



# Debates

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Legislative Assembly for the ACT

**EIGHTH ASSEMBLY**

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**Tuesday, 13 May 2014**

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

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

**MR GENTLEMAN** (Brindabella): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Planning, Environment and Territory and Municipal Services to report on matters referred to the committee by you, Madam Speaker, on 8 May 2014.

On 8 May 2014 Madam Speaker informed the Legislative Assembly that she had received correspondence as follows:

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.

Further to this, Madam Speaker advised members that, in accordance with standing order 276, she must determine as soon as practicable whether or not the matter merits precedence over other business. Members' attention was drawn to 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 standing order 242, Madam Speaker informed the Assembly of her intention to write to the Chair of the Standing Committee on Planning, Environment and Territory and Municipal Services to ascertain whether the alleged unauthorised disclosure:

- (a) has caused substantial interference with its work on the relevant inquiry it was undertaking, or
- (b) has caused, or is likely to cause, substantial interference with the work of the committee.

The committee was asked to advise the Assembly by way of a report on Tuesday, 13 May 2014 of the committee's view on the matter. This statement reports the committee's views.

The committee considered the matter at a private meeting on Monday, 12 May 2014—yesterday. In accordance with standing order 242, I, as the chair of the committee, asked the secretary and each member of the committee if they had

disclosed confidential proceedings of the committee. The secretary and the four members of the committee indicated that they had not disclosed confidential proceedings of the committee.

On the question of whether the alleged unauthorised disclosure has caused substantial interference with its work on the relevant inquiry it was undertaking, Mr Coe and Mr Wall answered “yes”. Dr Bourke and I answered “no”.

On the question of whether the alleged unauthorised disclosure has caused, or is likely to cause, substantial interference with the work of the committee, Mr Coe and Mr Wall answered “yes”. Dr Bourke and I answered “no”.

That concludes the committee’s report.

### **Justice and Community Safety—Standing Committee Scrutiny report 18**

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

Justice and Community Safety (Legislative Scrutiny Role)—Standing Committee—Scrutiny Report 18, dated 12 May 2014, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR DOSZPOT**: Scrutiny report 18 contains the committee’s comments on 19 pieces of subordinate legislation and two government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

### **Gugan Gulwan Youth Aboriginal Corporation Statement by minister**

**MR RATTENBURY** (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing), by leave: I would like to remind members that in my speech of 19 March 2014, in response to the motion moved by Mr Wall and endorsed by the Assembly which called on “the ACT government to investigate options for providing additional space for Gugan Gulwan Youth Aboriginal Corporation and report on the results of this investigation to the Assembly by the end of April 2014”, and which was subsequently amended, I agreed to provide a further update to the Assembly about progress made in finding additional suitable accommodation for Gugan Gulwan.

As I have stated previously, I have great respect for the work of the Gugan Gulwan Youth Aboriginal Corporation and the outcomes it achieves for young Aboriginal people and their families. Finding additional accommodation so that Gugan Gulwan can expand its current programs and alleviate the space pressures at its existing centre is one of my priorities.

Part of the process in finding suitable accommodation was determining their specific requirements, in consultation with Gugan Gulwan. Gugan Gulwan has advised: (1) a location is required near transport links and in reasonable proximity to the current facility in the Tuggeranong region; (2) outdoor space is needed as young children and babies participate in the programs; and (3) Gugan Gulwan must be the sole tenant.

Within the context of these requirements, the Community Services Directorate has been trying to find suitable additional space in Tuggeranong and in nearby areas and has continued to work with ACT Property Group in the Territory and Municipal Services Directorate and with the Education and Training Directorate.

Since 2011 the accommodation offers to Gugan Gulwan have included a former primary school, Urambi, a former childcare centre in Kambah, spaces in community centres in Pearce and Weston and ACT Property Group's Erindale business park—both multi-tenanted facilities—a neighbourhood hall in Tharwa, and spaces in primary schools in the region, in Calwell.

Of these offers, Urambi and Kambah were deemed suitable for the planned delivery of their new programs. However, these properties were withdrawn from the surplus list and are therefore no longer available. The community centres and the Erindale business park are multi-tenanted facilities and also did not meet Gugan Gulwan's need for outdoor space or provide the privacy needed by youth accessing support programs. In the case of Pearce, the facility was outside the Tuggeranong region and Gugan Gulwan considered it too far away from their main operational premises.

The most recent accommodation offer was space in the Calwell Primary School/health centre, which was viewed by Gugan Gulwan on Wednesday, 30 April. This offer was deemed unsuitable by Gugan Gulwan as it was only available as a shared space.

The time taken so far to find suitable space for Gugan Gulwan highlights the challenges of meeting their specific requirements in the context of high utilisation levels for community facilities in the Tuggeranong area. The Community Services Directorate will continue to work with the Education and Training Directorate and the Territory and Municipal Services Directorate to identify other options.

Given the constraints on suitable accommodation arising from Gugan Gulwan's mode of operation and the pressure on community accommodation in the Tuggeranong area, it is possible that it might be some time before suitable accommodation is identified. In light of this I have asked the Community Services Directorate to meet with Gugan Gulwan again and explore what can be done to alleviate some of the pressure on their current accommodation and what potential there is for a staged approach to additional or replacement property.

The directorate will be meeting with Gugan Gulwan again in the coming weeks to explore these possibilities. The matter remains as a standing item for directorate briefings to me, as it has since before the Assembly motion.

## **Public Accounts—Standing Committee Report 5—government response**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (10.09): For the information of members I present the following paper:

Public Accounts—Standing Committee—Report 5—*Inquiry into Appropriation Bill 2013-14 (No. 2) and Appropriation (Office of the Legislative Assembly) Bill 2013-14 (No. 2)*—Government response.

I move:

That the Assembly takes note of the paper.

The Standing Committee on Public Accounts presented its report on the Appropriation Bill 2013-2014 (No 2) and the Appropriation (Office of the Legislative Assembly) Bill 2013-2014 (No 2) on 6 May. The government would like to thank the committee for its inquiry into these bills. The committee made 18 recommendations. The government has agreed with 12, noted four and disagreed with two.

With respect to the two recommendations that the government has disagreed with, recommendation No 5 was that the government give due consideration to whether the current location of the Infrastructure Finance and Advisory Unit within the Chief Minister and Treasury Directorate supports efficient and effective outcomes as per the desired strategic and operational infrastructure objectives.

The government considers that the unit is best placed in a central agency such as the Chief Minister and Treasury Directorate due to the nature of its work. A key role of the unit is to protect the interests of the territory in long-term commercial and financing arrangements, which is a role more closely associated with that of CMTD. The location of this unit in a central agency is consistent with practice amongst other jurisdictions in Australia.

The second recommendation that the government did not agree with related to the tabling of all financial analysis work that has been done to date concerning the capital metro project. The government has disagreed with this recommendation because financial analysis of the capital metro project is ongoing and is, by its nature, commercial-in-confidence. Enabling market access to sensitive commercial analysis has the potential to limit innovation and hinder desired price outcomes during the procurement process and could compromise the achievement of value for money for the territory.

With those two disagreements with the committee's recommendations, we otherwise have agreed or noted the other issues that the committee has raised. I thank the committee for their examination of the bill and certainly look forward to the forthcoming debate.

Question resolved in the affirmative.

## **Appropriation Bill 2013-2014 (No 2)**

[Cognate bill: Appropriation (Office of the Legislative Assembly) Bill 2013-2014 (No 2)]

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

That this bill be agreed to in principle.

**MADAM SPEAKER:** I understand it is the wish of the Assembly to debate this bill cognately with order of the day No 2—Appropriation (Office of the Legislative Assembly) Bill 2013-2014 (No 2). That being the case, in debating order of the day No 1, executive business, members may also address their remarks to order of the day No 2, executive business.

**MR SMYTH** (Brindabella) (10.12): It is, of course, the right way, when seeking to spend additional funds, that the executive come to the Assembly and ask for those funds to be released through an appropriation bill. As is also responsible, it is appropriate for that to go through at least some inquiry process, which, of course, the public accounts committee did. I thank the government for tabling their response today.

The government's response is interesting. It is good to see they have accepted most of the recommendations. That is very wise, Treasurer. I find the language of the minister's response to recommendation 5 quite curious. Recommendation 5 was that "the committee recommends that the ACT government give due consideration". What we basically objected to with the government disagreeing was that they refused to give any consideration to a bipartisan and totally agreed to resolution by two Labor members and two Liberal members of the committee.

Whether at the end of the consideration you go, "No, okay, we've looked at it. We've listened to what you've said in the report. We take into account what was said in the inquiry and, no, we think this is still right," but to disagree with having any due consideration I think is a bit tough. But that is the Treasurer. That is probably the Treasurer's tough statement for the day. More concerning, though, is recommendation 13. Recommendation 13 is that the committee—a bipartisan committee with four members, two Liberal, two Labor:

recommends that the ACT Government consider tabling in the Legislative Assembly all financial analysis work that has been done to date concerning the Capital Metro Project.

And it is disagreed. So we are getting a very negative picture here of how the government are approaching the capital metro project. We know from questioning in previous committees that the Treasurer said there is no number too high that would stop the construction of the capital metro. So it is going ahead. We know that they rely on Mr Rattenbury's vote to remain in government, and this is a key plank for Mr Rattenbury. So we know they are not going to change.

But the question is: why would you not be more open in the financials? The excuse is always thrown up, “Well, of course, it’s commercial-in-confidence.” If there is commercial-in-confidence information that might need protection so that we get the best price we can, noting already that the Treasurer has said that no price is too high, I think on that excuse alone the horse has already bolted.

This is a huge undertaking for the territory. Members would remember the mismanagement of Gungahlin Drive by Mr Corbell, which saw the project, with an initial budget of something like \$55 million and a completion date of July 2005, take double the time and probably cost four times the money. That is why it is of concern to the committee—and it is particularly of concern to this side of the house—that we are really not getting the financial information that makes the case.

Particularly on capital metro, we know that that if you look at the Gold Coast example, the numbers were dramatically overstated by the government of the day. An incoming Liberal government that reassessed the numbers found that the expectation of passenger usage was about a third of what was used to make the case to go ahead with what was at best a marginal project when they had triple the passenger projections. The long-term cost of this project will be borne by someone. That someone is the taxpayer.

Remember that the Chief Minister, when she came to office, heralded a new era of openness and accountability. To just simply have a blanket, “No, we won’t be releasing these numbers” is unfortunate. I think it lays the government open to the claim that they are hiding information about the true viability of capital metro. We know, for instance, that Mr Barr has refused to rule out a levy, a tax hike, to pay for the capital metro, which everyone would have assumed, given the government’s insistence, was economically viable. But, again, the fact that you are now going to immediately start reaching into taxpayers’ pockets to pay for this piece of folly at this time is a shame. We have stated our position. Yes, do the work by all means, reserve the routes by all means. but you need to make the case before this goes ahead. Again, I think what is happening here is that we are not getting the case.

In terms of recommendation 13, it is a shame that the government will not make available that information and will not make sure that their case is made and well made. We know that in the approp bill there is some capital injection funding to recurrent projects for the capital metro. It is a transfer from one fund to the other. If you cannot get your allocation of funds at the start, whether it is capital or recurrent—which, of course, is just adherence with the accounting standard—then there are serious concerns about the way that the government are handling the capital metro project.

I think all in this place will need to keep a very firm eye on this project simply because the case has not been made that it is viable at this time. There is not the financial information and we can look at their history of projects, whether it be the prison—where, of course, we had the false opening by Mr Corbell—or Gungahlin Drive, which Mr Corbell promised several times would be delivered on time and on budget. Indeed, Mr Corbell was reportedly at the Gungahlin Community Council



saying yes, they were in favour of it and then he was recorded in a north residents meeting saying that they would do everything they could in their power to stop it.

It is important to get to the bottom of the capital metro. I am sure my colleague Mr Coe will continue to do the good work that he is doing to ensure that we do. This project, which nominally has a price tag of about \$600 million—although I am now hearing numbers of up to a billion dollars for the cost of just this first stage—will drain the capital works budget for a very, very long time and potentially at the same time expose future governments to payments to make the operation of the capital metro work.

We need to look at the approp bill, and you need to question, Madam Speaker, a couple of weeks out from the ACT budget and a couple of months out from the end of the financial year: is all of this funding appropriate, is it necessary and can it actually be spent by the end of the financial year? For instance, we had another embarrassing gaffe from Minister Burch when she was asked would the money be spent by the end of the year. She said, “Yes, it will all be spent by the end of the year.” Then we had the lesson from the financial officers in the department of education about how the money was required to be appropriated so that the new school could go out to tender, that some hundreds and thousands might be spent but the full \$7 million would probably not. Minister Barr the next day very kindly reiterated some of that information to us as Treasurer and confirmed the process by which money is appropriated so that tenders and contracts can be let. He might have that discussion with Minister Burch because she clearly does not know how that works.

We also find in the documents, if members have not read them, that there are a significant number of rollovers occurring. Again, there is project after project where there are rollovers. Some have reasonable excuses in that it was a matter of timing and they were expected to be paid early in the new financial year. Some of them clearly are just a failure of this government to get their planning processes right.

On page 50 of the supplementary budget papers we have got the Aboriginal and Torres Strait Islander residential, alcohol and other drug rehabilitation facility. This was meant to be open by now. This is another failed health project where the health minister has not consulted properly, where the health minister has not been able to bring the community with her and where the health minister now sees a blowout so that this project now will not be completed until 2016-17, and we see \$4 million being pushed out to the 2015-16 and 2016-17 financial years.

Money has been spent on this project to clean up the site. You have to question the due diligence in purchasing a site that needed significant rehabilitation, and apparently that is what has occurred. You also have to question how the consultation was conducted in that the process went to ACAT. The government has had the win eventually, but in the interim all those people in the Aboriginal and Torres Strait Islander community have not had a residential facility because, again, the government did not listen initially to the community. They did not want this site. They certainly accepted it in the end because it was the only site that the government had on offer, but it is not where they want it to be. That is the problem when you have got a

government that wants its way instead of a government that is willing to serve its community.

One of the recommendations dealt with rollovers, particularly in the Economic Development Directorate. We sought the government's assurance that because there were so many rollovers, particularly in Molonglo 3 and in Gungahlin, as well as significant projects like Horse Park Drive water control and another Horse Park Drive extension, as well as delay in funding or delivery of Molonglo 2 projects, they could guarantee that they would get the land to market in time. We see so often that the government are unable to deliver on time and on budget, and the government are unable to get that land to market as cheaply as they can. We looked at this in a number of recommendations in the report. It is interesting to see that some have been agreed to. For instance:

The committee recommends that the ACT Government ensure that capital works projects are properly scoped and take into account long term future requirements.

That is particularly in reference to the Alexander Maconochie Centre. It is interesting when you read the government's response:

Agreed.

The Government has taken this approach with the Alexander Maconochie Centre Additional Facilities project.

This is a prison which, on the day it was opened, was virtually full. We were told by the minister, particularly Minister Corbell, for years that there was 20 to 25 years capacity in the Alexander Maconochie Centre. This is another failure of the minister. Here we are with a new minister who is now going to have to expend, apparently, up to \$54 million on things that probably should have been built originally. We all know that the finances on these projects change, but with prisons in particular there is a degree of difficulty to go back into a prison to rebuild. I would not be at all surprised if the indicative costs that Mr Rattenbury has put on the table blow out further. It will be difficult to do it because Mr Corbell got it so wrong in the first place.

We then looked at the issue of bullying. It comes up in a number of recommendations. There seems to be a theme with this government and it is an inability to stamp out bullying in the workplace, particularly in the ACT government. I am particularly pleased that the government has agreed to both recommendations 3 and 4. Recommendation 3 says:

The Committee recommends the ACT Government directorates and agencies should ensure the investigation of bullying complaints, whatever the method of notification, in a timely manner.

Agreed—which is entirely different to the approach of Mr Corbell during the hearings. I hope Mr Corbell will take this on board. We had a case where the departmental guidelines said a complaint had to be in writing, whereas the WorkSafe guidelines said if you have made the complaint verbally then it should be investigated. The department erred on the written and, therefore, did not investigate a case of bullying,

which they will now have to investigate. If you do not stamp out bullying when it first comes to your attention then it will linger and it will fester, and it will increase.

We know that previously—what was it Ms Gallagher said? “The 10-year war in obstetrics”—there have been claims of bullying in TAMS. Mr Doszpot has for years tried to get to the bottom of the bullying at CIT. The government’s response to that bullying, I think, could only be described as ineffectual at best. Again, if we do not take a stand on this then it will continue. Recommendation 4 says:

The Committee recommends that the ACT Government ensure, until such time as the conflict that exists between the obligations in relation to addressing bullying complaints contained within the two regulatory instruments currently in force is addressed, that the minimum standard for notification of bullying complaints should apply.

The government have agreed with that. Indeed, they say:

ACTPS industrial agreements set out procedures for the investigation of complaints of misconduct, and care should be taken in drawing systemic conclusions from a single case.

That may be the case, but this is a case that was not even investigated. Here was a paramedic of long standing in the service, of high regard amongst his peers, who had made a complaint and was ignored. That is simply shameful and to the disgrace of the ESA, the directorate and the minister. It is unfortunate that it took a provisional improvement notice from WorkSafe, which was meant to be pinned up all around the workplaces—apparently it was in some but not necessarily in all, I have been told—to say, “We’ve got a problem here. You’ve got to fix these things from the start.” It is pleasing to see that, at least through the Treasurer, the government’s response is that they agree to this approach. It will be interesting to see if all the ministers and all the directorates follow through on that.

The other recommendation was a recommendation about an inclusion threshold. We have a line in the appropriation—I think it is \$14,000—for the education department for supplementation for wages. The reason given that it was in the budget at all was simply, “Well, everybody else was told to do it and we were told to do it so that we are all consistent.” If a department with the many hundreds of millions of dollars that the education directorate has cannot find \$14,000 then there is seriously something wrong with the approach of the minister, or the management of the department.

It is pleasing to see that the government say that, yes, they agree and the government will consider the appropriate balance between setting a threshold and ensuring consistency and accountability. That is a reasonable way forward. Clearly, \$14,000 for some of the very, very small agencies may be a considerable amount of money. If you have a budget in the hundreds of millions of dollars and you cannot find \$14,000 then I think you are kidding yourself.

That said, it is pleasing that most of the recommendations have been agreed to. A couple are only noted, but we will watch with interest as the government looks at those. For instance, I know that a huge issue for Mrs Jones is Hibberston Street. People

have complained to her a lot about Hibberson Street and what will happen should the light rail go down Hibberson Street. The government told us they have a report coming, that the recommendation is noted and the government's position is that a decision on the terms of the release of the Hibberson Street study will be made by the government. We will watch with interest. I am sure that charge will be led by Mrs Jones and the other members from Molonglo. The recommendation was:

The Committee recommends that once finalised, the ACT Government should prioritise the public release of the Network Integration Study.

The response was:

Noted.

The Light Rail Integration Study Consultation Report is available on the Capital Metro website:

It went on:

A decision on any future release of Light Rail Integration Study material will be made by the Government as reports are produced.

It is hard to know whether the first one is the report that we actually spoke about in the committee or whether the second sentence—"A decision on the future release"—refers to the one we discussed in the committee. We think that these reports are vital and that people should understand how capital metro will operate. In the new era of honesty and open visibility that the government professes, one would wonder why that report would not be made available so people can understand how the system will work and how it will be integrated, particularly with the bus system.

With those comments, I will finish my commentary on the government's report.

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (10.30), in reply: I thank the shadow treasurer for his contribution. The appropriation bill that is before us mainly relates to the appropriation of funds to agencies to meet the expected costs of the government's pay offer for expiring enterprise bargaining agreements. With many agreements at the voting stage of negotiations, the government considers that it is reasonable for employees to expect any associated salary increases to be paid in this financial year. The bill, therefore, provides for the estimated amounts flowing from the draft agreements.

The bill provides a total of \$23.810 million for the net cost of outputs appropriation, of which \$15.653 million relates to expiring agreements. A further \$12,000 in expenses on behalf of the territory appropriation also relates to these agreements. The remaining \$8.157 million provides funding for the transfer of funding from capital injection to net cost of outputs for the Capital Metro Agency, to accurately reflect the expected nature of expenditure to be undertaken in this current fiscal year, and the ACT public service workers compensation and work safety improvement plan to

provide support for the continuation of the return-to-work case management services for injured ACTPS employees.

There are provisions in relation to judges' remuneration, including increased pension and retirement costs and costs associated with reducing backlog. This is an essential component of the functioning of the justice system and is required in accordance with Remuneration Tribunal decisions. A further \$244,000 in expenses on behalf of the territory and \$363,000 in capital injection appropriation are provided in addition to the \$498,000 for the aforementioned tasks.

There is \$487,000 for the infrastructure and finance advisory unit within the Chief Minister and Treasury Directorate. This unit has been established to support major infrastructure delivery in the territory, including responsibility for public-private partnerships. This is a vital role given the government's commitment to a number of large infrastructure projects. There is \$170,000 for a feasibility study on city to the lake and the new Canberra theatre, which will investigate the functional requirements, delivery options and a concept design.

A total of \$14.563 million in capital injection appropriations is provided for in the bill. There is \$7.46 million for construction to begin works on the Coombs P-6 school. This will be the first school in the Molonglo region and will accommodate around 700 students from preschool to year 6. There is an appropriation for the living Murray water entitlements to fulfil the commitments of the ACT under the living Murray initiative agreement of 2004. That is \$2.968 million. There is \$1.297 million for new ACT court facilities, providing funding for a public-private partnership enabling the redevelopment of the Supreme Court building. There is \$1.177 million for the Alexander Maconochie Centre additional facilities, which will provide tender-ready documentation in preparation for construction. There is \$520,000 for the West Basin public waterfront design project as part of city to the lake to allow the forward design of the public realm. The Exhibition Park Corporation loan, reflecting the full approved loan facility, is \$450,000, due to an increase in the expected purchase price of block 799 to facilitate the provision of low-cost accommodation at Exhibition Park. And there is \$328,000 for the ACT legislation register replacement and its supporting systems to reduce the risk of system failure, ensuring the system is fit for purpose and improving the security and integrity of information.

Finally, the bill provides appropriations for additional expenses of \$7.884 million on behalf of the territory relating to ACT concessions program funding to meet an increase in eligible recipients and in the volume of claims—\$3 million of this covers accrued expenses from 2012-13—and also covering the territorial component of judges' remuneration and the territorial component of revised wage parameters for the Environment and Sustainable Development Directorate.

The funding contained in these bills is required in this current fiscal year to enable the building and transformation of our city and the delivery to the ACT community of a number of outcomes: a sustainably growing economy; the protection of jobs; the building of infrastructure for the future; the enabling of a vibrant cultural and social life for the city; and providing opportunity and care for all Canberrans, particularly those who are doing it tough.

Madam Speaker, having said all of that, I again thank the public accounts committee for its time and support of the bill. I commend it and the Office of the Legislative Assembly appropriation bill 2013-14 to the Assembly. Just for completeness, that bill appropriates funds of \$73,000 to the OLA to meet expected costs arising from the anticipated outcome of the government's offer in relation to expiring EBAs. I commend both bills to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **Appropriation (Office of the Legislative Assembly) Bill 2013-2014 (No 2)**

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

That this bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **Road Transport (Alcohol and Drugs) Amendment Bill 2013**

Debate resumed from 28 November 2013, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR HANSON** (Molonglo—Leader of the Opposition) (10.37): At the outset I indicate that the opposition will be supporting this bill and will also be supporting the amendment in the detail stage. The bill contains a number of sensible amendments to the current legislation which will increase the effectiveness of police actions in keeping Canberra's roads safe, at the same time providing appropriate personal safeguards for those lawfully going about their daily business on our roads.

There have been a number of concerns that have been raised both in the media and by the Canberra Liberals concerning a particular element of this bill. This concerns the right of police to continue to detain drivers who are not under suspicion of any offence. The issue is not whether the police can continue to randomly detain drivers for blood or drug testing but how long drivers can be held if equipment is not

available to do the appropriate tests. I will return to this matter later. That is the subject of the amendment.

In broad terms the bill makes five amendments to the act. Firstly, it removes an individual's potential defence of, whilst knowingly having consumed a drug, having an incorrect knowledge of the identity of that drug. Secondly, it removes the requirement that, if requested by the offender, the police have the liability to contact the offender's medical practitioner and substitutes an obligation by police simply to facilitate that contact.

Thirdly, it removes the liability of costs for the provision of any medical examination requested by the offender. Fourthly, it changes the time a suspect can be held pending a drug or alcohol test from the current unlimited position which states, "as directed by a police officer" to a more restrictive time, that being not exceeding 30 minutes. Fifthly, it introduced a new offence of either not remaining for a screening test or refusing a screening test and providing a penalty at the highest level for a positive test.

Madam Speaker, these provisions are drafted in an attempt to strike a balance between drivers' and offenders' rights and the police obligation to maintain public safety. They respond also to current public understandings of the role of roadside testing in managing road safety.

The first element of the bill removes the potential defence of, whilst knowingly having consumed a drug, having an incorrect knowledge of the identity of that drug. It is the case that a defence has been put by some drivers who have consumed an illegal drug but then claimed to be under the influence of some other legal substance. It is also true that some legally available prescription drugs will impair a driver's ability. However, these drugs are required to be packaged with appropriate warnings, including issues concerning activities such as driving a vehicle.

The fact is that someone taking a legal drug could have their driving impaired. That information about the effects on their driving is readily available. For someone knowingly taking an illegal drug and then claiming the effects of a legal substance will no longer be a defence.

The second element is one which changes the arrangements around the right of an offender to have an independent blood or drug test. The right will remain, but the onus of responsibility changes. When the Road Transport Act provisions on this matter were first applied, the community and the court system did not necessarily have much faith in the testing regimes that were being used.

It was envisaged that offenders would require and regularly seek independent confirmation of tests. The obligation was placed on police to arrange these independent tests. In practice, most offenders do not seek independent testing; so this provision of the current act is rarely used. In addition, the out of business hours times when these provisions are most likely to be used means that locating nominated doctors is often difficult.

The new provision does not remove an offender's right to the independent test, nor the police obligation to assist, but now only requires the police to help the offender get a test. This could be as simple as providing the offender with a mobile phone so they can contact their doctor. This provision will make police operations more efficient without reducing the right of the offender to seek independent advice.

The third impact of this bill is to remove the obligation or implication that the costs of any independent test will be borne by the taxpayer. A section of the bill will explicitly state that if an offender takes up their right for an independent test, the costs will be borne by them. This seems reasonable and protects taxpayers from unnecessary costs.

The fourth element introduces the new offence of either not remaining for a screening test or refusing a screening test. This is an important new approach, since currently if a driver refuses to take a roadside test they must be taken into custody for a full analysis to be done. Only when a driver refuses to take a full analysis can the police charge the driver. That is an unnecessary two-step process.

The element of this bill that has generated the most controversy is in regard to the amount of time that police can hold a driver whilst waiting for a test. The current situation is that a driver can be held as directed by police. It does not explicitly require that they remain for a test. This interpretation of existing laws has been tested in the ACT courts. In 2012 in a case in the ACT Magistrates Court, *Hackett v Gaut*, Magistrate Campbell found that a driver had a duty to stop when directed by police and this must also include a duty to remain for such a reasonable time to carry out the test.

The new provisions now define a maximum time for the reasonable allowed tests to be conducted. A balance needs to be struck between the ability of police to conduct tests in a practical roadside condition and the delays imposed on drivers. To determine the most appropriate time police can delay a driver for, consideration must be given to the current view that some minimum time is allowed for the test with a position that police can hold drivers for a maximum time as directed.

On the surface, and in discussions and briefings from the government, the identification of a maximum of 30 minutes is intended to strike a balance when considering all of the practical issues and broader public interest, including safe roads. The bill as originally drafted has the police under no obligation to make a judgement about whether the driver may or may not be under the influence of a substance or has committed an offence. If the necessary equipment to conduct the alcohol or drug test was not available, police could continue to detain the driver for up to 30 minutes.

This seems to be an extension of police power that could allow unnecessary inconvenience for drivers who have committed no offence and in some circumstances it could allow for police discretion to be overreached. The government has proposed an amendment to the bill which requires that once police have randomly detained a driver for a test, they can only further detain the driver for up to 30 minutes if the police have reasonable cause to suspect that the driver may have committed an offence.



Madam Speaker, the government's amendment I think improves the bill. It helps to provide that balance between the requirement for the police to conduct their duty, to get on with their job, and the rights of the individual. I indicate that it has been a bit of a tortuous process to get to this point. This was first discussed in government briefings where we raised this as an issue.

Government staff at that point indicated that there was going to be an amendment coming forward. Then there was not an amendment; then there was; and I think now we are at the point where there is an amendment. It has been a bit of a tortuous process, but they do say that about the making of legislation, Madam Speaker. But I am glad that we have reached a point where we have struck, I think, a better balance. As I indicated, we will be supporting the amendment that is being moved by the Attorney-General.

In conclusion, the bill contains a number of practical and sensible amendments to the current legislation which aim to enhance the effectiveness of police in the conduct of their duty, particularly around the testing of people for substances which would impede their ability to operate their vehicles safely on our roads. The Canberra Liberals will always seek to make sure that our roads are safe. I will speak further briefly in the detail stage, but we will be supporting this bill.

## **Visitor**

**MADAM SPEAKER:** Before I call the next member, I acknowledge the presence in the gallery of former member Mr Richard Mulcahy. Welcome to the Assembly.

## **Road Transport (Alcohol and Drugs) Amendment Bill 2013**

**MR RATTENBURY** (Molonglo) (10.47): This bill makes various revisions to the roadside alcohol and drug testing scheme. Firstly, it removes the defence of honest and reasonable mistake of fact where a person drives with a proscribed drug in their oral fluid or blood but believes they have taken a non-proscribed drug that was also a controlled drug. This was an issue I discussed with the Attorney-General, particularly in the context of the care the government needs to take when using these kinds of no-fault offences. I understand the rationale that a person who believed they were taking a controlled drug should not be able to rely on such a defence. It is also relevant that controlled drugs tend to impair driving, but these cannot yet be accurately tested for in the roadside drug testing context. I note also that the attorney has updated the explanatory statement on this issue, providing a section 28 human rights justification for the amendments.

The bill secondly allows police officers to direct drivers to remain at the scene for up to 30 minutes in order to complete an alcohol or drug test. This is in situations where, for example, testing equipment might be faulty or might not be immediately available. Again, I discussed this issue with the Attorney-General and expressed my concern that this should be for occasions when a driver has not been involved in an accident or culpable driving incident and that the police should only be able to exercise the

proposed detention power of up to 30 minutes if they have a reasonable suspicion that the person is under the influence of drugs or alcohol.

I recognise that police need to be able to detain drivers long enough to conduct the normal random roadside tests, as is the current practice. In this case, no reasonable suspicion is needed. However, for the rarer situation where police wish to detain someone for a longer than normal period while they retrieve equipment or perhaps fix faulty equipment, the police should need a reasonable suspicion, otherwise the detention appears to be arbitrary. Mr Corbell is proposing to make an amendment to this effect, which I support, and I thank him for the discussions on this matter.

A third change in the bill creates a new offence of refusing to undertake a roadside screening test for alcohol or drugs. This intention is to ensure the efficacy of the system. The bill also removes an obligation on police to arrange an independent medical examination when a person requests it following a drug or alcohol test. Instead, the obligation is on police to provide the arrested person with access to a phone to contact their preferred medical practitioner to arrange an examination in the same way that access to a phone is given to arrested people to enable them to seek legal representation. The police contracted on-call forensic medical officer is also available.

The last thing I want to flag just in this context is that I have been canvassing the issue of whether the drug driving legislation should be reviewed. I have raised the issue with both Mr Hanson and Mr Corbell. The Greens and the Liberals supported the introduction of drug driving laws which came into effect in May 2011. I think it is necessary that these laws are reviewed at some point. Reviews of roadside drug testing regimes have occurred in most other jurisdictions to review how they are working in practice and have often resulted in tweaks of the legislation or operational elements.

I have formed a view that, given the relatively short period that this legislation has been operating and advice from Policing on the number of tests they have undertaken, it is worth leaving it some more time before that review is undertaken. We want an adequate number of tests to have been undertaken to provide a strong statistical basis for any review and also to allow for operational matters to continue to settle, particularly in light of the reforms being moved through the Assembly today.

On that basis I do not think this is the right time, but I think at the some point in the future we will as an Assembly need to seek that review, or it may be that whoever is the minister for police at the time has that work done. It is something we will want to keep an eye on in light of judicial interpretations of the legislation and practical implementation on the ground. I am happy to support the proposed amendments today, and I thank the Attorney-General for the advice that he has given me in the consideration of this bill.

**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) (10.52), in reply: I thank members for their support of this bill today. On almost all measures the ACT is considered to have

an enviable road system. Our road network is a high quality one and it is well maintained. Travel on our roads is largely efficient and we record consistently low rates of road deaths compared with other Australian jurisdictions.

However, as anyone who has had a friend or relative killed or injured in a road accident would attest, any death or serious injury on our roads is one too many. The tragedy individually and for families and friends is immeasurable. The enduring impact on family and friends of the senseless and needless loss of life or of life-changing injury of a loved one at the hands of a drink-driver can only be imagined. In addition to the human and personal cost, the economic cost to the community is also significant.

The government, through the ACT road safety strategy, is committed to a vision zero policy, which ultimately aims for no-one being killed or seriously injured within our road transport system.

If such a vision is to be realised, it is necessary to address the risks on our roads presented by drink and drug driving. Despite extensive community education efforts highlighting the risks posed by this dangerous behaviour, drink and drug driving continues to be an issue for our community as well as in other parts of Australia. Research continually shows that key driving performance skills, such as concentration, attention and reaction time, are adversely impaired by drug and alcohol use.

Advice from ACT Policing is that impaired driving, generally involving alcohol but sometimes in combination with illicit drugs, was a contributing factor in almost 40 per cent of fatal crashes in the last four years. The risks posed by drug and drink-driving are clear, and for this reason I have repeatedly given directions to the Chief Police Officer, through the annual purchase agreement with ACT Policing, to target this antisocial activity. As a result, ACT Policing have been extremely proactive in undertaking roadside drug and alcohol tests. There were 134,684 roadside drink-driving tests performed last year, almost 40,000 more than were conducted in 2012. In addition ACT Policing conducted just over 2,000 roadside random drug tests.

It is pleasing that, despite the significant increase in roadside breath tests conducted, the number of people detected driving while under the influence of alcohol fell. Last year 1,355 drivers were caught driving after consuming an excess amount of alcohol, and this number has been steadily falling in recent years. In addition over 200 drivers were caught drug driving last year.

While it is pleasing that the number of drivers undertaking this high-risk behaviour is falling, the number does remain unacceptably high. An impaired driver represents a threat to themselves, their passengers and other road users. Every drink or drug driver we take off the road potentially saves another person's life.

For that reason the government has been focused on reducing drug and drink-driving. Some of the initiatives introduced in recent years include: applying a zero alcohol concentration to learner and provisional drivers, public vehicle and heavy vehicle drivers; restricting access to work licences for drink and drug drivers to first and low-range offenders only; immediate licence suspension where a driver records a blood

alcohol concentration of .05 or more; and requiring people convicted or found guilty of a drink or drug driving offence to complete an approved alcohol or drug awareness course.

In addition the government will shortly begin mandating the use of vehicle alcohol ignition interlocks by drink-drivers. Those provisions are directed at influencing the long-term behaviour of high-risk drink-drivers—those who repeatedly drink and drive or record high-range blood alcohol levels.

The government has also demonstrated its strong support for increased road safety measures through the budget. Last year the budget allocated \$5.1 million over four years for police to better target bad behaviour by motorists. This funding extends the existing road safety operations team to enforce drug driving and drink-driving legislation. The “more police safer roads” initiative will provide the community with a more visible traffic police force, the ability to conduct more random roadside drug testing and RAPID camera operations and an increased capacity to combat other traffic offences such as speeding, mobile phone use and not wearing a seatbelt.

This bill builds on this overall commitment to and investment in better road safety on the part of the government. It does this by making four changes that improve our police’s ability to enforce the road transport laws when it comes to alcohol and drug testing.

The first amendment restricts the ability of a driver to rely on the defence of honest and reasonable mistake of fact for an offence of driving under the influence of a prescribed drug when the driver claims he or she believed they were taking another prohibited substance. The defence of honest and reasonable mistake provides that a person is not criminally responsible if the person was under a mistaken but reasonable belief about the facts, and, had the facts existed as believed, the conduct would not have been an offence.

At the moment drivers who have been charged with the offence of driving with a prescribed drug in their oral fluid or blood are able to rely on this defence and allege that they thought they were taking a controlled drug—or an illicit drug—that was not a prescribed drug. So a driver could claim that they thought they were consuming a drug such as cocaine, which is not detected through roadside drug testing, when in fact they took a prescribed drug, such as speed, which is detected by roadside drug testing.

Drivers who have driven whilst under the influence of an illegal drug should not be able to avoid punishment for their selfish and dangerous actions by using a legal loophole. There is clear evidence that the use of illicit drugs causes drivers to become impaired and reduces their ability to safely drive a car. These drugs are taken for their mood and perception altering effects. Operating a vehicle whilst under the influence of a controlled drug poses a significant safety risk to other road users and the broader community.

The amendment therefore ensures that those drivers who engage in this risky behaviour are not able to use the argument that they were mistaken as to which impairing drug they had consumed as a basis to avoid culpability.

The next change made by this bill is to confirm the power for police officers to direct drivers to remain at the scene where they were originally pulled over by police for the purpose of conducting an alcohol or drug screening test. The amendment codifies the common law power of police to temporarily detain a driver to undertake an alcohol or drug screening test by directing them to remain at the place where the alcohol or drug screening test is being carried out for the time reasonably necessary for the test to be completed. As was noted by Magistrate Campbell in a 2012 Magistrates Court decision:

The duty of a driver to stop when directed to by a police officer must include a duty or obligation to remain stationary, for such reasonable time as may be necessary to enable the traffic officer to carry out the breath test ... Implicit in the provision is that there has to be some power to detain or require the driver to remain at the roadside to enable the purpose of the section to be achieved ... Some delay must be taken to be an anticipated and acceptable imposition on the liberty of drivers bearing in mind the statutory object of this legislation. The scheme would otherwise be rendered unworkable.

The government's intention in moving this amendment has been to do no more than codify this common law power and provide certainty for drivers and police as to the outer limits of that power by setting a maximum period for which a person can be required to remain for a random screening test. The amendments in the bill make no change to the existing longstanding position under our law that the power to require a driver to undergo random testing does not require the police to have any suspicion as to whether the driver has alcohol or drugs in their body. The power provides the foundation for random alcohol and drug screening—its deterrent effect and its capacity to detect drink and drug drivers.

As members would be aware, concerns have been raised that in circumstances where police require a person to remain in a place for up to 30 minutes because they do not have a screening device immediately available, this should only be where they have some basis to suspect the driver is affected by alcohol or drugs. As a matter of practice, police have confirmed that they would only require a person to remain for a random screening test in these circumstances.

Given this, I can foreshadow that the government will be moving amendments to this bill that will apply where an alcohol or drug screening device is not immediately available and a police officer has reasonable cause to suspect that the driver has alcohol or drugs in their body. In that case the police officer will be able to direct the person to remain at the place where the screening test is to be carried out for the time—not exceeding 30 minutes—reasonably necessary for a screening device to be made available and for the test to be undertaken.

A screening device may not be immediately available if a device malfunctions or if a driver is stopped by an officer who does not ordinarily carry a screening device on them or in their vehicle. Drug screening devices are not routinely carried by general duties officers, with only certain officers trained and authorised to use these devices.

The proposed government amendments confirm that the maximum time that a driver to be randomly screened can be required to remain at the place where they were pulled over is 30 minutes. The amendments also confirm this requirement only applies where the police officer has reasonable cause to suspect that the person has alcohol or drugs in their body. This 30-minute limit is proportionate, noting that it can only be exercised where there is a reasonable cause to suspect the person has alcohol or a drug in their body.

There has been no change to the existing power for a police officer to require a person to undergo an alcohol or drug screening test based on nothing more than the fact of the person being the driver of a vehicle on a road or road-related area, or the police officer having reasonable cause to suspect that the person was, shortly before the requirement to undergo the screening test, a driver on a road or road-related area. It remains the case that there is no requirement for a police officer to suspect that a driver or driver trainer is under the influence of, or otherwise affected by, alcohol and/or drugs when considering whether or not to request the driver to undergo a random screening test.

These amendments will ensure an appropriate balance between a driver's human rights, particularly the right to liberty, and the rights of the broader community to be protected from those who flout the law. The 30-minute limit will allow a drug screening device to be sourced from the traffic operations centre in Belconnen and delivered to any part of the ACT where the driver has been directed to remain.

As the concerns expressed about the provisions in the bill have related to random screening, the government does not propose to change the provisions of the bill relating to alcohol and drug screening where the driver is suspected of being a driver or occupant of a vehicle involved in an accident or of having committed the offence of culpable driving. In these circumstances police will be able to require the driver to remain for a screening test for the time reasonably necessary to conduct the test, up to a maximum of 30 minutes.

The third amendment made by this bill is to create an offence of refusing to undertake a screening test for alcohol or drugs. Currently, if a driver refuses to undertake a roadside screening test for alcohol or drugs, the only option available to a police officer is to take the person into custody for a breath or oral fluid analysis. It is only when a driver refuses to undertake the analysis that they can be charged with the offence of refusing a breath or oral fluid analysis.

The experience of our police has been that, in practice, drivers are unlikely to agree to an analysis if they have already refused to undergo the initial screening. Some drivers refuse the screening test as a delaying tactic, in the belief that they will no longer be over the limit when the test is conducted. Some drivers readily admit that, for cultural or employment reasons, they would prefer to have the conviction for the offence of refusing a police request as opposed to having a conviction for drink or drug driving.

Having to take a driver into custody to perform a breath or oral fluid analysis causes significant operational disruption for police and consumes police resources. Taking a

driver into custody to request a sample ordinarily requires two police officers in a caged vehicle to transport the driver to a police station where the breath analysis request can be made. Two police officers are also required to make the request and undertake the analysis. This uses up police resources that could be better targeted at other road safety and enforcement activities that benefit the community. The amendment will enable police to charge a person with an offence of refusing to undertake a screening test, avoiding the need to take the person into custody for a breath or oral fluid analysis.

These amendments indicate the government's commitment to take a firm but fair stand against drink and drug driving. The amendments before the Assembly are consistent with our broader policy, and I commend the bill and the amendments to the Assembly. (*Time expired.*)

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) (11.07): Pursuant to standing order 182A(c), I seek leave to move amendments to this bill which are in response to comments by the scrutiny of bills committee together.

Leave granted.

**MR CORBELL**: I move amendments Nos 1 to 3 circulated in my name [*see schedule 1 at page 1417*]. I table a supplementary explanatory statement to the government amendments and a revised explanatory statement to the bill.

The government amendments to the Road Transport (Alcohol and Drugs) Amendment Bill will ensure that persons who are directed to undertake an alcohol or drug screening test, where a screening device is not immediately available, may only be required to remain for the time necessary, not exceeding 30 minutes, where a police officer has reasonable cause to suspect that the person has alcohol or a drug in their body. The amendments ensure that any limitation of rights under the Human Rights Act associated with requiring a person to remain in a location for up to 30 minutes are proportionate and reasonable.

The amendments confirm that a direction to remain for the time reasonably necessary, not exceeding 30 minutes, to allow a screening device to be obtained and the test completed can only be given when the police officer has reasonable cause to suspect that the person has alcohol in their body. The amendment does not affect the existing and longstanding power for police to randomly require drivers to undergo a screening

test in the absence of any suspicion as to the driver being affected by alcohol or drugs, which is the underpinning of the random alcohol and drug testing scheme.

**MR HANSON** (Molonglo—Leader of the Opposition) (11.09): I spoke to this during the in-principle stage. The opposition will be supporting the amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

## **Orders of the day—discharge**

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

That order of the day No. 4, Executive business, relating to the Planning and Development (Project Facilitation) Amendment Bill 2014 be discharged from the *Notice Paper*.

**Sitting suspended from 11.11 am to 2.30 pm.**

## **Questions without notice Courts—judicial appointments**

**MR HANSON:** My question is to the Attorney-General. Attorney, you announced last week that four new acting judges and four special magistrates have been appointed to ACT courts. You note in one media release that they will assist with “workload during this time”. Minister, does the appointment of eight acting judges and special magistrates indicate that Canberra courts are still understaffed and suffering unacceptable backlogs?

**MR CORBELL:** No, it does not. What it highlights is the government’s commitment to work with the courts to meet short-term needs in terms of workload. The Chief Justice has advised me that, amongst other reasons, one consideration is leave on the part of resident judges in the latter part of this year. And the Chief Magistrate has indicated to me that it is desirable to have a bank of special magistrates upon which she can call as needed, again to address issues such as the leave of resident magistrates and other workload matters that she is obliged to manage.

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

**MR HANSON:** Attorney, will the acting and special appointments clear backlogs in ACT courts?

**MR CORBELL:** The appointments and how the acting judges and special magistrates are deployed is a matter for the heads of jurisdiction.

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



**MRS JONES:** Minister, when will the court backlogs be cleared?

**MR CORBELL:** I am very pleased to say that the new Chief Justice, Her Honour Chief Justice Murrell, has undertaken a very creative program to address systemic problems with workload practice, and that is delivering results in both the civil and the criminal jurisdictions. I commend the Chief Justice on her efforts.

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

**MRS JONES:** When will the ACT have a fifth permanent full-time judge?

**MR CORBELL:** It is not for me to announce government policy on that matter at this time.

### **Uriarra Village—proposed solar farm**

**MR WALL:** My question is to the Minister for the Environment and Sustainable Development. Minister, residents of Uriarra Village have now been waiting since August of last year for a development application to be submitted for the large-scale solar project proposed for block 213 section 1 at Coree. Have any documents in relation to this project been submitted to ACTPLA?

**MR CORBELL:** If the question is has a DA been lodged, my understanding is not at this time.

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

**MR WALL:** Minister, what stage of the planning process is the project currently at?

**MR CORBELL:** The pre-DA stage.

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

**MR SMYTH:** Minister, when will a decision about the use of block 213 section 1 at Coree be made?

**MR CORBELL:** After a DA has been lodged.

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

**MR SMYTH:** Minister, will you confirm you will not use your call-in powers to fast-track the construction of a large-scale solar project on the site?

**MR CORBELL:** As I have previously indicated, the question as to whether or not those powers will be exercised is speculative at this time. No DA has yet been lodged.

### **Health—breast screening**

**MS BERRY:** My question is to the Minister for Health. Minister, last week you joined with BreastScreen ACT to celebrate 21 years of breast screening in the ACT.

Can you update the Assembly on the role that BreastScreen ACT has played in the ACT community over the past 21 years?

**MS GALLAGHER:** I thank Ms Berry for the question and the opportunity to talk about the work of BreastScreen ACT, particularly as they reach this very important milestone of 21 years of service.

On Friday, 9 May, BreastScreen ACT held an open day and morning tea at the Canberra city clinic to celebrate 21 years of breast screening in the ACT. Over that time, the service has grown along with our population and has provided screening mammograms to approximately 360,000 women. BreastScreen commenced in the ACT in 1993, but has undergone significant changes over the years, including the opening of a breast screening clinic at Phillip health centre in 2008 and the very important change from analog to digital imaging in 2010. In the 1990s, the ACT was the first screening unit in Australia to make available the technique of stereotactic vacuum biopsy for the diagnosis of breast cancer, a standard practice now for all breast screening services across Australia.

The specialist staff at BreastScreen ACT operate as part of a multidisciplinary team, including radiologists, surgeons, pathologists, nurse counsellors, radiographers, administration staff and senior management with specific expertise over that range of areas and often many years of dedicated service in providing this screening to women.

The 21st birthday event was very well attended, with approximately 70 guests joining in the celebrations with the morning tea, and there was a lunch later in the day. The lunch was funded by the Canberra Hospital Foundation but brought together a range of people to celebrate and reflect on the achievements.

I would like to acknowledge the hard work and the dedication of the teams who set up the original breast screening program and also the staff and volunteers who have supported BreastScreen ACT over all those years. There is no doubt that the amount of screening they have done and the support they provide to women, particularly when an abnormality is detected, have saved probably thousands of lives.

The message of the morning and of the day of celebration was: early detection is your best protection. Again, it is just a reminder for women in the target age group, from 50 to 69, but also for women under 50, that they are able to access BreastScreen ACT services for regular checking and updates through mammogram programs.

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

**MS BERRY:** Minister, has BreastScreen ACT achieved any other major milestones recently?

**MS GALLAGHER:** I thank Ms Berry for the supplementary. In November last year BreastScreen ACT was awarded four-year accreditation by BreastScreen Australia, which is the highest level of accreditation that can be achieved. It is a testament to the hard work and dedication of all associated with and involved in the program. This means that women can be assured that the screening services in Canberra are of the

highest standard. It is a wonderful achievement for the program since it became a new service in 2011.

Achieving this level of accreditation in a relatively short time is a testament and credit to the quality of the staff and the service offered at BreastScreen ACT. BreastScreen ACT has one of the highest breast cancer detection rates and the ACT has the longest breast cancer survival rates of any state or territory in Australia, therefore reminding us again that early detection is the best protection for women.

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

**MR GENTLEMAN:** Minister, can you update the Assembly about the MOU signed with New South Wales last year to enable New South Wales women to access screening in the ACT?

**MS GALLAGHER:** I thank Mr Gentleman for the question. As members would be aware, from July 2011 BreastScreen ACT became a new entity with a focus on servicing women of the ACT only. The Murrumbidgee and southern local area health networks took over the role of screening services for clients of the south-east New South Wales region.

We responded to some of the concerns that were raised, including from elected representatives in the surrounding region and from women in the neighbouring region of New South Wales who worked in the ACT and wanted still to be able to use BreastScreen ACT services.

We were able to take a commonsense approach, mindful of some of the costs involved, and reach agreement with the New South Wales government to ensure that we are able to provide 20 appointments per week available and allocated to New South Wales women, capped at 1,000 per year, with the costing and funding for that being provided by New South Wales. I think this has been a sensible resolution to make sure that for those women who do find it hard to get screened in their local area where they live, they are able to access the services in Canberra.

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

**DR BOURKE:** Minister, why is it important for women to attend for screening?

**MS GALLAGHER:** I thank Dr Bourke for the question. BreastScreen ACT continues to promote the service and encourage women between the ages of 50 and 69 to undergo a screening mammogram every two years. It is a vital service, considering one in eight women will develop breast cancer in their lifetime and nine out of 10 women who develop breast cancer do not have a family history of breast cancer.

Early detection through screening and advances in treatment has led to a 93 per cent, five-year survival rate for women diagnosed with breast cancer in the ACT. Regular screening increases the likelihood that breast cancers are detected early. So we encourage women of all ages that, if they notice any change in their breasts—as the

BreastScreen program provides a screening service for the early detection of breast cancer—they should see their GP.

The key messages for women in the ACT from the 21-year celebration are: tell a friend to have a mammogram—it just might save a life; it's free—it takes 20 minutes; and, again, the best protection is early detection.

Women report many reasons for not getting screened, but we are seeking to address those when they do give us feedback. I think the service provided by BreastScreen—having used the service myself—is of a very high standard. It is very supportive, particularly of those who are attending for the first time. If there is an abnormality detected, the staff are very skilled at providing the appropriate support and referral services to have those abnormalities investigated further.

So happy birthday, BreastScreen ACT, and thanks for everything you do for the women of the ACT.

### **Health—secure mental health unit**

**MRS JONES:** My question is to the Minister for Health. Minister, The secure mental health facility was first proposed to be built at the Canberra Hospital in 2005. It has since then been proposed to be built at Symonston. Minister, have architectural designs and drafts work been undertaken to plan how the facility will be constructed?

**MS GALLAGHER:** There have been a number of different pieces of work done on this project since the original decision was taken to have a secure mental health unit, as Mrs Jones alludes to in her question. The first decision was to have a unit that was co-located at the Canberra Hospital site. We reconsidered that and changed a decision on that after consultations with stakeholders and businesses close to that precinct, along with how the plans for the adult mental health unit were being progressed, which required a larger part of the outdoor land available there.

Since the decision has been taken around Symonston, the health planning unit briefs were completed late last year. There has been some public discussion on the model of care, and the preliminary sketch plans are progressing at this point in time.

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

**MRS JONES:** Minister, is the project tender ready?

**MS GALLAGHER:** It will be very shortly.

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

**MR HANSON:** Minister, have any delays to this project been caused by the planning system?

**MS GALLAGHER:** No. If anything, the work of ESDD has assisted the Health Directorate in planning for this facility. As I understand it, the request for tender for

head contractors closed in April, and there is an evaluation of that tender now underway. No, the planning system has not delayed it. But, as we move into the next stage, presuming I know what the next supplementary is, the opportunity for delays associated with this project is there. We know it is a very controversial project. They always are, wherever they have been built around the country. We think we have found the right block of land. We are prepared to go through extensive consultations around that block of land and seek to address concerns where we can. But we also think it is important to provide the certainty around this project in the quickest possible time to get that building built, in response to a number of comments both by this place, the Assembly, which has passed a view on it, and by judicial officers, and feedback from both Health and the corrections area of government, which are all supportive of getting this service operational as soon as possible.

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

**MR HANSON:** Minister, do you take responsibility for the fact that this was not opened three years ago, as you promised it would be?

**MS GALLAGHER:** I take responsibility for building a secure mental health unit that is going to last for the long term, and I think the decision to change our mind from its original location was the right one. I think, when costs blew out—

**Mr Hanson:** Just on a point of relevance, Madam Speaker, the minister may be getting to it but my question was specifically whether the minister takes responsibility for the delays and the fact that she promised to open this three years ago and it has not been opened. It was specifically about responsibility for the failure to fulfil her promise rather than actually for building the facility sometime in the future.

**MADAM SPEAKER:** Stop the clock. On the point of order, I heard the Chief Minister say early in the piece that she took responsibility, and I presume that she is going to answer the rest of the question. But I remind the Chief Minister what the question is and ask her to be directly relevant.

**MS GALLAGHER:** Thank you, Madam Speaker, and thank you for your direction. In relation to this project—and I think it is fair to understand some of the complexities around it—when we took the decision to have it built at Symonston, and the costs for this facility, I wanted to review those costs to make sure that those costs were reasonable. We have done that work now. We have also reviewed the service in light of the jail being open for a number of years and also other services opening up in the surrounding area. I think that is me taking responsibility for doing my job properly and for making sure—

**Mr Hanson:** Madam Speaker—

**MADAM SPEAKER:** Have you got a point of order, Mr Hanson?

**Mr Hanson:** Yes, I do have a point of order.

**MADAM SPEAKER:** Stop the clock please. Mr Hanson, if you have a point of order, stand and say “a point of order”.

**Mr Hanson:** A point of order, Madam Speaker. My point of order is on relevance. The question I have asked was specifically whether the minister takes responsibility for the three-year delay. And I would ask her to say whether she takes responsibility or not. Perhaps if it is not her fault, she could point out whose it is.

**MADAM SPEAKER:** Mr Hanson, I have heard the Chief Minister say “I take responsibility” twice in the answer to the question, at least, and I do not have the power to direct the Chief Minister to answer the question the way you would like it to be answered.

**Mr Hanson:** I appreciate that, Madam Speaker. On the point of order, the Chief Minister is saying, “I take responsibility for building this facility.” My question is about the delay. I know that she takes responsibility for building it, because she put it in the budget. The question is: this is a three-year delay. Who is responsible, if not the minister? And I want to know whether she takes responsibility for that delay and the broken promise or not.

**MADAM SPEAKER:** The broken promise was not in your question. I would ask the minister to be directly relevant to the question, which was: do you take responsibility for not opening the centre three years ago?

**MS GALLAGHER:** Thank you, Madam Speaker. I do have two minutes to answer the question, and I will say, yes, I take responsibility. Yes, there is context to the decisions that I have taken around that, which are all reasonable and rational. The third thing I would say is: I went to the election in 2012 with a clear position on this. The community have judged that. They have made their decision and they, I believe, Mr Hanson, elected me No 1 in Molonglo.

*Opposition members interjecting—*

**MADAM SPEAKER:** Are we going to have a conversation across the chamber or are we going to have questions?

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson!

*Mr Coe interjecting—*

**MADAM SPEAKER:** Mr Coe, it is question time, not conversation time.

### **Crime—parole breaches**

**MR DOSZPOT:** My question is to the Attorney-General. In 2011-12 the Sentence Administration Board considered 103 breaches of parole. Of these, 33 per cent of

offenders had their parole cancelled and they returned to jail. Last year, despite a tripling of the parole breach rate to over 300 events, only eight per cent of cases resulted in prisoners returning to jail. Attorney, what are you doing to ensure that parole conditions are not being ignored by offenders?

**MR CORBELL:** I thank Mr Doszpot for the question. Obviously ACT Policing and ACT corrections have a strong role and undertake an ongoing and comprehensive assessment of circumstances where people released on parole are abiding or not abiding with their parole conditions. Matters in relation to whether or not people should be returned to full-time custody, having breached their parole conditions, will depend on the circumstances. Whether or not they are charged with a further offence would be considered by the court. If they were in breach of parole more generally but had not been charged with an offence, the Sentence Administration Board may take appropriate action. I have confidence in the courts and the Sentence Administration Board in relation to these matters.

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

**MR DOSZPOT:** Attorney, is there implicit pressure being placed on the Sentence Administration Board to limit parole cancellations because the jail is full?

**MR CORBELL:** Absolutely not, Madam Speaker.

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

**MR HANSON:** Attorney, would knowledge that there is less likelihood that offenders will return to jail be a factor in increasing parole breaches?

**MR CORBELL:** No, not in the slightest. The reason I say that is that the Sentence Administration Board members, and indeed the courts—because the courts are also capable—are capable of returning an offender to custody should they breach their parole as a consequence, for example, of committing a further offence. In those circumstances the government has every confidence that the office holders of the Sentence Administration Board, the members and the presidential member, or indeed our magistrates, do not have regard to any concerns about accommodation availability but instead make their determination consistent with the law. I would be surprised if those opposite were suggesting that those members would do otherwise.

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

**MR HANSON:** Attorney, has the tripling of parole breaches had an impact on community safety?

**MR CORBELL:** Parole breaches are treated seriously by the relevant agencies, in particular by corrections, Policing, the Sentence Administration Board and the courts. They make an individualised assessment as to questions of community safety, but I am confident that they do so diligently and in accordance with the law.

I am concerned to hear from this question and this general line of questioning that there would seem to be some suggestion that the Sentence Administration Board would be acting in a manner that is not consistent with its obligations under the relevant legislation.

Matters in relation to accommodation are not a consideration. Are you suggesting they that they are? Are you suggesting that the Sentence Administration Board members are not abiding by their legislative responsibilities?

*Mr Hanson interjecting—*

**MR CORBELL:** Is that what you are suggesting?

*Mr Hanson interjecting—*

**MR CORBELL:** Is that what you are suggesting?

**MADAM SPEAKER:** Order! This is not a conversation. The attorney should address the chair and not attempt to put words in other people's mouths. Have you finished answering the question?

**MR CORBELL:** Yes, thank you, Madam Speaker.

### **Community services—human services blueprint**

**MS PORTER:** My question is to the Minister for Community Services. Minister, could you please outline for the Assembly the work the ACT government has been doing to develop a human services blueprint?

**MR BARR:** I thank Ms Porter for the question. The human services blueprint is a major initiative of the government to support greater economic and social participation by all Canberrans. The blueprint will guide the ACT government's decisions about human service delivery over the coming years. It will change the way services work together to meet people's needs. Importantly, it will drive real changes in the way people experience community-based services, which will improve lives and improve opportunities. This work is a key component of the government's reform agenda to build a safe and inclusive community and a strong economy and to provide opportunity to all Canberrans.

The design of the blueprint has required a high level of commitment and leadership across the government and the community sector.

*Mr Hanson interjecting—*

**MR BARR:** It has, Madam Speaker. I am pleased that the opposition are so interested in my answer this afternoon and in the blueprint.



The design of the blueprint has required a high level of commitment and leadership, as I say, across government and the community sector. Communication and engagement activities have included a discussion paper; public submissions and an online survey; focus groups with individuals and the community services sector as well as targeted stakeholder engagement; an intensive two-day design workshop; and the establishment of a human services task force comprising ACT government directors-general and community sector leaders to provide strategic oversight and direction. The blueprint has attracted a high level of support from community sector stakeholders, with the ACT Council of Social Service one of a number of peak bodies actively involved in supporting the development of the blueprint.

All Canberrans, especially our most disadvantaged residents, are supported by a committed human services system that includes public and community housing; child, youth and family support services; disability services; and more. We know that the range of services people might need can be different at different times in their lives. We know that people might need these services at different intensities at different times. We also know that we need to help people to live as independent a life as possible and help them develop the skills and capacity to take the opportunities that can lead to a better life. The human services blueprint redesigns the way the system itself works, providing flexibility and responsiveness to people when they need it most. It means that the system will be adaptable to the people it serves and less focused on organisational and program boundaries.

The government believes this new framework will better deliver services to the community and will provide vulnerable people in particular with services that respond best to their needs. It is an example of this government's commitment to supporting those most in need, those in our community who need a helping hand, particularly as they will bear the brunt of tonight's regressive federal budget.

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

**MS PORTER:** Minister, why has the government undertaken this work?

**MR BARR:** To make optimal use of the government's and the community's resources to improve outcomes for the Canberra community. The fundamental transformation in human services provided, for example, through the national disability insurance scheme will inevitably have flow-on impacts into other parts of the human services system. It is important that the more than \$400 million a year that the government spends on community services is as effective as possible.

In this spirit we have undertaken our blueprint work to create a better service experience, and to ensure services are person centred, that they are simple, respectful and easy to navigate. We want to make sure services are better matched to people's actual needs and are guided by the principles of the right support at the right time for the right duration.

We also want to improve economic and social participation, particularly amongst disadvantaged Canberrans. We seek to build people's skills and capacity to better

connect government and community services where people require a joined-up response. We want to make services sustainable by providing quality and value for money services with a particular focus on red tape reduction and removal of duplication. We know that responding early will reduce future demand for higher cost services.

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

**MS LAWDER:** Minister, why did some large community sector organisations decline to participate in the task force?

**MR BARR:** That is a matter that the member would need to take up with those organisations.

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

**MR GENTLEMAN:** Minister, what consultation has the government undertaken to develop the blueprint?

**MR BARR:** The development of the blueprint has been driven by strong and joint leadership between the government and the community sector. During the consultation phase we asked Canberrans what they wanted from the human services system, and we heard the direct experiences of service users and people that work with them. We have heard the voice of front-line staff that are working on the ground in the community on the things that can be done to support their work.

The work of analysing and testing this diverse range of feedback has been undertaken by the core design team. True to the spirit of the blueprint, the core design team was a broad-based group of government and community representatives, including those in management and policy roles within the sector but also front-line sector workers.

This is a nation-leading piece of policy and system reform. I would like to take the opportunity today to congratulate those in the community sector and in the territory government who have driven this work and who have guided it. Based on this deep and genuine consultation process, I am confident that the human services blueprint will deliver a revitalised and responsive system that meets both the current and future needs of our community.

### **Hospitals—salary costs**

**MS LAWDER:** My question is to the Minister for Health. Minister, the 2012-13 Australian Institute of Health and Welfare report on Australian hospitals lists comparative salary costs for Australian hospitals. Average salaries were compared for doctors, nurses, allied health, clerical and domestic staff. Minister, why, according to the AIHW, do Canberra Hospital's diagnostic staff receive the lowest average pay of any Australian jurisdiction?

**MS GALLAGHER:** Madam Speaker, I will have to take that question on notice and come back to the Assembly.

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

**MS LAWDER:** Minister, why, according to the AIHW, do Canberra allied health staff receive the lowest average pay of any Australian jurisdiction?

**MS GALLAGHER:** I will have to follow that up. I would have to take some further advice on it. We have used a process of SEAs, or special employment arrangements—and I am not sure whether they are reflected in those results—to deal with areas of workforce shortage across the allied health professions. It is my understanding that there are a couple of areas where we are probably behind New South Wales in salaries, but it would be very few. We have had to pay competitive salaries. I think our nursing workforce are now the highest paid nurses in the country, with the passing of their EBA. I know our doctors are. There have been a couple of areas in the allied health professions where the HSU is advocating for further increases. We are going through the process with them through their EBA now.

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

**MR HANSON:** Minister, why, according to the AIHW, do Canberra Hospital's domestic staff receive on average less than the average paid in any other Australian jurisdiction?

**MS GALLAGHER:** I will take further advice on that, Madam Speaker. Did someone snigger over there? If you want an answer to it, I will take further advice on it. I do not have that detail before me and I would want to check what classifications are included in domestic staff before commenting further on that category.

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

**MR HANSON:** Minister, how do you reconcile these low salaries with your claim that the ACT is a high-cost health jurisdiction?

**MS GALLAGHER:** Salaries form one component. The largest salaries in the Health Directorate are not the allied health professions or the domestic staff or the lower paid staff. The nursing and medical staff form the largest component of the workforce. Our nursing staff are now the best paid in the country. Our medical staff, on average, would be amongst the highest paid in the country. That is one contributor. It is an important contributor but it is only one of a number of reasons which I did go to in last week's question time.

### **Education—teachers code of conduct**

**MR GENTLEMAN:** My question is to the Minister for Education and Training and refers to the issue of teacher quality. Minister, what does the recently released code of conduct require of teachers, and how will this lift the bar for teaching quality in the ACT?

**MS BURCH:** I thank Mr Gentleman for the question. The code of professional practice and conduct issued by the Teacher Quality Institute certainly raises the bar another notch for the teaching profession in the ACT. The expectations set out in the code make plain for all teachers the behaviours that they should exhibit in doing their job. The code provides explicit guidance on the professional practice and conduct required of teachers as a condition of their registration and so contributes to the improvement of quality in the teaching profession as a whole.

Teachers are expected to model their professional practice and conduct to demonstrate three important principles: personal and professional integrity, respect for others and responsibility for their contribution to the profession and to the community. I do not think that any teacher or, indeed, any member of our community will be surprised by these expectations. They are what we are accustomed to from our teachers, which they demonstrate in our classrooms. But making the expectations explicit in a code provides a clear expression of the standards of professional behaviour that we expect from our teachers.

We know that the role of a teacher in the classroom is a critical contributor to the educational success of our students. All parents and carers hold a high expectation about the quality of education of their children and what they should receive, no matter which school they attend. We must ensure not only that our teachers are able to perform professionally in this critical role but also that the community recognises their performance as professional and has confidence in their integrity and professional competence.

We should not underestimate the challenges that teachers face every day in practising their profession and in their endeavours for our students. We should also not underestimate their commitment to addressing those challenges, including the need to continue to develop their professional capabilities and the overall capacity of their profession.

The vast majority of our teaching profession know that they have the support and encouragement of all of us in striving for better outcomes for our students as a result of local, national and international tests that show how well they do. As many teachers themselves will say, good enough is not good enough when better is possible.

This code supports teachers along the path to full professionalisation and the community's recognition of the importance of their role in our society.

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

**MR GENTLEMAN:** Minister, what work has the Teacher Quality Institute undertaken to improve the practice and quality of teachers in the ACT and what feedback has been received?

**MS BURCH:** Since its beginning in 2011, the focus of the Teacher Quality Institute has been on key regulations governing the profession and, equally importantly, on measures to enhance teacher quality across the career stages that teachers follow as they enter and progress through the profession.

The institute emphasises collaboration across all sectors in school education, professional learning and networking between sectors, and provides online facilities for teachers to maintain professional development records in a simple and accessible form.

Through the implementation of the Australian professional standards for teachers and the certification of teachers against them, the institute is also ensuring that teachers who demonstrate best practice are recognised. Mandatory professional learning for teachers also ensures the continuing development of all our teachers. I commend to the Assembly the institute's short video on professional learning, which is on their website.

The leading nature of the institute's work has been recognised at a national level by the Australian Institute for Teaching and School Leadership, who are promoting to other jurisdictions the professional learning framework that has been developed by our institute here in Canberra. This national recognition is complemented by the recognition locally from all sectors of both the quality of the work undertaken by TQI and the manner in which it goes about its task.

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

**MS PORTER:** Minister, can you update the Assembly on literacy and numeracy testing for new teachers to improve teacher quality, and outline how the work of the TQI will align with that testing?

**MS BURCH:** I thank Ms Porter for her interest. The government is currently working with the Australian Institute for Teaching and School Leadership to further strengthen teacher quality by ensuring that new applicants for ACT public schools have literacy and numeracy levels equivalent to the top 30 per cent of the population. This initiative will ensure that we have the best and brightest teachers in our public schools. An online test has been developed which provides a high level of consistency and confidence that the same high standards we expect within the ACT are being achieved from initial teacher education programs across the country.

Not all of our teachers enter our system through universities. Therefore the government is broadening the literacy and numeracy testing of teachers to all who apply, regardless of the way they come to us. The literacy and numeracy testing of new recruits aligns with the initiatives of the Teacher Quality Institute, which have their focus on improving the entrants to the teaching profession as a whole. The TQI has very effectively integrated the Australian professional standards for teachers into all of its regulatory and quality improvement frameworks. Graduate entrants to the profession are assessed against the requirements of the standards and undertake a range of qualification and suitability-to-teach assessments as part of their registration. The institute is continuing to work this year with the ACT universities to improve the professional practicum experience of pre-service teachers. This is expected to improve the transition from learning to be a teacher to commencing work as a member of the profession.

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

**MR DOSZPOT:** Minister, how are relief teachers in the ACT supposed to conform to TQI requirements to maintain their professional development obligations? How would they be eligible for funding for professional development through the education directorate?

**MS BURCH:** The TQI has responded to a number of casual teachers who have these questions. It is 20 hours of professional reflection, or 100 hours over a five-year period. That can be accessed through ETD's strong schedule of programs on the professional development calendar. It can also be achieved by activities within the school. It can also be achieved through self-reflection. Make no mistake that the professionalisation of teachers is highly supported by the profession itself, and that includes mandatory professional development.

### **Construction—Hewatt Earthworks**

**MR SMYTH:** My question is to the Treasurer. Treasurer, last week Hewatt Earthworks, a contractor on the Majura Parkway, went into voluntary administration. What other ACT government projects is Hewatt Earthworks involved with?

**MR BARR:** They have a small number of other projects, including Horse Park Drive in Gungahlin, but I think that that is basically at a practical completion. There are eight other contracts, Horse Park Drive being the largest one. The government holds securities over all of these. Six have been completed and are in the defects liability period.

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

**MR SMYTH:** What impact will Hewatt Earthworks going into administration have on these eight other projects, and will you now table the list you were reading from?

**MR BARR:** Limited impact, and I am happy to table, in the fullness of time, once we have completed our discussions with the administrators, the status of each of those projects.

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

**MR WALL:** Treasurer, what steps have been taken to ensure that the costs of these other projects do not blowout as a result of Hewatt Earthworks going into administration?

**MR BARR:** They are bonded projects, Madam Speaker.

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

**MR WALL:** Treasurer, when was the ACT government made aware of the challenges facing Hewatt Earthworks?

**MR BARR:** I will need to check that exact date. There had been some rumours in relation to the company in recent weeks. By “ACT government,” do you mean any official within the entirety of the ACT government or do you mean me personally, Mr Wall? I will take it to mean me. Because I have access to that information, I will find the date of the first brief I received and provide that to the Assembly.

### **Transport—light rail**

**MR COE:** My question is to the Treasurer. Treasurer, what options is the government considering in order to fund light rail in the ACT?

**MR BARR:** A range of options.

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

**MR COE:** Treasurer, when does the ACT government expect to finalise the funding arrangements for light rail?

**MR BARR:** In the fullness of time.

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

**MR SMYTH:** Treasurer, why has the government not finalised how light rail will be funded before establishing the Capital Metro Agency?

**MR BARR:** We are investigating a variety of procurement options.

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

**MR SMYTH:** Treasurer, how much money has the government already spent or allocated to spend on light rail in the ACT?

**MR BARR:** I think the shadow treasurer can read previous budget papers and do some adding up, Madam Speaker.

### **Alcohol—law reform**

**DR BOURKE:** My question is to the Attorney-General. Attorney, you recently released the independent report on the review of liquor law reforms introduced in 2010. Can you please tell the Assembly about the major findings in this report?

**MR CORBELL:** I thank Dr Bourke for his question. I recently released the two-year review of the ACT’s 2010 liquor law reforms prepared by the consulting firm ACIL Allen Consulting. The terms of reference for the review required that the review assess the impact of the new laws in terms of both alcohol-related violence and public health outcomes, and involved analysis of relevant data held by government agencies such as the Office of Regulatory Services, Health, Policing and the Ambulance Service.

There were a wide range of stakeholders consulted during the review process, including the ACAT, the Office of Regulatory Services, ACT Policing, the Ambulance Service, ACT Health, the NSW/ACT Alcohol Policy Alliance, the Alcohol, Tobacco and Other Drug Strategy Evaluation Group, Master Grocers Australia, Liquor Retailers Australia, the Australian Hotels Association ACT branch, ClubsACT, the Liquor Advisory Board, the Victims of Crime Commissioner and the Australian Liquor Stores Association.

The review has confirmed that our new laws are starting to tackle alcohol-related harm and that they are starting to improve community safety. The report confirms that stakeholders believe the government's reforms have made a positive contribution to community safety with alcohol-related assaults across the ACT down by 11 per cent since the new laws came into force.

The report also confirms that all alcohol-related offences except drink-driving are down by 21 per cent, with drink-driving offences down by seven per cent. These are very encouraging results but the report also confirms that there is more work to be done.

In particular, the report also confirms that there has been an increase in alcohol-related assaults in the city centre. But it cautions that the dataset on this issue is small and must be considered in the context of an increased police presence put in place by the government in 2010.

The government will now be considering the review recommendations. We will look at ways in which the existing liquor licensing regime can be further reformed to improve community safety and to further reduce alcohol-related harm. The review report is available for members of the community to look at. I look forward to the next stage of this process as we identify future reforms which will ultimately be put to this Assembly.

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

**DR BOURKE:** Attorney, can you expand on what the data shows in terms of alcohol-related assaults?

**MR CORBELL:** The analysis of the alcohol-related assaults delivers some mixed results for us. For example, it indicates an ACT-wide reduction, as I said, but an increase in alcohol-related assaults in the city centre. That data shows that alcohol-related assaults have reduced 11 per cent since the new laws came into effect, that alcohol-related non-driving offences are down 21 per cent and that drink-driving offences are down seven per cent.

While, the increase in the city area is of concern, that report cautions that the dataset is small. It is only around six assaults per month and needs to be considered in the context of an increased police presence. The review found that there was an average of 85 alcohol-related offences reported each month from 2010 to 2013. The average number of such offences fell from 96 each month in 2010-11 to 76 in 2012-13.



An average of 41 alcohol-related assaults were reported each month in 2010-11, compared with 37 in 2012-13. This is a fall of 11 per cent. The number of assaults reported on licensed premises dropped across the ACT from 2010 to 2013, but increased in the city centre. Offences reported in public places have also dropped by 17 per cent.

Ambulance and health data show concerning trends, including increased under-age alcohol-related ambulance attendances and alcohol-related emergency department presentations. So we do have more work to do. The report confirms that the government's liquor reforms, the first implemented since the Liquor Act first took effect in 1970, are making a difference and that we are seeing across the city less alcohol-related crime. But we still have areas of concern and the government will be focusing on those in its next round of reforms.

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

**MS BERRY:** Attorney, what steps will the government be taking to address the report?

**MR CORBELL:** I thank Ms Berry for her supplementary. There are some short-term and longer term reforms that we need to consider. In the short term, measures such as secondary supply laws should be addressed to address issues with purchase of alcohol by people who are 18 and then passing it to younger, underage consumers. But the most significant areas for reform include issues around trading hours, outlet density, licensing fees and restrictions on alcohol advertising and promotion. I expect that all these issues will occur in consultation with relevant stakeholders and the broader community.

In the shorter term, as I have said, secondary supply laws and controlled purchase operations will be further considered by the government. The government will revisit the Liquor Advisory Board's function, charter and membership to assist in the consideration of a range of reforms arising from the report, and we will further strengthen our data collection and reporting. All of these things will assist the government in its next program of reform.

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

**MS PORTER:** Attorney, could you please tell the Assembly more about how robust the ACT liquor legislation is in terms of managing alcohol-related harms?

**MR CORBELL:** I thank Ms Porter for her supplementary. It is the case that the ACT's liquor laws have been recognised as leading in the national context. Last year, the National Alliance for Action on Alcohol released its inaugural national scorecard on alcohol policy, which weighed federal, state and territory government policies against a list of criteria. They ranked the ACT first amongst all Australian jurisdictions for our efforts in tackling the outcomes of alcohol-related harm.

This is a great outcome for our city, but we still have more work to be done. We need to look at the experiences of New South Wales in particular, following the passage of a number of their alcohol-related reforms, and understand what has occurred in New South Wales and whether or not there are lessons to be learned for us here in the ACT.

As I have said, issues around trading hours, promotion and advertising, outlet density and a range of other areas are the key areas of focus for us as we continue to work towards a safer community with less alcohol-related crime on our streets so that people can go out and enjoy a good time at night in a beautiful city like Canberra.

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

## **Paper**

Madam Speaker presented the following paper:

Standing order 191—Amendments—Justice and Community Safety Legislation  
Amendment Bill 2014, dated 12 May 2014.

## **Privilege Statement by Speaker**

**MADAM SPEAKER:** Before going further, I would like to make a statement in relation to a letter that I received from Mr Coe on 7 May giving notice of a possible breach of privilege concerning allegations that confidential proceedings of the Standing Committee on Planning, Environment, Territory and Municipal Services had been released to Mr Corbell. Upon receiving the letter, I subsequently wrote to the committee pursuant to standing order 242 seeking their views as to whether the matter raised by Mr Coe had substantially interfered with their inquiry. I also asked the committee to seek to discover the source of the alleged release of confidential proceedings, and the committee reported on that matter earlier today.

The committee was unable to discover the source of the alleged release of information, and the committee was also unable to agree on whether the alleged disclosure had interfered with the committee.

Under the 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 this decision. I am not required to judge whether or not there has been a breach of privilege or any contempt of the Assembly. I can only judge whether the matter merits precedence.

Having considered the matter and also the views of the committee, I have concluded the matter does merit precedence over other business.

## **Privileges—Select Committee Proposed establishment**

**MR COE** (Ginninderra) (3.26): I move:

- (1) pursuant to standing order 276, a Select Committee on Privileges 2014 be established to examine the circumstances surrounding information obtained by Mr Simon Corbell regarding the inquiry into the Planning and Development (Project Facilitation) Amendment Bill 2014 by the Standing Committee on Planning, Environment and Territory and Municipal Services;
- (2) the Committee shall report back to the Assembly by the first sitting week in August 2014; and
- (3) the Committee shall comprise:
  - (a) one member nominated by the Government;
  - (b) one member nominated by the Crossbench; and
  - (c) one member nominated by the Opposition;to be notified to the Speaker by 4 pm this sitting.

The opposition has real concern with the leaking of information from one of the standing committees. As we saw in this place last week, it was somewhat worrying to hear about the committee's activities from the minister before this place had heard from any member about that conduct. We heard from the minister, who spoke at length about the committee's conduct, including the opposition members' voting habits, clause by clause. As I said last week, that information had not been stated in the chamber and had not been published.

When this concern was raised in the Assembly the story subsequently changed several times. Minister Corbell initially said that the information was in the minutes and, in effect, that a review of the minutes suggested that opposition members had supported motions clause by clause. We then heard the minister say, no, it had been said in a speech. Then it was said that it was discussed in the party room and then we heard that it was not discussed in the party room. It was Mr Rattenbury who said:

There is some—I am searching for the right word—murkiness about the rest of it. I think probably the Chief Minister has given the truest account of what actually happened in the situation here.

The Chief Minister said:

... this is what happened this morning. It is not as exciting as you would have it believed, but it is what happened. We had a discussion about how the committees are working, or not working. We wanted to get a copy of the report, so we resolved to move a motion.

So the Chief Minister in effect suggested they had talked about it in the party room. However, then when we questioned Mr Gentleman, the chair of the committee, he said:

The caucus discusses many items of the planning and environment committee work—but no detailed items about this particular inquiry.

Therefore, there is real doubt about how Minister Corbell got this information. It was not in the minutes. It was not said in a speech. We now hear that it was not said in the party room. So where did it come from? That is why we need a privileges committee. If there is a leak in this place, we need to find who it is. If the minister is inappropriately obtaining confidential information, then what confidence can we have in the committee system or in the Assembly as a whole?

Madam Speaker, this goes to the integrity of this place and it is for that reason that anything short of a privileges committee would be a tacit endorsement of this kind of behaviour. We cannot endorse the leaking of information to a minister, and that is, in effect, what we have here. What is more, we are talking about the minister the committee was meant to be advising. We are talking about a planning committee inquiry giving information to the minister who was in the process of trying to get a bill enacted in this place. If future planning committee dealings are going to be leaked to the planning minister, I think we will have very few witnesses come before our committee, we will have very limited deliberations and we will have even greater inefficiencies in how committees are conducted.

Madam Speaker, I urge members to support the establishment of the privileges committee. We owe it to the integrity of this place that such a committee be established.

**MS GALLAGHER** (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (3.31): The government will not be supporting this motion. Mr Coe speaks as though there has been a leak of information. He is judge and jury in this case and we do not accept that at all. In fact, we completely reject that. We do not believe this warrants a privileges inquiry to be established into it, and we will not be supporting it.

As I said in my comments last week, because of the hung parliament and the way the committees are operating—we all know how that is going because we are all talking about it, the whole building is talking about it—there needs to be some way for there to be discussion on procedural matters as they relate to the Assembly when there are issues with the committees.

I have had those discussions with Mr Hanson, I have had those discussions with Madam Speaker, and I have had those discussions with my colleagues. If that constitutes a privileges committee then I would imagine all of us need to appear before a privileges committee, because I doubt there is one person in this Assembly who has not discussed how the procedures in the committees are operating or not

operating. That is the issue that came to a head last week when we needed to resolve how to get a draft report tabled in this place.

This does not meet the threshold for privileges. I understand some analysis is to be done through admin and procedure about our standing orders so that they better reflect, yet again, the hung nature of our committee system. It is entirely legitimate that the committees are two members all—that is the nature of the parliament which was elected in 2012. The fact that there are games being played on committees—I am not pointing the finger at anyone—to make sure those committees do not operate in the way they have been operated in the past or do not reflect the nature of the Assembly that was elected is the problem we need to fix.

That is the problem and that needs to be fixed, but it will not be fixed by a privileges inquiry when nobody has done anything wrong other than talk about how to get a draft report tabled. There was no inappropriate disclosure of information. The members of the Labor Party on those committees take their responsibilities as committee members very seriously. The Labor caucus has always respected that.

This Assembly needs to wake up to the situation that we are almost halfway through this term. There are four-member committees—two Labor, two Liberal—and they should function. The community expects us to get it right so that they can function. That is the issue that needs to be resolved here. There is no other question before the Assembly.

**MR RATTENBURY** (Molonglo) (3.34): It is probably not unexpected that we are debating this motion today, and I thank you for your advice, Madam Speaker, in regards to offering this motion precedence. I would like to make a few remarks and explore the standing orders in contemplating the appropriateness or suitability of this motion. Standing order 278, which is the one in question, includes very similar criteria to that which you are required to assess, Madam Speaker, when it comes to the Assembly considering whether it should make a referral to a Select Committee on Privileges. It says:

... the Assembly's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Assembly and its committees and for Members against improper acts tending substantially to obstruct them in the performance of their functions ...

That is the first test—the substantial obstruction in the performance of their functions. It goes on to say:

... and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Assembly:

The standing order also says:

... the existence of any remedy other than that power for any act which may be held to be a contempt;

If we actually reflect on the alleged offence, there was quite some back and forth in the chamber last week, but as I commented last week—and I think this came down to the essence of it, and the Chief Minister has repeated it today—the Chief Minister said when talking about discussion in caucus:

As part of that discussion, we discussed the fact that the chair's report—not the content of the report, not what individual members had said, not anything like that—got to a certain point and then the resolution was that you could not table the report.

She went on to say:

I do not know how else we could get that done. If that is wrong, getting that report, then by all means look at the standing orders and try to resolve something in this Assembly, because there was no report and we wanted the report. Then the party room took a decision to have a motion to call on the report to be tabled.

When I have reflected on the transcript of this whole discussion of last week, that is the essence of the discussion. The Chief Minister was very clear. Mr Coe has said today that we cannot endorse leaking of information. I do not think there was any leaking of information. I think the Chief Minister in her remarks made it perfectly clear how Mr Corbell had come to be able to make the remarks he made.

We have certainly had denials from all the committee members, as reported to this place this morning. They have made it very clear that there was no inappropriate disclosure of information. But, as I said, we have had an acknowledgement that there was a conversation in ALP caucus where the character of what took place in the committee was discussed. I do not think there is any great secret here; it has been laid out perfectly clearly how the information came about. This was apparently done in a way to decide tactics for the chamber that morning. That is something—and I made these comments last week in this place—that all party rooms no doubt do. Members discuss tactics of, “Well, this committee report's coming up today. Is someone going to speak to it? Here's what's going on.”

These sorts of things take place, and that is why I have put on the notice paper for Assembly business this Thursday to have this matter referred to the administration and procedures committee for further assessment. That goes to the point of standing order 278 where it talks about the existence of any remedy other than that power for any act which may be held to be a contempt. What we need to do here is look at the alternative remedy. I do not believe the standing orders match the practice of this place.

To that end, in the referral to committee I have specifically referenced the standing orders of the New Zealand parliament, and I have circulated the key ones to my colleagues on the administration and procedure committee as background information to provide to their party room colleagues ahead of the discussion on Thursday when considering whether to support my referral to committee. The New Zealand standing orders clearly reflect the fact that there is a difference between having a tactical discussion in a party room around how to deal with a matter on the business paper of

the day versus the sorts of things that I think this Assembly should very rightly be concerned about—that is, where members go to a colleague or some other person and say, “Look the committee is deliberating on this matter. What do you think we should do?” That would be inappropriate and we all recognise that is not the way committees are supposed to work. It is quite different in the course of a tactical discussion to talk about how one should play the matter out on a particular day.

I certainly do not think that, when it comes to the standing orders, there was any substantial obstruction of the performance of the committee’s functions. By the time Minister Corbell had made his remarks, the committee had finished its deliberations. The committee had done its business and Mr Gentleman had presented his report to the Assembly. The matter was dealt with. If Mr Wall and Mr Coe—as was reported to the Assembly this morning—felt in some way that they had been obstructed, I find that quite remarkable. It is simply not the case. The committee had finished its business, so to suggest there had been an obstruction in the performance of their functions simply does not meet the threshold of standing order 278.

That is the key basis upon which I formed my view not to support this privilege motion—that is, to actually look at the words of the standing order, to look at the threshold it sets and the sorts of measures it calls for and to reflect on the fact that I believe there is another remedy here, which is for the Standing Committee on Administration and Procedure to consider the standing orders and whether they accurately reflect the situation. My sense is that if a privileges committee was formed here—and that is a very serious matter—the privileges committee would find that nobody indicated they had inappropriately released information. As the committee has already informed the Assembly today, not one of the committee members indicated they had released the information. I do not see how the Privileges Committee would find anything further.

There is an alternative remedy here, which is that the administration and procedures committee examine this. In all likelihood a privileges committee would simply come back and say that we need to review the standing orders. Let us just get on with that and do the job that needs to be done.

**MR HANSON** (Molonglo—Leader of the Opposition) (3.41): I commend Mr Coe for bringing this motion forward. In response to what Mr Rattenbury just said, let me say that he is trying to trivialise this and say that there is no case to answer, but if you refer to the standing orders, standing order 277, “Matters constituting contempt”, 277(p)(iii), says:

(p) Unauthorised disclosure of evidence ...

A person shall not, without the authority of the Assembly or a committee, publish or disclose ...

(iii) any proceedings in private session of the ... committee or any report of such proceedings;

unless the ... committee has published, or authorised the publication of, that document ...

That is what has occurred here. That is the offence. And it is a very serious offence, Madam Speaker. It is not trivial. In particular, with regard to this committee it is not trivial. We have now seen this legislation fall over. This is a key piece of government legislation, and it has been pulled. And a large reason, a large part of why that legislation has been pulled, is the shambolic committee process that was set up. That was identified by all of the people that made submissions to this committee—that it was a sham.

For this committee inquiry to have been inappropriately, essentially, leaked—for information relating to the proceedings in private session of the committee to have been peddled to the minister—brings into further disrepute this particular committee, the whole process around this piece of legislation and the committee process more generally. Many people submitted to this committee, including community councils. The community councils have now had any sense of trust in the committee process completely abused. They have already said that they did not have time to submit. They have been very critical of the committee process. And now they are aware that this committee has not been acting in accordance with the standing orders—or a member of it has not. There has been a loss of trust by large sections of the community in this particular committee, and therefore a breach in the whole committee process. Knowing that there are members of committees in this place who are prepared to peddle information to ministers about highly sensitive committees has breached the community's trust.

The Chief Minister stands up here in this place and is critical of the two-and-two committee process. That is a problem. The Clerk has provided advice that said that it is not in accordance with the Latimer House principles. But that is not the point. The point is that whether you have got a committee with three members or whether you have got one with four members, those members are not there to divulge confidential information, to peddle it to ministers so that ministers know what is going on in that committee—and God knows whatever undue influence they are having.

We probably all understand what has happened here, because we were in the Assembly last week when we saw this unfold. Mr Coe has made the case. When Mr Corbell stood up in this place and talked about a review of the minutes, and talked in some detail about the opposition's voting patterns on those minutes, it is quite clear that he had an intimate knowledge of what was going on in the private meetings of the committee, in contravention of the standing orders. I will say it again: "unauthorised disclosure of ... any proceedings in private session of ... a committee or any report of such proceedings".

We know that he had this, and we know that he got caught cold, absolutely, because when he was questioned about it in an interjection from Mr Smyth, he said, "They are available online," to try and cover his tracks. And we know that they were not. That then led to the action that we had last week against the minister as a vote of no confidence. It was during that motion that we actually had the gotcha moment, because there was no defence of the actual crime. The minister is experienced, and he knows that he should not have had access to that information. He continued to try and come up with a concocted story. The next excuse was, "I got it from Mr Gentleman's



speech; Mr Gentleman outlined it in his speech.” Mr Coe was able to say, “You did not.” That was the gotcha moment. We all knew it. That is what led to the Chief Minister standing up in this place and saying, “We got it from the party room; we had that discussion.” It led then to Mr Rattenbury standing up in this place, saying that there had been murkiness, and saying that the Chief Minister’s view, or version, seemed to be the truth. That has been later debunked by Mr Gentleman.

That is a bit beside the point, but it goes to the point that this mob opposite are trying to deny that this information got out, when we now know—based on the slippery versions, the shifting sands, the fact that it was murky and the fact that there were a number of versions, some of which were not true—that they are trying to hide the fact that this happened.

Madam Speaker, we need to have a privileges committee so that the members of the committee, the minister and any other witnesses can put their point forward. And it can be done in a proper way where we have a committee with one member from the opposition, one from the government and one from the crossbench. I am not presupposing what that committee would find, but for this place, with the evidence before it—and we have all been in this place to see what that evidence is—to deny the opportunity for that privileges committee to occur is like an obstruction of justice.

Again, we are seeing tawdriness, we are seeing breaches of standing orders, we are seeing information peddled between members of committees and ministers, we are seeing shambolic committee processes, and we are seeing the numbers on that side of the Assembly doing what a majority government does—close down debate, deny proper accountability, deny proper examination when things have gone wrong.

This is what we would expect from an old government. A government that is now 13 years old is going to make mistakes, is going to get sloppy, is going to get arrogant. We heard it in the response to the Chief Minister’s question today about the mental health facility. Instead of answering the question, instead of explaining or giving the responsible answer of “Yes, I misled”—

**Mr Corbell:** Point of order.

**MADAM SPEAKER:** On a point of order.

**Mr Corbell:** Relevance, Madam Speaker. I do not think the question in question time has anything to do with this resolution.

**MADAM SPEAKER:** I uphold the point of order and ask the Leader of the Opposition to concentrate on the question of whether a privileges committee should be established.

**MR HANSON:** Thank you, Madam Speaker; I will get back to the point. This is an old government; it is a government that is increasingly getting arrogant; it is a government that increasingly does not care about what the truth is. People over there are saying: “We got elected, and that is all that matters. We have got the numbers, and

that is all that matters.” That is how this government and its Greens ally are behaving. It is a disgrace.

Question put:

That the motion 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.

## Papers

**Ms Gallagher** presented the following papers:

ACT Health Infrastructure Program—Implementation Plans—

Canberra Hospital Emergency Department Paediatric Stream.

Walk-In Centres in the ACT.

## **Financial Management Act—consolidated financial report Paper and statement by minister**

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

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 31 March 2014.

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

Leave granted.

**MR BARR:** I present to the Assembly the March quarter consolidated financial report for the territory, required under section 26 of the FMA.

The March quarter headline net operating balance for the general government sector was a deficit of \$149.4 million. This is \$123.9 million lower than the year-to-date budget deficit anticipated of \$273.3 million. Total revenue for the GGS for the quarter

was \$3,158.8 million. This is \$72.8 million higher than the March year-to-date budget of \$3,086.1 million.

Major variations in total revenue include higher than expected commonwealth grants revenue of \$27.7 million, mainly due to the timing of payments; higher than expected taxation revenue of \$12.8 million, contributed to by a range of taxes; gains from contributed assets of \$10.4 million, associated with the timing of acceptance of contributed assets from developers; and higher than expected revenues of \$9.6 million, mainly due to larger than expected contaminated waste revenue and health-related grants.

Total expenses for the quarter to 31 March 2014 were \$3,395.3 million. This is \$58.2 million lower than the March year-to-date budget of \$3,453.5 million. Major variances in expenses include lower than anticipated operating expenses of \$31.1 million, mainly due to the timing of the biannual actuarial review of insurance claims; and lower than expected grant expenses of \$22.7 million, associated with the timing of payments for education and health-related grants.

The general government sector balance sheet remained strong as demonstrated by key indicators such as net worth and net financial liabilities.

I commend the March 2014 quarterly report to the Assembly.

## Paper

Mr Corbell presented the following paper:

Legislation Act, pursuant to section 64—Duties Act—Duties (Commercial Lease with Premium) Determination 2014 (No. 1)—Disallowable Instrument DI2014-49 (LR, 17 April 2014), together with its explanatory statement.

## Economy—employment and 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, Ms Lawder, Ms Porter and Mr Wall proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Ms Porter be submitted to the Assembly, namely:

The importance to ACT job generation and economic activity of infrastructure investment and transformational projects.

**MS PORTER** (Ginninderra) (3.55): I am very pleased to speak to this matter today. The government has demonstrated its ability to provide proactive policies and responsible budgeting to support jobs. As you know, Madam Assistant Speaker, the ACT's economic fundamentals remain sound and we continue to perform well. However, there are challenges emerging now and there are likely to be more. These

economic conditions mainly arise due to the ongoing commonwealth government's fiscal restraint measures.

The ACT economy has weakened slightly since the 2013-14 ACT budget. We know that the federal government is reducing the number of Australian public servants and federal agencies. Five commonwealth departmental budgets, including recruitment arrangements that place a hiring freeze on the Australian Public Service, have potential to limit employment growth in the ACT. A review of the commonwealth government spending by the National Commission of Audit and many recommendations made by the commission place increased uncertainty on the territory's economic future.

The commission's report indicates that recommendations proposed would translate into a loss of approximately 15,000 jobs. The majority of these job cuts appear to be Canberra based. While the ACT can withstand some more belt-tightening by the commonwealth, it cannot absorb large levels of commonwealth redundancies without assistance. A decline in the APS will have a direct impact on the Canberra community, as well as overall economic activity in the ACT.

First and foremost, the ACT government has ensured that the ACT economy has grown strongly. Economic growth in the ACT has remained robust, despite the challenges posed by the commonwealth's contraction. The ACT government will continue to facilitate employment both as an employer and as a driver of economic growth. We are committed to supporting sustained growth and development of the ACT economy. We will work with the region, businesses, institutions and the wider community to increase economic opportunity and activity.

Prudent financial management and a commitment to reform, as well as investment in our people and technology, will create the right conditions to support business and consumer confidence in the local economy and therefore create jobs. Defending jobs is just not a matter of political or economic expediency. In our system the best way for a person or a household to participate fully in our society is to be in work.

The ACT will be experiencing a unique set of challenges in the coming years. However, we also have a unique set of opportunities in Canberra. We will be seeking to leverage those opportunities to support both long-term productivity growth and to weather the coming storm. In general terms governments can promote productivity growth through investing in infrastructure and skills, promoting macro-economic stability and providing appropriate micro-economic frameworks. Infrastructure investment increases productivity by enhancing the efficiency with which private sector resources can be used.

For example, well-functioning roads can make it easier to transport goods, which will lower fixed costs for businesses. There have been a range of estimates over time around 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 public capital stock can raise total factor productivity by 0.4 per cent.

Infrastructure has been emphasised by the Council of Australian Governments. At a recent COAG meeting earlier this month the first ministers for the states and territories signed a national partnership agreement on asset recycling with the commonwealth. 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. State and territory governments face budgetary constraints and also the possibility that taking on higher levels of debt would have credit rating implications. The sale of assets can reduce the pressure on governments' balance sheets, thus providing additional capacity to invest in infrastructure. The aim of the agreement is to address this funding constraint.

In October 2013 the ACT government endorsed the new capital framework setting out new processes for assessment of capital works and funding proposals in the ACT. Proposals are rigorously analysed and assessed, thus ensuring value for money outcomes. The ACT government has also recently introduced a new framework to support both unsolicited proposals and public-private partnerships in the territory—the partnership framework.

Public-private partnerships can allow governments to draw upon private sector disciplines and help ensure major projects are completed on time and on budget. Of course, the important focus of the government's infrastructure program is the health infrastructure program, HIP. This is about completely overhauling the ACT health system and working closely with the community, healthcare consumer staff and stakeholders to build a responsive, accessible, safe and innovative health system of the highest quality.

The ACT government will invest close to \$2 billion to make sure that every aspect of the ACT healthcare system can support the need of its growing community. The HIP will build confidence in the healthcare system by providing a new enhanced healthcare service to meet the future healthcare demands of Canberra. This program has already begun to address the demand for improved community health with the opening of three new community health centres across the territory.

In addition, women and children have a world-class facility at 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 of industries, health-related tertiary education and the healthcare workforce. 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. It is estimated that as at April 2014, approximately 2.4 million person 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 in the ACT the right services in the right place where they need them, and stimulate economic and workforce growth well into the future.

Public housing is also vital to the social fabric of the Canberra community. For many Housing ACT tenants on low incomes who have experienced social exclusion, disadvantage and other complex issues, public housing is just not a house. Like for everyone, it is their home, a place where people can close their front door and feel secure. For tenants, public housing is one way in which people improve their social and economic participation in the Canberra community.

However, public housing is also a vital component of the territory's infrastructure. Overall, the public housing stock in the ACT is approximately eight per cent of the total housing stock spread across the ACT. As a result of this history of relocation of public servants and the ACT government's long-term commitment to public housing, the ACT has the highest proportion of public housing stock per capita of any jurisdiction.

In 2012–13 approximately 24,526 people were provided with affordable and secure accommodation in public housing through 11,577 tenancies. These public housing properties are salt and peppered throughout nearly every suburb in Canberra, ensuring that people are situated near public transport, schools, community and other facilities, and their community networks.

This is a remarkable investment in the lives of Canberra's most vulnerable people which bucks the national trend to reduce public housing numbers. It reflects the government's commitment to supporting those with the greatest need through the provision of affordable and stable housing and the life opportunities which flow from that stable housing. Housing ACT's capital program funds replacement properties and upgrades to and refurbishments of properties to maintain their standard and to improve their amenity for tenants.

The upgrade program includes a range of works to improve the energy efficiency and liveability of the dwellings, particularly through building shell improvements. Many measures aim to lower energy consumption, thus reducing tenants' energy costs and greenhouse gas emissions in the ACT. Under the capital program 127 dwellings were acquired during the year, 117 of which were delivered through the construction program. The investment not only improves the public housing portfolio; it creates confidence in the community and ensures jobs in the construction industry and associated industries.

In addition to health and housing infrastructure, there are many important infrastructure projects underway in the territory. Large projects such as the Majura Parkway, expansion of the Alexander Machonochie Centre and the upgrade of Constitution Avenue all highlight this government's commitment to improving, maintaining and developing the infrastructure that Canberra needs. Other important projects include a new school at Coombs, the Gungahlin Leisure Centre and south

Tuggeranong fire station, and there are many other smaller projects I have not mentioned.

It is vital to maintain high levels of employment. It is one of the keys to maintaining the health of our community and it will remain a core priority of the ACT government through 2014. It is a core value of a Labor parliamentarian. However, I am under no misconceptions about our ability to compensate for the decisions of the federal Treasurer. We are exposed to a number of risks.

The commonwealth's ACT workforce is three times the size of our own and we cannot absorb large redundancies. Our GST revenue continues to decline relative to the services it is supposed to pay for and further cuts will hurt. Direct funding for vital reforms and community services, if cut, would undermine hard-won gains for our schools and some of our most vulnerable people. The ACT budget, as nine per cent of the territory economy, can respond to federal belt tightening, but not to savage austerity.

Leadership is about having vision, about having foresight, but also about making decisions to prioritise and focus our effort to ensure that we are leading the Canberra community competently into the future. This government is one which not only has vision through forward-looking policies and transformational projects but also that determines action to progress our vision and is responsible for these actions through reporting back to the community. This government has demonstrated a strong track record in financial and economic leadership.

Our fiscal discipline has supported the ACT's strong economy and has enabled the government to meet its people's needs. We have invested in priority areas—our public schools, our hospitals and our infrastructure. Our program of capital investments continues to support the economy and expand the productive capacity of our economy for the long term and provide confidence, stability and leadership to the private sector. We continue to work to improve services and community facilities to ensure that our city is a good and safe place to live.

Strong government leadership is required to drive the community, business and regional linkages needed to continue to create a prosperous future through the provision of infrastructure for the ACT. The government is committed to listening to the community in shaping the future of our city, providing very tangible mechanisms for that to happen and building that output into both our short-term responses and our long-term strategic planning. I welcome the opportunity to highlight this leadership and experience and the forward-looking policies of this government.

**MR SMYTH** (Brindabella) (4.08): I thank Ms Porter for bringing on this MPI today. It is an important issue. The delivery of infrastructure is not something at which this government has shone. You only have to go back to some of the Auditor-General's reports where she has been incredibly critical of the way that this government delivers infrastructure. Indeed, from one of the recent financial reports:

The significant underspend mainly resulted from delays in procurement for various capital works projects because it took longer than expected to scope the

work, consult with those affected by these capital works projects and complete procurement. Also, additional time was needed to obtain approval for compliance with environmental requirements. Some projects were delayed because of wet weather.

That is a year when there was a 30 per cent underspend—a \$273 million, 30.6 per cent underspend—in the territory’s infrastructure investment program.

That is the record. So to stand here and say that we have got this proud record on infrastructure delivery—well, I simply recall a conversation we had with Mr Corbell in one of the various committee hearings. When I asked him could he name one capital works project that had been delivered on time, on budget and on scope during his time as minister, there was this deafening silence in the committee. Several seconds later came the words, “I’ll take that on notice.” He could not think of one, not a single one. Eventually he supplied a list of projects, many of which were projects that actually started when I was the minister. Poor old Mr Corbell is in a real bind when it comes to delivering capital works, because his record is not particularly good.

Even today in the discussion on the approp bill this morning and in question time this afternoon we hear that the Aboriginal healing farm is now how long overdue? Does anybody truly expect it to be delivered in the next couple of years as promised? The secure mental health facility has been on the books now for nine years. What does the matter of public importance say? “The importance to ACT job generation and economic activity of infrastructure investment and transformational projects”.

For nine years: “Let us get the essential infrastructure in place first”. For nine years we have not had a secure mental health facility because this government cannot deliver. Of course, with City Hill, Mr Corbell tabled his concept of the future nine years ago and not a single piece of it has been delivered. For nine years the void has remained at the heart of this city. For nine years this city has suffered from the doughnut effect where it is pulled in every direction as the government gets some new harebrained scheme or it needs to urgently sell a block of land so it can balance its budget. For nine years a concept for the future has languished because this government cannot deliver.

In terms of the blowouts, some of the notables include the north Weston pond. The blowout was enormous and the size of the pond was directly proportional. It got smaller and smaller as the blowout grew bigger and bigger. Then, of course, there was the prison—another Mr Corbell special. He opened a prison, proudly telling us that it had capacity for 20 or 25 years, and here we are about five years later having to expand it because they got it wrong.

The crown for Mr Corbell, of course, was the GDE. “On time, on budget” was the 2001 mantra. Well, it was not on time and it was not on budget. It was five or six years late and it blew out probably four times the original budget. When they finally did the duplication Mr Corbell got up and said, “It is being delivered on time and early.” It was five or six years late, but he managed to get it five or six weeks early on the duplication. There was the Tharwa Bridge debacle and then the Canberra hospital debacle, where the car park in particular blew out in cost and time. There was the



whole program to expand the hospital. Some firms thought they had contracts to help design the next stage of the hospital and that was all changed and taken in-house.

If we are going to be truthful about this, it is not pretty, it has not been well done and it has cost the territory more than it should have. Whether or not it has transformed the ACT is yet to be decided, I would expect. It does not have to be just built form either. There are capital works in the form of the real-time passenger information service, which I think has now been coming possibly for nine years. It has been on the books for a long time and we are yet to see it. So let us not be too quick to leap to the “transformational” word.

The best summary of this government’s approach to infrastructure was when it released its infrastructure plan. It could not even spell it right: “infastructure”. That is what it is. It is a stutter that this government has. It stumbles over when it comes to infrastructure in most cases.

It is also important, of course, that the federal government plays a role in the infrastructure of the ACT. Tonight we will hear another budget. I think we all know that there is some grim news coming because of federal Labor’s inability to balance the budget or to deliver their infrastructure or capital work programs on time as well.

If, as reported, 16,000 jobs go tonight, 14,500 of those jobs, or 91 per cent, are an outcome of federal Labor’s mismanagement of the national economy. That is to their shame and it is to the shame of those opposite who never once stood up to their federal colleagues—unlike those on this side who have said to our federal colleagues on numerous occasions, “We don’t accept your premise and we don’t accept what you’re doing.”

Depending on what happens tonight, it will be interesting to see how the capital emerges. The last Liberal government, after a rough period to start with, understood the value of the capital and put enormous capital investment into the ACT, unlike the Rudd-Gillard-Rudd government, the merry-go-round government, where everybody got to be prime minister depending on what day it was. They cannot claim to have been as good to the ACT as the Howard years were.

In the Howard years we got the road infrastructure—the Barton Highway upgrade and the Federal Highway upgrade. We got airport infrastructure, where they assisted with the lengthening of the runway. We got cultural infrastructure, whether it was through the building of the National Museum of Australia or the National Portrait Gallery of Australia, whether it was extensions to the National Gallery of Australia or the Australian War Memorial or whether it was refurbishments to places like the Mint or the National Capital Exhibition at Regatta Point. We got things like the upgrade to Anzac Parade, perhaps the most significant street in this country. The redevelopment of Russell Hill went ahead. Whether it was the various memorials that they built—things like the emergency services memorial and the Australian of the year walk—or whether it was the business and development infrastructure that they built through funding things like NICTA and Epicorp, all of them have a huge impact and help this territory and this economy to get ahead.

Of course, all of that drove private sector investment. There was the enormous investment out at Canberra Airport and the building of new A-grade office space to house the public services. Issue after issue emerged which the Howard government was in a position to cope with because they had got the budget back into surplus.

Whether it was the SARS outbreak, whether it was the Asian meltdown, whether it was introducing a thing called the GST, whether it was border security, whether it was war in Iraq or war in Iran, those public servants were housed in property with a private sector boom brought on by the Howard government.

The record for the merry-go-round government, the Rudd-Gillard-Rudd government, was eventually, I think in 2010, giving us the money for the Constitution Avenue upgrade. They gave it to us as an election commitment, as a gift, when in fact it was actually payment for a car park that they got at Russell. It was long and it was late and a deal was not agreed. We got some money for the Arboretum because that was the then Chief Minister's pet project. Ultimately, after being missed out in many rounds of funding, we got money for the Majura parkway. It is interesting, when you compare those two lists, that one is very short and the other built the transport, the cultural, the artistic and the business infrastructure of the ACT. It is a good record from the Howard Liberal government.

We have got the “transformational” word—capital metro, city to the lake and the city plan, none of which are funded or have completion dates, which is so typical of this government, and none of which in the end we really know a great deal about. The government have balked at every turn to tell us the cost of capital metro. They have talked about city to the lake for years, but we are yet to see anything delivered. We know that the Chief Minister let the cat out of the bag when she said the city plan “is not really a plan; it is a spatial guide to what might happen in Civic”. Yet again we see long time frames, but we do not see in the budget the drivers to make this happen, which is big surpluses to build up for the rainy days. The rainy days are here and the transformation I doubt will come, because this is a government that cannot deliver. (*Time expired.*)

**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) (4.18): I thank Ms Porter for raising this MPI today. It is obviously a day of great anxiety, though, for many workers and families in Canberra. Tonight's federal budget will hold major consequences for households across the city, for hardworking parents and for the kids who depend on them and for those who work in the private sector in Canberra too.

The ACT government, faced with this scenario, is looking at how best we can respond to protect jobs and support economic activity in Canberra in the face of significant cuts in employment and in expenditure from the biggest employer and the single biggest entity within the territory economy. Our government is making the conscious call to do what we can, particularly to maintain the level of momentum and confidence through supporting construction activity and, importantly, building the long-term productive infrastructure that our city needs.

Last week both Mr Hanson and Mr Coe made their views known on infrastructure investment and disputed the value of infrastructure investment, and in particular disputed the value of investment in transport infrastructure. The government's view is that we can play a significant role in mitigating the peaks and troughs that occur in our economy.

*Mr Hanson interjecting—*

**MR BARR:** You said that light rail would generate no economic benefit for the territory. When I stood next to you, you indicated your support, Mr Hanson, for tax reform of the Henry tax review kind. That was an interesting change in position. However, I digress.

The government can play a significant role in mitigating the peaks and troughs that occur in the economy. Frankly, the last thing that this city needs now is to be hit doubly by both the federal and territory governments cutting deeply. There are important signs of resilience in our economy, particularly in our private sector. I think this gives us cause for optimism and shows that government investment and diversification of our economy can yield results.

Examples that we can point to include the announcement last week of IKEA's investment in our economy and of the Academy of Interactive Entertainment looking to invest nearly \$50 million to extensively redevelop its campus in Watson. We can look to the outcomes and the early indications from entry 29, our start-up incubator, that have seen 100 per cent growth in the past year. We can, of course, look to the future in relation to the airport precinct and their master plan indicating a desire to grow the workforce precinct there from 11,000 to 18,000. We can look to the words of our local business community and their leaders, represented through Andrew Blythe and Chris Faulks from the chamber of commerce and the Canberra Business Council respectively. Mr Blythe has indicated:

We are a lot stronger and more diverse—

than in 1996—

The next 12-18 months will be tough but we will come out the other side, I think, a lot stronger than even today.

And Chris Faulks has said:

The economy is more mature, the private sector is more robust and mature and we have a lot more businesses that sell goods to the rest of Australia and overseas.

That is true. The value of international exports out of the ACT since this government has been in office has increased from \$774 million to \$1.3 billion. It has been growing faster than the national average. We recognise the importance of continued investment in our economy at this time, particularly through major infrastructure projects such as city to the lake and the convention centre. It is, of course, extremely disappointing that the commonwealth have ruled out any support for the convention centre in this budget.

*Mr Hanson interjecting—*

**MR BARR:** If it is my fault that the federal Liberal government did not invest in the ACT convention centre then that fault must also be equally shared by Senator Seselja, who has no doubt been campaigning strongly for it, by your good self and by the shadow treasurer, who I presume has conversations with his federal counterparts. I have a good relationship with Joe Hockey. I get on quite well with him. But I would not pretend to have more influence with Joe Hockey than the Leader of the Opposition or the shadow treasurer. The federal government's decision not to invest in the ACT in this budget is disappointing, but we will continue to support this project. The business community is united behind it and the benefits to the economy are significant.

The city to the lake project is also a project that has experienced considerable international and national level investor interest, as well as a strong degree of local interest, in developing premium land in the parliamentary triangle. The government is progressing this project, and I was very pleased with the passage of a second appropriation this morning to begin the design of the public waterfront.

The scope of the project is enormous, and so is its potential for our economy—1.2 million square metres of prime city and waterfront land, the capacity for up to 20,000 new residences, premium sites, mixed-use sites for hotels, retail, hospitality, convention, stadium and aquatic facilities, and a permanent bridging of the divide between the city and the lake with the Parkes Way boulevard. It is certainly a big step forward towards a more vibrant city heart. There is no doubt that this project will be a significant boost to our tourism and hospitality industry and will create a precinct that will provide thousands of new jobs for the territory.

The government's infrastructure investments also extend into the digital sphere, an absolute imperative in a city whose digital economy is gaining global significance. We are pursuing the opportunity to further leverage and develop our existing advantages in this area. The digital Canberra action plan provides the means to promote the city as a digital investment opportunity, to create digital networks and partnerships, to accelerate the development of the digital economy, to build a city of innovation and connected communities and to support open government and better access to services.

There are already indications that one consequence of cuts to the commonwealth public service is likely to be growth in the number of highly skilled Canberrans looking to get a start in the digital economy. Strategic investments to support this growth and to assist these people are, therefore, an economic imperative of the government.

We are very keen to continue to support the diversification of our economy. It is interesting, when you look at the statistics, just how diverse our economy has become and where the growth has come in the last 10 years. As I have indicated in this place before, nearly 36,000 new jobs have been added into the ACT economy—10 new jobs every day for 10 years, on average. Those jobs have come in a variety of different

sectors. Professional, scientific and technical services have grown from 13,100 jobs when John Howard was elected and now contribute 22,900 jobs. The value of this sector of our economy has grown from \$1.91 billion to \$3.341 billion—significantly more diverse in 2012-13 than before.

The education and training sector has grown. Its economic contribution over the last 10 years has increased from \$1.8 billion to \$2.3 billion. The level of employment in the education and training sector has increased from 17,200 to 19,100 jobs. The construction sector has increased from \$1.6 billion in 2000-01 and 10,700 jobs to \$3.4 billion with 14,100 jobs. Tourism has increased from \$826 million in 2001 and only 5,700 jobs to nearly \$1 billion in economic value and 11,500 jobs.

These figures, of course, are taken from the census and from intermediate updates from the ABS outside of census years. What we are seeing and what we have seen over the last decade is 10 new jobs on average created every day and in a diverse range of private sector areas. We are a more diverse economy, but that does not mean that when the largest employer contracts it will not impact on the ACT. It will.

*Time expired.)*

*Discussion concluded.*

## **Adjournment**

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

That the Assembly do now adjourn.

## **ClubsACT—awards night**

**MS BURCH:** (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (4.28): I want briefly to congratulate ClubsACT. I had the great pleasure of going to the clubs awards night. Many of us were there; I understand that you were there, Madam Assistant Speaker. Certainly, Mary Porter was there, as were Simon Corbell, Brendan and Alistair. A number were there. The gala dinner is the clubs industry night of nights, and it is attended by over 400 industry leaders. I am sure you would confirm that a good night was had by all.

There were 22 categories that saw clubs awarded for their excellence in food and beverage, service and community contribution, as well as a number of employee awards. There was a clear dominance this year—and I am reading from the ClubsACT media pack, but I would concur—by three club groups who shared multiple awards: the Southern Cross Club venues, the Vikings Group and the Hellenics. They are a tribute to the great work these clubs are doing.

Notably, the Vikings Group took out seven categories, including the medium club of the year accolade for their town centre club. So those sitting at that table were indeed enjoying themselves. The National Press Club at Barton took out three awards, including the small club of the year award.

As I said, the club of the year—small award went to the National Press Club and the club of the year—medium award went to Vikings Town Centre. The club of the year—large award went to the Hellenic Club of Canberra. The 2014 best bistro award went to the Vikings Town Centre. The 2014 best restaurant award went to the Peppercress at the Southern Cross Club in Tuggeranong. The 2014 best conference and event centre award went to the National Press Club.

Vikings Town Centre and Vikings Erindale took out the promotion of sport, medium and large, awards. Vikings Town Centre also took out the responsible gaming and gaming facility—medium award. The award for a large club went to the Southern Cross in Tuggeranong. The members services award—medium went to Vikings Town Centre.

So there was a fabulous representation of clubs from the valley—in particular the Vikings and Southern Cross clubs. Well done to all those involved. Clubs are an important part of our community. I look forward to the 2015 gala night and celebrating with the clubs again.

### **Civil Contractors Federation Earth Awards**

**MR WALL** (Brindabella) (4.31): I rise this afternoon to pay tribute to the winners of the 2014 CCF earth awards. Last Friday evening I was pleased to once again attend the ACT Civil Contractors Federation earth awards. This year's event had a sellout attendance, as has been the case in previous years. It provided the opportunity for all businesses in the sector to come together and celebrate the successful work of some of their peers.

The awards recognise outstanding construction and environmental excellence in the civil construction area across the industry. This year's awards went to Makin Trax for their work on the Canberra Centenary Trail, Cord Civil for their work on the Narrabundah velodrome, Woden Contractors for the Parkes Way widening and bridgeworks, and the Bulk Water Alliance for their work on the Cotter Dam project.

I would like to pass on my congratulations to all of these businesses and the staff involved in these projects. I would also like to express my congratulations and thanks once again to the MBA and to the Civil Contractors Federation for their hospitality on the evening. Obviously, a big mention needs to go to all of the sponsors that were involved that make these sorts of evenings possible. I think it was a timely opportunity, given the events that have happened with some businesses in that sector over the last week, to note how important it is that all members of the Assembly and all members of the community do their part to ensure that local businesses are given every opportunity to tender for works within the ACT community to ensure the long-term viability of this industry.

### **Social justice Community legal centres**

**DR BOURKE** (Ginninderra) (4.32): However imperfectly, Australians pride ourselves on trying to give everyone a fair go and that we are a reasonably just society.

I am sure all members in this place aspire to making a just and fair society. At the same time we await a federal budget and get caught up in its politics.

What basic services do we have a right to as citizens? Who pays for them—the user or society? Ensuring the weakest and most vulnerable in society have the same capacity to assert their rights as the wealthiest and most powerful is something we battle with continually.

We might all agree on the ideal of equal access to justice, but it has many social, economic and legal meanings in practice. Community legal centres are one solution to providing better access to justice for the vulnerable and disadvantaged. I recently visited Canberra's new community legal centres hub across Barry Drive on the corner of Watson Street in Turner. Whilst the services are federally funded, the ACT government provided just over a million dollars in assistance over four years for the services to move out of their cramped, old accommodation in Havelock House. Minister Corbell opened the new hub in March.

The free legal services, advice and education that the centre provides to women, people with a disability, Aboriginals and Torres Strait Islanders and people who are homeless or at risk of homelessness are a benefit to all Canberrans as a whole. They help make us a fairer society, providing those most in need with someone to advocate on their behalf.

The new hub brings together three ACT community legal centres—the Welfare Rights and Legal Centre, the Women's Legal Centre and the Tenants Union ACT. Together they help individuals with their legal problems, sometimes requiring legal representation. They are also involved in outreach work, rights education, taking part in a wide range of local and sometimes national forums and advocacy on behalf of law reform.

The Women's Legal Centre also houses the Aboriginal and Torres Strait Islander women's law and justice support program, which I would like to highlight, as it is funded by the ACT government. Its Aboriginal staff, the program manager and project worker, have strong connections to the Canberra community and ensure clients have ready access to culturally appropriate law and justice services. Staff liaise with a range of services with or on behalf of clients to see that they get the help they need.

Use of the program's services by Indigenous women grew by over 20 per cent from the previous year. Their main issues include children, family violence, discrimination, property and employment. The program is involved in outreach activities across the community and assisted in organising women's yarning circles, including with the ACT community's elected body. The program manager is also part of the Galambany circle sentencing process within the ACT Magistrates Court.

As an aside, I would like to note that the ACT Aboriginal and Torres Strait Islander justice agreement between the ACT government and the ACT Aboriginal and Torres Strait Islander Elected Body is making steady progress in improving outcomes and an understanding of ways forward.

Finally, I commend all the staff who work in the community legal sector—the lawyers and law students who work pro bono for the centres and the members of the public who give up their time to serve on the boards overseeing community legal centres.

### **Macular Degeneration Awareness Week Canberra Seniors Centre—autumn fete**

**MR DOSZPOT** (Molonglo) (4.36): I would like to draw the attention of the Assembly to two matters of relevance to me in my role as shadow minister for ageing. All offices last week hopefully received some information about the upcoming Macular Degeneration Awareness Week, which is being held across Australia from 25 May to 31 May. Its slogan, “Don’t be in the dark about macular degeneration”, is a succinct and apt descriptor of this chronic disease that affects central vision.

Risk factors are age, smoking and family history. This risk increases dramatically after age 50, and also increases dramatically for smokers, who have a three to four times greater risk of acquiring this affliction. If you have a family history of it, there is a 50 per cent chance of developing macular degeneration.

Macular degeneration—MD for short—in fact is the leading cause of blindness and major vision loss in Australia. There are two types, which essentially means you have a slow loss of vision or a sudden loss of vision, but both really affect quality of life in later years.

Early detection is crucial to save sight. Appropriate protection for your eyes in bright sunlight, even as a youngster, and maintaining a healthy lifestyle can go a long way to prevent or contain its impact and severity.

MD affects one in seven or 1.5 million Australians over the age of 50, and this rate will rise to 1.7 million people by 2030 in the absence of prevention and treatment measures. In Canberra we are talking about an estimated 14,400 people. In my own electorate of Molonglo, according to the foundation, in 2012 there was an estimated prevalence of MD in 7,050 people, and this number will rise to an estimated 12,000 by the year 2030 if preventive measures are not taken.

The very extensive and informative material provided shows the great work that Macular Disease Foundation Australia is doing to raise awareness. It includes information on nutrition and diet, a cookbook and a DVD that is available on eating for eye health, and a quick self-test to see if you might have symptoms of MD.

I support the foundation’s calls for people over 50 to be tested annually. It is a quick, painless and affordable test and can be free for those in private health schemes. It proposes an omega 3 and a lutein-enriched diet and overall sensible eating habits. I applaud the foundation for highlighting this and for the quality and range of material on offer to help promote a wide understanding and awareness of this chronic disease.

The second item on ageing that I wish to note was the wonderful fete I attended last Saturday, 10 May. It was the Canberra Seniors Centre autumn fete held at their Turner



headquarters. I met with president David Rymer, vice-president Pat and other members. I had a great time checking out all the stalls that offered a wide range of items, such as cakes, jams, pre-loved clothes, toys, games and craftwork. But it was the bookstall that really held my attention and where I spent some considerable money. There was a great selection of biographies and general fiction, all of which added up to me getting into a lot of trouble when I got home for buying yet more books. I can certainly recommend it to any other colleagues here who are interested in some old and some very rare books, in a way. Make sure you go to next year's.

It was also a good opportunity to catch up with some old friends I have not seen for years. I noted that some other Assembly colleagues took the opportunity to come and support the fete—Sue White from my office and Chris May from the Assembly secretariat. My congratulations to all the organisers of the Canberra Seniors autumn fete. I realise it takes an enormous amount of effort each year, but judging by the great turnout it was obviously well worth it. Congratulations again on all of your organisation.

### **John Paul College**

**MR COE** (Ginninderra) (4.40): I rise this afternoon to speak about John Paul College in Gungahlin. The college is a new Catholic co-educational secondary school in Gungahlin. The school was opened last year, taking in year 7 students, and moved to a new campus in Nicholls at the start of the 2014 school year. The school will become a fully functioning years 7 to 12 school in 2018 when the first crop of year 7 students reach year 12 and will, at capacity, be able to hold approximately 1,200 students.

John Paul College complements three Catholic primary schools in Gungahlin—Good Shepherd in Amaroo, Holy Spirit in Nicholls and Mother Teresa in Harrison, to provide a kindergarten to year 12 Catholic educational pathway for students in Gungahlin. The school is also at the forefront of modern school design and teaching, providing a fun and enjoyable campus and curriculum for its students.

It is a shame, then, that the school faced so many obstacles in order to open its doors. In 2010 the school was granted land in Throsby to build their new campus. Environmental issues, namely the golden sun moth and the superb parrot, however, prevented the college from being built. This forced the school to once again negotiate with the ACT government for land to hold their campus.

While land would eventually be found in Nicholls, the change of location severely delayed the building of the school's campus. This placed a lot of stress on the school's administration, which had originally planned to open the school in 2013. Fortunately, temporary accommodation was able to be found at Mother Teresa primary school in Harrison. While the temporary accommodation was less than ideal, it did allow the school to have its first intake of students and to stick to the original timetable. Staff and students moved into their Nicholls campus in January this year after it was completed.

It was through this very difficult process that the persistence and patience of all involved in this school shone through. The difficulties that they have faced together

have now been overcome, and the school's community, its staff, administrators, students and parents will be stronger because of it. The fact that the school's campus could be open this year is a testament to the tireless, methodical work of all those involved in the project.

I was honoured to have attended the official opening and blessing of the school a couple of weeks ago, and I would like to thank and acknowledge all those involved in the ceremony. They are the Most Reverend Christopher Prowse, the Catholic Archbishop of Canberra and Goulburn; Moira Nadjicki, the Director of the Catholic Education Office; Catherine Rey, the principal of John Paul College; Keith Cantile, the college council chair; Domenic Braybon, senior officer, system leadership, at the Catholic Education Office; and students, Jordan Brusensky, Evie Felton, Charlotte Foster, Jason El-Khoury, Joshua Beale, Sarina Dao, Zoe Nesbitt and Luca Papa for their statements and prayers during the ceremony.

I wish to also provide my best wishes to all those involved at the school, including the principal, Catherine Rye; the assistant principal, Stephanie O'Meara; the college bursar and business manager, Keith Vardanega; the college coordinators, Colleen Marriott, Kim Schade and Liam Stakelum; the college support staff, Kris Davis, Sally Dawe, Liam Gallagher, Belinda Kelly and Tim Rees; and the college teaching staff, Greg Baines, Sarah Box, Bronwyn Griffin, Elizabeth Hair, Faye Harding, Atina Hrstic, Andrew Luck, Mike McRae, Anthony Pitt, Paul Sainty, Guillaume Schlomka, and John Thompson.

I commend John Paul College to members and encourage members to support the school as it grows to a years 7 to 12 college. For more information on the school, I encourage members to visit the school's website at [www.jpc.act.edu.au](http://www.jpc.act.edu.au).

Question resolved in the affirmative.

**The Assembly adjourned at 4.45 pm.**

## Schedule of amendments

### Schedule 1

#### Road Transport (Alcohol and Drugs) Amendment Bill 2013

##### Amendments moved by the Attorney-General

##### 1

##### Clause 5

##### Page 2, line 15—

*omit clause 5, substitute*

##### **5 Power to require alcohol screening test if vehicle not involved in accident—driver and driver trainer New sections 8 (1A) and (1B)**

*insert*

- (1A) The person must remain at the place where the alcohol screening test is being carried out until the test is completed in accordance with the police officer's directions.
- (1B) In addition, if an alcohol screening device is not immediately available and the police officer has reasonable cause to suspect that the person has alcohol in the person's body, the police officer may direct the person to remain at the place where the alcohol screening test is to be carried out for the time (not exceeding 30 minutes) reasonably necessary for an alcohol screening device to be made available and the test to be completed.

##### **Example—screening device not immediately available**

there is no working screening device at the place where the test is to be carried out

*Note 1* A person commits an offence if a person fails to comply with the direction of a police officer under this section—see s 22B (Failing to stay for screening test).

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

##### 2

##### Clause 9

##### Page 5, line 4—

*omit clause 9, substitute*

##### **9 Power to require drug screening test if vehicle not involved in accident—driver and driver trainer New section 13A (2A)**

*insert*

- (2A) In addition, if a drug screening device is not immediately available and the police officer has reasonable cause to suspect that the person has a drug in the person's body, the police officer may direct the person to remain at the place where the drug screening test is to be carried out for the time (not exceeding 30 minutes) reasonably necessary for a drug screening device to be made available and the test to be completed.

**Example—screening device not immediately available**

there is no working screening device at the place where the test is to be carried out

*Note 1* A person commits an offence if a person fails to comply with the direction of a police officer under this section—see s 22B (Failing to stay for screening test).

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**3**

**Clause 15**

**proposed new section 22B (1) (b)**

**Page 9, line 3—**

*omit proposed new section 22B (1) (b), substitute*

- (b) the person fails to remain at the place where the screening test is to be, or is being, carried out until the test is completed in accordance with the police officer's directions.
-