risks arising due to the general availability of support for Windows XP having ceased.

The ACT Government employs a multi-layered approach to securing government data. In addition to routine vendor patching, a range of other technical measures are in place including anti-malware software, content and email filtering, and other intrusion prevention systems and techniques.

3) Were any health department systems dependent upon the use of Windows XP?

Yes, the Health Directorate has a small number of systems that are still dependent on Windows XP listed in answer (1) above.

Sport—canteen upgrades

Mr Barr *(in reply to a question by Mrs Jones on Wednesday, 9 April 2014)*: The Health Protection Service (HPS), Health Directorate has advised that no sporting club/organisation operating from an ACT Government sportsground canteen facility has been prevented from operating due to the need for capital upgrades to the facility.

Sport and Recreation Services (SRS) has conducted joint inspections with the Health Protection Service, Health Directorate at a range of ACT Government sportsground canteens to identify common upgrades or deficiencies that may need to be addressed to ensure compliance with the ACT Food Act 2001.

Further work is now underway to determine the extent and priority of any works required across all ACT Government sportsground canteen facilities.

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Further work is now underway to determine the extent and priority of any works required across all ACT Government sportsground canteen facilities.

ACTION bus service—network

Mr Rattenbury *(in reply to a supplementary question by Mr Coe on Wednesday, 9 April 2014)*: In response to your question, the current network update is part of the ongoing work of running a bus network. Regular network updates are designed to improve passenger services in the Territory and as such, ACTION absorbs the costs associated with network updates as part of its regular business activities. As a result, a breakdown of costs specific to the new network is not available.