Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

EIGHTH ASSEMBLY

7 APRIL 2016

www.hansard.act.gov.au

Thursday, 7 April 2016

Thursday, 7 April 2016

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

Leave of absence

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

> That leave of absence be granted to Mr Corbell for this sitting due to his attendance at a Ministerial Council meeting in Perth.

Lifetime Care and Support (Catastrophic Injuries) Amendment Bill 2016

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

Title read by Clerk.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (10.02): I move:

> That this bill be agreed to in principle.

Madam Speaker, today I am pleased to present the Lifetime Care and Support (Catastrophic Injuries) Amendment Bill 2016. The bill amends the Lifetime Care and Support (Catastrophic Injuries) Act 2014, the Workers Compensation Act 1951 and the Workers Compensation Regulation 2002. It implements a statutory indemnity insurance scheme to cover the treatment and care needs of persons catastrophically injured as a result of a private sector work accident in the ACT.

As part of the heads of agreement of 19 April 2013 between the commonwealth and the ACT to establish the full national disability insurance scheme in the territory, the ACT government committed to implementing arrangements for lifetime care coverage for people who are catastrophically injured in a motor vehicle or work accident, through a national injury insurance scheme.

The Productivity Commission recommended in its report into disability care and support published on 31 July 2011 the implementation in all jurisdictions of a national injury insurance scheme offering no-fault lifetime treatment and care for those catastrophically injured. The commission's recommendation was to address the inequity of access to lifetime care for catastrophically injured persons.

The NIIS's aims are twofold: to provide a consistent and adequate system of lifetime care and support for the catastrophically injured, regardless of how or where the

injury occurred; and to offset the cost of the NDIS. Madam Speaker, the government delivered on the first stage of its commitment under the heads of agreement to implement an NIIS for motor vehicle accidents, with the establishment of the lifetime care and support scheme, the LTCS scheme or LTCS, which commenced in the ACT on 1 July 2014.

The scheme was established under the Lifetime Care and Support (Catastrophic Injuries) Act 2014 and is largely administered by the New South Wales Lifetime Care and Support Authority on behalf of the ACT government. As a result, participants in the scheme benefit from the provision of treatment and care by an organisation with recognised experts in managing the long-term treatment and care needs of those with complex and serious injuries.

Based on recent positive feedback received from participants in the scheme, I am pleased to advise that the scheme is operating effectively to provide timely as well as much-needed targeted early intervention and care to those who are catastrophically injured.

Implementation of the NIIS for workers is the second stage of the ACT's commitment under the heads of agreement. As the Productivity Commission found that the incidence of catastrophic injuries under work cover schemes is low and systems are not well geared to provide coordinated lifetime care for such cases, this bill proposes to implement an NIIS for private sector work injuries in the ACT by extending the scheme to provide lifetime care to catastrophically injured workers covered by the Workers Compensation Act 1951. The NIIS for work injuries will apply to injuries that occur from 1 July 2016.

Extending the LTCS scheme to cover injured workers will meet the proposed NIIS minimum national benchmarks for work injuries. Jurisdictions may exceed these minimum standards and, in fact, the scheme to be implemented under the bill I am introducing today exceeds the minimum benchmarks reflecting the care and support benefit provisions already in place under the ACT workers compensation scheme.

The types of catastrophic work injuries that the LTCS scheme will apply to remain unchanged, and include spinal cord injuries, traumatic brain injury, amputations, severe burns or permanent blindness. Injured workers who are accepted as lifetime participants into the scheme will receive their reasonable and necessary treatment and care for their whole life under the scheme.

The bill also includes consequential changes to the Workers Compensation Act 1951. To avoid double payment of benefits to these injured workers, the bill removes access to treatment and care compensation for injured workers who are accepted as LTCS scheme participants, while the injured worker is a participant in the LTCS scheme. As a result, a catastrophically injured worker accepted as a lifetime participant of the scheme will no longer be able to commute their compensation for treatment and care to a lump sum. Lump sum commutations for treatment and care are inconsistent with the NIIS minimum benchmarks as a lump sum payment can be inadequate due to the injured person living longer or requiring more care due to the difficulties of accurately predicting an injured person's care needs at a given time.

Damages awarded for serious and complex injuries in particular are also at risk of being eroded by legal costs and the uncertainties of litigation. Lump sum payments also often involve stressful litigation and, as we have seen in so many instances, can delay early access to medical treatment. The Productivity Commission found that injured people who are poorly managed in the beginning of care and support can require increased costs and experience poorer health outcomes. A catastrophically injured worker with a worker's compensation claim would still, though, be able to claim other types of compensation for economic and non-economic loss through the workers compensation scheme.

The bill also removes from the workers compensation legislation certain obligations on insurers, such as personal injury plans, to reflect the transfer of treatment and care responsibilities to the LTCS scheme. These changes are necessary to reflect the various responsibilities under the two schemes and to streamline how the two schemes interact.

The LTCS scheme for workers will be fully funded through a levy imposed on workers compensation insurers and self-insurers. The funding provisions contained in the bill ensure that there is no cross-subsidisation of funding between motor vehicle injuries and work injuries in the LTCS scheme. The levy will be determined by the ACT Lifetime Care and Support Commissioner based on independent actuarial advice.

As ultimately the levy will be factored into workers compensation premiums, this will continue to provide incentives for injury prevention in workplaces. The impact on premiums charged by insurers as a result of this bill will depend on the amount insurers currently have factored into their premiums to cover for catastrophic treatment and care costs, which they will no longer be on risk for, compared with the LTCS levy that insurers will be charged.

The establishment of the NIIS for work injuries will further build on the important reform of the LTCS scheme, which has changed the way we respond to the needs of those who are catastrophically injured. It will provide participants with certainty over their treatment and care for life that will give them, and their families, the best opportunity to participate in society.

Madam Speaker, I commend this bill to the Assembly.

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

Planning, Building and Environment Legislation Amendment Bill 2016

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

Title read by Clerk.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (10.11): I move:

That this bill be agreed to in principle.

The government is presenting the Planning, Building and Environment Legislation Amendment Bill 2016. The PABELAB process is used to manage all minor policy, technical and editorial amendments that are required to be made to legislation administered by the Environment and Planning Directorate.

This omnibus bill provides an efficient avenue for introducing these amendments through consolidating minor changes into a single bill. It is also effective in providing a clear process for the wider community to access and understand minor changes being made to environment and planning legislation.

This is the 10th bill to be created under the PABELAB process, which continues to improve the operation of territory legislation, ensures that it reflects best practice and delivers good environmental and planning outcomes. The bill makes minor amendments to planning portfolio legislation, including: the Architects Act 2004; the Building and Construction Industry (Security of Payment) Act 2009; the Electrical Safety Act 1971; the Heritage Act 2004; the Planning and Development Act 2007; and the Planning and Development Regulation.

The following environment and climate change portfolio legislation is also amended: the Environment Protection Act 1997; the Environment Protection Regulation 2005; the Nature Conservation Act 2014; the Utilities Act 2000; the Utilities (Electrical Transmission) Regulation 2006, which is to be repealed; and the Utilities (Technical Regulation) Act 2014. Finally, the bill also amends the Work Health and Safety Regulation 2011.

Now I would like to introduce a number of the more significant amendments to the bill, including changes to improve the territory's air quality and to improve administrative and decision-making processes under the Heritage Act. I would like to introduce principal amendments of the bill, found in clauses 9 to 21, which improve air quality regulation.

On 15 December 2015, state and territory environment ministers endorsed the national clean air agreement. Part of that agreement included the adoption of updated Australian standards that set out energy efficiency and emission limits for solid fuel burning equipment such as wood heaters. The amendments to the Environment Protection Act and the Environment Protection Regulation insert new energy efficiency and emissions limits into ACT law. This will ensure that all new wood heaters sold in the ACT must meet the updated Australian standards for energy efficiency and particulate emissions. These amendments will improve air quality by reducing pollution from wood heaters.

It is important to note that these amendments relate to the sale of new wood heaters only and there is no impact on those Canberrans with existing wood heaters. However,

the ACT government is also seeking to improve environmental outcomes for less efficient existing wood heaters through the wood heater replacement program. This program aims to reduce winter air pollution from wood smoke, and offers a financial incentive to home owners to replace an old wood heater.

The updated energy efficiency and emissions limits contained in the Australian standards are implemented in two stages, with new limits proposed to be introduced upon notification of these provisions. Further tightening of these limits will commence on 1 September 2019.

Supporting amendments are also made to ensure that equipment complies with the standards, that compliance information is displayed on the equipment and to prohibit false statements relating to whether equipment complies with the standards.

Clauses 22 and 23 of the bill amend the Environment Protection Regulation relating to the use of agvet chemicals by veterinary surgeons. This amendment provides an exception to the general offence of off-label use of agvet chemicals, provided the use is carried out by, or instructed by, a vet. Off-label use is a common and accepted practice in the vet profession. For example, products authorised by treating avian influenza in chickens are also used on pigeons, where research suggests that the use is effective and safe. This amendment will provide peace of mind to the vet profession who are acting in a routine and safe manner.

Clauses 24 to 46 of the bill include a number of amendments to the Heritage Act. These are the result of a 12-month administrative review committed to by the government to monitor the operation of significant amendments to the Heritage Act passed in October 2014. The amendments to the act improve administrative and decision-making processes. This will ultimately lead to more efficient consideration of whether places or objects should be listed on the heritage register and protect places and objects already listed on the register.

Clause 24 amends the Heritage Act to include a minor change to one of the heritage significant criteria. Currently criterion (c) is drafted to allow places or objects with the potential to yield information that will contribute to an understanding of the heritage history in the ACT to be included on the heritage register. This criterion primarily deals with archaeological sites. The amendment is to ensure that the relevant place or object yields important information as opposed to information of any kind. This is necessary to ensure that only places or objects with territory-level significance or greater can be included on the ACT heritage register. The amendment brings this criterion into line with the other criteria that all have threshold levels and makes it clear that an archaeological site, for example, must have the potential to yield important information.

Clause 34 contains another minor policy change to the Heritage Act relating to the expansion of access to information declared as restricted under the act. Restricted information includes the location or nature of a place or object with heritage significance, or an Aboriginal place or object. The amendment will allow the Heritage Council to give restricted information to an applicant under specific and specified conditions. The release of this information will improve the ability of heritage

consultants and academic researchers to undertake important work, such as assessing the heritage significance of sites. It will also help to inform whether proposed development will impact on heritage significance.

To ensure that restricted information is not used improperly and does not compromise the heritage significance of a place or object, there are restrictions on when the council can release information and on the applicant publishing that information. This amendment finds an appropriate balance between the protection of both Aboriginal and registered places and objects, and the release of important information to the heritage profession.

I would like also to introduce minor policy amendments to the Nature Conservation Act. Under the act the minister may declare a native species to be a controlled native species if satisfied that the species is having an unacceptable impact on an environmental, economic or social asset.

The first amendment in clause 49 is to reformulate the drafting of this provision by removing the reference to an asset, as it is often difficult to define environmental, economic and social impacts in terms of assets. The provision will now require consideration of environmental, economic or social impacts. This less restrictive terminology allows for a broader consideration of impacts and ensures that the environment is managed to prevent unacceptable impacts.

Clause 49 contains a second amendment that allows for a declaration to be made where the species is likely to have an unacceptable impact. As the provision is currently drafted, the declaration can only be made once an unacceptable impact has occurred. This means that management action, through a controlled native species management plan, can only take place in response to unacceptable damage. This is not best practice, and means that the management measures under a plan are inherently reacting to damage already caused. The amendment will allow for preventative management measures to be undertaken where a species is likely to have an unacceptable social, economic or environmental impact.

Madam Speaker, this bill makes a number of other minor policy, technical and editorial amendments to various pieces of environment and planning legislation. These amendments improve administration and decision-making processes, affirm the intent of planning and environmental processes, and fix minor editorial errors. The amendments make good practical sense and are non-controversial.

Madam Speaker, I commend the bill to the Assembly.

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

Long Service Leave (Portable Schemes) Amendment Bill 2016

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

Title read by Clerk.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (10.21): I move:

That this bill be agreed to in principle.

Australians are working longer hours than ever before. While Australia ranks first in the OECD's better life index, it ranks 29 out of 36 countries in regards to work-life balance. This is primarily because over 14 per cent of employed Australians work 50 or more hours a week compared to the OECD average of nine per cent. Excessive work hours are not conducive to good physical or mental health. They put pressure on family and social interactions and, of course, rest. As this is becoming more and more common, .it is important that employee health be supported by the provision of leave to periodically ensure adequate rest and respite. Long service leave is one mechanism that facilitates this.

Madam Speaker, long service leave now forms part of the national employment standards. As of 1 January 2010, the standards have applied to all employees covered by the national workplace relations system, regardless of the industrial instrument or contract of employment. However, even with these positive acknowledgements of the importance of long service leave, one historic relic has largely remained: the concept of tying eligibility to service with just the one employer.

Workforce mobility is high, with almost one in five workers employed by their current employer for less than one year. This has led to a relatively low prevalence of long-term employment relationships, with around three in four workers staying with their employer for less than 10 years. Ten years is, however, the standard qualifying period for long service leave. This structural trend away from long-term employment is limiting access to long service leave for a large portion of the workforce. This is a limitation that is particularly pronounced for women, who are much more likely to take a break from the workforce and, therefore, lose the right to long service leave.

Madam Speaker, portable long service leave has been introduced to mitigate these inequalities by allowing workers to move between employers in specific industries without losing credit for time worked in that industry. The industries selected for portable schemes are characterised by short-term employment, contract work, high mobility, and part-time and casual employment.

Several of the industries covered by portable long service leave in the ACT also have reasonably or markedly low average salaries. This is certainly the case for the aged-care sector, where the median income at the last census in 2011 was $43,000 per annum. By recognising and encouraging loyalty within these industries, the schemes benefit employees by facilitating sustainable career paths while providing a variety of work opportunities. The schemes benefit consumers of industry services by encouraging the attraction and retention of skilled workers within the industry.

However, to achieve these benefits, the schemes may disadvantage employers by reducing worker loyalty to individual employers and requiring employers to pay

projected entitlements up front into a public fund. This also, however, allows employees to leave situations where they are mistreated or treated unfairly without the fear of losing their long service leave entitlements.

Portable long service leave in the territory is governed by the Long Service Leave (Portable Schemes) Act 2009, and the act establishes portable long service schemes for the building and construction, contract cleaning, community sector and the security industries. The building and construction scheme came into effect in 1981—and an equivalent scheme exists in most states and territories—the contract cleaning scheme in 2000, the community sector scheme in 2010 and the security scheme in 2013. All schemes are prescribed in the schedules to the act.

Madam Speaker, the Long Service Leave (Portable Schemes) Amendment Bill 2016 will amend the act to extend the community sector industry scheme to include aged-care sector workers and the contract cleaning industry schemes to workers in the waste management sector. As a result, these workers will have access to long service leave entitlements currently available to workers already in these schemes.

In the aged-care sector the two principal forms of care provided to older ACT residents are residential aged care and community aged care. Residential aged care supports elderly people who are unable to live independently at home. There are two levels of aged care homes: low level and high level, formerly known as hostels and nursing homes.

Community aged care supports the elderly to live independent lives at home. And these services include domestic assistance, gardening and maintenance, meals and shopping, medication supervision, personal care, nursing, palliative care and respite care. The 2011 census data indicates there are approximately 5,600 workers in the aged-care sector with, as I mentioned earlier, a median full-time income of approximately $43,000 for what is often back breaking and emotionally draining work.

Both residential and community aged-care services employ direct care workers including nurse practitioners, registered nurses, enrolled nurses, personal and community care attendants and allied health professionals. Both services also employ ancillary support workers including caterers, gardeners and a range of administrative and management staff. Unlike other portable schemes which cover specific occupations within each industry, the community sector industry scheme captures all occupations within the industry.

To ensure consistency with the existing community sector schemes, the amendments provide for all classes of aged-care workers to be included. This will also promote regulatory efficiency by clearly identifying all workers employed by an aged-care employer and, therefore, minimise employer administrative and accounting costs

The waste management sector in the ACT is roughly divided between waste collection services such as garbage collection under government contracts and commercial waste removal, which includes waste treatment, disposal and remediation services such as landfills and recycling facilities. An ACT breakdown of 2011 census data shows that there are approximately 290 employees in the waste management sector with a median full-time income of approximately $53,000.

Except for a small number of administrative and supportive staff, the labour force in the waste management sector consists of drivers and sorters. Drivers are normally characterised as being long-term employees who work full time and frequently perform the same role for decades. However, contracts and companies may change hands, and this can make it difficult for drivers to take advantage of long service leave. Sorters work at recycling and landfill sites to sort recycling and waste for processing and are normally characterised by high levels of staff turnover.

Unlike the community sector scheme, the contract cleaning scheme was designed to be narrow rather than broad. Under this scheme, only particular classes of occupations within the industry are covered, and then only where a contract for cleaning services is entered into. Under that arrangement, ad hoc cleaning is excluded.

Madam Speaker, to maintain consistency with the existing contract cleaning scheme, the amendments provide for the scheme to be extended only to garbage collectors, that is, drivers under ACT government waste collection contract and sorters at waste management facilities nominated by a ministerial declaration. This will promote regulatory efficiency by clearly identifying covered workers and therefore minimise ongoing employer administrative and accounting costs.

The act also establishes a Long Service Leave Authority—the authority—to administer the schemes. Employers for each covered industry must pay a quarterly levy into a fund managed by the authority from which workers are paid when they access long service leave. Currently levies are 1.47 per cent of wages for the security industry, 1.6 per cent for the contract cleaning and community sector industries and 2.5 per cent for the building and construction industry.

The authority maintains separate funds for each scheme and separate registers of employers and workers. The authority operates off budget and is funded by the levies it collects from employers. Currently the levy rate for each industry is determined by the minister, following a recommendation from the authority's governing board, which in turn is advised by an appointed actuary. A triennial review of each industry is carried out by the actuary, and advice on the appropriateness of the levy is provided.

The bill proposes amendments to the act to allow the governing board to make minor adjustments to employer levies to meet the prevailing economic circumstances of covered industries. The amendments provide that the governing board be empowered but not obliged to make minor adjustments to the levy rate if the ratio of total assets over total liabilities moves outside a prescribed bandwidth.

Any changes approved by the governing board would be made in light of the advice from the authority's appointed actuary. The levy may only be varied by a notifiable instrument and after providing formal advice to the minister. It also must be less than or equal to the variation of 40 basis points per financial year of the current levy for that covered industry. This approach will allow the board to make timely adjustments based on a set rationale that is linked to returns.

Madam Speaker, the bill also amends the act to resolve a technical issue by retrospectively clarifying the scope of the building and construction industry scheme and correct minor and typographical issues. Schedule 1 of section 1.2(1) of the act states that building and construction work occurs where there is work in the building and construction industry and this work is covered by a prescribed award.

Examination of the scope of the construction industry's portable long service leave scheme has revealed that in the current and evolving industrial relations environment, modern awards are decreasing in relevance as more industries rely on other forms of industrial agreements to cover their obligations to their workers under the national workplace relations framework. To prescribe certain awards for the purpose of the act would inadvertently exclude an increasing amount of workers from the portable long service leave entitlement.

The bill modifies the test of what is building and construction work to exclude prescribed awards and, in order to ensure the integrity of a worker's entitlements, it will be applied retrospectively. This amendment will neither expand nor contract the coverage of the scheme. The corrected scheme will continue to capture employers and workers currently regulated by the authority.

The final amendment to the bill provides for the correction of a minor typographical error to a title of a section in schedule 4 of the act.

In relation to the aged-care extension, my office and officials have consulted with affected employers and the applicable employer peak bodies, including: the Aged and Community Services Australia Group, Leading Age Services Australia, the Aged Care Guild, Goodwin Aged Care Services and Bupa Aged Care. In relation to the contract waste worker extension, consultation has taken place with the Waste Contractors and Recyclers Association of New South Wales, Remondis, and Suez Environment.

Consultation has also taken place with peak industry bodies, including the Canberra Business Chamber and the ACT Council of Social Services. The ACT Council of Social Services strongly supports the extension, while the chamber opposes it on the basis of added cost to business. As well as employers and employer organisations, consultation has taken place with unions including the Transport Workers Union, the Health Services Union, United Voice and the Australian Nursing and Midwifery Federation.

With the exception of Remondis, all employers oppose the reforms, primarily on the basis of cost and administrative burden, whilst employee representatives support the extensions because they feel it will provide better entitlements for vulnerable workers and create new equity within industries that have more stable employment patterns. While I acknowledge that this measure may have some financial impact on employers, this will be partially offset as employers will no longer be required to make provision for long service leave under the Long Service Leave Act 1976. Further, based on written and verbal submissions received from stakeholders, it is anticipated the offset will be approximately 30 per cent for the aged-care sector and as high as 50 per cent for the waste management sector.

In the last couple of days I have received correspondence from the Aged Care Guild and Bupa Aged Care as a joint letter. I thank them for their input into this process and I would like to briefly address a couple of these comments and requests, although as they were recently received; not all can be addressed here today. I can confirm that the funds which are received by the authority are, indeed, solely put aside for payment of long service leave and that the levy is adjusted depending on the health of the independently managed fund. A representative from the community sector already sits on the board of the authority, and the aged-care providers will be represented as part of the scheme.

The levy is already set at a true risk rate, including the assumption that not all employees will work in the industry for long enough to claim the entitlement. It is also set after consideration of the scheme's assets, including investment return and actuarial advice. Transparency of funding and fund modelling is already available through the ACT Long Service Leave Authority annual report. I hope to work to mitigate or explain additional issues which have arisen in this correspondence but which we have not had time to consider since it was received on Monday.

Madam Speaker, these amendments recognise the importance of the sectors and their workforce to the ACT community and seek to improve attraction and retention of workers in the future. Extending the portable schemes for the community sector industry and contract cleaning industry to these workers will enable a broader range of workers to qualify for long service leave in future and will ensure that the territory remains at the forefront of protecting workers' rights and assisting to build these essential industries. This is the right thing to do and will have a marked positive impact on those who work in these industries. I am very pleased to present the bill, and I commend it wholeheartedly to the Assembly.

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

Long Service Leave (Portable Schemes) Amendment Bill 2016
Proposed referral to committee

MR SMYTH (Brindabella) (10.38): Under standing order 174, I move:

> That the Long Service Leave (Portable Schemes) Amendment Bill 2016 be referred to the Standing Committee on Public Accounts for inquiry and report.

Madam Speaker, this is an important bill. It will have big impacts on a number of industries. It is something that the Assembly has had very little notice of. If members consult the Chief Minister's legislative program that he announced in February, this bill is not included. Indeed, the first official notification of this bill really appears on the post-cabinet agenda that came out late on Monday afternoon.

There is considerable concern in industry about this bill. For instance, we heard the minister say—it is on page 5 of his speech—that the contract cleaning scheme was designed to be narrow rather than broad but now they want to broaden it out. There are also other issues at play here. Therefore, the appropriate place to have some further discussion about this is in a committee.

We seem to have a government that is using the just-in-time format of tabling legislation in one sitting week and then attempting to pass it in the next sitting week. That would mean that these changes will occur in the May sitting with very little public discussion or consideration of the bill, which is a genuine flaw in the government's approach to legislation. It excludes more people than it includes. The government is very keen, and has been over the years, to consult with a peak body or one group in relation to most issues rather than talking genuinely with all of those concerned.

For those who did not hear the speech, the scheme will extend into not just aged care but those who work in the recycling industry. It will see that the aged care people are covered by the community sector. There is a lot of consideration in the community as to whether that should be the case or, indeed, whether or not there should be a special aged care part of the scheme.

With those issues in mind, I think it is important that we get this right. There seems to be a move now just to continually extend long service leave schemes to every industry. When it started with the construction industry it was on the basis that as a construction worker you often did not get a chance to accrue the required number of years of service before you could access long service leave because jobs shut down and companies change very quickly.

The aged care industry, on the other hand, is the antithesis of that. It is a very well established industry. The firms tend to be there for a long period of time and my understanding is that the stability of employment is well over 80 per cent. So the reasons that one might assume you would extend portable long service leave provisions to aged care apparently do not exist. I and others received a letter from the chamber earlier this week. They have raised serious concerns. I will read one paragraph:

> If such a Scheme is introduced, the Aged Care sector must have its own portable scheme covering Residential and Homecare. The Industry's position is that the proposed aged-care sector scheme not be subsumed into the current Community Sector Portable LSL Scheme.

If you have such a fundamental concern at the start of the process, then we need to get it right. I have spoken to members and made the case. I suspect that the Greens or the Labor Party will not support this. They are saying that they will let the minister talk to those who are concerned and that we can do it by amendment. I think that is based on an assumption that you can actually come to a conclusion.

I think what you actually need to do is broaden the discussion, whether it be with the employees or the employers: the people who are actually at the coalface on this. One of the things you do not want to do in aged care is make it transitory where people come and go. Those of us with older parents and those of us who know people in their later years know that one of the things that they like is stability. What you want to do is encourage people to stay. I have some concerns that by including this particularly in the community sector portable long service scheme it may have an adverse effect. But I think we need to find that out.

This is the first the Assembly has seen of this bill. The way the government is doing things, I have no doubt they will bring this back on in May. It is a just-in-time approach to legislation. I think it is excluding this place from suitable scrutiny of what the government is doing. It is certainly making it very hard for the committee system.

I note that Mr Rattenbury is a big fan of Latimer House. The review of the Latimer House principles clearly stated that more bills should go to committees for inquiry so that we can find out the full impacts, so that we can get differing views, apart from the brief of the government, so that people can be involved in the process of legislating, so that we actually get better legislation up front instead of, as is so often the case in this place, getting legislation that has to come back to be modified because the government did not do the work properly, the consultation was not listened to appropriately and the outcome has been less than successful for those who suffer because this place does not do its job properly.

The letter that I have has been signed by the chief executive of the Canberra Business Chamber, the chief executive of the Aged & Community Services New South Wales and ACT, the chief executive of Bupa, the chief executive officer of the Aged Care Guild and the Leading Age Services Australia CEO. That these people have such concerns I think warrants this bill going to the public accounts committee. There is no reason why the committee cannot act quickly. We have got a full agenda but then again I think all committees have got full agendas.

This is an important issue. I think we are all aware that, particularly as the ACT catches up to the rest of the nation in terms of the percentage of citizens in aged care, this will become a bigger and bigger problem for the ACT. I appreciate the notion that we have let the minister go out and consult. In fact, the minister has been out and consulted and spoken to some of these people. They have now gone public with their concerns. It would indicate that there is somewhat of an impasse in the consultation or in the negotiations.

If we are genuine about Latimer House, it is time now to let the Latimer House principles apply. They clearly state that the involvement of the committee system in legislation is a beneficial thing. Let us prove that that is correct. Accordingly, I have moved that this bill be sent to the public accounts committee for inquiry and report.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (10.46): The government will not be supporting Mr Smyth's motion today. We have done considerable consultation on this bill with the community and the employer groups, as I discussed in the presentation statement. It will continue, of course, until the resumption of debate. My office has spent time particularly with Bupa and the aged care sector to engage them. They will continue to engage with them as we move forward.

I am quite disappointed that if the opposition did have a view about sending this to committee, they could have advised my office or me prior to my standing to present the bill today.

Mr Wall interjecting—

MR GENTLEMAN: I want to engage a little on some of the comments that Mr Smyth made, particularly around the aged care sector and workforce stability.

It certainly is the fact that there is quite a number of people who stay in the sector for a long time. The issue is that it is not the employer groups that stay in the sector for a long time. What we see is employer groups working in employing people to look after our old and vulnerable people in the aged care sector for a number of years and then shutting up shop, selling off to another group and the employees have to start all over again. It is an important reform in this sector. It is an important opportunity to protect those most vulnerable workers on the lowest incomes in the territory looking after our most vulnerable people.

MS BURCH (Brindabella) (10.48): I would like to say a few words on this as a former nurse. I think that I am the only person in this place that has actually worked in the aged care sector. To think that we would not be doing anything and everything to support those working in the aged care sector, some of the lowest paid in our community doing some of the toughest work in our community, is really quite disappointing.

The minister has made an absolute commitment to continue to work with the peak bodies on this. But to think that the peak bodies would not, in and of themselves, want to have respect and regard for their workforce to allow them to have their due entitlements as they move through the sector over the course of their career is disappointing. As the minister has indicated, the government will not be supporting the referral to PAC.

MR SMYTH (Brindabella) (10.49), in reply: I would like to speak to a couple of issues. The minister says we gave him no notice. As Mr Wall said, we cannot know what we do not know. We had no idea of what was in this bill. The first official notice we had of this bill was the draft program that comes after cabinet late on Monday afternoon.

At the government business meeting last week Minister Gentleman made the point that the Planning and Development (Efficiencies) Amendment Bill would be coming on later today and that if Mr Coe wanted a briefing he could arrange that. He did not make a single mention of this bill. It is only when we see the bill, which has just occurred—I have had only a quick glance through it and listened to the speech—that I can actually formulate whether we have a position. Are we broadly in favour? Are we against? Do we have concerns or do we not?

It is a bit rich to say that nobody spoke to the minister. It is kind of hard to read the minister's mind. We are not here knowing everything that the government is going to do. If the minister wants to take that approach, perhaps he should be a little more courteous and say, "We are going to bring this bill on and we want to push through with it." Or, "Here is a bill that might be a bit contentious; perhaps you would like to look at it a bit earlier."

But it is impossible to give notice on something about which you know nothing. It is the first time we have seen the bill. When I see words in the speech to the effect that various sections of the existing scheme are being broadened to capture more and more individuals, I do have concerns. When I get a letter from the Canberra Business Chamber stating that they think it is inappropriate to put aged care in with the community sector long service scheme, I do have concerns. I have had approaches from the organisations that the minister says he is working with. He says that it is all hunky-dory. But then when they say, "We would prefer, one, it not to happen and, two, if it does have to happen we prefer that we have our own scheme", I do have concerns. However, the only time that we get to address this is when we see the bill.

So do not bleat about nobody speaking to you when you have not spoken to anybody in this place about what you are doing. It is important that we get this right. Aged care is a big issue. The workforce demands on aged care will grow. For those who do not know, there was a Senate inquiry that said a whole lot more work needs to be done on the portability of long service leave. So there are recommendations at the national level about this, but we have got a government who, without really any genuine courtesy or notice, are haring along on their own agenda.

They did not have this in the Chief Minister's legislation program that was tabled only two months ago. After two months, we suddenly have all this new legislation. It is interesting. The Lifetime Care and Support (Catastrophic Injuries) Amendment Bill that was tabled this morning is on Mr Barr's agenda, but the planning bill and the long service leave bill are not. If anybody is playing games here, Madam Speaker, it is the government.

Mr Gentleman: You were told on Monday night.

MR SMYTH: We were told what? Oh, we were told late Monday night. We were told late Monday night that there was a long service portable leave bill coming. That is all it says. It says that there is a bill coming. Now we have seen the bill it raises some flags, it raises some concerns. Some bells are going off. We get a letter from the groups that are directly affected by this, and the government's response is, "Suck it and see. We will have some more consultation but we are going to pass it anyway."

It is interesting that the legislature is excluded by this just-in-time legislation approach by this government. You really question whether it is a truly ethical way to behave in regard to getting support for the legislation from this place. The Latimer House principles and the review of the principles say, "Include the legislature, and particularly the committee system, more in the development and discussion of legislation." Here is an opportunity. If members opposite who always spout on about Latimer House are genuinely interested, if you want people involved, if you want to have an ethical approach to the development of legislation, here is the perfect opportunity to have it and have it early.

The offer is that the minister will go away and do some more consultation. We may or may not get back to it later. The problem with that is that he might consult all of May. This might get to PAC after the May sitting. That extremely limits PAC's ability, because in June most of the PAC committee—three out of the four members of

PAC—will be dealing with estimates. That then pushes back the time that PAC can report or actually hold public hearings. If it goes to the public accounts committee in May we have to advertise so everybody can be included.

It would be almost impossible to start the public hearing schedule before the estimates committee swings into full steam, which means it can only start after that, which is at the end of July or early August. This means it would be impossible. If that is what you want, just say it. Just say you do not want it to go to committee. But do not put on PAC a burden that cannot be answered just by the sheer physical time frames. If you do not support this today, it is not going to happen.

If that is what you want to say, be honest. Act ethically and say, "That is what we are going to do. We are just going to shut you down. We do not care, because we have got the numbers." Then you should tear up the Latimer House principles because it is impossible if this ends up in PAC in May for PAC to do its job properly and to report. It is just physically impossible when three out of four members of PAC are on estimates. The only time the hearings could be is in August, which means PAC could not table a report. I suspect that the government is not going to wait until the August sittings for a report that could not possibly be tabled before they pass this bill.

Mark my words: this bill will get passed in May. That is what the government will do. The government will simply rush this through, aided and abetted by Mr Rattenbury.

Mr Wall: Maybe June now.

MR SMYTH: Yes, Mr Wall, you are probably right. Maybe they will push it out until June just to say, "We did delay it." But the just in time approach to legislation is undermining the integrity of this place, I think it is unethical behaviour. I think the motion should get up, because if you are genuine about consultation, this is the only way that it can happen, and the time frame starts today.

Question put:

> That the motion be agreed to.

The Assembly voted—

Ayes 7		Noes 8	
Mr Coe	Ms Lawder	Mr Barr	Ms Fitzharris
Mr Doszpot	Mr Smyth	Ms Berry	Mr Gentleman
Mrs Dunne	Mr Wall	Dr Bourke	Mr Hinder
Mrs Jones		Ms Burch	Mr Rattenbury

Question so resolved in the negative.

Standing orders—amendment

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (11.00): I move:

> That standing order 254A be amended as follows: Omit "not been tabled within three months of the presentation of the report, the Chair", substitute:
>
> "not been:
>
> (a) for a committee inquiry into an Auditor-General's report:
>
> (i) tabled within four months of the presentation of the report; or
>
> (ii) provided to the Speaker for out-of-session circulation to Members within four months of the presentation of the report and tabled on the next day of sitting; or
>
> (b) for any other committee report, tabled within three months of the presentation of the report; and
>
> the Chair".

I move this motion today to amend standing order 254A subsequent to an amendment to the Auditor-General Act 1996 included in our Statute Law Amendment Bill which passed the Assembly in November 2015. This motion moves to amend standing orders to allow a time frame of four months instead of three months for government responses to Auditor-General's reports to be tabled. It also provides for these responses to be circulated out of session. The revision of government response time frames recognises the breadth and complexity of both the Auditor-General reports and associated committee reports and the time required to develop a fulsome response with appropriate cross-agency and cabinet consideration while recognising the government's commitment to providing timely responses.

This change comes after consultation with the Standing Committee on Administration and Procedure, the Standing Committee on Public Accounts and the Auditor-General, amongst others. The admin and procedure committee provided no substantive comments or objections to the proposed amendment to the standing orders after consultation. I believe this motion is supported across the chamber and commend it to the Assembly.

MR SMYTH (Brindabella) (11.01): Ditto.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee
Report 8

Mrs Dunne presented the following report:

> Administration and Procedure—Standing Committee—Report 8—*Family Friendly Workplace,* dated 5 April 2016, together with a copy of the extracts of the relevant minutes of proceedings.

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

That the report be noted.

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

Executive business—precedence

Ordered that executive business be called on.

Planning and Development (Efficiencies) Amendment Bill 2016

Debate resumed from 10 March 2016, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (11.03): The Planning and Development (Efficiencies) Amendment Bill 2016 is a very important bill that my colleague Mr Coe will expand upon shortly. We appreciate the attempts of the minister to make sure that we do have a streamlined planning system. It is very important. Property-based activity in the ACT is a big driver of the economy. Therefore it is appropriate that the regulation and planning regime that we have works efficiently, works effectively and where we can minimise red tape it is an excellent thing to do. With that I hand over to Mr Coe.

MR COE (Ginninderra) (11.03): I reiterate what the shadow treasurer has said regarding the Planning and Development (Efficiencies) Amendment Bill 2016. As my colleague has already said, the bill makes amendments to the Planning and Development Act which are designed to increase efficiency in the planning process by allowing certain planning processes to occur concurrently. The bill is designed to improve efficiency in three key planning processes: territory plan variations, environmental assessments and development application assessment. The bill will allow proponents to have all three processes run concurrently.

At present, large developments that require a territory plan variation and/or an environmental impact statement take a very long time to proceed because of the long consultation and assessment time frames. Good developments are often delayed and sometimes ultimately do not proceed because it takes too long to complete the processes. Proponents may be discouraged from starting a development because they cannot afford to wait for the time it takes to get a decision. This is a bad outcome for the territory if indeed the development was going to be a good one.

As a territory we want to encourage investment. So we should work towards having the most efficient planning system that we can get. However, this has to be balanced with the rights of the community and the rights of all concerned in terms of having certainty in the planning system. The last thing we want to see is an even more fluid planning system come about as a result of this legislation. Instead, as a result of this legislation, we want to enable good planning outcomes but to do so as efficiently as possible.

Under the current Planning and Development Act a DA that is either a prohibited development or requires an EIS cannot be lodged until the territory plan has been varied or the EIS process completed. Varying the territory plan can take months or even years to complete. We also see many instances where a territory plan variation, taken in isolation, is difficult for the community to assess. One such example of this could have been the Brumbies development in Griffith where many people did raise concerns with the opposition about what they felt was the built form outcome of the proposed development; yet during the territory plan variation the actual built form outcome was not what was being discussed. It was, in effect, simply the land use plan.

After the land use was changed, it then became the right opportunity to comment on the built form outcome. However, given the territory plan variation had already gone through, the DA before the community and before the government did of course comply with the new-found definition of what the territory plan meant in that area. Therefore it was very difficult for the community to determine the impact of a draft variation when the clear intention of the built outcome was not also incorporated in that same proposal.

In most cases the government or another proponent will have an idea about what they want to build. However, because the community do not have access to this information they are unsure how to respond to such a draft variation. The variation is often hypothetical and the community may have significant concerns that could be dispelled if an actual DA was available for them to consider.

The amendments in this bill allow a DA to be submitted before the territory plan variation and EIS are finalised. Consultation can then take place on each of these elements at the same time. To ensure that the integrity of the planning process is not undermined, a decision on the DA will not be made until the territory plan variation and EIS processes are complete. This means that a decision on the DA may take longer but hopefully the decision-making time for the development as a whole will be reduced and there will be more clarity as a result of this revised process.

Allowing proponents to have territory plan variations, EISs and DAs occur concurrently does involve a risk proposition for the proponent. There is a risk that the DA will be rejected after significant time and effort has been put into it because it would not comply with the territory plan as the variation may not have gone through or the EIS was rejected. For this reason, the concurrent process is optional rather than mandatory.

The opposition would, however, flag that we do have some potential concerns whereby a territory plan variation and a DA done concurrently could result in the territory plan then being amended to suit, in effect, a DA. But then if finances fall through or if the DA is not actually successful you could get an unusual circumstance whereby the territory plan has been varied and there is no longer a viable project on that site. That is something that we are very concerned about.

Therefore we call upon the government to make sure that there is a reasonable level of certainty with regard to ensuring that, if a territory plan variation is going to occur to

facilitate a DA, that DA does in fact have a very good chance of success. Once the territory plan is varied according to a proposed DA, if that DA is no longer current, it may, in effect, allow many unintended consequences to take place at that site because of the territory plan variation which has gone through. In contrast to the DA which is dependent upon the territory plan variation, the territory plan variation is not necessarily dependent upon the DA. Therefore there is, I believe, a risk that some territory plan variations could go through for a specific proposal that may not eventuate and therefore may lead to unintended outcomes.

The bill also introduces a new process to allow a technical variation to the territory plan where a development would encroach on unleased territory land or land leased by the territory. In cases where a development would encroach on territory land by less than 20 metres, the proponent can apply for a declaration that the encroachment would, if approved, deliver good planning outcomes. If the declaration is made, then the territory plan can be varied through a technical amendment. However, the technical amendment will have a longer consultation period than usual technical amendments because it may involve a change to the zoning of the land. The development application will be available for consultation at the same time and it would require a period of 35 days of public notification.

Again, we call on the government to be very prudent with this new power. If, for instance, the block on which a 20-metre extension was sought was very small, that 20 metres could in effect double or even triple the size of a block. To that end we hope that the minister and the government will use their discretion very wisely and very cautiously in terms of granting this additional land and additional zoning. If, in effect, if does double or triple the size of a block, that is not what I believe is the intention of this clause here today. The intention of this clause is, in effect, to give an incidental amount of land to an existing block, not a substantial amount of land that would therefore change the capacity of the proposal in a major way.

We are pleased that the government has recognised an improvement in the way that the planning system operates in the ACT. Whilst the bill has some issues, which I have raised, I think by and large it is for the best. However, I still believe that comprehensive reform in the planning system is required. The government should commit to a full review of the territory plan and the associated legislation. Unfortunately, instead of a comprehensive review and a holistic review, we keep seeing this tinkering regarding the territory plan and also regarding the associated legislation and that does lend itself to unintended outcomes. We believe that it would be much better to assess the whole planning system, make any widespread changes required and also ensure that there is consistency. In conclusion, the opposition is happy to support the legislation being proposed by the government.

MR RATTENBURY (Molonglo) (11.12): The Planning and Development Act 2007 is the principal piece of planning legislation for the territory. It sets out, amongst other things, how land can be used, how environmental matters are managed and how development proposals are assessed. The planning and land authority has monitored the operation of the act, and has identified opportunities for efficiencies in the area of draft territory plan variations, environmental matters and development assessment. The bill implements the identified efficiencies by allowing certain planning processes to occur concurrently.

Presently, the act treats each of the planning processes as an individual process that is dealt with in isolation from other planning processes. However, the processes are often related, even though currently they are dealt with in an entirely linear manner. The act also requires similar administrative steps for each of the planning processes. For example, public notification is one of the administrative requirements for each of the processes. At present public notification of each process occurs separately, even though they may all relate to the same end development proposal.

Bringing together common administrative processes provides an opportunity to reduce red tape and to improve efficiency. There are other benefits apart from just administrative efficiency. Bringing together the notification requirements of a number of processes as a single notification will give the community a holistic package of planning information to consider and comment on. There is also potential for the proponent of a proposal to reduce costs which can be passed on to the end consumer.

From an assessment perspective, the capacity to have all of the planning information about the proposal at the same time will mean assessment officers can also consider the development application in a holistic manner. For example, the planning and land authority could consider as a package a proposed variation to the territory plan, information on the environmental impacts of the proposal and the actual proposed development.

This approach could have been useful in the recent territory plan variation around the Red Hill shops, for example. Residents have raised concerns about something that may or may not occur in the future, and some of those concerns may have been unfounded. If a development application were to have been available for public comment at the same time as the territory plan variation, there would have been much more clarity about the specifics of the development proposal.

Another challenge in the act is the inability of the planning and land authority to accept a development application if the proposal is prohibited. It has become evident that this inability is resulting in the authority not being able to accept applications that may have real merit and result in good planning outcomes. The bill rectifies this situation by allowing the authority to accept applications that include prohibited development in limited circumstances. The general prohibition on prohibited development remains unchanged, and, importantly, the bill does not allow prohibited development to be approved.

The bill seeks to make amendments to improve the efficiency of three key planning processes: territory plan variations, both technical and full; environmental assessment; and development application assessment. The proposed amendments provide an opportunity for a proponent to choose to bring together these independent planning processes in one streamlined, concurrent process. Presently, the authority cannot accept a development application for prohibited development; or if the development requires an EIS it must be a completed environmental impact statement. This means that the DA must wait for a considerable period until the territory plan is varied or the EIS is completed.

The bill changes this by allowing a DA to be accepted ahead of a territory plan variation or completion of an EIS in limited circumstances. However, the DA cannot be decided until the territory plan variation commences or the EIS is completed. If either the territory plan or draft EIS is rejected, refused or withdrawn, the DA must be withdrawn. The efficiency achieved is that the development approval process can be progressing at the same time—rather than separately—as the process of varying the territory plan or completing the EIS.

From the proponent's point of view, the option of concurrent lodgement does come with some risk, and I note that Mr Coe spoke about this. The proponent risks the development application being rejected on the basis that the EIS or draft territory plan variation is rejected, refused or withdrawn. For this reason the concurrent process is optional rather than mandatory.

The bill allows for concurrent development applications where a DA is notified at the same time as a draft territory plan variation and/or a draft environmental impact assessment. A draft territory plan variation and draft EIS can never be a concurrent process alone. The DA forms the starting point for all concurrent processes.

Certain planning processes requiring public notification, consultation and representations are linked. While linking processes, the amendments do not change existing processes except in relation to consultation periods and the time for deciding the DA. A longer consultation period is provided to the norm and the decision on the DA is delayed until the concurrent processes are completed. If a DA is running concurrently with a draft territory plan variation, the DA will be assessed against the territory plan as if it has been varied in accordance with the proposed variation.

Concurrent development applications will have a longer public consultation period of a period not less than 35 working days, which allows sufficient time for the community to comment on the additional accompanying concurrent documents, that is, the draft territory plan variation and/or the draft EIS, as well as the DA. A period longer than 35 working days can be provided to reflect the complexity of the proposal. The bill does not change entity referrals, publication of submissions or appeal rights. If a requirement exists now, the requirement remains unchanged in these regards.

With respect to concurrent development applications and territory plan variations, the bill enables a development application to be made and assessed against a proposed draft territory plan variation. This allows the development application to progress at the same time as the relevant territory plan variation is progressed. There is considerable time saving and efficiency in permitting these two processes to proceed in tandem rather than in a linear, sequential manner.

The amendments made by the bill apply in the situation where a development application cannot be granted under the existing territory plan but could possibly be granted if the proposed territory plan variation were approved. The provisions permit a proponent to lodge a development application on the basis of a proposed territory plan variation rather than on the basis of the existing territory plan.

The amendments allow a proposal to be assessed on its merits in the context of the needs of the ACT community at the time. The DA continues through the usual public notification, agency referral and assessment stages prescribed by the act. The DA can only be approved if the territory plan is varied in a way that would allow the proposal.

A new process is also introduced by the bill to allow a technical variation of the territory plan in certain circumstances. A proponent can apply to have a declaration made by the authority that an encroachment onto unleased territory land or land leased by the territory would, if approved, deliver a good planning outcome.

If a declaration is made, the territory plan can be varied through a technical variation. However, if a declaration is made, the technical amendment has a longer consultation period than the usual technical amendment. This is because the effect of the declaration is a possible zone change. The consultation period is not less than 35 working days, which is longer than the normal 30 working days for a full draft territory plan variation or the 20 working days for other technical amendments that require limited consultation. This longer period is warranted as the community will receive both the TA and the DA to consider and make comment on.

The bill includes another new efficiency option for possible use by a proponent of a development proposal. The bill permits a development application to be lodged with a draft EIS as opposed to a completed EIS. This option applies to the assessment of development applications in the impact assessment track. Such development applications would ordinarily require the completion of an environmental impact statement before the application can be lodged. The bill permits the proponent to complete the required EIS in tandem with the assessment of the development application itself.

Under this option the public consultation on the draft EIS occurs at the same time as the public notification of the relevant development application. As well as saving time, the concurrent process permits the public to consider the draft EIS in the context of the actual development application. This gives the public a better understanding of the overall proposal. The bill also reduces red tape by amending the act to allow the authority to specify in the scoping document for an EIS the time in which a draft EIS must be provided. The default time period is 18 months but clause 56 provides that the authority can specify a shorter time period.

The purpose of the amendment is to allow the authority to consider the complexity of the proposal in an environmental context and the timing of certain elements of the assessment. For example, if a particular study of a species is required, that study may be done only at a certain point in the year, depending perhaps on the seasons or on an animal's movements. Other amendments tie the EIS process to the DA process if a DA and draft EIS are lodged concurrently.

Finally, I want to talk about the concurrent consultation period. A new concurrent consultation period is defined by the bill as a period of not less than 35 working days. This is generally longer than the period stipulated by the act for the various individual processes but shorter than the combined consultation periods for each process.

For example, a merit development application by itself is open for consultation for 15 working days and a draft territory plan variation is open for 30 working days.

These two planning processes can be conducted as a concurrent process. If a concurrent process is run, the DA and the other concurrent document will be notified for a period of not less than 35 working days. This means that instead of two consultation periods that normally happen months apart, there is one longer consultation period that allows greater time for the community to review and comment on the package of planning documents. The consolidated consultation also provides the proponent with time saving achieved by the concurrent process as well as by having a consolidated set of comments to respond to.

Madam Deputy Speaker, there are a lot of technical elements to this bill. To my mind, and this is the reason I will be supporting this bill, it not only improves the efficiency of the planning process but it gives the community a clearer idea of what is being proposed in a particular development, allowing them to provide more informed input. Every member of this place will have been to community discussions about planning proposals where often the community, particularly when territory plan variations are being brought on, want to know what the final proposal will look like. That will help them to shape their view on the territory plan variation.

To my mind this process offers a real opportunity for people to have a much more holistic view of what is being proposed. As I say, whilst to some extent it is about efficiencies, and that is not a bad thing, members of the community will find this to be a beneficial amendment to the act. It allows proponents to run a better process where they want to have genuine community engagement. So I am pleased to support this bill today.

MR HINDER (Ginninderra) (11.24): I am pleased to speak today in support of the Planning and Development (Efficiencies) Amendment Bill 2016. The bill demonstrates this government's very firm commitment to the reduction of red tape and improving service delivery experiences for the citizens of the ACT. It does this by bringing together planning processes which, at times, can be more efficiently and effectively undertaken concurrently rather that sequentially.

The Planning and Development Act 2007 has now been in operation for nearly nine years and during that time government has continued to monitor its operation and, when appropriate, amend the act. This bill presents a conceptually simple but powerful set of reforms which will enable many significant development proposals to be better understood and approved with less fuss.

I would like to focus on how the bill delivers innovative opportunities for proponents through the concurrent notification of development applications with a draft territory plan variation and/or a draft environmental impact statement. I first acknowledge that the new concurrent development application process affects only a small proportion of proposals for the simple reason that for the majority of developments a territory plan variation is not required nor would the proposal trigger an assessment of the environmental impacts. This does not mean to say that the community as a whole does not benefit; in fact, it does.

Before I come to the provisions themselves I would like to briefly outline the key concepts achieved by provisions at clauses 34 and 37. In layman's terms, the bill allows a proponent to lodge a development application in anticipation of a draft territory plan or in response to variations already open to public consultation or where the Planning and Land Authority has determined, against prescribed criteria, that an encroachment of a minor part of the proposed development would deliver good and sensible planning outcomes.

There are two principal benefits from allowing this earlier lodgement, and I think Mr Rattenbury mentioned them in his speech. Firstly, it brings together these three planning administrative processes at the notification stage. Secondly, the community has access to the comprehensive set of planning information to consider as a whole; dispelling the long-held dilemma for the community in trying to second guess just what a draft variation would actually mean on the ground.

There are, however, subtle differences related to a variation and a DA that I would like to draw attention to. The first is that if a draft variation has already been notified for consultation, the variation itself need not be renotified if and when a development application is lodged in response to that variation. A DA in this circumstance would not be a concurrent DA unless, coincidently, the application also triggered the need for an environmental assessment. The other difference is that if a development application is lodged in anticipation of a draft variation yet to be notified, the DA itself can only go through the normal pre-assessment checking processes and will not be notified until the related variation is ready to be notified.

As noted by Mr Rattenbury in his speech, both the development application—now called a concurrent DA—and the draft variation must be notified at the same time. If for whatever reason the variation is not progressed within six months, the application is taken to be withdrawn.

Madam Speaker, clause 34 inserts new sections 137AA, 137AB and 137AD forming the first part of the amendments that relate principally to the new concurrent DA process and include the three ways an application for development approval for otherwise prohibited development can be made. These sections work with provisions inserted at clause 37 to create the legislative framework for concurrent DAs.

I stress that these new mechanisms to lodge a development application for otherwise prohibited developments are not designed to avoid having to meet the rules and criteria set out in the territory plan. Typically, it is envisaged that these new processes will be used for substantial developments that warrant adjustments to the territory plan. For example, the desirability of a more compact and sustainable city that responds to changing lifestyle and housing choices requires innovative solutions that may not be currently catered for in the territory plan.

I would now like to go through each of these new sections in more detail. New section 137AA—applications in anticipation of territory plan variation made before draft plan variation prepared—allows a proponent to bring forward for consideration a proposal that requires a variation to the territory plan. In essence, this process already

exists in an unregulated process, and I am sure members might be wondering how this could possibly be a reduction in red-tape. Well, the increase in regulation is offset by the benefit of a formal mechanism to allow a proponent to lodge the development application in anticipation of the variation, thus saving a considerable period of time.

New section 137AA is not a free ride to a territory plan variation; rather, it is a means to get things started. Any variation must still go through exactly the same legislated processes as happen now. The bill does not change this, and the proponent must assess the risks of the variation changing in some fundamental way that will mean either the proposal is not viable or not commenced at all. For this very reason the DA process remains a voluntary mechanism for the proponent to elect to enter.

New section 137AB is similar to new section 137AA except that it allows a concurrent DA to be lodged after a draft territory plan variation has already been open for public consultation. Without the variation commencing under sections 83 or 84, the concurrent DA remains one that cannot be approved because it contains elements that are prohibited.

New section 137AD allows a development application to be made if an encroachment application under new section 137AC has been made and a declaration issued. Each of these concurrent DAs must be assessed as if the territory plan had been varied. I reiterate that it remains that the minister responsible for planning and land management or the Planning and Land Authority are prohibited from deciding a concurrent DA until the concurrent process is completed.

The concurrent DA cannot even be approved with conditions that it does not take effect until the territory plan is varied. This was a very conscious decision of government and honours the assurances given to the community when the Planning Act first commenced in 2007.

The remaining provision of new section 137AC, as mentioned by Mr Coe, allows a proponent to seek a declaration from the Planning and Land Authority that an encroachment into adjoining land is minor and would, if allowed, promote sensible and well-measured planning outcomes.

If a declaration is given, the proponent can make an application under new section 137AD to vary the territory plan by the technical amendment process. Any technical amendment made must be open for consultation for a minimum of 35 days and not the normal 20 working days.

I would now like to move to the provisions inserted by clause 37. These provisions form the nuts and bolts of the new concurrent DA processes. New section 147AA inserts the definitions that achieve the minimal regulatory approach required by this government's agenda for reduction of red tape. Three principal definitions are created: "concurrent consultation period", "concurrent DA", and "concurrent document". An additional definition for "concurrent extension period" is also created.

I will not go into the specifics of each definition. Instead I would like to say that the bill creates a hierarchy of planning documents for the concurrent process. A

concurrent process must always include a development application, and if so it is called a concurrent DA. While the DA is dependent on other concurrent processes, those processes are not dependent on the concurrent DA.

The concurrent process potentially brings together three planning processes for notification after which those processes split off to complete the normal legislated processes. The concurrent process must be completed before the concurrent DA can be decided. It all starts with the DA and ends with the DA.

New section 147AB provides the administrative means to notify the concurrent DA and concurrent documents together at the one time. The section does not change what or how the notification is required to be made; rather, it requires the notice for consultation to include additional information relative to the concurrent process. Of course the total consultation period is 35 days, which is greater than any of the individual components but much less than if they had been done separately.

New section 147AC deals with representations or comments about concurrent documents. Again, the new section does not change in any way the ability to make a representation or comment: if a right exists now, that right continues. Further comments and representations are managed in exactly the same way as they are now: if they are published or otherwise available now they will be published or made available in exactly the same way.

New section 147AD deals with what happens with a concurrent DA if a concurrent document is refused, rejected or withdrawn. Again following the hierarchy of planning documents, the concurrent DA must be refused if it is not withdrawn.

There is only one other clause that I would like to speak to: clause 38, because it deals with concurrent DAs and entity referrals. Clause 38 inserts a new section 151A—effect of advice by referral entity for concurrent developments—that maintains the principles that apply now for any referral. The entity advice must not be inconsistent with any earlier advice unless new information comes to light.

There are other amendments also related to the new concurrent DA processes, but I will not speak to these individually. I would like, however, to say that the amendments proposed for chapter 8—environmental impact statements and inquiries—follow on in a similar way to those at chapter 7—that is, what happens now continues to happen, it just happens at the same time.

The bill proposes a progressive approach to administrative efficiencies and reduction in red tape and does so in a considered and well-balanced way. Madam Speaker, I wholeheartedly support the bill and commend it to the Assembly.

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (11.37), in reply: I thank members for their input into this important bill. I would like to go through some of the key concepts of the bill and benefits to individuals, the community and the building and construction sector. I will try not to be repetitive of other members' comments, but it is important, I think, that, in summing up as the minister, these be put forward.

The key concepts embodied in the bill may seem simple but they deliver powerful planning options for proponents that have significant flow-on benefits to the community and the ACT community as a whole.

The first concept is a concept that has potential to deliver the single most beneficial opportunity to the community in the whole bill. The concept dispels the uncertainty that typically surrounds any draft variation to the territory plan because the effects of the variation on the ground are unknown. This concept is one that will allow a proponent to approach the Planning and Land Authority with an idea for a major proposal that could deliver an innovative and sustainable planning outcome, but the current territory plan does not permit a development application being considered. In collaboration with the proponent, the authority could explore the merits of the proposal, and, if sufficiently viable, a draft territory plan variation could be prepared and a complementary development application submitted. And here is the bells and whistles moment: both the draft territory plan variation and the development application would be notified at the same time. So for the first time in recent planning history, the community will be able to review a development proposal as a holistic package, both the draft territory variation and the DA.

The bill also includes a variant of this concept by allowing the DA to be lodged after a draft territory plan variation has been notified. Again the community can see, by matching up the draft variation that the DA relates to, and again viewing the whole planning package to come to an informed view about a development proposal.

I would like to make a comment at this time in regard to Mr Coe's comments on DAs that are not successful. I can assure the Assembly that the territory plan variation is assessed on its merits and it would be inappropriate to have the DA influence the territory plan variation as it is of a higher order in legislation.

The bill does not only deal with draft territory plan variations and the DA. It also deals with a draft environmental impact statement and a DA being assessed through a concurrent process. As with a concurrent DA and draft variation plan variation, there are significant time savings available to a proponent that elects to use this process. Again there are benefits to the community in having access to the holistic package—the draft environmental impact statement and the DA—at the same time. The bill also includes a variant here, by extending the process to an application to use a prior environmental study to support the DA.

I would like to assure members that these innovative processes delivered by the bill do not change or weaken in any way existing legislated assessment processes. The bill merely brings together three distinct planning processes for notification purposes, after which each process is completed as it is now. It is also important to note that neither I as the planning minister nor the Planning and Land Authority can approve the DA until each of the other concurrent processes is completed.

It is good to see already some third-party endorsement for this. The ACT Property Council has expressed its support for this bill. It says:

> We support initiatives that lead to better clarity for the community on proposed development projects …
>
> It also means that communities are better informed to give constructive input.
>
> Draft territory plan variations can be abstract in nature, so by allowing development applications to be lodged at the same time, this will give communities a better understanding of what's happening and remove speculation …
>
> Constructive community input on proposed developments, faster project delivery, and less red tape—these are improvements that the Property Council supports.

It is good to see that. Not only does it deal with applications as I have discussed; it also deals with other applications in the territory plan.

I would like to briefly go to the rationale behind progressing the bill. As any member of the community, industry or government knows, the term "red tape" is used daily. But what is actually meant by the term? On one hand, community and industry can view red tape as a creature of government, seeing it as the excessive regulation of or rigid conformity to formal rules that they feel are redundant or bureaucratic that hinder or prevent action or decision-making. On the other hand, the same community and industry members expect governments to protect them through the use of regulation. A careful balancing act is required from government to balance these opposing views.

This bill demonstrates this government's continued focus on regulatory improvement, ensuring that the scope and complexity of regulation do not become overly burdensome but still perform the vital role of a regulatory environment. This government is on record as having a firm commitment to reducing red tape, and this bill follows on from the work that this government has been doing throughout its term.

As I travel around the ACT now, I see cranes in the sky—three down in Tuggeranong this morning, a healthy indication of the confidence of the building and construction sector in the ACT and this government. The health of the sector is further evidenced by the urban renewal works that are happening along the Northbourne corridor and across the new suburbs of Coombs, Wright, Throsby and Moncrieff.

It is not some idle boast on the government's part. The evidence is in the statistics. They show that for the financial year to date the number of leases issued through the Land Development Agency is 778 compared to 416 for the whole of the 2014-15 financial year. Development approvals also indicate a healthy building and construction sector, with $539.1 million worth of DAs being assessed during February alone.

However, planning is not a static creature. By its very nature, it must consider the future. The city and gateway urban renewal strategy seeks to promote an integrated and community supported vision for the Northbourne corridor right into the heart of

our city. Community engagement on the strategy has recently closed and will ensure that the voice of Canberrans is heard in finalising the strategy.

Further, this government has been able to harness opportunities available to the ACT through to the federal government's asset recycling initiative. The initiative delivers real benefits to the ACT community through bonus payments on any sale of government-owned assets. The benefits of this initiative are twofold. Firstly, as I mentioned, there are bonus payments. Together with the dollars earned through the actual sale and the additional bonus dollars, the government will have a greater range of options available, in this case to replace public housing stock across the ACT, delivering a vibrant and inclusive public housing portfolio. The second benefit comes from the on-ground outcomes of increased activity in the building and construction sector through increased demolition work and new construction activity, an economic boost for the ACT as a whole. It is within this context, the actual on-the-ground planning and delivery of that planning, that the benefits of the bill really come into force.

Before I go into detail, I would like to recap the main elements of the planning system, planning 101, if you like. The linchpin of the planning system is the territory plan: a plan that reflects the planning needs of the ACT community, a plan that is developed in consultation with the community and industry to identify the permitted uses of land and the rules and criteria for all development on the land across the ACT.

The Planning and Development Act 2007 sets out the rules the government must follow in varying the territory plan. These rules are necessary and ensure that the government provides a forum for the community to express their views and thoughts, not only through open community consultation but also through the Legislative Assembly process that includes an opportunity, through the committee process, for the community to make further comment.

It is also important to note that the Planning and Development Act 2007, in requiring this active community engagement, complies with the requirements of the Commonwealth Australian Capital Territory (Planning and Land Management) Act 1988. This principle of community engagement is a cornerstone concept throughout the planning act and remains unchanged by this bill.

The next subject in planning 101 is the development assessment process. Currently there are two possible elements to development assessment: the assessment of the proposed development itself against the rules and criteria in the territory plan; and the assessment of the environmental impacts, if any, of the development.

I will firstly speak on the development assessment process for the development against the territory plan requirements. The approval process is an important component of the risk and expense of any development, including urban renewal projects that you see happening along the Northbourne corridor or development of the ACT's newer suburbs in Molonglo and Gungahlin. For any significant project, a lengthy process not only ties up builders' capital and accumulates interest expenses and other holding costs before the building work even commences, but also deprives the community of the end product.

This government has shown its commitment to support the ACT building and construction industry through the economic stimulus measures announced in 2014. Further, the government has made firm commitments to address housing affordability. Any reduction in costs achieved through streamlining processes has the potential to positively impact on the end cost of projects, improving housing affordability and supporting the building and construction industry.

The final subject in planning 101 is the environmental assessment of the impact of the proposed development. The Planning and Development Act already allows efficiency in this area by providing a process whereby a prior environmental planning study may be considered to meet the assessment requirements relative to the proposed development. This process includes community consultation and entity referrals; and, if the application is supported, has the potential to save the proponent significant costs while ensuring that environmental impacts have been addressed. If there is no prior study that could meet the environmental assessment impact requirements for the proposed development, the proponent needs to go through the full environmental assessment process.

The costs associated with these planning processes, directly through the dollar cost of preparing planning documents such as planning studies, the DA and draft environmental impact statement but also indirectly through the time required to identify legislative requirements and to work with the relative directorates, can add significantly to the overall expense of the proposed development. These costs ultimately are passed on to the end home owner, commercial tenant or investor.

This bill is an excellent example of this government's commitment to reducing red tape and the delivery of administrative efficiencies by providing an option for a proponent to bring together these three independent planning processes—the draft territory plan variation process, the DA and the draft environmental impact statement process or application to use a prior environmental study—at the notification stage for one comprehensive notification process. Prior to notification the proponent carries out all the things that they do now.

Following notification, each planning process operates as it does now: the draft territory plan variation is progressed under the exact same legislated requirements; the DA is assessed in exactly the same way; and the environmental impacts of the development are assessed in exactly the same way as they currently are. However, and here is the key protection for the community in allowing these planning processes to be run concurrently, a concurrent DA cannot be approved by me as the Minister for Planning and Land Management or the Planning and Land Authority unless the other concurrent processes are complete.

I have broadly outlined the core features of the bill and I would now like to speak on key provisions that relate to amendments to territory plan provisions in the planning act. As I mentioned earlier, the territory plan is the cornerstone of planning in the ACT, containing the zones, uses, rules and criteria for all development in the ACT except on national land. The plan also lists those types of developments that are prohibited, and section 136 of the Planning and Development Act prohibits a person making an application if any part of the proposed development is prohibited.

To ensure that there is the opportunity to at least consider the merits of a proposal, there needs to be a mechanism to allow this potential benefit to be assessed and, if appropriate, realised. This bill provides this mechanism.

Clause 32 amends section 136, development proposals for prohibited development, to state very clearly the very limited circumstances when the planning authority can accept a development application for prohibited development. The bill, while providing a voluntary mechanism for a proponent to seek a variation to the plan and to lodge a development application in anticipation of that variation, also places restrictions and protections throughout legislated administrative processes for the variation itself and the development application.

In this way the bill delivers both transparency and robust administrative processes for varying or amending the plan while maintaining the integrity of the existing provisions. For instance, the bill enhances community engagement by not only maintaining existing consultation periods but also extending these periods for concurrent development. *(Extension of time granted.)*

I want to reiterate a comment I made when I introduced the bill, and that is that the single most important benefit of this concurrent notification is to the community. This is because the community will be able to see just what is envisaged by a territory plan variation and be able to arrive at an opinion about that variation with all the facts on hand. No longer will the community have to think the worst of a variation because they cannot envisage what it means on the ground.

This alone provides a significant value to the community but also to the developer and to government. The bill, through this basic simple concept of concurrent processing, not only delivers a reduction in red tape but also makes eminent sense.

For a bill that delivers very real benefits, the amount of amendment to the territory plan provisions is minimal because of careful, considered drafting by the parliamentary counsel and the Planning and Environment Directorate.

The bill creates the concept of a concurrent development application and defines this new concept at the new division 7.3.2A, concurrent development applications, and includes definitions that tie the whole concurrent development application together. The amendments also pick up the new concurrent consultation period at new section 147AA (1).

The amendment provides that for a variation that is associated with a development application the new minimum consultation period is 35 working days. That is a minimum increase of five working days, which can be increased by the Planning and Land Authority, if warranted, to reflect the complexity of a variation or the development application.

The commitment to consultation periods is further evidenced by amendments at section 90 on limited consultation. Again, the period for consultation, for a technical amendment that requires limited consultation, has been replaced with a new definition

of consultation period. With a full draft territory plan variation, the existing minimum of 20 working days is retained unless a technical variation is associated with a development application. If it is, the minimum consultation period is again 35 working days, the same as a full variation.

They are basically the only amendments that are required to deliver real benefits to the community, the proponent and industry. There are, however, other amendments proposed by the bill that are relevant to the territory plan. For instance, clause 42 inserts a new subsection (1A) at existing section 162 on deciding development applications. This protection mechanism ensures that only development that is not prohibited can be approved.

For a concurrent DA that is associated with an environmental impact assessment, whether it is an application to use a prior study or a full environmental impact assessment of the proposal, the application or assessment is approved and completed under section 209 of the planning act. A draft territory plan variation will continue to be assessed on its merits and is not reliant on the concurrent development application.

There is one last amendment, at clause 20, that inserts new section 90B, "Rezoning—development encroaching on adjoining territory land", which allows a proponent to seek a declaration from the Planning and Land Authority to deliver a sensible planning outcome. If a declaration is granted, the authority can amend the territory plan by the technical amendment process, noting that the consultation period is extended from 20 working days to at least 35 working days. If the amendment is finalised, the assessment of the development application can proceed and the piece of land the encroachment is on can be granted by direct sale to the proponent.

There are other practical amendments made by the bill further demonstrating this government's commitment to red tape reduction. For instance, existing section 95, "Technical amendments—future urban areas", is relocated as section 90C. The placement of relocated section 90C is more logical and brings together all technical amendment provisions. Clause 13 consolidates existing sections 87 and 88 to make it easier to identify what technical amendments require limited consultation.

In this very fast paced and changing environment, I am pleased to be able to speak on a bill that delivers real benefits to the ACT as a whole and that promotes urban renewal, economic development and the vision and delivery of a contemporary, sustainable and livable city. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Workplace Privacy Amendment Bill 2016

Debate resumed from 18 February, 2016, on motion by **Mr Rattenbury**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (11.58): The opposition will be supporting this bill although at the outset I would just say that issues affecting the privacy of workers need to be taken very seriously, as do illegal activities by employees. Employers deserve as much protection as do employees. I hope that that is what this bill will do.

The bill enables employers to gather evidence of employees' unlawful work-related activity outside the workplace to mitigate costs of such behaviour, ie, false claims and impacts on insurance premiums and administrative cost or simple theft. It provides employers with extended surveillance power, ie, to conduct surveillance outside the workplace. The current act restricts covert surveillance to the workplace. But there are protections to that, in that to undertake that sort of surveillance a court order needs to be obtained.

The bill eases the employer's requirement to place notification on a vehicle or on another object that is being tracked where this is impractical and the employer has taken reasonable steps to notify workers of the tracking activity. It transfers enforcement responsibility for the act from ACT Police to Worksafe ACT and empowers inspectors appointed under the Work Health and Safety Act 2011 to enforce the Workplace Privacy Act 2011. It removes from the act reporting requirements of surveillances undertaken. These would be included in the agency's annual report.

I thank the minister for the briefing that was given to my office. Apparently the act has only been used once since it came into being in 2011.

The bill seems to provide a relative easing of restrictions but it does justify the issuing of covert surveillance authority through the Magistrates Court. Because the requirements are quite stringent on future use by employers, this should be reasonably limited. With that, we will be supporting the bill.

MS BERRY (Ginninderra—Minister for Housing, Community Services and Social Inclusion, Minister for Multicultural and Youth Affairs, Minister for Sport and Recreation and Minister for Women) (12.00): I briefly touch on this bill that is being debated in the Assembly today. At first blush, as Mr Smyth says, most of this legislation is okay. The review recommended a couple of amendments that are non-controversial.

The concerns that have been brought to my attention by unions and their members and workers are about this particular amendment that will allow employers to apply to a magistrate for authority to conduct covert surveillance of employees when they are outside the workplace. This is the concern that unions and workers have on this particular legislation.

I have listened to, and I understand, all of the grounds that have been considered and must be considered by a magistrate in order to grant this authority to conduct surveillance. However, the issue that has been brought to my attention is the fear that workers might face should an employer use an employee's lack of knowledge of their rights under this legislation about the requirements under this legislation to conduct surveillance and that that might be used as an opportunity to frighten an employee into thinking that they could be spied on outside work.

I briefly spoke to Mr Rattenbury yesterday, and I acknowledge the amendment that he will be bringing forward to this bill today. I am not sure that these concerns that have been raised with me will be dealt with by this amendment. However, I am pleased that there will be a review that will take place in two years, and I will personally ensure that the use of this particular power will be given full consideration by this place.

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (12.02), in reply: The amendments in the Workplace Privacy Amendment Bill 2016 implement the recommendations of the government's review of the Workplace Privacy Act 2011, which I tabled in the Assembly on 18 February this year. The review report, informed by tailored engagement with stakeholders, examined activity under the act since its commencement and determined legislative reforms that will improve its operation without unreasonably impinging on a worker's right to privacy.

To implement the recommendations of the review, the bill makes four significant changes to the Workplace Privacy Act 2011, with some consequential amendments to the Magistrates Court Act and the Work Health and Safety Act. Firstly, the bill allows work health and safety inspectors to exercise their existing functions in respect of workplace privacy matters. This change re-characterises workplace privacy as an industrial matter and will provide regulation, enforcement and monitoring by WorkSafe ACT.

Second, in view of the practical needs of industry stakeholders, the bill eases notification requirements for GPS tracking in limited circumstances. Presently under the act, an employer may only conduct surveillance that involves tracking a vehicle or other object if the vehicle or object displays a clearly visible notice of its tracking capability. This bill provides that the notice need not be affixed to the item, provided appropriate notification has been otherwise given. This allows the use of tracking devices such as a smartphone when it can otherwise be unduly difficult to affix a notice to the object.

Thirdly, the bill allows an employer to apply to the Magistrates Court for an authority to conduct covert surveillance of an employee when they are outside the workplace. Presently the act provides a means by which an employer may apply for an authority to conduct covert surveillance within the workplace. This amendment reflects the review's finding that without a means to allow covert surveillance outside the workplace an employer's ability to defend legal proceedings against them may be adversely affected.

Sadly, not everyone is honest. People who are not honest may seek an advantage that ends up costing the broader community money. This amendment recognises that employers have a right to defend themselves in our adversarial legal system. But it is not all one way. For employees, it is equally important that such procedures are clearly limited and defined in law. For this reason, the bill attaches rigorous safeguards to an employer's ability to apply for and to conduct covert surveillance outside the workplace.

I note that not all stakeholders agree with the proposal to allow limited covert surveillance outside the workplace. Unions ACT does not agree and yesterday made media comments about the proposal. In my view, those comments were unfortunately quite misleading. They do not give an accurate account of the way that this will work in practice, the extensive safeguards in the bill or the involvement of the human rights commissioner in making sure the bill was of the highest standard in terms of its interaction with human rights.

For the benefit of the Assembly, let me provide some more detail about how this surveillance could occur outside the workplace. The amendment acknowledges that there are some circumstances where an employee engages in behaviour connected to their workplace that is unlawful and that an employer is justified in conducting surveillance on the employee. These circumstances would be very limited and must meet the strict requirements set out in the bill.

An employer cannot conduct surveillance on an employee outside the workplace unless a magistrate grants authority to do so. The employer must have a reasonable belief that the employee is engaged in unlawful conduct related to the workplace. The magistrate must not grant authority unless satisfied there are reasonable grounds to do so. In making this assessment, the magistrate must consider the seriousness of the unlawful activity in which the worker is reasonably believed to be engaged, whether there are other appropriate ways to find out if the worker is engaged in the unlawful activity, whether it is more appropriate for the unlawful activity to be investigated by a law enforcement agency, whether the unlawful activity is directly related to the worker's work for the employer, whether surveillance of the worker will be undertaken in a place in which a person would have a heightened expectation of privacy, whether and the extent to which the proposed surveillance might intrude on the worker's or someone else's privacy and whether the person nominated to be the surveillance supervisor in the application is suitable.

If an employer is granted authority to conduct surveillance on an employee outside the workplace, their surveillance activities are governed by conditions. The covert surveillance authority granted by the magistrate must state details such as the nature of the suspected unlawful activity, the means of surveillance, the location of the surveillance and when the covert surveillance may be conducted. These limitations are intended to ensure surveillance occurs only in the most minimal and appropriate circumstances. It is also important to note that, in recognition of the importance of employee privacy, surveillance may only occur in a public place and surveillance cannot be undertaken of a person in part of a premises that is being used for residential purposes.

The Magistrates Court must also appoint at least one person to be the surveillance supervisor in relation to a covert surveillance authority. This person must have relevant experience and must be independent of the employer. The supervisor must not give another person access to a covert surveillance record but may give an employer a part of a covert surveillance record only for the purpose for which the covert surveillance authority was issued or to identify or detect any other unlawful activity in a workplace.

The surveillance supervisor must also, within three months after the expiry of a covert surveillance authority, erase or destroy all covert surveillance records in relation to the authority other than records required for investigative or evidentiary purposes. An employer must also, on the written request of a worker, give the worker access to any part of a covert surveillance record that an employer seeks to rely on to take adverse action in relation to the worker. I think members can see that the circumstances in which surveillance can occur are very limited and are controlled very closely including through oversight by a magistrate.

I also point out that this bill closes a loophole in relation to surveillance. In relation to claims for injury, the ACT Insurance Authority, or ACTIA, currently can conduct surveillance on people claiming for injuries in non-work situations, for example, for claims against the ACT government relating to a trip or a fall on public land. This occurs in approximately 50 cases a year. The surveillance evidence is primarily used in assessing the extent of damages to be awarded.

However, ACTIA cannot currently conduct surveillance of people making claims for injuries outside the workplace in relation to a public liability claim if that person just happens to also be an ACT government employee. Prior to 2011 ACTIA could conduct surveillance on ACT government employees in relation to claims against the territory and did so in approximately 10 per cent of cases. This amounted to approximately 10 cases a year. This bill will correct this anomaly by reinstating surveillance ability in a very limited way.

The proposed changes also recognise that covert surveillance occurs in other civil cases that do not relate to the workplace or relationship of employment. In such cases, surveillance evidence is used to inform the assessment of damages and the surveillance is not subject to all of the protections that have been included in this bill. These are, for example, motor vehicle injury claims.

I also advise that the directorate worked closely with the ACT Human Rights Commission in developing the bill. The commission was satisfied with the significant safeguards in the final bill which ensure it does not unnecessarily intrude on human rights such as the right to privacy. The ACT Assembly's scrutiny of bills committee, with its four members, did not raise concerns with the bill.

I note that I met with Unions ACT on this bill and also wrote to them to try to address their concerns. They do not agree and believe that surveillance should never be permitted outside the workplace. The government disagree and we have introduced a reasonable amendment with a high level of safeguards.

The last measure in this bill removes an existing requirement under the act that the responsible minister report to the appropriate standing committee annually on covert surveillance authorities issued by the Magistrates Court. To foster greater transparency of this important oversight function, the annual report directions will be amended to instead require the relevant directorate to report on covert surveillance authorities in its annual report.

I thank the industry and community stakeholders who contributed to the review. Having thoroughly considered the practical needs of the community and industry raised by the review, I am confident that these amendments strike an appropriate balance between the interests of ACT employees and vital respect for a worker's right to privacy. By introducing greater certainty, transparency and practicality, the amendments in this bill will foster stronger relationships of trust in the workplace and lead to a more productive, respectful and cohesive ACT workforce.

Lastly, I flag that I have a proposed amendment to this bill. It simply requires the government to review after two years the new surveillance power which allows external surveillance outside the workplace in limited circumstances. This is an additional safeguard to ensure this power works as the government intends it to work. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR RATTENBURY (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (12.12): Notwithstanding standing order 182A, I seek leave to move an amendment to this bill that has not been considered by the scrutiny committee.

Leave granted.

MR RATTENBURY: I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the government's amendment *[see schedule 1 at page 1323]*.

As I briefly touched on at the conclusion of my remarks, this is a very simple amendment to add in a review period of two years. I note that it has not been considered by the scrutiny committee but, as members will have seen, it is technically a very simple amendment. I think as a matter of content it is also a very simple amendment. I appreciate the support of the Assembly in moving this amendment at a late stage in the process but it was an idea brought to me quite late in the discussions. I think it is a good idea, and that is why I was happy to be flexible and bring it into the legislation at a late stage.

MR SMYTH (Brindabella) (12.13): Review clauses are very sensible on issues that are somewhat sensitive. So I thank the minister for bringing the review clause forward.

I am, however, intrigued by Ms Berry's comments that she suddenly had concerns. Was Ms Berry asleep in the cabinet process? Ms Berry would have got briefings, would have had the cabinet documents, voted for it in cabinet no doubt. She could of course stand up and tell us that she did not vote for it, but there again we have the unions pulling the strings and the marionettes dancing to the tune of the union movement.

This is about getting balance. It is about doing what is right by both workers and employers. The review clause is very sensible to ensure that we get that balance right. With that, we will be supporting the amendment.

Amendment agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 12.15 to 2.30 pm.

Ministerial arrangements

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal): In the absence of the Deputy Chief Minister, I will endeavour to assist members with questions in the Deputy Chief Minister's portfolio.

Questions without notice

Trade unions—memorandum of understanding

MR HANSON: My question is to the minister for housing. Minister has any information related to Housing ACT tenders through CSD been referred to UnionsACT under the memorandum of understanding between the ACT government and UnionsACT?

MS BERRY: None that I am aware of.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, has the memorandum of understanding resulted in some tenderers being ruled out from Housing ACT tender processes?

MS BERRY: As per my response to the opposition leader's first question, I am not aware of any, and I am not aware of any that have been rejected.

MADAM SPEAKER: Supplementary question, Ms Lawder.

MS LAWDER: Minister, did the tender process for the total facilities management contract include providing information to UnionsACT or to specific unions?

MS BERRY: I was not the minister at the time when that contract was made. I am not aware of it but I will check on it to see if that has actually occurred.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, has the MOU between the ACT government and Unions ACT led to Housing ACT contractor information being provided to United Voice or another union?

MS BERRY: I will take that question on notice.

Visitors

MADAM SPEAKER: Before I call Mr Smyth I welcome to the Assembly Mr Barron Campbell-Tennant and Mr Craig Foster who are tour guides from the tours and customer service unit of the Victorian parliament. I hope you enjoy your visit to the ACT Legislative Assembly and to Canberra in general.

Questions without notice

Gaming—memorandum of understanding

MR SMYTH: Madam Speaker, my question is to the Chief Minister: the ACT government's MOU with ClubsACT of September 2012 states in clause 7, in part:

> The scheme should: be transparent, fair and open to all clubs in the ACT; consider social impacts and not increase the incidence of problem gambling or the concentration of EGMs in particular locations...

Chief Minister, why is the government considering the Aquis proposal, which will lead to a concentration of electronic gaming machines in a particular location in violation of the MOU?

MR BARR: The government, of course, needs to consider all proposals that are put to us under the unsolicited proposals framework. There is a rigorous assessment process, and the issues the shadow treasurer highlights are, indeed, amongst a number of issues the government is considering very closely.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Chief Minister, given that the Aquis proposal violates clauses 7 and 8 of the MOU—

MADAM SPEAKER: Preamble.

MR SMYTH: why is the government even considering this proposal?

MR BARR: The government will, as I said, consider all proposals under the unsolicited proposals framework in accordance with the framework and guidelines that we have publicly released.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, as you support the MOU, including its clause 7, do you consider 500 electronic gaming machines in a particular location an acceptable or unacceptable concentration?

MR BARR: When assessed against concentrations in other locations—other town centres, for example—it would be interesting to do that comparison, that work, and the government has indeed done that. We will—

Mr Coe: How does it compare to Chandler Street?

MADAM SPEAKER: Order!

MR BARR: Indeed, Madam Speaker—a timely interjection from the deputy leader.

MADAM SPEAKER: No, only a disorderly interjection; nothing timely about it, Mr Barr.

MR BARR: I would not disagree, Madam Speaker.

MADAM SPEAKER: That would be wise, Mr Barr.

MR BARR: It would be wise indeed, yes. Of course, these—

Opposition members interjecting—

MADAM SPEAKER: Order!

MR BARR: Thank you, Madam Speaker. These are matters that the government is indeed considering.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, will you now inform Aquis that, as their proposal is in violation of clauses 7 and 8 of the MOU, it has been rejected?

MR BARR: I would remind the member that the MOU has a conclusion date.

Trade unions—memorandum of understanding

MR WALL: My question is to the Minister for Small Business and the Arts. Minister, what representations have local small businesses made to you about the

impact that the memorandum of understanding with UnionsACT has had on their business?

DR BOURKE: I thank the member for his question. I am not aware of representations from small business owners that may have been received in my office but I will look into that and report back if there have, indeed, been any.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, why did the government fail to consult with small businesses about the MOU?

DR BOURKE: Could I hear that question again, please?

MADAM SPEAKER: Yes.

MR WALL: It is a straightforward one. Minister, why did the government fail to consult with small businesses about the MOU?

DR BOURKE: This MOU has been going on for a very long time, as I seem to recollect from questions about it in regard to estimates hearings back in 2010. I think Mr Smyth was there in the room, along with Ms Le Couteur and Mr Hargreaves, who are no longer with us. So it was all some time ago when this MOU was discussed in a committee hearing in this place.

Mr Wall interjecting—

MADAM SPEAKER: Order! You have an opportunity to ask questions. Dr Bourke is now answering your question, Mr Wall.

Mr Hanson interjecting—

MADAM SPEAKER: You can run your own critique elsewhere, but not in here. Dr Bourke.

DR BOURKE: As I was trying to say, this MOU certainly pre-dates my time both in this chamber and as the minister for small business. So it has been around for a long time. The Canberra Liberals have known about it for at least the past six years. I cannot understand why suddenly it is of such interest to them.

Housing—homelessness

MS BURCH: A new question?

MADAM SPEAKER: Ms Burch, a question without notice.

Mr Smyth: Sorry, a supplementary—

MS BURCH: I've been given the call, Mr Smyth.

MADAM SPEAKER: I did wait for a long time and I have given Ms Burch the call.

Mr Smyth: I do apologise.

MS BURCH: My question is to the Minister for Housing, Community Services and Social Inclusion: what are the outcomes of the national meeting of housing and homelessness ministers held last week?

MS BERRY: I thank Ms Burch for her question. I am happy to report back to the Assembly on this meeting, which was held in Brisbane last week. Ministers from all states and territories and the commonwealth met in parallel with COAG to discuss some of the key issues facing our jurisdictions. Across the country and across political divides, housing and homelessness ministers face many shared challenges. As a result, we were able to agree to a broad set of recommendations covering homelessness policy and funding, housing affordability and the need for accessible, affordable and social housing alongside the rollout of the national disability insurance scheme.

It was particularly pleasing to achieve unanimous agreement on a call for greater funding certainty for housing and homelessness services. This occurred in response to a paper that was jointly authored by the ACT and South Australia. The current national partnership agreement on homelessness—the NPAH—expires on 30 June 2017, and there is no current commitment to future funding arrangements beyond this date.

The NPAH provides important additional funds for ACT homelessness services, including services for young people and for people experiencing domestic and family violence. Equally, the NPAH and the national partnership funding more generally reflect what needs to be a shared commitment in tackling homelessness across the country.

Both levels of government have a role to play and many shared interests in helping people to get into a stable home. To that end, ministers agreed to commission a report on future policy reforms and funding options for homelessness beyond July 2017 with specific consideration of a five-year funding agreement.

Ministers also discussed the anticipated demand for accessible and affordable social housing which will emerge as we transition to the national disability insurance scheme. This is an important issue for the ACT, and all ministers agreed to work collaboratively with our ministerial colleagues and the National Disability Insurance Agency to develop accurate information and projections of likely future demand.

One item which did not achieve consensus, Madam Speaker, was a proposed automatic rent deduction scheme proposed by the New South Wales government for universal application to public and community housing tenants. Both the ACT and Victoria, as jurisdictions with human rights legislation, took the view that such a scheme was unlikely to be consistent with our human rights obligations. But, more broadly, our view is that, while national cooperation to support housing tenants around rent payments is welcome, a universal scheme mandated through the

commonwealth legislation is not consistent with the way we work with our tenants here in the ACT.

Finally, I was pleased that ministers also continued an ongoing discussion around the affordable housing challenge. National work on affordable housing through the commonwealth-led affordable housing working group is continuing, and the ACT has made a formal submission, as we undertook to do in February.

With a number of recent research and policy papers pointing to the challenges of housing affordability, it is clear on a national level that we need a substantial intervention from the commonwealth government, and I look forward to updating the Assembly on further developments as the national policy development process continues.

MADAM SPEAKER: A supplementary question, Ms Burch.

MS BURCH: Minister, what does the unanimous call for greater funding certainty show about the pressures facing front-line housing and homelessness services?

MS BERRY: What this shows is that ministers with responsibility for these issues at the local level, regardless of their political party, understand the key importance of maintaining them. We have debated ROGS here at length, which shows that no other government invests in responding to homelessness at the same level as the ACT. Other jurisdictions typically face high levels of rough sleeping, longer waiting lists and lower levels of public housing stock.

In the context of far-reaching commonwealth cuts in health and education, which the Chief Minister spoke about again earlier this week, nobody wants to lose yet more funding through the housing portfolio. As both the Minister for Women and the minister for housing, I am also very conscious of the need for a sustainable funding response to the growing demand for front-line services for people experiencing domestic and family violence.

The Australian Institute of Health and Welfare have found that an estimated 34 per cent of specialist homelessness services clients received assistance as a result of experiencing domestic and family violence in Australia. This issue was given added urgency by the release of the report from the Victorian Royal Commission into Family Violence which made a specific call on the need for the renewal of NPAH. It is clear that front-line housing and homelessness services are facing increased pressure as more women and children and families are seeking assistance.

It is important that appropriate services are available to respond to the increased national awareness of the issue of domestic and family violence. With the current national partnership agreement on homelessness scheduled to expire on 30 June 2017, state and territory governments and local service providers need to know as soon as possible what funding will be available beyond that date.

MADAM SPEAKER: A supplementary question, Mr Hinder.

MR HINDER: Minister, what role do homelessness services play in the ACT government's response to people experiencing domestic and family violence?

MS BERRY: Responding to domestic and family violence remains a central priority of the ACT government. As I said at the meeting, the Victorian royal commission has lessons for all jurisdictions. Here in the ACT it will sit alongside other key pieces of work that our government has commissioned.

Specialist homelessness services play a pivotal role in offering safety to women and children experiencing domestic and family violence through the provision of crisis accommodation, support and brokerage. Services include the Domestic Violence Crisis Service, Doris Women's Refuge, Beryl Women's Inc, Toora, Northside Community Services, Inanna Inc and Communities@work.

These services are skilled in supporting women through the provision of specialised accommodation, including crisis accommodation and transitional housing and outreach support. This outreach support includes measures to ensure client safety, court advocacy, information, personal support and referral, case management, counselling and financial planning. It also includes the provision of practical and material support such as the use of shower and laundry facilities, internet access and food.

The three homelessness services are specifically funded to deliver early intervention programs to children who have been impacted by domestic and family violence in the home. These programs help to re-establish a sense of self and promote recovery and wellbeing but assist in building ongoing supporting relationships and networks.

First Point, Beryl, Toora, Inanna, St Vincent de Paul, Doris and DVCS also partner to provide the domestic violence Christmas program. This program provides short-term motel accommodation, support and brokerage for women, men and children escaping domestic violence over the Christmas period.

The dedication of these services and programs that I have mentioned goes towards helping to ensure that positive outcomes can be achieved immediately and also in the long term for our most vulnerable community members.

MADAM SPEAKER: Mr Hinder, the form of the standing orders requires that you should say that you have a supplementary question when you stand. I know that you are new in this place, but I have noticed that you do not say that. Could you say that you have a supplementary question when you stand?

Mr Hinder: I have a supplementary question.

MADAM SPEAKER: Supplementary question, Mr Hinder.

MR HINDER: Minister, what steps have been taken in relation to progressing national action on housing affordability?

MS BERRY: As I said in my first answer, ministers had a welcome discussion around our shared challenges on housing affordability. All jurisdictions have welcomed the recent engagement by the commonwealth on this issue and housing ministers were briefed by the commonwealth assistant minister to the Treasurer about progress on the Council on Federal Financial Relations working on affordable housing.

The commonwealth-led housing affordability working group is considering proposals for innovative financing and structural reform to increase the supply of affordable private and social housing and will update jurisdictions on this work early next month.

As resolved by this Assembly on 17 February 2016, the ACT government has made a formal submission to the working group. Our submission noted the range of initiatives employed across the ACT to deliver more affordable housing for purchase and acknowledged the continuing challenge of increasing the supply of affordable rental accommodation. We argued for a national approach in this area and committed to work with the commonwealth and other jurisdictions.

This need for a common integrated approach to tackling housing affordability is also reflected in our discussions. There is a broad understanding of the different market conditions facing cities, regional and remote areas. Ministers agreed to meet again in November and report on progress through the COAG process.

To support this, we have asked officials to undertake further research on the effectiveness of existing services by September 2016. It remains my view that this work must look seriously into the key economic policy levers of negative gearing and capital gains concessions. Whether the commonwealth government is willing to seriously engage on these options remains to be seen, but we will continue to advocate for coordinated policy mixes as this will deliver the best results for Canberrans in housing stress.

Environment—weed management

MS LAWDER: My question is to the Minister for Transport and Municipal Services. In November last year I moved a motion in the Assembly about the substantial cuts that the ACT government has made to weed management funding. The feedback I have received is that African lovegrass is taking over in many areas around the ACT, including around Tharwa. Minister, does your office or directorate keep detailed maps to record your directorate's treatment of African lovegrass in the ACT?

MS FITZHARRIS: The responsibility for managing this part of the weeds program is now with Mr Gentleman, as the Minister for Planning and Land Management.

MADAM SPEAKER: Would you like to take the question, Mr Gentleman?

MR GENTLEMAN: I thank Ms Lawder for her interest in weed management across the territory, particularly in our nature parks, which are my responsibility now as minister for land management. We do have a particular weed control program that goes out across the territory. Indeed the directorate does have mapping programs of

those particular pest weeds. I do not have any of the maps in front of me now but I would be happy to see if I can supply them for you. It is of interest to the whole of the territory that we ensure that we do as much as we can to control those particular feral weeds. African lovegrass is a weed that spreads quite easily. We know that when it is mowed, especially on the verges of roads across the territory, it spreads from mowing, but we need to keep it down as much as possible. I will talk to our land managers to see whether we can come up with some maps, as Ms Lawder has requested.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, are the maps recording the location and spread of African lovegrass publicly available? If so, from where? Is the information collected via GPS on the mowing machines?

MR GENTLEMAN: I do not believe the maps are publicly available on line but I will check with the directorate. There certainly is information provided to our land managers in regard to working on the weed program and mowing as well. I will go to them and ask for their advice on how that information is provided to the mowing crews.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, what is the ACT government doing to communicate with the community in both rural and suburban areas about the spread of this weed?

MR GENTLEMAN: We do have a communication program on feral pests and plants that goes out from the directorate. It is important that we get that message out as much as possible on the effectiveness of treating those invasive weeds. We know that some of the mapping that has been done has been used with drain technology as well. That is the detail that I have at the moment. I am happy to come back and provide the Assembly with the actual communication strategies that we have for that.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: Minister, what are you doing to prevent African lovegrass from spreading further throughout the ACT, and how is your directorate measuring the effectiveness of any such treatment activities?

MR GENTLEMAN: I thank Mrs Jones for her question. Each financial year the Parks and Conservation Service coordinates the development of the invasive weeds operational plan which includes a prioritised list of operations across the territory and the controlled works for weeds that pose a high risk to the environment and also the economic and social risks to government-owned land in the ACT. Examples, as we have heard, include African lovegrass, but they also include serrated tussock and Chilean needle grass as major threats to our natural temperate grasslands.

A detailed program is in place, and whilst we need to ensure that we have African lovegrass as a priority weed, considerable effort is also put in to controlling new and emerging weeds as part of that biosecruity response.

Trade unions—memorandum of understanding

MRS JONES: Madam Speaker, my question is to the Minister for Corrections. Has any information related to corrections tenders through CSD been referred to UnionsACT under the memorandum of understanding between the ACT government and UnionsACT—or to the JACS department?

MR RATTENBURY: As we discussed yesterday, we know, of course, that the MOU is in place; we went through, yesterday, how that works. The Chief Minister has undertaken to provide that information in detail.

In terms of whether specific information has been provided, I will need to check that specifically. However, we know that under the MOU the ACT government provides unions with a list of tenderers which is the same as provided to the ACT Long Service Leave Authority and the ACT Environment Protection Authority and is publicly available.

Having recently undertaken a—

Mrs Jones: Point of order, please.

MADAM SPEAKER: Point of order, Mrs Jones.

Mrs Jones: I know the minister is giving us a good background on what was discussed yesterday, but the question I am asking is about whether tenders or information relating to corrections tenders through CSD or JACS have been referred to UnionsACT. We understand the process; what we are asking about is whether specific matters have occurred or not.

MADAM SPEAKER: The point of order is?

Mrs Jones: Relevance.

MADAM SPEAKER: In relation to the standing orders, it is clear that it has been agreed here that we should be directly relevant. However, I think that the minister said that he would look into that and I think that he was giving more information. Do you have anything more to say, Mr Rattenbury?

MR RATTENBURY: No; I will pass, thank you, Madam Speaker.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, has the memorandum of understanding resulted in some tenderers being ruled out from the corrections tender process—or will you pass on that, too?

MR RATTENBURY: The reason I chose to pass before is because I was actually in the middle of relaying some information about the recent capital upgrades at the AMC, which are presumably what Mrs Jones was asking about. But she could not help herself and she needed to take a point of order. So why should I bother? In terms of—

MADAM SPEAKER: Order! Mr Rattenbury, sit down. Stop the clock please. It is within the rights of every member in this place to take a point of order and for them to be dealt with—

Mrs Jones interjecting—

MADAM SPEAKER: Order, Mrs Jones! It is within the rights of members to take a point of order and for that point of order to be dealt with. Mrs Jones made a point of order in relation to relevance. The point of order was upheld, in that you had to be directly relevant. I did say that I thought you had been directly relevant. I do not think there is any necessity to come back and criticise people for exercising their rights under the standing orders. Mr Rattenbury, you have the floor to answer Mrs Jones's supplementary question, and I would ask you to be directly relevant to Mrs Jones's supplementary question.

MR RATTENBURY: The thing I was about to observe when Mrs Jones took her point of order was that, as we have just undertaken a major capital project at the AMC, it does seem probable that the MOU may have played a role in that, and I will seek that information and provide it to the Assembly.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, has Corrections ACT provided private information from tenderers to unions as a result of the memorandum of understanding?

MR RATTENBURY: I do not believe so because that is not how the MOU operates but I will seek advice from Corrective Services on that question.

MADAM SPEAKER: Supplementary question, Mr Wall.

MR WALL: Minister, have you in fact read the memorandum of understanding? As a result of its operation, has it resulted in Corrections ACT paying more to suppliers in return for goods and services?

MR RATTENBURY: I have read the MOU.

Members interjecting—

MADAM SPEAKER: Order!

MR RATTENBURY: Members may recall that the AMC expansion project has come in not only several months ahead of schedule but at least $7 million under budget.

Trade unions—memorandum of understanding

Members interjecting—

MADAM SPEAKER: Order! I would like to hear Mr Doszpot. The opposition will come to order before I give Mr Doszpot the call. Mr Doszpot.

MR DOSZPOT: Thank you, Madam Speaker. My question is to the Chief Minister. Chief Minister, I refer to comments made in the Assembly on 6 April 2016 by Mr Rattenbury regarding the memorandum of understanding with Unions ACT. He said:

> For the record, I would like to be clear that I have not had any role in contributing to signing off or even viewing the document before it was publicly released.

Chief Minister, why didn't you take the memorandum of understanding with Unions ACT to cabinet?

MR BARR: The memorandum of understanding was signed by Chief Minister Jon Stanhope in 2005. I was not in the Assembly at that time. So I cannot comment whether it went to cabinet at that point. But I have responsibility for procurement. So I can make that decision as Chief Minister and minister responsible for procurement to enter into MOUs.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Chief Minister, which ministers, if any, did you consult about the memorandum of understanding?

MR BARR: I continued, as the new Chief Minister, a memorandum of understanding that had been in place for more than a decade. The memorandum of understanding has been the subject of discussions—

Mr Coe: Did you know about it when you worked for Ted?

MR BARR: I never worked for Ted Quinlan.

The memorandum of understanding has been the subject of considerable public discussion, including a hearing of an Assembly committee when Mr Smyth asked questions about it in 2009. The memorandum of understanding was, in fact, one of the elements that was part of UnionsACT's 2004 election campaign manifesto for things they wanted from political parties at that time.

MADAM SPEAKER: Supplementary question, Mr Hanson.

MR HANSON: Chief Minister, who instigated the latest MOU? Did the former agreement expire or were new terms required in this current version?

MR BARR: The MOU has been in place for 11 years and is the subject of periodic review.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Were any directorate officials involved in advice or negotiations in the signing of the agreement?

MR BARR: Obviously, the ACT government, in the context of any MOUs that we sign with any organisation, seeks advice in relation to those matters.

Trade unions—memorandum of understanding

MR COE: My question is to the Chief Minister regarding the MOU with UnionsACT. Chief Minister, how were government agencies informed of their obligations under this agreement?

MR BARR: Procurement and Capital Works have responsibility for procurement processes under the ACT procurement act. All agencies are cognisant of their responsibilities under that act.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Chief Minister, how and when are officers of your directorate briefed about how they evaluate tenders in accordance with the MOU? Is it in the introductory processes for new staff?

MR BARR: Officers within procurement and capital works conduct tender processes in accordance with the procurement act and relevant ACT and federal law.

MADAM SPEAKER: A supplementary question, Ms Burch.

MS BURCH: Chief Minister, can you outline to the Assembly the benefits that such an MOU would provide?

MR BARR: I certainly go to—

Mr Hanson interjecting—

MR BARR: I go to the recommendations of the getting home safely report, the inquiry into compliance with work health and safety requirements in the ACT's construction industry. At the time this report was commissioned, the ACT's serious injury rate for the construction industry was 31 per cent higher than the national average. The industry's long-term injury performance was 50 per cent worse than most other jurisdictions.

A series of recommendations were that the ACT government should use its purchasing power to ensure that through its tendering processes only contractors with good health and safety records and the capacity to complete a project as safely as possible should be allocated government work; the government should ensure that contractors working on its projects are fulfilling their health and safety responsibilities to the best of their ability throughout the project—

Opposition members interjecting—

MADAM SPEAKER: Mrs Jones! Mr Hanson!

MR BARR: and that it might also consider withholding a portion of final payment pending health and safety outcomes on a site.

Mrs Jones interjecting—

MADAM SPEAKER: Mrs Jones, I called you to order.

MR BARR: The inquiry panel would be particularly happy to see the ACT community, alongside unions, reporting more to government about—

Mr Hanson: Point of order.

MADAM SPEAKER: Point of order. Sit down, Mr Barr. Could you stop the clock, please.

Mr Hanson: My understanding, on relevance, was that it was a question about the MOU, which was first signed in 2005, and the reasons for the MOU. I do not understand the relevance of a document that was then released in 2012, 2011, to a document and the rationale asked behind the MOU that was signed some five or six years prior. I therefore do not understand the relevance of talking about a document that is six years after the signing of the original MOU.

MADAM SPEAKER: The question from Ms Burch was about the benefits of the MOU, but I do uphold the point of order and ask the Chief Minister to be directly relevant to the question.

MR BARR: The benefits are for the health and safety of workers who undertake work on ACT government projects. The inquiry panel said:

> The Inquiry Panel would be particularly happy to see the ACT community, alongside the unions, reporting more to Government about bad health and safety practice in the industry. It is only with a concerted effort on all fronts that the climate will be sufficiently robust to weed out bad companies and individuals that should not be operating in it.

MADAM SPEAKER: A supplementary question, Mr Wall.

Mr Hanson interjecting—

MADAM SPEAKER: Order! Come to order, Mr Hanson, so I can hear Mr Wall.

MR WALL: Chief Minister, was there a pro forma or standardised method for reporting the details of potential prequalifying tenderers to UnionsACT?

MR BARR: Yes, I think Mr Rattenbury alluded to that earlier in that the information in relation to prequalification is exactly the same list as is provided to the ACT Environment Protection Authority and the Long Service Leave Authority. It is the same list that is publicly available on the procurement website. So anyone who has an interest can go in and get that information as to who is prequalified and who is not.

Mr Coe: A point of order.

MADAM SPEAKER: A point of order. Can you stop the clock.

Mr Coe: It is on relevance. The question that was asked by Mr Wall was about whether there was a pro forma or standardised method for reporting the details. In effect, it is about the process by which the government informs UnionsACT about details relating to the MOU.

MADAM SPEAKER: I think the Chief Minister was saying that the same system was used as that used to provide information to other agencies. Mr Barr, remembering that you need to be directly relevant, would you like to elaborate and make it clear.

MR BARR: Thank you, Madam Speaker. The list of tenderers is publicly available and is also provided to the Long Service Leave Authority and the Environment Protection Authority. Procurement and Capital Works publishes this list as soon as possible after tenderers have been registered, usually on the same afternoon, making it available for anyone to view. Interestingly, the advice from Procurement and Capital Works is that it receives more calls about the lists of tenderers from industry than it does from unions: more calls from industry than it does from unions. So this is a pathetic beat-up by those opposite and their mates at the *Australian*, from Michaelia Cash and all of the other cronies from the hard right. It is a pathetic beat-up.

Government—transport and services directorate

MR HINDER: My question is to the Minister for Transport and Municipal Services.

Opposition members interjecting—

MADAM SPEAKER: Hang on a second, Mr Hinder. Could you sit down, please? I would like to call the members on my left to order so that I can hear Mr Hinder, Mr Coe. I call Mr Hinder.

MR HINDER: My question is to the Minister for Transport and Municipal Services. Minister, can you provide the Assembly with an overview of the new directorate bringing together transport and local services that you announced this morning?

MS FITZHARRIS: I thank Mr Hinder for his question and also for the opportunity to talk today about the terrific work that we are doing to improve our city. It is very clear that Labor has a plan for our city's future, a plan that focuses on renewal, great customer service and a clean and sustainable city we can all be proud of.

I was very pleased today to announce a new directorate, combining Transport Canberra, our new integrated transport agency, with the Territory and Municipal Services Directorate. This will seize the opportunity to combine ACTION buses, light rail and active travel with Canberra's vital city services.

Transport and our city services are crucial to Canberra's future growth. Indeed, the close links were recognised in my ministerial portfolio title. I am proud to say that this

new directorate, to be called Transport Canberra and City Services, will have a clear focus on helping Canberra remain the world's most livable city.

As Canberra approaches a population of 500,000 people, it is crucial we do more to ensure that our transport network and our city services keep up with demand and growth. We know that congestion may soon cripple our city. The cost of congestion around Canberra will reach $700 million by 2030 if we keep going the way we are.

Northbourne Avenue is a particular issue. According to a recent Infrastructure Australia audit, Canberra's main corridor into the city is the most expensive road in the ACT with delays costing $430,000 per lane kilometre in 2011 alone, with a predicted increase to $1.1 million by 2031. Bringing together Transport Canberra with the team that delivers our city services makes sense and will go a long way to managing Canberra's growth and creating an even more livable city.

From 1 July, Transport Canberra and City Services will focus on the customer experience, delivering high quality local and transport services with a focus on innovation and business improvement. It will be led by Emma Thomas, previously announced as the director-general of the transport Canberra agency.

There are many synergies between TAMS and transport Canberra, and by aligning light rail, ACTION buses and active travel with our roads, community paths, traffic management and our other key city services—our wonderful libraries, our recycling and waste management teams and other business enterprises—we will create a directorate that is even more focused on the infrastructure and local service needs of our growing city.

As we all know, TAMS do an incredible job keeping our city running. Each day our TAMS staff are out there helping our community, keeping us safe, helping us learn and ensuring that we can take pride in our beautiful national capital. I am proud that we will see the ACTION team continue their great work alongside other TAMS staff within the transport Canberra agency.

The staff across all these teams reach out to Canberrans every day: fixing our roads and footpaths, working in our public transport system, at our libraries, cleaning our shopping centres, looking after our street trees, our public spaces and playgrounds. They mow our verges, collect our rubbish and innovate in service delivery, as seen this week with the arrival of the innovative social enterprise Soft Landing.

Every day they engage with Canberrans directly or through the local media on improving our city. They do a great job and they know this city like very few do. I am very pleased to have been able to bring these two services together to have an even greater focus on these efforts to service the Canberra community.

I think by refocusing these services on our local environment and how we move around Canberra, we can better ensure our communities are connected, while continuing to develop the great character that is innate to all our town centres.

I was sad to see Gary Byles announce his retirement from TAMS after nearly nine years as the director-general last month. He indicated this intention to me when I

came into the portfolio and while we are sad to see him leave the role, we all know that he has led the directorate with distinction and with the clarity of a leader who knows what his job is: to serve the Canberra community. His dedication is legendary. I thank Gary very much for his service. *(Time expired.)*

MADAM SPEAKER: Supplementary question, Mr Hinder.

MR HINDER: Minister, can you please tell us how the new directorate will provide Canberrans with local services that are both people focused and innovative?

MS FITZHARRIS: I thank Mr Hinder for his supplementary question. Transport Canberra and city services will continue to manage and deliver Canberra's vital local services, including our libraries, recycling and waste services, road management, graffiti removal, shop upgrades, playgrounds, animal welfare and grass mowing services, just to name a few. But ACT Parks and Conservation Service will move to the Environment and Planning Directorate from 1 July, as previously announced, as part of the plan to create one nature conservation agency.

In my two months in the role as Minister for Transport and Municipal Services I have seen just how broad the TAMS directorate is and the range of services TAMS is currently charged with overseeing. In just some examples, this week I officially opened the new mattress recycling facilities in Hume—which will go a long way to preventing more than 18,000 mattresses each year from going into landfill. A few weeks ago I was very excited to attend the launch of our active streets pilot program at Latham Primary School, helping kids and parents build their confidence when it comes to walking and riding to school.

Yesterday I announced the installation of six new water refill stations across Canberra to help reduce the use of disposable bottles and increase fresh tap water consumption. Libraries ACT has a range of terrific programs this month to help improve digital literacy in our community, teach people how to maintain a bike and entertain the kids during the school holidays.

All these great programs are delivered by TAMS staff who I know take great pride in their work. These services are focused on people, they are innovative and improve the outcomes for our city, whether they are health, education or environmental outcomes. The new directorate will continue this great work and ensure we see a lot more of it around our city.

MADAM SPEAKER: A supplementary question, Ms Burch.

MS BURCH: Minister, can you tell us how Canberra will benefit from the integrated transport network which this new directorate will deliver?

MS FITZHARRIS: I thank Ms Burch for her supplementary. As I mentioned previously, the new transport Canberra and city services directorate will focus on Canberra's integrated transport future, bringing together light rail, buses and active travel with our essential city services.

The Transport Canberra agency will come into the new directorate on 1 July to prepare our city for the next phase of Canberra's public transport journey, alongside our other city services. This means our bus and light rail operations, our road network and our walking and riding infrastructure will all be under one directorate with one director-general. Transport Canberra's key deliverable is one network, one ticket, one fare and it will oversee the delivery of a truly integrated transport network coordinating buses and light rail and integrating them with taxis, cycling and walking and other, innovative, transport options.

Integrating our transport network means making sure that our bus stops are designed to deliver passengers as close to light rail as possible, with bus and light rail stops that are easy and pleasant to use, as we see in successful cities around the world. It also means timetabling that will ensure connections between buses and light rail are seamless and it will make sure that our transport ticketing system is high tech and user friendly across buses, light rail and our active travel infrastructure.

This is an exciting opportunity for Canberra, and an integrated transport network will prepare our city for a future population of 500,000 people. Improving public transport will help sustainably manage our growth so that congestion won't hamper productivity or erode livability. Canberrans need a modern and innovative transport system that can meet the requirements of our growing, changing city. I am proud to be part of a government that is delivering this.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, what changes to the corporate areas of TAMS and Capital Metro will be required in order to facilitate the new agency, and will there be any redundancies?

MS FITZHARRIS: I thank Mr Coe for his supplementary. No, there will not be any job losses. Certainly, with respect to the transition period from now until 1 July 2016, when the new directorate of transport Canberra and city services is to be established, there will be a phase of organisational structure design, and staff will be kept informed of that and engaged along the way.

Mr Barr: I ask that all further questions be placed on the notice paper.

Supplementary answers to questions without notice

Trade unions—memorandum of understanding

DR BOURKE: In relation to Mr Wall's question to me earlier, as Minister for Small Business and the Arts, I have received a representation from the Canberra Business Chamber. Also I referred to a hearing of the estimates committee. It was actually a public accounts committee hearing.

Sport—ground maintenance

MS BERRY: In response to a question from Mr Doszpot yesterday about sportsground closures, sportsground closures do occur twice a year to allow for the

remediation and resting of the grounds. The progressive and rolling closures that Mr Doszpot referred to in one of his questions has been considered but has not been adopted because the process is resource intensive. Having the flexibility for teams to move between grounds minimises the cost, and the grass needs at least two weeks without use to enable its recovery and remediation.

In relation to communicating the closures, clubs and regular users are familiar with the annual program. I know that I have been notified through my own football club when grounds are closed. The government also communicates the closures publicly through media releases, online updates and contact with peak sporting groups.

Environment—weed management

MR GENTLEMAN: Earlier today I received a question regarding African lovegrass and whether maps were available to the public. I can advise that maps are available to community groups like park care groups via a log-on for each current financial year's works. These maps are updated by both TAMS staff and park care groups. Following the completion of each financial year the maps are released publicly. The maps are available on the TAMS website at actgov.maps.arcgis.com. It is an interactive map. You can tap the legend at the top right-hand side of the map and look at all of the treatments for those invasive weeds.

Answer to question without notice
Statement by member

MR COE (Ginninderra): Under standing order 118 I believe that Ms Fitzharris's answer to the last question was in the form of a ministerial statement; therefore I am seeking leave of the Speaker to respond to the statement at the conclusion of question time.

Ms Burch: Can you repeat that, Alistair?

MR COE: Standing order 118.

MADAM SPEAKER: I am contemplating whether this is something that you can ask me or that I can ask you. Bear with me, Mr Coe, while I contemplate that.

On the advice of the Clerk, and having read the standing order, which has been here for some time but has never been used, and given the content of the question that Ms Fitzharris was asked and the content of the answer, I will give leave. It was fairly much a statement by the minister about a whole new structure. It could, whilst short, be taken to be in the form of a ministerial statement. These are uncharted waters but the discretion to give leave is entirely my own and I will give leave to Mr Coe to respond. Although the standing orders—

Mr Smyth: Five minutes.

MADAM SPEAKER: Okay, you get five minutes, although the minister making the ministerial statement got four. Of course, they get opportunities to answer supplementary questions. Mr Coe, by leave of the Speaker, you have five minutes.

MR COE: Thank you very much, Madam Speaker. I thank Mr Smyth for his keen observance of the standing orders, and for pointing out standing order 118. Of course, the reason why standing order 118 is in the statutes is because, in effect, at any other time that such a statement would be made we would get advance notice and advance warning of such a statement, and we would usually get that in writing. Therefore we would have the opportunity to speak to it at the conclusion. In the absence of getting advance warning, and in the absence of such presentation of a paper or a statement by leave, I will take this opportunity.

The Canberra Liberals want to restore pride to TAMS. We believe that for too long this government have been treating TAMS poorly. They have not been backing staff and they have not been backing the agency to carry out essential work. There is no doubt that there are numerous areas of TAMS, including subunits, that are underresourced and do not have the backing that they should, and they do not have the backing they should from either the Chief Minister or indeed the minister.

This machinery of government change has been announced today in the paper and I imagine it is news to a lot of people in the TAMS agency. Perhaps some people listening to this debate today might have heard more about the change to their agency through listening to a webstream of the Assembly than through their own internal channels. It is potentially very disappointing if that is the case. We owe it to all public servants in Canberra to ensure that they are treated with respect and that is not what is happening at the moment.

We need to make sure that we empower people in TAMS to use their skills and the resources which they have built up in a meaningful way. But it seems to us on this side of the chamber that TAMS and other agencies are being stripped of resources time and time again simply to go to capital metro. As a result of this new transport Canberra and city services agency, I hope that the city services component and the corporate component of this agency do not become a poor cousin to capital metro.

If this is seen as a capital metro takeover of TAMS, I think that is extremely unfortunate and a huge amount of damage could be done between 1 July and 15 October, the time of the next election. A huge amount of damage could be done in that time, not just to the actual resources of TAMS but also to the culture and morale of the agency. We need to make sure that ACTION and all the other important areas of TAMS are genuinely backed. That is what a Canberra Liberals government will do. We will back the TAMS agency to deliver the corporate services they require.

Quite frankly, what we are seeing today, through the transport Canberra and city services directorate, is not what was advised by Dr Allan Hawke. It seems that the Hawke review into this government has been totally thrown out the window. It seems that all of those important machinery of government and governance arrangements which he suggested, which are well worth taking on board, have been disregarded by this government. And it is all because of two things: (1) the complete focus on capital metro; and (2) all the decisions being taken into the Chief Minister, Treasury and Economic Development Directorate. That, as an agency, does not function as an agency should, and that agency is not consistent with what Dr Allan Hawke

suggested. That agency is a behemoth. There are lots of good people in that agency, of course, but if the actual structure does not support good governance then in effect they are not able to do their job as well as they could.

We on this side of the chamber want to make sure that all agencies, including TAMS, are genuinely backed and genuinely resourced appropriately. All ministers in a future Liberal government will do just that. We will back the public servants to deliver important services to Canberrans, as opposed to constantly rearranging the deckchairs on the *Titanic*, which is currently happening.

Legislative Assembly—accommodation
Statement by Speaker

MADAM SPEAKER: For the information of members I provide an update on the accommodation project for the expanding Assembly. Since my last update, the first phase of refurbishments within the Assembly building has been completed. New office space for some OLA staff, the media and some ancillary rooms were handed over in early March. Members, if they have not had the opportunity, may walk down the ground floor corridor adjacent to the Canberra theatre and inspect the facilities.

On Monday of next week our contractors plan to hand over the refurbished north side of level 2, comprising three ministerial suites and an executive meeting room. Initially and temporarily, Mr Rattenbury will occupy one of those suites to allow his current suite to be refreshed, and a similar arrangement is scheduled for Mr Corbell in early May. When Mr Rattenbury returns to his refreshed suite towards the end of this month, Dr Bourke will move to level 2. Congratulations, Dr Bourke. Ms Fitzharris will relocate to one of the new suites next week. Again, congratulations, because Ms Fitzharris does not have a great office. That is my personal view.

The works on level 1, comprising three new members' suites and enhanced meeting and catering facilities, are on track to be handed over by the end of May. Members will be aware that throughout the rest of the building work has been completed progressively to refresh offices and corridors, with carpet laying largely completed. Over the next fortnight new locks and keys will be installed throughout the building, and the accommodation project team and security manager will provide further details to building occupants about the schedule for this work. Members are reminded that this is necessary because the current locking and key arrangement does not have the redundancy necessary to provide for the additional doors in the refurbished area.

A final scheduled office relocation for non-executive members whose suites have not been refreshed is being finalised by the contractor and the accommodation project team, and members will be kept informed.

A significant additional part of the project was the upgrade of dated elements of the building's air-conditioning system and the refresh of the general bathrooms and some kitchen areas, principally the kitchen of the reception room. About 25 per cent of the scheduled work on air-conditioning units is now complete, and work on the upgrade of bathrooms and some kitchen areas will start in May. All of this work will continue until the end of July.

Finally, work is progressing on the planning for and fabrication of a new central table for the chamber and associated changes. Installation will occur after the Assembly rises in August for the final time before the 2016 election. I shall continue to update members on this project.

Paper

Mr Barr presented the following paper:

> Estimates 2015-2016—Select Committee—Report—Appropriation Bill 2015-2016 and Appropriation (Office of the Legislative Assembly) Bill 2015-2016—Recommendation 57—Access Canberra—The first 12 months of operation.

Estimates 2015-2016—Select Committee—recommendation 56
Paper and statement by minister

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations): For the information of members I present the following paper:

> Estimates 2015-2016—Select Committee—Report—*Appropriation Bill 2015-2016 and Appropriation (Office of the Legislative Assembly) Bill 2015-2016*—Recommendation 56—Detailed Site Investigation—Block 789 and Portions of the Road Reserve Nudurr Drive, Gungahlin ACT 2912, dated March 2016, prepared by Robson Environmental.

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

Leave granted.

MR GENTLEMAN: I welcome the opportunity to present the detailed site investigation report on block 789 and portions of the road reserve, Nudurr Drive, Gungahlin. There have been several environmental assessments over 20 years in preparation for development in Gungahlin. This particular assessment was undertaken to determine the suitability of block 789 for construction of the Nudurr Drive extension to Gungahlin Drive and to determine the location and nature of waste materials that have been disposed of or used to fill in this site so that they could be appropriately managed.

Block 789 Gungahlin has historically been used as a disposal site for builders' waste and, on occasion, household refuse. It was also the disposal site for loose-fill asbestos insulation taken from houses in the original Mr Fluffy remediation program in the late 1980s and early 1990s. Determining the location and current state of materials disposed of on site was an important part of the study, as there was little conclusive evidence on the record.

The study was commissioned as part of the preparations for the extension of Nudurr Drive through to Gungahlin Drive. An earlier study focused on the road reserve and

recommended further works be undertaken in relation to the former refuse disposal site on block 789. Given the use of the site to dispose of waste from the original Mr Fluffy remediation program, this study was commissioned by the asbestos response task force. It is important to keep in mind that the Nudurr Drive road reserve skirts the edge of the former waste disposal site and the majority of it will not be affected by future road construction works. It is also important to note block 789 and surrounding grasslands provide important native habitat and are preserved from future development for that purpose.

Importantly, the study concludes that there is no loose-fill asbestos insulation contamination at the site and the area being proposed for the Nudurr Drive extension, close to existing houses in Palmerston, is suitable for road construction works.

The report concludes that the former landfill site is unlikely to present a significant risk to adjacent residents. The report recommends some further work for the ongoing and continued safe management of the site. Territory and Municipal Services, as the territory's land custodian and manager, is currently working to address these recommendations as part of its ongoing and future management responsibilities.

The public will be informed when the works on block 789 are to be undertaken. Much like the communication process that occurred previously with the study, this will include letterbox drops to the residents adjacent to where the works will occur, presentations to the local community council and information on the TAMS website. For the benefit of the Assembly I have tabled the detailed site investigation report.

Canberra Institute of Technology—Australian Skills Quality Authority audit report

Paper and statement by minister

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health): For the information of members, I present the following paper:

> Education, Training and Youth Affairs—Standing Committee—Report 5—Inquiry into Vocational Education and Youth Training in the ACT—Interim Report—Recommendation 4—Canberra Institute of Technology—Explanation of Australian Skills Quality Authority audit report.

I ask leave to make a statement.

Leave granted.

MS FITZHARRIS: Today I am providing an update on the Canberra Institute of Technology's—CIT—continued work with apprentices. As part of this update I will be tabling a report undertaken by the Australian Skills Quality Authority, or ASQA, about the certificate III in electrotechnology electrical skills at CIT. Recommendation 4 of the interim report of the Standing Committee on Education, Training and Youth Affairs inquiry into vocational education and youth training in the ACT recommended the minister table the ASQA report of the audit of the certificate III in electrotechnology electrician at CIT, which I am pleased to do today.

Apprenticeship training is crucial to ensuring we have the skilled workers necessary for economic growth. The National Centre for Vocational Education Research has recently released data showing that nationally the number of apprentices and trainees in training as at 30 September 2015 has decreased 13.7 per cent from 30 September 2014. This decline was also reflected in ACT apprentice and trainee data, but CIT is bucking this trend with apprentice numbers holding steady.

CIT trains 72 per cent of the ACT's apprentices. As the major provider of Australian apprenticeships training in the ACT, CIT continually looks to ensure it is meeting student and employer expectations. This commitment is reflected in student satisfaction rates of 93 per cent and employer satisfaction rates of 87 per cent, both of which are considerably above target.

In May 2015 CIT committed to an improvement strategy through the Australian Apprenticeship Quality Improvement and Sustainability project. This project was established to research, identify and implement changes to improve the efficiency and effectiveness of delivery and administration of Australian apprenticeships at CIT.

Electrotechnology is a key industry for the ACT and will be increasingly so with the ACT government's focus on renewable energy. It has been a priority focus area for this quality improvement project which has been informed by researching good practice in five TAFEs across four states and in consultation with ACT employers and apprentices.

CIT has conducted a number of electrical trade employer forums which have resulted in improvements to the enrolment process and the reporting of student issues and student progress back to employers. Increased engagement with employers is formalised with regularly scheduled meetings to gather intelligence on changes in industry that CIT needs to incorporate into its educational delivery.

I turn now to the ASQA audit and report. ASQA initiated and conducted a compliance audit on 26 November 2015 on two competencies from the certificate III in electrotechnology electrician. CIT was advised by ASQA that the audit was only in response to media attention about the delivery and assessment of this qualification at CIT. I think it is important for members to note that ASQA were not in receipt of a direct complaint in relation to CIT. It is also important to recognise that accountability through an audit function is an important and necessary part of the vocational and training education system CIT operates within.

ASQA provided its interim audit findings to CIT on 17 December 2015, and further evidence was submitted by CIT on 22 January 2016. ASQA's report was finalised and provided to the CEO of CIT on 16 February 2016. I note there are references to "non-compliance" in the audit and it is important to put these in context.

"Non-compliance" in these circumstances essentially means that on the evidence provided on 26 November there was a risk the organisation was non-compliant. More evidence was then provided on 22 January 2016, similar to a prima facie case to answer in a court case. In this case, once the evidence was produced and tested, CIT was found to be complaint.

The final ASQA report finding on the compliance audit highlighted CIT's ongoing compliance with the VET quality framework as relevant to the scope of the audit. ASQA also maintained CIT's low-risk status. No further response to ASQA from CIT in relation to the compliance audit is required.

I ask members to please note the following in relation to the document that has been tabled: the ASQA commissioners requested that CIT include an explanatory document developed by the ASQA compliance Canberra staff to accompany the audit report. This document is included with the report being tabled.

ASQA also requested of CIT when agreeing to the release of documents that all personal identifiers of ASQA staff members and the technical advisor assisting ASQA's audit be redacted. ASQA stated the view that the disclosure of this information could reasonably be expected to prejudice the protection of an individual's right to privacy. The right to privacy in this case outweighs the additional level of scrutiny of government that would be afforded by not redacting the names and contact details of ASQA personnel.

CIT is also of the view that the disclosure of the names and qualifications of its teachers could reasonably be expected to prejudice the protection of an individual's right to privacy. Further, the personal identification of teachers is not relevant to ASQA's overall finding that CIT is compliant. For these reasons, names from the section relating to clause 1.13 have been redacted from the report.

In closing, I emphasise CIT's proud record of delivering quality education to apprentices in the ACT. This is shown by high satisfaction rates and engagement of Australian apprentice numbers at the CIT. The ASQA audit has provided additional assurance that CIT continues to deliver the high standards required by the sector, by the government and by the community.

On a final note, Madam Deputy Speaker, I have also written to Mr Hinder as the Chair of the Standing Committee on Education, Training and Youth Affairs in relation to its recommendation that this report also be provided to the committee. I am also pleased to have written to Mr Hinder enclosing also the ASQA audit.

Blueprint for youth justice in the ACT 2012-22—progress reports 2012-15

Papers and statement by minister

DR BOURKE (Ginninderra—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children and Young People, Minister for Disability, Minister for Small Business and the Arts and Minister for Veterans and Seniors): For the information of members, I present the following papers:

Blueprint for Youth Justice in the A.C.T. 2012-22—

Progress Report 2012-15, dated April 2016.

Summary Progress Report 2012-15, dated April 2016

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

Leave granted.

DR BOURKE: Madam Deputy Speaker, as the Minister for Children and Young People I thank you for the opportunity to speak to the Assembly today about the ACT government's key achievements over the past three years under the blueprint for youth justice in the ACT 2012-22, which I will refer to as "the blueprint". I must begin by thanking my predecessors in this portfolio, Mr Gentleman and Ms Burch, for their great work in developing and then implementing the blueprint. I am very appreciative of what has been achieved and the legacy both ministers have left for all Canberrans in this important area.

The blueprint is a 10-year, whole-of-government and community plan to reduce youth crime by finding better ways to support young people. The intent of the blueprint is to take an evidence-based approach to youth justice, informed by the views of stakeholders across government and community, including the voices of young people and families. This approach has resulted in identifying clear priorities and strategies to realise the blueprint's vision, with a focus on early intervention, prevention and diversion. The blueprint also recognises that by reducing risk factors and strengthening protective factors, our community will be better equipped to keep young people safe, strong and connected.

The blueprint aims to achieve this with six specific outcomes: to reduce youth offending and re-offending; to reduce detention rates for young people; to reduce the over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system; to divert, where appropriate, young people from the formal youth justice system; to help young people and their families early and provide them with the supports they need; and to give young people every possible chance to be successfully reintegrated into the community upon leaving detention.

In presenting today's statement, I note we are still in the early stages of realising this 10-year strategy. However, it is heartening to see that data across a number of areas is evidence that we are on the right path. Over the past three years we have achieved significant reductions in the level of youth offending and the number of young people in contact with or becoming further involved in the youth justice system.

The available data shows that every one of these goals is already being achieved. The blueprint and all those people involved in making it a reality are achieving positive outcomes for young people and the youth justice system as a result of significant investment and commitment to the strategies and actions in the three-year action plan. Indeed, of the 45 initiatives set down in our ambitious first three-year action plan, 42 are complete or substantially complete and the remaining three have work underway.

Since the introduction of the blueprint we have seen a 20 per cent reduction in the number of young people apprehended by ACT Policing, a 28 per cent reduction in young people under youth justice supervision, a 29 per cent reduction in the number

of young people under community-based supervision, a 35 per cent reduction in the number of young people in detention, and a 60 per cent reduction—60 per cent, Madam Deputy Speaker—in the average number of days young people spent in detention. These outcomes reflect the blueprint's intent for the youth justice system to use detention only as a measure of last resort.

It is extremely pleasing to note that the ACT is making progress in addressing the overrepresentation of Aboriginal and Torres Strait Islander young people in the youth justice system. Since 2011-12 there has been a 47 per cent drop in the number of Aboriginal and Torres Strait Islander young people under supervision and in detention. While this news is welcome, we know the overrepresentation of Aboriginal and Torres Strait Islander young people in the ACT youth justice system continues.

Although Aboriginal and Torres Strait Islander young people aged 10 to 17 years make up three per cent of the total ACT population, they represent 26 per cent of all young people under youth justice supervision on an average day. In 2013-14 an Aboriginal and Torres Strait Islander young person in the ACT was 12 times more likely to be under youth justice supervision during the year as compared with other young people. Nationally, this figure was 15 times. Addressing this overrepresentation must remain a continued focus of our work.

Longer term, coordinated effort is needed to bring significant and lasting change. Alongside the blueprint, this work will be supported by the Aboriginal and Torres Strait Islander justice partnership 2015-18 and the Aboriginal and Torres Strait Islander agreement 2015-18. These agreements focus on strong families and the elements of cultural identity and connections are particularly relevant for future work under the blueprint. They are important drivers in unpacking some of the complexities for the involvement of Aboriginal and Torres Strait Islander young people in the justice system.

Madam Deputy Speaker, I would like to talk about some of the diversion programs under the blueprint that have helped us achieve the outcomes I have referenced earlier in keeping young people out of the justice system. For example, the after-hours crisis service, formerly known as the after-hours bail and support service, keeps young people out of custody in Bimberi by providing alternative community-based options to being remanded and assisting young people on justice orders to comply with the conditions of their orders.

The alcohol and other drugs diversion program works to divert young people away from the youth justice system and refers them to assessment and education programs to address their substance use. The Narrabundah House Indigenous service residential facility provides short to medium-term and crisis accommodation and intensive case management, primarily for Aboriginal and Torres Strait Islander young men aged 15 to 18 years who are on community-based justice orders to help them get their lives back on track and reintegrate into the community.

The decrease in the number of young people remanded in custody suggests that, where appropriate, young people are more likely to receive bail and have their welfare, safety and other needs addressed with assistance from youth justice and support services. It is an approach that is consistent with legislative obligations to ensure that

detention is used as a last resort for young people and that the justice system acts in the best interests of the young person.

Young people's participation in restorative justice also appears to be preventing young people from becoming further involved in the youth justice system. Although overall referrals to restorative justice decreased in 2013-14, more young people are agreeing to participate in restorative justice, with higher compliance rates when compared to previous years. That means that more young people were successful in achieving restorative outcomes for victims and the ACT community.

Another blueprint strategy that is proving effective is implementing within the Children and Youth Protection Services an increased focus on delivering a more effective and evidence-based approach to the supervision of young people on justice orders. We have embedded practice improvements to strengthen the skill of case managers to reduce risk factors associated with offending, increase the compliance of young people under supervision with justice orders and strengthen protective factors.

I think it is clear, Madam Deputy Speaker, that the blueprint is doing good work in Canberra. One of the fundamental reasons for this has been the understanding that youth justice outcomes must not be seen in isolation. Instead, shared efforts and a shared responsibility involving services and supports across health, education, justice and the community are recognised as being the most effective way to get better outcomes for young people involved in or at risk of coming into contact with the youth justice system.

We recognise that for young people to reach their full potential they need to be supported to reconnect with their community. As such, through-care initiatives have been strengthened to focus on providing young people with sustainable exits from the youth justice system to the community. For example, the Bendora through-care unit at Bimberi better prepared a total of 21 young people for transition from custody to community since it was established in 2011 by giving them the living skills they need to thrive. The youth housing program continues to support young people in the 16-to-25-years range who are transitioning from youth justice, care and protection or homelessness services into independent accommodation. In 2014-15, 160 youth tenancies were managed under this program.

Keeping young people out of the youth justice system means we are contributing to a safer and more inclusive community and can prevent a lifetime of crime. This early success creates an opportunity to work proactively rather than simply trying to keep up with the demand. It allows the youth justice sector to devote more effort to addressing the underlying issues that lead to youth offending to achieve better long term results.

Importantly, these achievements suggest that the social and financial benefits being made by the youth justice sector at this time are likely to benefit the justice sector, young people and the ACT community for years to come. Building on this opportunity is the next step. This means delivering a youth justice sector that builds on the government's commitment to provide better services, building on human services principles to reinvest in community-based crime prevention and contribute to a socially inclusive community.

As we come to National Youth Week, which starts on 8 April 2016, the ACT government is pleased to provide this illustration of how we are making a real difference in the lives of young people in the ACT. Madam Speaker, I commend this report and its summary to the chamber.

Tuggeranong—ambient odours
Statement by minister

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health) (3.52), by leave: I rise to report to the Assembly on the progress of the investigation into odour issues in Tuggeranong. I take this opportunity to again express my personal concerns with the complaints of bad odour and to outline the extensive work being done to identify the source of this odour.

The ACT government is working across a number of agencies to investigate the cause. The ACT Environment Protection Authority have taken primary responsibility for investigating the complaints as the appropriate regulatory authority. They have expended considerable time and effort in searching for the source of the odour and have engaged with many affected residents. This has included investigating works currently underway at the Mugga Lane Resource Management Centre.

EPA inspectors have frequently visited affected residential areas searching for evidence of any odours and have spoken extensively to local residents and workers during the visits. In addition, numerous phone calls to operators and concerned residents have been made by inspectors over a considerable period of time in order to gather data on the odour and to try and track its source.

I confirm that EPA inspectors visited the Mugga Lane Resource Centre on five occasions in December 2015, three occasions in January 2016, six occasions in February, three occasions in March and again earlier this week. In addition, EPA officers have also inspected drains and any open bodies of water such as ponds and have taken note of prevailing weather conditions including recent rainfall, wind speed and direction, humidity and temperature with a view to determining any potential patterns.

Icon Water have also investigated the possibility of sewage pipes being a source of the odour. Icon have advised that they have found no evidence of any odour from this source such as breaks in pipes. They have also confirmed that there are no network vents in the area that would contribute to any odour issues.

Based on the data so far collected, the EPA has undertaken some preliminary mapping work to look at the location of the complaints from residential areas where this information has been provided, with the majority being in the adjoining residential suburbs of Macarthur and Fadden. The odour has been reported as predominantly present in either the early morning or evening.

The EPA has commenced analysis of matched data received to date, along with detailed meteorological conditions, where a complaint has accurately identified the

time of the odour. Information on any additional or unusual activity that may have been undertaken at the Mugga Lane site is also considered as part of the analysis.

Unfortunately, despite ongoing investigations into complaints, the source of the odour remains unclear. EPA officers have so far been unable to identify a pattern which would conclusively indicate that the Mugga Lane Resource Management Centre is the source of the offensive odour.

The EPA's analysis has been made more difficult by the varied nature of complaints. There have been large variations in the times and location and the distance between odour complaints. Further, it is interesting to note that no complaints have been received from Hume, despite it being closer to the landfill than the residential suburbs and being subject to prevailing north-westerly winds.

In an additional effort to locate the source of the odour, the ACT EPA have had discussions with their New South Wales colleagues in order to obtain any advice that may be useful in analysing the data so far received. To date the New South Wales experts have not been able to provide any further assistance in this area.

The ACT EPA is continuing to investigate complaints as they are received. To assist this data collection and analysis, I say again that it would be very helpful if any residents affected could report their experience to the EPA via Access Canberra, noting the location and time of any odour smelt.

A letter is being sent this week to residents in affected areas. It contains updated information on the issue and provides guidance on how residents can report to the EPA any significant odour that is particularly strong or lasting.

The EPA is not the only agency that has been working intensively on dealing with this issue. In order to further improve the monitoring of meteorological conditions at the Mugga Lane site, ACT NoWaste is in the process of purchasing a weather station that can be placed at the active landfill tipping face to record wind speed and direction, temperature, humidity and rainfall data. This information will be available for ACT NoWaste and the EPA to view via a web-link, and it is hoped that the increased precision of data collection will assist with any future odour investigations.

ACT NoWaste is also in the process of engaging an odour management expert to provide advice on odour monitoring at the Mugga Lane Resource Management Centre. In addition, ACT NoWaste will be commissioning a suite of operational management plans for the Mugga site including odour management.

Further, operations of the landfill require an environmental authorisation issued and monitored by the Environment Protection Authority under the Environment Protection Act 1997. It is important to note that a condition of the authorisation requires the authorisation holder to submit an environment management plan acceptable to the EPA. The management plan identifies all activities that may have an adverse impact on the environment or the potential to cause environmental harm and details the mechanisms employed to prevent or minimise the impact of these activities. The approved management plan for the landfill is regularly monitored by the EPA for compliance, with site visits to check a range of operational activities.

As part of the management plan, the contractor is required to cover and uncover the compacted waste material on a daily basis using covering material approved by the EPA. In response to the odour issue, the EPA has requested the waste be covered with soil, rather than large mats, at the end of each operational day. This deeper coverage has been undertaken for most of this year and has been confirmed through the eight EPA visits conducted on site.

In terms of the content of the landfill at the Mugga site compared to interstate waste landfills, Mugga has a relatively low ratio of putrescible waste to inert waste from the commercial and industrial sectors. This is likely to reduce odours escaping into the nearby environment.

In terms of future development at the Mugga Lane landfill, the EPA has requested that NoWaste undertake modelling to assess the potential odour impact of the planned future expansion as a condition in the development application. ACT NoWaste supports this approach and will work with the authority to develop terms of reference for this work.

The landfill area is not the only activity that is closely monitored at the Mugga site. Inspections of the green waste recycling depot are also included as part of the monitoring activity by the EPA. For example, EPA officers investigated whether any grinding or turning of green waste has been recently undertaken, noting the amount of material stockpiled on site, what the prevailing weather conditions are and if there is any general odour. This is important in ascertaining the potential source of any smell.

In closing, while the source of the odour has not yet been determined, I have every confidence that TAMS and EPA officers are working their hardest on this issue. I thank them for their efforts to date. I know they share the ACT government's commitment to finding the source and fixing any issues as soon as possible.

I present the following paper:

> Tuggeranong—Ambient odour issues—Government response to the resolution of the Assembly of 10 February 2016—Copy of statement, dated March 2016.

I move:

> That the Assembly take note of the paper.

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

Ethical government
Discussion of matter of public importance

MADAM DEPUTY SPEAKER: Madam Speaker has received letters from M Burch, Mr Coe, Mr Doszpot, Mr Hanson, Mr Smyth and Mr Wall proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Mr Smyth be submitted to the Assembly, namely:

The importance of ethical government in the ACT.

MR SMYTH (Brindabella) (4.01): The importance of ethical government in the ACT is a large concern to a number of people. People who speak to me often simply do not know how questions are answered in question time, where the answers are evasive, where the questions are not answered and where anybody seeking information is often just rebuffed in their attempts to get simple answers to simple questions. It is as simple as that.

We have a comprehensive array of guidance and legislation: everything from the Assembly members code of conduct and the ministerial code of conduct to various pieces of legislation on the administration of the public sector and continuing resolutions of the Assembly.

It is most interesting that in the ministerial code of conduct there are ethical principles for ministers listed. They include words like "integrity", "honesty", "diligence", "transparency", "accountability", "fairness", "respect", "responsibility", and "respect for the law and the administration of justice". You would say that those words pretty much sum up the accepted principles of right and wrong that govern the conduct of a profession, in this case of politicians, particularly those in this place. You have to question whether these ethical principles for ministers are really being upheld by this government.

One of the things that oppositions do is be constantly vigilant in upholding those standards and holding government to account. But, in practice, we have some very long term issues that I have pursued over a long period of time, and constantly emerging issues from this government opposite.

We have a government party that owns, regulates and takes the profits from a gambling business; yet we are the place that legislates that gambling. As was asked in question time in relation to the MOU, how does the government violate its own MOU? The Chief Minister glibly says, "Well, you know, it's going to run out, so it'll be okay." That is the problem where we do not uphold the standards, where we do not address the issue of ethical government in the ACT.

Let us go to the regulator taking the profits from a gambling business and standing order 156, on conflicts of interest. This place decides its own conflicts of interest, and the party that own the clubs that have the gambling business just judge that they do not have a conflict of interest. In days past, to give Paul Osborne his due, he used to stand aside on any vote on gaming machines, simply because he was a coach at a club and was getting payment from them. He understood. He saw the conflict of interest. He stood aside, unlike those opposite, who regularly take the profits from gambling and do not see a problem with it. People like the Reverend Tim Costello see the lack of ethical behaviour in that stance. He says that you will never get honest and clear regulation of gaming in the ACT when those regulating and passing the legislation own the machines. In any other business it would be a conflict of interest, except where you get to legislate for yourself.

We have a government party closely associated with an entity found to be seriously deficient by a royal commission. Some of those officers in that organisation have been charged. Some have been found guilty. Others have slipped away because of statutory limitations. It does raise the question about those who take money from organisations like that and whether or not they are acting in an ethical way.

The list just goes on and on. We saw the issue of the MOU just this week in question time and in the debate yesterday. It is okay because it is signed. It is okay because it has been there for a long time. But look at the ethical issue of handing over information to a union that does not deserve it: it has not been elected; it has not been appointed; it has just become the fourth arm of government. We have a government who have their strings pulled.

We saw it with Ms Berry in the debate on privacy legislation this morning. She would have been in cabinet when that bill went through cabinet. She could have voted against it. She could have voted against the bill this morning. But, as I said, the strings were pulled and the marionettes danced; she got up so that she could get on the record, so that she could go back to the unions and say, "Oh, I tried. I raised your concerns. Look at me." You even ask whether that is ethical, whether that sort of behaviour meets the standard. There used to be a day when, if you did not agree with the bill or you could not live with it, you left cabinet. That apparently does not apply any longer.

There is the whole issue of the MOU. We had Mr Rattenbury trying to ease away from the issue by saying, "Oh, well, it's really between the Labor Party and the unions." The Labor Party has no right to give information to a union that belongs to the government, so that sort of excuse falters immediately. But, as was pointed out, in the very top line in the header it has, "ACT government", and the signature block of the Chief Minister says, "Chief Minister of the ACT government". It is that sort of answer and that sort of evasiveness that violate transparency, accountability, fairness and honesty. Ministers must act honestly at all times and be truthful in their statements.

Let me go on to matters concerning you, Madam Deputy Speaker, that were discussed also in a motion yesterday. We had those fantastic words from the Chief Minister that none of these people was employed by him as the person who employs people in ministerial offices. I guess in one sense that may be true. But what it did not say was whether or not some of those people were still employed in this building. You stand up and you give this impression that they have all gone. Yes, it is quite right; the Chief Minister does sign the employment contracts of those in the ministerial wing. But if you are not in the ministerial wing, he does not have an interest there. Where is the truth in that? There is very little.

We have looked at the poker machines in one instance, the conflict of interest, but then we saw the attempted sale of the ACT Labor clubs. How was that clear? Then there was the article about the Electoral Commission investigating the report of a $2.5 million donation from the Canberra Labor club. It is all cloudy, and you have to raise questions of integrity, openness and diligence in all of this.

Not this term but last term we saw the data tampering. Public servants felt pressured. How was that acting in fairness? How was that delivering natural justice to the public service? Where is the respect for the diligence and the independence of the public service when it was so bad this officer felt pressured to make changes to the data? I am sure Mr Hanson might have a few words to say about that.

It is that lack of basic respect for individuals and their jobs. Respect is listed as one of the ethical principles for ministers. But it is about getting the job done; it is about covering the government's behind rather than allowing the public service to perform in the way that it should.

What about bullying? Ethical principle 5 is:

> … respect for the law and the administration of justice
>
> > Ministers must respect and uphold the laws of the Territory and the Commonwealth as they relate to the ACT.

What about natural laws on stamping out bullying? I cannot think of a department that in the past couple of years has not had significant instances of bullying announced, exposed or revealed, whether it be the 10-year war in obstetrics or something else. Just this week we hear that in another area a letter is being sent to the health minister saying that the bullying continues. When will it end? When will the public service stamp this out? And what are the ministers' roles in making sure that the law is upheld.

It is not just there. It was in TAMS; it has been in the Ambulance Service. Misogyny and practices were reported in the fire brigade. There is the ongoing saga at the CIT. Again, just this afternoon, we have had a report from the minister about this, yet another document. There are still people in CIT who feel they have been bullied and it has not been addressed.

It is about getting information. The government talk about openness, fairness, transparency and accountability. Yet if one was trying to get a full picture of what the cost of the capital metro will be, one would be lost, because the government fail to release the critical information, information that I suspect is not genuinely commercial in confidence. They refuse to give people the sort of information that they need so they can make an informed decision about whether or not they are in favour of capital metro.

As we all know, in the end, the ratepayers will always pay. The taxpayers pay. It is important that people make informed decisions and have this information so that they can hold the government to accountability, so that we have transparency and we make the right decisions.

It is the evasiveness that we see so often, particularly in question time. Just yesterday and today, we were asking the Chief Minister about the MOU that has been signed with ClubsACT. Clause 7 says that you should not have greater concentrations of machines. If Aquis is successful and the casino get their 500 machines, that would be

in direct violation of that clause. There was a very simple question to the Chief Minister: do you still support the community club gaming model? "I support the MOU." Clause 8. "We support the community gaming model." Why could he not just say that? What was so hard? I suspect what is hard is that he does not want to be on the record saying, "I support the community club model" or "I support the community club gaming model," because that might not accord with something he would like to do. But you have signed up to it.

At the end of the questioning today, there was the dire warning. The flag was run right up the flagpole today. "Oh, yes, but it's got a termination date." Yes; on 11 September this year the existing MOU lapses. It will be interesting to see.

Unlike the unions MOU, which is ongoing and which both parties have to agree to terminate, it will be really interesting to see whether the government led by Andrew Barr will sign another MOU with ClubsACT to give the clubs some certainty. I suspect, given what was said this afternoon, that the answer to that would simply be: no. Perhaps the minister, when he gets up to speak, would like to say, "Yes, it's my full intention and I'll personally recommence negotiation of the next MOU with ClubsACT to ensure that the community club gaming model continues in the ACT."

We are very different from other jurisdictions. You can say that all jurisdictions have poker machines, but that is like saying that all football is the same, whether it is soccer, Aussie rules, rugby union or rugby league. Yes, it is all football, but they are decidedly different. The WA model is different from the ACT model is different from the Victorian model.

What we do not get is a definite answer from the minister. You can think it is smart; you can think you are being good at what you are doing. But in the end, you go back to the principles: transparency, honesty, accountability, fairness; ethical principles for ministers. What is wrong with simply saying, "Well, no, we don't support the community club gaming model anymore because of A, B or C" or simply saying, "Yes, we do. I have got the MOU; I have dug it out and looked through it. I knew what the clauses were. That is okay." I do not think it is what people expect, and I think it is part of the disenchantment with politics these days that we sometimes get too tricky.

When you add it all up, there is a litany there, with the evasive answers, the issue of the MOU, the issue of the leaking of information from the office of a minister, the conflict of interest over poker machines, the sale of the poker machines, the contribution from the poker machines, the data tampering, the bullying. The list just goes on and on, Madam Deputy Speaker. If there is a litany here, the litany grows. We have a secretive government that would be seemingly doing many deals behind the scenes, almost nod and wink stuff, just a quick process or poor process, all in violation of the ethical principles for ministers outlined in the government's own code of conduct for ministers.

To close, I will read what these principles are. If you accept the definition of ethical as the accepted principles of right or wrong that govern our profession, and then you say, "What are those principles of right and wrong," and you just accept the government's

principles, they are not too bad in the ministerial code of conduct: the minister should act with integrity, with honesty, with diligence, with transparency, with accountability, with fairness, with respect, with responsibility and with respect for the law and the administration of justice in the ACT.

Under that, this government would be found wanting in the ethical government of the ACT because it is just not happening. The burden is growing there; the weight is growing there; the evidence is certainly growing there. The Chief Minister will have his chance to respond, and it will be interesting to see whether we get some leadership here, whether we get a response worthy of those who purport to be the government of the ACT and the Chief Minister of the ACT. The evidence is there; the litany is there. The litany grows with a secretive government that has a lot of baggage, has a lot of burdens. That is not ethically governing the ACT.

MR BARR (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (4.15): I welcome the opportunity to discuss the work that the government is doing to entrench ethical, transparent and merit-based government in the territory, and especially our efforts to rectify the shamefully poor and unethical decision-making of former ACT Liberal governments.

I must say that it is especially interesting that this matter is being brought forward by Mr Smyth, the sole remaining survivor of a government that had a greatest hits list of dodgy deals, sweetheart arrangements, mysterious use of public funds, overnight loans, breaches of the Financial Management Act, fleeing the scenes of accidents prior to police arrival, failing to mention their family ownership of certain shares when moving amendments on private members' day that would benefit those particular shareholdings, an organisation—the Free Enterprise Foundation—that has been used to disguise political donations, the 500 Club and the notorious episodes in ACT Liberal history of trying to hide the source of donations.

I could go on and on, Madam Deputy Speaker. I could spend the rest of the afternoon highlighting the hypocrisy of Mr Smyth and others in seeking to raise ethics in this place. It may have been a long time ago that Mr Smyth was in government, but the absurdity of his decision-making and the actions of his ministerial colleagues at that time have long lived in Canberrans' memories.

They can still rattle them off like they were yesterday. Painting the grass green and the futsal slab—all of those fiascos. There was the dodgy overnight loan that cost Kate Carnell her job for breaches of the Financial Management Act and the sweetheart deals, together with the breaches of the Financial Management Act. They all go to the heart of the ethics of those opposite.

It is also ironic to be lectured on the subject of ethics by a party that would set a new benchmark for public disclosure of matters by describing "on-water matters" as a bar to public scrutiny of actions like making corrupt payments to people smugglers and turning back unsafe boats in international waters. This is a party that is now defined by its capacity to go back on its fundamental promises regarding health and education and funding for public broadcasting. Remember no cuts to health, no cuts to schools, no cuts to the ABC, no cuts to the SBS?

Then they went about compounding that by lying about the lying. It is just a fact that this Liberal opposition is the only party across Australia to stay silent on the shameful reversal of health and education funding commitments. It goes to the opposition's own ethics and the courage of its members to stand up to their federal puppet masters.

In contrast, Madam Deputy Speaker, every member of my government and of the parliamentary Labor Party is committed to serving the people of Canberra and delivering strong, transparent and ethical government. We have put in place a series of measures to strengthen our governance and decision-making framework, from improving community consultation and communication channels to being open and accountable about government decisions.

Just earlier today Mr Smyth referred on a couple of occasions to finding out what was discussed in cabinet, of course, through our public release of cabinet summaries only two weeks after deliberations. So he obviously finds our openness and accountability useful in doing his job in opposition.

It is fundamentally important to be open and accountable in the public sphere, not just in the executive and here in the Assembly but across the ACT public service as well. When the Assembly adopted the Latimer House principles across the three branches of government, it committed to a number of principles, including entrenchment of good governance based on the highest standards of honesty, probity and accountability.

Adoption of these principles also includes a commitment to develop, adopt and periodically review appropriate guidelines for ethical government, such as the code of conduct for members of the Legislative Assembly, which provides a clear statement of the values that will guide our behaviour and remind us of our obligations as MLAs and also provide the community with a better understanding of what they can expect of us and how we commit to conducting ourselves; the appointment of the Commissioner for Standards, who ensures independence in the investigation of complaints made against MLAs by members of the public, members of the ACT public service and MLAs; implementation of a lobbyist register and supporting code of conduct during this Assembly; the appointment of an Ethics and Integrity Adviser; and reforms to the public interest disclosure legislation, which provides stronger protection for whistleblowers and initiates a change in culture by encouraging reporting of corruption and serious wrongdoing.

As I stated yesterday, in January of this year we extended the code of conduct to members' staff, both ministerial and non-executive staff. Further initiatives are now in place, including guidelines for how MLAs use their entitlements in alignment with community expectations for the use of public funds. These integrity initiatives are at the foundation of an ethical government and complement a range of activities underway to build a strong culture and behaviours founded on integrity and ethical behaviour across the ACT public service.

This cultural and structural change is being driven by our Head of Service. It means that the ACT is leading the way on ethical, merit-based decision-making and

engagement with the ACT community. These measures include rolling out the code of conduct for the ACT public service, service-wide values and signature behaviours, and a service-wide staff performance framework that explicitly embeds the values and behaviours into everyday work practices.

The methods by which we guide ethical and transparent behaviour in the public service also include legislation such as the Public Sector Management Act 1994 and associated standards; the Public Interest Disclosure Act 2012; requirements set out in the Financial Management Act 1996; the Ombudsman Act 1989; the Crimes Act 1900; the Freedom of Information Act 1989; and the Annual Reports (Government Agencies) Act 2004.

The ACT public service has adopted four core values of respect, integrity, collaboration and innovation in the delivery of services to the ACT community. These values are supported by the appointment of senior executives responsible for business integrity and risk in each directorate, who deliver regular training to employees in regard to ethics and fraud control. Each directorate must also appoint at least two disclosure officers who are tasked with receiving any disclosures in relation to alleged corruption and who are overseen by the Commissioner for Public Administration and, in turn, the ACT Ombudsman.

This broad adoption of a culture of professionalism and accountability is making a clear cultural shift to one of zero tolerance for unethical behaviour across the entire public sector. The Canberra community rightly expects no less. This is reflected by our respectful and open engagement with the ACT Auditor-General, who plays a critical role in promoting public accountability in the public administration of the territory.

From July 2015 we have been publishing relevant information about invoices the government has paid for goods, services or works provided to the territory on the notifiable invoices register. The publication of relevant information about notifiable invoices provides greater transparency to the community about what the government is investing taxpayer dollars in and spending money on, as well as the government's performance in paying these invoices.

The notifiable invoices register complements the ACT government contracts register, which is also accessible on the procurement website, together of course with an extensive list of businesses that have pre-qualification to provide a range of services to the ACT government.

In conclusion, Madam Deputy Speaker, the ethical standards set by this government are of the highest level in this country. I welcome the scrutiny and oversight arrangements that we have established to ensure that we continue to meet the standards that Canberrans deserve. At the base of this, the government is putting people first. Our only interest is in serving the people of the ACT as well.

MR HANSON (Molonglo—Leader of the Opposition) (4.25): I would like to thank Mr Smyth for bringing this matter of importance to the Assembly, the importance of ethical government in the ACT. I thank him for the extensive list of failures in ethical

government that he has highlighted. But there are three issues that I want to canvass in particular that are ongoing with this government: firstly, the ownership, regulation and profit from their pokie empire; secondly, the corrupting influence of the CFMEU; and, thirdly, the recent police sensitive information leaks from your former office to the CFMEU.

Concerns about ethical governance in the ACT are shared by many others, but attempts to clean up the Labor Party from within have so far failed. Indeed, former Chief Minister Jon Stanhope has been crusading for reform for many years and has said publicly that the unions and the factions have corrupted the party. He has called for an end to what he calls the rorting in the party that he says has seen it become the plaything of a handful of union-based factional leaders.

This followed Stanhope's earlier comments that the millions of dollars that the Labor Party derived from these 500 poker machines was "morally unacceptable". He said, "The Labor Party should not be in a position where it is perceived as owning poker machines and facilitating gambling."

I think that Canberra is the only jurisdiction I am aware of personally, outside of tin-pot African dictatorships, where the governing political party and their associates own, operate and then regulate gambling assets. It is true that the ACT Labor Party and CFMEU between them operate the profit from about 1,000 machines in places like Charnwood. By taking money from some of the poorest families in Canberra for their own use and then regulating the industry, the ACT Labor Party has an untenable conflict of interest that is clearly unethical.

Unfortunately, the Labor Party and their CFMEU-affiliated colleagues are addicted to the rivers of gold that flow from those machines, and the sums of money are vast. It is money that is taken from Canberra families that should be going back into the community, but is instead flowing to the CFMEU and to the ALP.

Although I have had disagreements with Jon Stanhope in the past on policy matters, I acknowledge his relentless efforts to clean up the Labor Party. Unfortunately, the secretary of the Labor Party has shown no such inclination. When recently a sub-branch president, who was also a CFMEU organiser, was arrested on charges of blackmail, he was suspended from the Labor Party, but was replaced by another CFMEU organiser who is facing charges.

When the ALP secretary was asked by the ABC why the individual was not also suspended, his response was, and this is extraordinary, "If we started throwing people out of the Labor Party for fines, we probably would not have many members left." That is the ethical standards set by the head of the Labor Party.

Of course, the merging of the CFMEU and ACT Labor has reached a point where it is difficult to see either as separate. Denying that corrupt actions of the unions have nothing to do with ACT Labor is disingenuous. As Jon Stanhope said:

> The ALP will insist that it was "them" that were at fault, not "us", when in fact they are in reality "us".

Stanhope also hoped that the royal commission into trade union corruption would result in a dismantling of union power in the ALP and, as he said:

> … ensure basic democracy within the party and its institutions and ends the rorting that has seen it become the plaything of a handful of union-based factional leaders.

But the power of the CFMEU remains undiminished and ACT Labor is unwilling to do what Jon Stanhope hoped it might and encourage its members at least to admit that the centralisation of power has corrupted the party. While the Labor Party's dominant left faction is controlled by the CFMEU, however, that reform will simply not be allowed to occur.

This blending of the unions, CFMEU and the ALP is not just an internal problem, Madam Deputy Speaker. The secret memorandum of understanding that was signed by Andrew Barr and UnionsACT can be shown to be having a significant impact on the ethical conduct of the Labor government and it is now corrupting the entire procurements and tendering process in Canberra.

The MOU gives an extraordinary veto power to the unions over every government contract. If a union considers that a list of criteria set out in the MOU is not met, the union can veto the tender. Let me quote:

> Only providers/performers of works and services who meet the set criteria will be prequalified.

The MOU goes on to state:

> ACT Government agencies must decline to award a tender proposal—

It says, "must decline"—

> for the ACT Government works or services where a tenderer does not provide an undertaking in their submission that it will comply with the relevant obligations set out in … this MOU.

Through the MOU the unions are given extraordinary powers to decide who does or does not do business with the ACT. In other words, the union gets to choose who benefits from millions of dollars worth of taxpayers' money. This invites intimidation and corruption and coerces business into compliance with union demands, be it signing particular EBAs or other requirements such as the opening up their books to union inspection. This requirement is explicit in the MOU. If that is not enough, the MOU makes it easier for unions to identify or intimidate business who are seeking to do business with the ACT by getting a list of all sorts of information delivered to them on a silver platter.

A number of people have raised their concerns with this. Indeed, industry groups have commented. The ACT Master Builders Association stated that they were deeply concerned about the integrity of the ACT government's tendering process following

the revelations of the MOU. The MBA also raised concerns that there is a three-way process that also involves a union tip-off and pay-off. It pointed out that there is significant money to be made. It stated:

> In construction services the union has a direct commercial interest in who wins and who does not win government tenders. Their huge wealth and power has been built on forcing Canberra's construction industry into the woefully anti-competitive pattern agreements that delivered $1.2 million in direct profits to the CFMEU ACT in 2013-14 alone.

It is the CFMEU who are the greatest beneficiary of the MOU signed by Andrew Barr and it is the CFMEU that have donated tens of thousands of dollars to ACT Labor, led by Andrew Barr and his Greens coalition colleague. It is the CFMEU members that hold senior positions in the Labor Party and carry massive factional power. The conflict of interest is extraordinary and it validates Jon Stanhope's concerns.

There is a range of other business groups that have raised concerns including the Business Chamber. The *Canberra Times* commented :

> The deal between the state government and UnionsACT just doesn't smell right.

It made the point that:

> … there are reports some organisers have brandished it to force people to sign enterprise bargaining agreements. If true, the allegations are telling evidence of the MOU's real purpose: entrenchment of union power over employers by state writ. Long-standing it may be, but no amount of deflection or redirection will change that unsavoury fact.

The close linkages between the CFMEU and the Labor Party and their corrupting nature came to a head recently. The CPO of the ACT was allegedly asked by you, Madam Deputy Speaker, for a brief on ongoing investigations into the CFMEU. Sensitive police information about those ongoing police investigations was then passed from your office to the CFMEU.

Clearly upset, the Chief Police Officer took this directly to the Chief Minister, who had little choice but to invite you to stand down as well as your chief of staff. Subsequent investigations into the leak of this sensitive police material to the CFMEU by Labor backdoor channels did not eventuate in criminal prosecution but highlighted just how close and how inappropriate the relationship is between Labor ministers, Labor members, Labor government officials, Labor staffers and the CFMEU. It revealed also that there is other information that has been leaked to another party that we are not privy to.

This situation has resulted, in my strong view and that of others, in this government failing the integrity test. This is not an ethical government. Whilst this government is in receipt of pokie money and regulates that industry, while it has such a corrupting influence with the CFMEU, and while we have situations where ministers' offices are leaking information, this cannot be considered an ethical government. *(Time expired.)*

Discussion concluded.

Adjournment

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

That the Assembly do now adjourn.

Hall Village annual twilight brass band concert
Hall School Museum and Heritage Centre

MR COE (Ginninderra) (4.36): I rise this afternoon to speak about the 8th annual twilight brass band concert which was held in aid of the Hall School Museum and Heritage Centre on Sunday, 20 March in the grounds of the old Hall Primary School. The event was generously sponsored by Barnett Lilley and Associates. The theme of this year's concert was "On screen—on stage" and featured all the Canberra brass ensembles, including the newly formed Canberra Youth Brass. People came along with their picnics, rugs and chairs to hear wonderful music from a wide range of film and stage shows in a lovely setting. The weather was absolutely perfect.

David Kilby was the MC for the event and provided the introductions with his usual light-hearted repartee, to the amusement of the audience. The music was fun and upbeat. I thank all the players for the enjoyment that they gave to all who attended. I am very much looking forward to next year's event. It is of course important to note that the brass band is really Hall's band. It is formally called, of course, the Hall Village Brass Band.

I spoke in the Assembly last September about the Hall School Museum and Heritage Centre and the work of the Hall Progress Association. As I mentioned last year, the museum is under the direction of an honorary curator, Mr Phil Robson, a former resident of the Hall village now living in Spence. Phil has been actively engaged with the history and heritage of Hall and the surrounding district for the past 25 years or so. Phil is assisted in his work by an enthusiastic and committed group of volunteers from the Friends of the Hall School Museum, as well as by the members of the Hall Progress Association.

I commend the community spirit of all of those involved with the Hall School Museum and Heritage Centre. Of course, without their efforts, an important part of this region's history would be lost. I encourage all those who have not yet visited the museum or experienced the special village of Hall to visit. For more information about the Hall school museum, including the current opening hours, their website at www.museum.hall.act.gov.au should be visited.

FEVER footballathon
Sport—Olympic and Paralympic training grants

MS BERRY (Ginninderra—Minister for Housing, Community Services and Social Inclusion, Minister for Multicultural and Youth Affairs, Minister for Sport and Recreation and Minister for Women) (4.38): On Sunday I attended the third annual FEVER footballathon at Tuggeranong United Football Club in Wanniassa. The event

was developed by 13-year-old Claire Falls to raise both the profile and funds to support disability inclusion in football.

Claire Falls is a young, visually impaired soccer player, a member of the Tuggeranong United Football Club. Since being diagnosed with a visual impairment in 2013 Ms Falls has been an advocate, primarily through social media, for inclusion in football of and support for people with a disability. Supported by Capital Football, FEVER is a one-day event which aims to bring the community together to participate, with particular focus on including people with disabilities, through whatever necessary modifications might be required.

On Sunday participants were asked to contribute a $5 entry fee and donate items which were auctioned to raise funds to support Capital Football's football connect (disability inclusion) program. I admire Claire and her strong advocacy on behalf of disabled athletes. She is an inspiration and I congratulate her on a successful 2016 FEVER footballathon fundraiser.

Yesterday I was lucky enough to meet with three Canberrans who are all hoping to make it to Rio for the Olympics and the Paralympics. I met with Katie Kelly and Nic Beveridge, who are both para triathletes. In fact Katie is the current world champion. I also met Rebecca Wiasak, who competes in both track and road cycling. She is the current world champion in the track cycling individual pursuit and is aiming to break into Australia's strong track cycling team pursuit squad for Rio. Katie, Nic and Rebecca are trying to get to Rio. They are all recipients of ACT Olympic and Paralympic training grants which are administered by the ACT Academy of Sport.

Thirty local athletes will receive direct funding support from the ACT government towards the costs of training, competition and equipment as they work towards selection or qualification for the Rio Olympic and Paralympic Games. These 30 local athletes compete in a variety of Olympic and Paralympic sports including track and road cycling, BMX, athletics, rowing, volleyball, hockey, judo, triathlon and swimming.

Funding will assist Katie, Nic and Rebecca with the costs of training, competition and equipment as they endeavour to gain selection for the Rio Games. For some athletes, receiving this funding could be the difference between qualifying or not. Olympic and Paralympic selection processes vary for each sport, and we will continue to support our local elite athletes as they pursue their dreams of representing Australia at the Rio Games this year. I wish these talented sportspeople the best of luck with their preparations for selection and hopefully they will be representing Canberra and Australia in Rio.

Celebrate Gungahlin festival

MS FITZHARRIS (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health) (4.41): I am very pleased today to have an opportunity to speak about the wonderful Celebrate Gungahlin festival that was held over the weekend.

This event is close to my heart. It was an idea that was formed in the former Gungahlin Regional Community Services when I was a member of that board, before GRCS merged with Communities@Work some years ago. I would like to thank in particular Communities@Work—and Lee Maiden, Lorcan, Chris Barry and Michelle Anderson from Communities@Work—as a major sponsor, the ACT government Land Development Agency as a major sponsor, Morgans Group as a major sponsor, and the Bendigo Bank under the former leadership of our new member of the Assembly, Mr Jayson Hinder. I also thank the other Celebrate Gungahlin heroes, in particular the local McGrath real estate branch and the wonderful Gillian Yeend from Yeend & Associates—Family Lawyers in Canberra. A key contributor was Mark Scarborough from My Gungahlin, as he is to many events and community activities throughout our wonderful region.

I had a great time visiting many of the stalls on Saturday with our new local member for Gungahlin and Belconnen, Mr Hinder, and ACT Chief Minister Andrew Barr. In particular I had a great time catching up with Betty Bettong and the fantastic Kate Grarock from the Mulligans Flat woodland sanctuary. It was an indication of the success of the Celebrate Gungahlin festival last year that there were so many more local businesses and stalls. It was great to be able to talk to stall owners from Cookies Cycles in Franklin, Alena Sarri from Aquatots swim school in Forde and DOGUE Gungahlin dog grooming service and store located in Franklin.

As the minister looking after the healthy weight initiatives I was pleased to see many local sporting and health groups holding stalls. In particular I would like to mention the presence of the Gungahlin Jets football club, GDance Academy and the Gungahlin Wildcats gridiron club, to name a few.

Gungahlin's multiculturalism was on full show throughout the festival. There was a Bollywood dance, a Chinese dance and singing performance and a Latin dancing showcase. On top of this there was a plethora of cultural cuisines on offer. While I enjoyed a delicious Italian meatball sub from Dave at Neighbourhood Food, my kids feasted on chicken tikka and rice from Tikka Stand and chorizo sausages from the Colombian food stall. It was probably lucky that there was a 20-minute wait for chips on a stick, and I encouraged my kids not to spend their time waiting for one.

The ACT government had a strong presence at the festival. This provided members of the wider Gungahlin region with the opportunity to interact with their two local MLAs, Mr Hinder and me, and of course the Chief Minister, and speak to ACT government department representatives. It was fantastic to see how large and prominent the ACT government stall was, providing residents with information on all aspects of government operations and activities—land development, roadworks, and the transport Canberra agency, including ACTION buses and light rail. We also had information on the new mattress recycling initiative and on road updates, and there were representatives of the child and family centre. We had a strong and welcoming presence. It was great to see Kenny Koala, the ACT Policing mascot, who was also a big hit at the festival.

In conclusion, I would like to again thank the organisers for all their work, the volunteers for the hours they spent setting up the stalls on that beautiful day, as well as the main sponsors of the event, Bendigo Bank, Morgans Group, McGrath real estate, and Yeend & Associates—Family Lawyers. Congratulations again to Communities@Work, My Gungahlin and the Gungahlin Community Council on all of their hard work. I look forward to taking part next year and seeing the festival grow and become bigger and better every year.

VetRide

MR GENTLEMAN (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (4.45): I rise to speak about the event I attended on 20 March, the 2016 VetRide, to support ex-Vietnam personnel.

VetRide is an organisation dedicated to cycling to raise awareness and funds to support the welfare of all service and ex-service personnel of the Australian defence forces. At the same time it provides something meaningful that older veterans can do for their younger compatriots, consistent with closely held values of camaraderie given rise to while in uniform.

Riders made the week-long trek from Seymour to Canberra, stopping at Benalla, Bandiana, Kapooka, Cootamundra and Yass as part of their Victorian VetRide Service and Sacrifice tour. The annual event aims to raise awareness for Vietnam vets' issues and to honour and remember the 521 Australians killed in the Vietnam War, with nearly 100 riders attending this year's event.

The riders were greeted on their entry into Canberra by members of the Australian Defence Force Academy riders club, who rode with them through to their arrival at the Vietnam veterans memorial located on Anzac parade, the final stop before arrival at Old Parliament House.

This year's event was particularly important to riders, with 18 August this year seeing the 50th anniversary of the Long Tan conflict. Dave Sabben, one of the team's Long Tan veterans, addressed the event, highlighting the importance of the conflict and of taking this time to honour our veterans who have historically not received proper recognition for their service. It is important to note the importance of their service at this battle.

When riders arrived at Old Parliament House at lunchtime on the 20th it was clear to see the dedication of these veterans in raising the awareness of their fellow veterans, with many playing large roles in the extremely complicated logistics that come with a seven-day bike ride. I would like to especially note the work done by organiser Ron Hall and his team, who made sure the ride and the final event all went according to plan.

The Service and Sacrifice ride helps to highlight the importance of the physical and mental health of our veterans. VetRide is commended for its efforts in raising

awareness on the issue. Since the Vietnam War many Australians, including Canberrans, returned with postwar injuries. Most of these injuries were not visible, with many affected by mental illnesses such as PTSD, depression and substance addiction problems.

To add to these problems many veterans also had their personal service wrapped together with the anti-war movement and ridicule from previous veterans. Service personnel were excluded from being able to join the RSL initially as public sentiment on the Vietnam War continued to plummet. Since then the community has changed its views and continues now to honour and commemorate those who served in the Vietnam war. From the 1970s, personnel were able to join the RSL and march in the traditional Anzac parade. It is important, however, that we continue to commemorate the over 500 who lost their lives in Vietnam. This is another great example of such commemoration.

Through the 1970s I served in the Department of Foreign Affairs for eight years, alongside many of those returned Vietnam vets, and enjoyed my time with them very much. I want to wish them all the very best for the future. I again congratulate all the riders who participated in this event, thank those who organised it and wish everyone involved in the VetRide very much luck with their continued celebration of the anniversary of the Vietnam War.

Question resolved in the affirmative.

The Assembly adjourned at 4.51 pm until Tuesday, 3 May 2016, at 10 am.

Schedule of amendments

Schedule 1

Workplace Privacy Amendment Bill 2016

Amendment moved by the Minister for Justice and Consumer Affairs

1
Proposed new clause 12A
Page 7, line 9—

insert

12A New section 34A

in division 4.2, insert

34A Review of provisions about covert surveillance outside workplace

(1) The Minister must review the operation of this Act, as amended by the *Workplace Privacy Amendment Act 2016* (the ***amending Act***), in relation to the operation of provisions about covert surveillance outside a workplace.

(2) The review must be started as soon as practicable 2 years after the commencement of the amending Act.

(3) The Minister must present a report of the review to the Legislative Assembly within 6 months after the day the review is started.

(4) This section expires 4 years after the day it commences.

This page intentionally blank.

Answers to questions

Planning—building requirements (Question No 648)

Mrs Dunne asked the Minister for Planning and Land Management, upon notice, on 9 February 2016:

(1) What are the current height limits for high-rise apartment and office buildings.

(2) Are building height limits the same whether buildings are constructed on lower land areas or raised areas such as in the Belconnen town centre.

(3) Are there different height limits for different parts of Canberra; if so, what are the height limits for each building type in each area as relevant.

(4) Are there any buildings, completed, under construction or currently in the approval process, that exceed the relevant height limits for their particular areas; if so, on what basis was approval given for those completed or under construction.

(5) What approval criteria are being taken into account for those currently in the approval process.

(6) Are there different construction quality requirements for higher-rise buildings compared to lower-rise buildings; if so, to what extent do construction quality requirements vary.

(7) Are design aesthetics taken into account when approving higher-rise building development applications; if so, to what extent.

(8) Is the visual impact and building dominance on the surrounding environment taken into account when approving higher-rise building development applications; if so, to what extent.

(9) What requirement is there for a public housing component in privately developed apartment buildings.

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

(1) Height limits vary across the ACT to account of the character of the particular area and desired built form. The height limit in the city centre is nominated as RL617, which is a level in metres above the sea level. Tuggeranong town centre has varying height limits of up to 38 metres above ground. Gungahlin town centre has varying height limits up to approximately 10-12 storeys, but could be exceeded in certain areas. The height limits within Belconnen and Woden town centres are informed by master plans, with an approved master plan for Woden and a master plan in development for Belconnen which nominate maximum building heights of 24 and 27 storeys.

(2) Building height limits vary, based on a range of factors including proximity to commercial centres and transport nodes, impacts to surrounding areas to and desired

built form outcomes. In certain areas development is limited to a set height, such as RL617 in Canberra City. This means that building heights relative to ground level are reduced at higher elevations. In other areas a height limit may be similarly specified, or the requirements for a particular zone will nominate a height limit for a building's height above the ground (either in metres or number of storeys).

(3) Yes, however height limits are generally dependent on the location and zone of the development rather than building type. Height limits range from two storeys in suburban residential areas, to six storeys and above in the high density residential zone and in several master planned group centres. Commercial areas outside of the town and group centres have varying height limits depending on the character of the area, such as Northbourne Avenue corridor where up to 32 metres is permissible. Height limits in town centres vary as already mentioned in the response to question 1.

(4) Development applications for particular buildings are assessed against the development codes of the Territory Plan. These codes include Rules and Criteria about the built form elements of buildings, including height. Where Rules are mandatory, there is no discretion to exceed specified maximum heights. Where Criteria exist, particular proposals with heights exceeding the stated height in the rules may be considered on their merits.

(5) Criteria for exceeding the stated height in the rules, include: the desired character of the locality, relationship to nearby buildings, solar access to dwellings and open space on adjacent residential land, sunlight access to adjacent main public pedestrian and access routes, the minimisation of overshadowing and excessive scale, and the degree of articulation in built form.

(6) The National Construction Code sets minimum performance standards for all buildings which incorporate a consideration of the building's size, complexity and use. For example, a high-rise building with a large number of occupants would need to provide a higher level of fire protection and a greater capacity for emergency egress so that occupants can safely exit the building than a small low-rise building.

(7) While there are not prescriptive requirements for the aesthetics of buildings, there are criteria in both the residential and commercial development codes of the Territory Plan that provide for an assessment of the aesthetic quality of a building. The criteria include articulation of form, detailing, visual interest, contribution to the amenity and character of nearby public spaces, reflectivity of material, and consistency with existing development or the desired character of the location. Particular attention to the assessment of aesthetic quality is given to development proposals.

(8) Yes. The application of the Rules and Criteria in the development codes provides for an assessment of the visual impact and building dominance of a development proposal, in its context.

(9) As the location needs for public housing changes over time, the provision of public housing is managed by the Community Services Directorate to ensure that public housing is located in areas appropriate to meet the needs of the community and to provide ongoing management and maintenance as required in a timely manner.

Land—unmaintained residential blocks (Question No 649)

Mrs Dunne asked the Minister for Planning and Land Management, upon notice, on 9 February 2016 *(redirected to the Chief Minister)*:

(1) What power does the Government have, and through which agencies, to clean up residential blocks when leaseholders fail to maintain them.

(2) How does an unmaintained block come to the Government's attention.

(3) What is the process and associated timeframe for assessing blocks for Government-initiated action to clean them up.

(4) What criteria are used to make the assessment.

(5) Which other agencies, such as fire services, are consulted in the assessment process.

(6) To what extent are the leaseholder or neighbouring residents consulted.

(7) What is the typical cost involved for completing a clean-up.

(8) Who pays the cost; if it is the lessee, how is the cost recovery undertaken and, if necessary, followed up.

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

(1) The Government via Access Canberra administers the enforcement provisions of the *Planning and Development Act 2007* (the Act) and the regulations under that legislation. Schedule 2.2 of the Act provides for the regulation of unclean leaseholds. Policy guidelines which underpin the provisions of the Act are available at: http://www.planning.act.gov.au/__data/assets/pdf_file/0020/21278/Complaints_on_COLA_and_lease_matters.pdf

Under s106 of the *Emergencies Act 2004*, an inspector from ACT Fire & Rescue (ACTF&R) may direct the owner of a block to remove to remove hazardous flammable material. Under s107 of that Act, if an owner has contravened an order under s106, an inspector can arrange for action to be taken to remove the hazard.

The Health Protection Service investigates complaints of squalor and hoarding under provisions of the *Public Health Act 1997*. Under that Act, public health officers have powers to inspect properties and arrange for insanitary conditions to be remedied.

(2) The majority of unmaintained blocks come to the Government's attention via a complaint from the public. In some cases, a government inspector may observe a problem while in the vicinity, or a complaint may be referred from one part of Government to another.

(3) Following a complaint, an Access Canberra officer will inspect and report on the condition of the block (using written documentation, visual observation and photographic evidence). If the inspector determines the block meets the policy criteria for an unclean leasehold, Access Canberra serves a warning letter on the block's

lessee giving them 30 working days to remedy the breach. If there is no response to the first warning letter, Access Canberra serves a second warning letter on the lessee giving them a further 15 working days to remedy the breach. Failure to remedy or respond after the expiration of the second warning letter will result in Access Canberra serving a Show Cause Notice on the lessee, giving them 10 working days to respond. Access Canberra can make a Controlled Activity Order after assessing the evidence presented in any response to the Show Cause Notice, or within 20 working days from the date of expiry of the original Show Cause Notice.

When Access Canberra makes a Controlled Activity Order, it is registered on the title to the lease at the Land Titles Office and it opens the avenue to prosecution for failure to comply with the Order. A Controlled Activity Order also opens the way to other processes to address the breach including a Rectification Notice, a Prohibition Notice and an Infringement Notice.

ACTF&R addresses complaints about blocks posing a fire risk within two working days of the initial complaint by sending an inspector to assess the block. If the inspector determines the block is a fire risk, ACTF&R may serve a s106 notice under the *Emergencies Act 2004*. If a s106 notice fails to have effect, ACTF&R may take action under s107. S108 provides ACTF&R with an additional power to use when the nature of the risk is too great to allow the delay caused by issuing a s106 notice followed by a s107 notice. S108 is an emergency direction that allows an inspector to instruct the owner to remove the risk immediately, or allows the inspector to arrange to remove the risk immediately.

Public health officers will usually conduct an initial inspection within five business days of receiving a complaint about an insanitary condition. Depending on the outcome of the inspection, public health officers can issue an Abatement Notice directing the people causing the insanitary conditions or the occupiers to remedy the situation and take steps to prevent it recurring. If the Abatement Notice is not complied with, the Chief Health Officer can seek an Abatement Order through the ACT Magistrates Court. If the Abatement Order is not complied with, the Health Protection Service can arrange a clean-up.

(4) The *Planning and Development Act 2007* policy guidelines are available at: http://www.planning.act.gov.au/__data/assets/pdf_file/0020/21278/Complaints_on_COLA_and_lease_matters.pdf

For fire risk, the powers cited in response to Questions 1 and 3 are applied against an objective test, as viewed by an ACTF&R inspector.

Under the *Public Health Act 1997*, Public Health Officers need to consider the degree, or potential degree, of public health risk, the number of people affected, and the offensiveness to community health standards resulting from the condition of a property.

(5) See Answer to Question 1.

(6) Neighbouring leaseholders are not consulted unless there is a risk or safety hazard that may affect their property. The leaseholder whom is the subject of a complaint is always consulted.

(7) As the circumstances surrounding each clean-up can be quite different, ranging from minor tidying to removal of significant material, there is no meaningful 'typical cost' as such.

(8) The cost of the clean-up is the responsibility of the occupier of the property.

Advertising—government campaigns (Question No 655)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 11 February 2016:

(1) Was the 'Get Re-Pysched about Recycling' campaign independently reviewed (as provided in the *Government Agencies (Campaign Advertising) Act 2009*), before the campaign commenced; if so, what was the date the campaign was referred to the independent reviewer and what was the outcome of the review.

(2) Has there been any concerns expressed or modifications sought to the campaign as part of any independent review

(3) Over what period is the 'Get Re-Pysched about Recycling' campaign expected to run.

(4) What was the total cost budgeted for the 'Get Re-Pysched about Recycling' campaign.

(5) How much of the total cost of the 'Get Re-Pysched about Recycling' campaign was met by funds generated from the recycling contractor.

(6) How much revenue was received from the recycling contractor for waste education in (a) 2013-2014 and (b) 2014-2015.

(7) How much revenue is expected to be generated from the recycling contractor for waste education in 2015-2016.

(8) Can the Minister provide a breakdown of the amount spent or proposed to be spent on (a) market research agencies, (b) public relations consultants, (c) advertising agencies and (d) any other specialist consultants for the 'Get Re-Pysched about Recycling' campaign.

(9) Can the Minister provide a breakdown of the amount spent or proposed to be spent in 2015-2016 on the production and dissemination of (a) advertising in the press, on the radio, on television, and in the cinema, (b) advertising online, including any social media activities, (c) audio visual advertising, including videos, (d) printed material, including pamphlets, explanatory booklets and (e) other promotional material, such as magnets, toys or models for the 'Get Re-Pysched about Recycling' campaign.

(10) Is the 'Get Re-Pysched about Recycling' campaign magnet recyclable.

(11) Are there any other Government campaigns planned to be run in 2015-2016 in support of recycling or waste education.

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

1. Yes, the campaign was referred to the independent reviewer in November 2015. The campaign was approved without any changes.

2. No.

3. Paid advertising for the campaign is currently planned to go to June 2016.

4. $260,000.

5. The campaign is fully funded by the recycling industry.

6. The revenue received from the Material Recovery Facility (MRF) contractor:
   (a) 2013/14 was $519,138.68.
   (b) 2014/15 was $570,553.57.

7. Forecast contributions to be received in 2015/16 are approximately $650,000.

8. (a) Market research was undertaken of 1,000 residents to identify misconceptions about what can and can't be recycled as well as preferred communication avenues for recycling advice at a cost of $22,244.

   (b) Nil.

   (c) $176,000.

   (d) Nil.

9. The forecast expenditure in 2015-2016 on the production and dissemination of the below categories is as follows:

   (a) Press: $7,000. Radio: *$24,000*. Television: *$90,000*. Cinema: Nil.

   (b) YouTube advertising: *$8,000*.

   (c) Production of 13 videos for TV, web and social media: *$54,000*.

   (d) $1,000.

   (e) Campaign concept development: $10,000. Magnets: $51,000. Bus advertising: $9,000. Website/digital assets: $6,000.

   Note: *The figures in italics comprise the advertising agency costs*.

10. The magnet is reusable. ACT NOWaste has moved away from an annual collection calendar that was mailed out to all households and which had a magnet on the back of it. The calendar is now available online to print. A short print run has also been done.

11. ACT NOWaste plans to evaluate the Ricky Starr 'Get Re-Psyched about Recycling' campaign in July 2016. TAMS will evaluate the success of the campaign, particularly with the key 18 to 35-year-old demographic, before proceeding with any new campaign work on waste education or recycling. There are no other specific campaigns scheduled in 2015/16 on waste education.

    The Actsmart programs deliver education on waste and recycling to the schools, business and public event sectors via a suite of programs. These programs are communicated throughout the year via targeted channels including the Actsmart sustainability portal, stakeholder networks, and social media.

Economy—trade missions (Question No 659)

Mr Smyth asked the Minister for Economic Development, upon notice, on 11 February 2016:

(1) In relation to funding for ACT Trade Missions in (a) 2012-2013, (b) 2013 2014, (c) 2014-2015 and (d) 2015-16 Budget and related forward estimates, (i) how much has been spent on or provided for ACT Trade Missions, (ii) what has been the destination and cost of each mission and (iii) what has been the economic benefit arising from each of the listed trade mission.

(2) Can the Minister provide a list of ACT grants that have been used to support mission delegates including the name of ACT Government grant, purpose of funding and name of organisation on delegation for (a) 2012-2013, (b) 2013 2014, (c) 2014-2015 and (d) 2015-16.

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

In responding to the question the definition of ACT Trade Mission is - an international outreach activity undertaken by the Government or businesses to promote Canberra and its capability in key priority sectors for the purpose of exploring business opportunities in the areas of trade, investment, tourism and education.

(1) Funding for ACT Trade Missions

(a) 2012-2013
(i) Total expenditure on trade missions for the year - $119,824
(ii) Destinations and cost of each trade mission:

- Indonesian and Singapore Trade Mission (April 2013) - $87,155
- ACT Screen Industry Mission, Cannes, France (May 2013) - $32,669

(iii) Economic Benefit:

- Trade missions have direct and indirect economic benefits and these come in both short and long term time frames. Accordingly, it is not possible to measure the economic benefit from an individual mission. A continued effort in these markets is required to generate desired results. As a result of the consistent effort in these markets, some of the recent outcomes from trade missions are:
    - securing direct international flights to and from Singapore and Wellington; and
    - record breaking investment in mixed used development sites in Canberra from Shenzhen business as a result of continued engagement with Shenzhen, post the signing of the Memorandum of Understanding with the city of Shenzhen.
- In addition, numerous ACT businesses that have participated in ACT Trade Missions and/or received Trade Connect funding support have generated successful business connections, links and business deals with international partners. These include: Nexus eWater; OnTheGo Sports; Inland Trading Co.; Intelledox; WildBear Entertainment (formerly Bearcage); QuintessenceLabs; ScreenCraft; JIA Films; Kreiworks; Shaw Vineyard Estate; Bottles of Australia; Cogito Group; iSimulate; and DAMsmart.

- The trade mission format is a way of 'soft landing' companies with export capabilities in new markets and also mixing these companies with more experienced exporters with more developed market strategies and experience. This mix of capabilities will see some companies achieve early success, while others will take much longer or not progress their plans at all, based on the accelerated learning of a mission.
- Trade missions are also about branding the ACT – taking local business capability and innovation message to new markets, exposing local businesses to international networking opportunities, potential partners and investors, and setting up opportunities for local businesses to pursue further trade and export development links. Studies show that active exporters occupy an important place in the business community; as companies they tend to grow more quickly, pay higher wages, have higher rates of productivity, be more innovative and have a positive impact on their local supply chains.
- The economic benefit generated for the ACT from the collective effort of successive trade missions far outweighs their cost.

(b) 2013-2014
(i) Total expenditure on trade missions for the year - $193,851
(ii) Destinations and cost of each trade mission:
- US-Singapore Trade Mission (November 2013) - $63,372
- Visit Canberra Singapore Trade Mission (November 2013) - $15,357
- Australia Week in China, Shanghai (April 2014) - $45,673
- Singapore and Hong Kong Mission (June 2014) - $69,449

(iii) Economic Benefit: As per (1)(a)(iii).

(a) 2014-15
(i) Total expenditure on trade missions for the year - $129,749
(ii) Destinations and cost of each mission:
- China (Shenzhen) and Hong Kong (October 2014) - $10,101
- Deputy Chief Minister's delegation: Singapore, Tokyo (October 2014) - $18,280
- New Zealand - Christchurch, Wellington, Auckland (February 2015) - $7,566
- Beijing delegation (April 2015) - $13,198
- Singapore, Hong Kong, China (June 2015) - $32,690
- ACT Screen Industry Mission, Hong Kong (March 2015) - $13,877
- Canberra Business Chamber Mission, South Korea (May 2015) - $34,037

(iii) Economic Benefit: As per (1)(a)(iii).

(b) 2015-16
(i) Total expenditure on trade missions for the year - $249,863
(ii) Destinations and cost of each mission:
- USA-Japan (San Francisco, Austin, Washington DC, Nara, Tokyo) (October 2015) - $212,997
- Singapore Trade Mission (November 2015) - $7,333
- Canberra Business Chamber Mission to Singapore (November 2015) - $29,533
- Singapore, China (April 2016) – mission yet to be delivered

(iii) Economic Benefit: As per (1)(a)(iii).

(2) ACT Grants

Trade Connect is the only ACT Government grant program that is used to support delegates participating in ACT Trade Missions. Trade Connect is designed to help Canberra based businesses and organisations with a range of export market development activities. Trade Connect funding has been provided to the following ACT Trade Mission participants:

(a) 2012-13

Screen ACT Industry Mission, Cannes (May 2013)

- Solar Pictures - $2,651
- Wild Pure Heart – $2,752
- Peace Mountain – $3,000
- SIJO – $2,576
- Miguel Gallagher - $2,437
- Sanguineti Media - $3,000
- ScreenACT - $10,553

(b) 2013-14

Singapore and Hong Kong Mission (June 2014)

- National Capital Attractions Association Inc - $2,122
- Australian Institute of Sport- $1,896
- National Museum of Australia - $1,869
- Link Web Services Pty Ltd - $1,200
- On the Go - $1,834
- WildBear Entertainment Pty Ltd - $1,991
- Accor Canberra - $1,977
- Australian Hotels Association ACT Branch - $1,543
- Schoolpro Pty Ltd - $3,000
- Quintessencelabs - $3,000
- Centre for Internet Safety Pty Ltd - $755
- Intelledox Pty Ltd - $551
- Content Group Pty Ltd - $569
- CollabIT ACT - $523
- Web Active Corporation Pty Ltd - $1,127
- ACTSPORT Inc - $3,000
- National Convention Centre – $1,797
    - Note: this mission was delivered in conjunction with the Canberra Airport Group and was focused directly on efforts to attract direct international air services from New Zealand and from Singapore. Business cases were presented to airlines to highlight Canberra and region opportunity for potential flight services. For this reason national institutions including National Capital Attractions Association, Australian Institute of Sport, National Museum of Australia, and National Convention Centre Canberra, along with the Australian Hotels Association ACT Branch and ACTSPORT Inc were recruited to support the mission objectives and were provided with financial assistance to a maximum value of $3,000 based on reimbursement of expenses through the Trade Connect program to assist their ability to participate. Each of these entities subsequently claimed less than the offered amount, as indicated in the above listing.

(c) 2014-15

Singapore, Hong Kong, China Mission (June 2015)

- Screencraft Media Pty Ltd - $6,731

ACT Screen Industry Mission, Hong Kong (March 2015)

- ACT Screen Industry Association Limited - $4,000
- JIA Films - $4,143
- Peace Mountain Productions Pty Ltd - $1,442
- Kreiworks - $1,623
- Fillearth Pty Ltd - $1,469

Canberra Business Chamber Trade Mission to South Korea (May 2015)

- Bottles of Australia Pty Limited - $6,289
- Tanlay Food Group - $11,755
- Shaw Vineyard Estate - $8,993

(d) 2015-16

US Trade Mission (October 2015)

- QuintessenceLabs Pty Ltd – $1,724
- DAMsmart - $3,312
- Centre for Internet Safety (CIS) - $4,260
- Clarus Technologies - $4,985
- Fyshh Pty Ltd - $4,855
- HLS Vehicle Customisation - $4,855
- CBR Innovation Network Limited - $4,490
- Power Saving Centre (Canberra) Pty Ltd - $4,833
- IT Power (Australia) Pty Ltd - $6,505
- National Capital Educational Tourism - $5,002
- Delv Pty Ltd - $3,640
- Domestic Commercial Solar & Electrics - $4,832
- eReflect - $4,128
- Intelledox Pty Ltd - $4,798
- iSimulate - $5,369
- Link Web Services Pty Ltd - $2,495
- Mineral Carbonation International - $2,100
- Mobflic Pty ltd - $5,084
- Web Active - $4,889

Canberra Business Chamber Mission to Singapore (November 2015)

- Centre for Internet Safety (CIS) - $2,240
- Balloon Aloft Canberra Pty Ltd - $2,540
- Delv Pty Ltd - $2,543
- 4514 Avenue D Pty Ltd - $1,952
- Bisa Hotels - $3,000
- Canberra Convention Bureau - $2,587
- Cogito Group - $2,156
- Random Computing - $2,985
- Solution Solution (Prima Facie Group Pty Ltd) - $2,870

Emergency services—expenditure (Question No 660)

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 11 February 2016:

(1) What has been the total actual, budgeted (2015-16) and planned expenditures, in relation to Emergency Services Agency Budget and Costs, over the forward estimates and their components in terms of (a) salaries, wages and employee overheads including superannuation and leave costs, (b) consultants and specialist advisers (c) other operating expenditures for the financial years (i) 2012-2013, (ii) 2013-2014, (iii) 2014-2015, (iv) 2015-2016 Budget, (v) 2016-2017 forward estimates, (vi) 2017-2018 forward estimates and (vii) 2018-2019 forward estimates.

(2) Can the Minister provide the number of FTE by staff classification level funded by the salaries, wages and allowances component for both full time and part time staff for the financial years (a) 2012-2013, (bi) 2013-2014, (c) 2014-2015, (d) 2015-2016 Budget, (e) 2016-2017 forward estimates, (f) 2017-2018 forward estimates and (g) 2018-2019 forward estimates.

(3) Can the Minister provide the number of consultants and specialist advisers funded from operating expenses for the financial years (a) 2012-2013, (bi) 2013-2014, (c) 2014-2015, (d) 2015-2016 Budget, (e) 2016-2017 forward estimates, (f) 2017-2018 forward estimates and (g) 2018-2019 forward estimates.

(4) Can the Minister provide the total capital and infrastructure spent or planned for the financial years (a) 2012-2013, (bi) 2013-2014, (c) 2014-2015, (d) 2015-2016 Budget, (e) 2016-2017 forward estimates, (f) 2017-2018 forward estimates and (g) 2018-2019 forward estimates.

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

(1) The total actual from 2012-13 to 2014-15, and budgeted expenditures (2015-16) in relation to Emergency Services Agency (ESA) are summarised as follows:

	Emergency Services			
	Actual			**Budget**
	2012-13	**2013-14**	**2014-15**	**2015-16**
	$'000	**$'000**	**$'000**	**$'000**
Employee and Superannuation expenses[1]	75,664	81,215	88,916	87,170
Supplies & Services and Other Expenses	26,067	28,285	29,960	28,434
Depreciation & Amortisation	11,577	8,433	8,277	11,521
Total Operating Expenses	**113,308**	**117,933**	**127,153**	**127,125**

Note:
[1]. Employee and Superannuation expenses includes wages, salaries and allowance, employee overheads such as leave costs, workers compensations and superannuation for ESA.

Consultants and specialist advisers' funded from operating expenses are reported within total Supplies and Services above. Further details are included in the response to Question 3 below. The detailed breakdown of planned expenditure for ESA in each forward year will be developed as part of the internal budget process for each year.

(2) The FTE by classification levels for both full time and part time staff for the financial years (a) 2012-2013, (b) 2013-2014 and (c) 2014-2015 are provided in the table below. The ESA's FTE estimate for 2015-2016 is approximately 650. The planned number of FTE for the forward estimates will be finalised as part of the Budget process for each year.

Classification Level	2012-13	2013-14	2014-15
Administrative Services Officer Class 2	2.0	1.0	1.0
Administrative Services Officer Class 3	7.8	8.4	7.9
Administrative Services Officer Class 4	3.8	4.8	3.7
Administrative Services Officer Class 5	18.8	20.8	22.1
Administrative Services Officer Class 6	21.6	20.3	19.9
Ambulance Manager 1	1.0	1.0	0.0
Ambulance Manager 2	12.6	14.5	15.5
Ambulance Paramedic	35.4	48.6	47.4
Ambulance Support Officer 1	21.0	21.2	25.2
Ambulance Support Officer 2	7.4	4.1	3.1
Ambulance Support Officer 4	1.0	3.1	4.6
Communications Officer	4.0	3.3	2.0
Contract Executive	9.0	10.0	9.0
Fire Brigade 2	31.0	21.0	6.0
Fire Brigade 3	16.0	15.0	15.0
Fire Brigade 4	19.0	20.0	35.0
Fire Brigade 5	166.5	173.5	167.5
Fire Brigade 6	91.0	93.0	91.0
Fire Brigade 7	19.0	18.0	16.0
Fire Brigade 8	5.0	5.0	5.0
General Service Officer Level 10	1.0	1.0	1.0
General Service Officer Level 5	1.0	1.0	1.0
General Service Officer Level 7	4.0	5.0	5.0
Graduate Paramedic Intern	15.0	10.0	
Indigenous Trainee			
Intensive Care Paramedic 2	44.1	45.3	44.1
Intensive Care Paramedic 1	49.3	49.7	57.0
Senior Officer Grade A	11.0	9.0	11.0
Senior Officer Grade B	5.5	7.5	7.0
Senior Officer Grade C	12.6	13.0	15.8
Student Paramedic	13.0		
Grand Total	**649.3**	**648.0**	**638.8**

(3) With respect to consultant and specialist advisers cost, the following table provides direct expenditure funded from the ESA operating budget:

Financial Year	No of Consultants	Cost ($'000)
2012-2013	20	136
2013-2014	19	74
2014-2015	16	218
2015-2016 year to date	18	403

(4) The total capital expenditure (including infrastructure, ICT and Plant & Equipment) for 2012-13 to 2014-15, capital planned expenditure for 2015-16 and forward estimates for 2016-17 to 2018-19 is outlined below:

Actual Expenditure ($'000)				Planned ($'000)	Forward Estimates[1] ($'000)			
2012-13	2013-14	2014-15	Total	2015-16	2016-17	2017-18	2018-19	Total
17,769	11,633	17,090	46,491	26,040	14,685	7,463	2,350	24,498

Note:
[1]. Forward Estimates include capital initiatives approved up to and including the 2015-16 Budget.

ACTION bus service—concessions (Question No 663)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 11 February 2016:

(1) What was the forgone revenue to ACTION for the 2014-2015 financial year because of implementing the concessions (a) capping MyWay student services at 30 paid trips per month and (b) capping MyWay standard card services at 40 trips per month.

(2) What was the total number of individual students who boarded an ACTION bus with a (a) MyWay student services card and (b) MyWay Student services card and reached the concession listed in part 1(a) for the month of August 2015.

(3) What was the total number of individual passengers who boarded an ACTION bus with a (a) MyWay standard card, (b) MyWay standard card and reached the concession listed in part 1(b) and (c) MyWay standard card and who made 30 or more paid trips for the month of October 2015.

(4) What was the total number of individual passengers who boarded an ACTION bus with a MyWay Standard Card and made 9 or more paid trips for the week beginning Monday, 1 February 2016 and ending Sunday, 7 February 2016.

(5) What is the predicted cost of implementing the concessions in part 1(a) and (b) for the financial years (a) 2015-2016, (b) 2016-2017, (c) 2017-2018 and (d) 2018-2019.

(6) Has the ACT Government modelled any changes to the concessions listed in part 1(a) and (b) for the 2015-2016 financial year; if so, what was the new concession cap modelled and the annual cost of the new concession cap modelled.

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

I am not prepared to authorise the time and resources required to respond to this question.

Health Directorate—doctors' employment (Question No 666)

Mr Hanson asked the Minister for Health, upon notice, on 11 February 2016:

(1) What was the number of fulltime salaried doctors, part time salaried doctors and VMOs in the Health Directorate in each of the past three calendar years.

(2) What was the average employment cost (including nominated overhead costs) of fulltime salaried doctors, part time salaried doctors and VMOs in the Health Directorate in each of the past three calendar years.

(3) What was the number of fulltime salaried doctors, part time salaried doctors and VMOs in the Health Directorate in each of the past three financial years.

(4) What was the average employment cost (including nominated overhead costs) of fulltime salaried doctors, part time salaried doctors and VMOs in the Health Directorate in each of the past three financial years.

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

(1) The number of salaried doctors as at the last pay period in each of the last three calendar years was as follows:

Medical Officers by calendar year		
Calendar year	**Full Time headcount**	**Part Time headcount**
2013	674	140
2014	697	153
2015	690	182

These figures do not include numbers for casual employees, as they cannot readily be broken down between full-time and part-time.

The number of VMOs engaged by ACT Health at the end of the last three calendar years is as follows:

Number of VMOs by calendar year	
Calendar year	**VMOs**
2013	189
2014	182
2015	173

(2) ACT Health maintains no figures on "average employment costs". The total cost of salaries, allowances, superannuation and private practice payments made to the categories of employees identified by Mr Hanson are as follows:

Medical Officers by calendar year		
Calendar year	**Full Time staff**	**Part Time staff**
2013	$136,686,665.84	$25,239,804.29
2014	$147,278,447.64	$27,362,113.79
2015	$143,366,392.50	$31,600,295.33

Note that these figures do not reflect the income generated for ACT Health through rights of private practice, only the payments to staff.

These amounts also do not include on-costs or other administrative costs, such as travel. These figures are not maintained by employment groups, including medical officers.

The total costs incurred by ACT Health in relation to services provided under VMO contracts for the periods requested are as follows:

VMOs by calendar year	
Calendar year	**Cost**
2013	$26,721,309
2014	$29,398,330
2015	$26,903,308

These costs include administrative costs incurred in accordance with VMO contracts, such as travel and accommodation for interstate based VMOs.

(3) The number of salaried doctors as at the last pay period in each of the last three financial years is as follows:

Medical Officers by financial year		
Financial year	**Full Time headcount**	**Part Time headcount**
2012 - 2013	673	141
2013 - 2014	702	155
2014 - 2015	701	175

These figures do not include numbers for casual employees, as they cannot readily be broken down between full-time and part-time.

The number of VMOs engaged by ACT Health at the end of the last three financial years is as follows:

Number of VMOs by financial year	
Financial Year	**VMOs**
2012 - 2013	185
2013 - 2014	199
2014 - 2015	173

(4) ACT Health maintains no figures on "average employment costs." The total cost of salaries, allowances, superannuation and private practice payments made to the categories of employees identified by Mr Hanson are as follows:

Medical Officers by financial year		
Financial year	**Full Time staff**	**Part Time staff**
2012 - 2013	$132,491,601.75	$23,473,143.32
2013 - 2014	$140,076,807.95	$26,007,934.21
2014 - 2015	$144,043,608.08	$27,770,158.87

Note that these figures do not reflect the income generated for ACT Health through rights of private practice, only the payments to staff.

These amounts do not include on-costs or other administrative costs, such as travel. These figures are not maintained by employment group.

The total costs incurred by ACT Health in relation to services provided under VMO contracts for the periods requested are as follows:

VMOs by financial year	
Calendar Year	**Cost**
2012 - 2013	$25,424,613
2013 - 2014	$29,075,787
2014 - 2015	$27,279,445

These costs include administrative costs incurred in accordance with VMO contracts, such as travel and accommodation for interstate based VMOs.

Canberra Olympic pool—water losses (Question No 670)

Mr Smyth asked the Minister for Sport and Recreation, upon notice, on 11 February 2016:

(1) In what year was the Canberra Olympic Pool first opened.

(2) When was the Canberra Olympic Pool first filled.

(3) When were leaks at the pool first identified.

(4) How much water has been lost over the life of the pool.

(5) What effort have been made to identify structural damage caused by the leaks.

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

(1) Construction of the Canberra Olympic Pool was completed in late 1955 and the facility was 'officially' opened on 28 January 1956.

(2) Historical records indicate that the Canberra Olympic Pool[s] was first filled in November/December 1955.

(3) Records show the Canberra Olympic Pool has leaked periodically and to varying levels since 22 December 1955.

(4) The Territory does not have records of how much water has been lost at Canberra Olympic Pool since it was first filled in 1955.

(5) Numerous efforts have been made to identify structural damage at the Canberra Olympic Pool over the past four years including:

- August-October 2012 – Investigation of expansion joints in dive pool, which included the removal of the stainless steel cover plates over the expansion joints and repairs to the hypalon flexible joint bandage.
- July 2013 – Concrete coring of the 50m pool and dive pool shells whilst the facility was closed for repainting of the 50m pool. The report provided by the contractor concluded that the 50m pool and dive pool shells were in 'excellent' and 'very good' condition respectively.

- 2013-15 – As part of each of the leak investigations undertaken between 2013 and 2015 the pool structures and associated plant (balance tank, etc) were all assessed with no visible signs of structural damage.
- November 2014 – Engineer engaged to assess the condition of the balance tank. Report provided by the engineer concluded that the balance tank was in a 'reasonable condition' given its age and exposure to moisture.
- May 2015 – Geotechnics contractor engaged to evaluate the content of the soil to eliminate any risk of sink holes caused by the leak. The report provided by the contractor concluded that there is 'very little likelihood' of sink holes having been present prior to the construction of the Canberra Olympic Pool or having developed as a result of water leakages from the pools and/or their buried pipe work.

Canberra Hospital—isolation rooms (Question No 672)

Mr Hanson asked the Minister for Health, upon notice, on 17 February 2016:

(1) How many isolation rooms are located in The Canberra Hospital campus.

(2) What are the particular characteristics of each room.

(3) What is the proposed use for each of these rooms.

(4) Are each of these rooms accredited/registered/licensed for their proposed use.

(5) Is it industry best practice for these rooms to be periodically tested.

(6) Is there an Australian Standard for use of these rooms.

(7) What testing has been done on each of the isolation rooms.

(8) Are each of the isolation rooms currently compliant to the relevant Australian Standard.

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

(1) Fifty two.

(2) There are two types of patient isolation infection control rooms at Canberra Hospital:

a. Positive Pressure – designed so that air only flows out of the room to keep any airborne micro-organisms out.

b. Negative Pressure – ventilation systems designed so that air only flows into the room from adjacent areas to keep any contaminated air from escaping.

(3) There are two reasons for using a patient isolation infection control room:

a. The patient is the source of infection;

b. The patient is at risk of infection.

(4) There is no registration or licence associated with the rooms. ACT Health received full accreditation in May 2015 against the National Safety and Quality Health Service Standards (NSQHSS).

(5) Yes.

(6) Yes.

(7) ACT Health has a routine testing schedule in place for High Efficiency Particulate Air (HEPA) filters. The isolation rooms are tested annually by an independent company accredited by the National Association of Testing Authorities (NATA). The test results are reported to, and monitored by, ACT Health's NSQHSS Standard Three 'Preventing and Controlling Healthcare Associated Infections' Committee.

(8) All patient isolation rooms are compliant with the relevant as built Standards.

ACTION bus service—patronage (Question No 677)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 18 February 2016:

(1) For the period Monday, 8 February 2016 to Friday, 12 February 2016, and between the hours of 7am and 9am, what was the average number of passengers who on route (a) 251, originated at or after stop 0600 and departed after stop 7002, (b) 252, originated at or after stop 0600 and departed after stop 7002, (c) 255, originated at or after stop 5085 and departed after stop 7002, (d) 259, originated at or after stop 4714 and departed after stop 7002, (e) 200 southbound, originated at or between stop 7002 and stop 3413, (f) 200 northbound, originated at or before stop 3413 and departed after stop 3413, and (g) 56 southbound, originated at or after stop 7002 and departed after stop 4755, (h) 56 northbound, originated at or between stop 3410 and stop 4928, (i) 57 southbound, originated at or after stop 7002 and departed after stop 4755, (j) 57 northbound, originated at or between stop 3410 and stop 4928, (k) 58 southbound, originated at or after stop 7002 and departed after stop 6007, (l) 58 northbound, originated at or between stop 3410 and stop 6036, (m) 30 southbound, originated at or after stop 4009 and departed after stop 4552, (n) 30 northbound, originated at or between stop 3410 and stop 4522, (o) 31 southbound, originated at or after stop 4009 and departed after stop 4549, (p) 31 northbound, originated at or between stop 3410 and 4552, (q) 712, originated at or before stop 4549 and departed after stop 4549, (r) 714, originated at or before stop 4549 and departed after stop 4549, (s) 39 (start Watson Loop) originated at or after stop 3410 and departed before stop 3476, (t) 39 (end Watson Loop), originated at or after stop 3476 and departed after stop 4551.

(2) For the period Monday 8 February 2016 to Friday 12 February 2016, what was the average number of passengers on route 202.

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

(1) For the questions asked the responses are:

(a) 108, (b) 72, (c) 122, (d) 64, (e) 368, (f) 134, (g) 220, (h) 24, (i) 149, (j) 52, (k) 366, (l) 24, (m) 225, (n) 15, (o) 150, (p) 31, (q) 106, (r) 60, (s) 35 and (t) 345.

The answers represent the daily average for the period.

(2) For the period Monday 8 February 2016 to Friday 12 February 2016, the daily average number of passengers on route 202 was 126.

Planning—Weetangera
(Question No 680)

Mrs Dunne asked the Minister for Planning and Land Management, upon notice, on 18 February 2016:

(1) When was the development application for residential construction works at 36 Kinleyside Crescent Weetangera (block 17 section 6, Weetangera) lodged with the Government's planning agency.

(2) Did the planning agency require any modifications to the development application; if so, what were the nature of those modifications.

(3) What notifications of this development application were provided to neighbouring residents and when were the notifications provided.

(4) To which blocks/sections were the notifications given.

(5) What were the specifics of the notification.

(6) How many residents submitted objections to the development application and what was the nature of those objections.

(7) What responses did the planning agency give.

(8) To what extent was the development application modified as a result of objections and what was the nature of those modifications.

(9) Were any building design codes (a) relaxed or (b) set aside when approving the development application; if so, what were they and why were they relaxed.

(10) What building inspections have been undertaken since construction began and did those inspections reveal any elements of the construction works that did not comply with (a) the approved development application and (b) the ACT's building code; if so, what remedial works were required and did those remedial works comply with the requirements laid out in the building inspection report.

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

1. DA201527636 for Block 17 Section 6 Weetangera was lodged with the planning and land authority on 21 May 2015.

2. No amendments were made to the development application during the assessment process.

3. Standard practices and the requirements of the Planning *and Development Act 2007* were followed in notifying the development application. Letters were addressed to all adjoining and opposite lessees. These letters were sent on 25 May 2015. A sign was also placed out front of the subject property, and the development application was available online and through the DA Finder App. An advertisement was also placed in the Canberra Times.

4. Letters of notification were sent to:
   a) 38 Kinleyside Crescent (Block 18 Section 6)
   b) 34 Kinleyside Crescent (Block 16 Section 6)
   c) 21 Kinleyside Crescent (Block 2 Section 5)
   d) 23 Kinleyside Crescent (Block 1 Section 5)
   e) 51 Belconnen Way (Block 2 Section 6)
   f) 49 Belconnen Way (Block 3 Section 6)
   g) 47 Belconnen Way (block 4 Section 6)

5. The notice included a description of the development, including the address and Block and Section number, an invitation to provide comment on the development proposed and the timing for making any comment, among other standard information available on all DA notifications.

6. Two written representations were received raising issues around compliance with the Multi Unit Housing Development Code. The Notice of Decision states how many objections were received and the nature of those objections, and is available on the public register.

7. The planning and land authority provided a response to the representations in the notice of Decision, noting and describing how the development complied with the Multi Unit Housing Development Code.

8. No amendments were made to the development application by the applicant. Conditions of approval were imposed by the planning and land authority as part of the DA approval.

9. No development codes were relaxed or set aside when approving the development application. The ACT planning and land authority made a decision to approve the development as it was found to comply with the requirements of the *Planning and Development Act 2007* and Territory Plan.

10. Access Canberra Construction, Environment and Workplace Protection officers inspected the 36 Kinleyside Crescent, Weetangera property on 11 March 2016. The inspection revealed that there was no breach under the provisions of the *Planning and Development Act 2007* or *the Construction Occupations (Licensing) Act 2004*. As a result, no further action has been taken on this issue.

Housing—town centres (Question No 683)

Mr Coe asked the Minister for Urban Renewal, upon notice, on 9 March 2016 *(redirected to the Minister for Planning and Land Management)*:

(1) How many dwellings are located in town centres broken down by (a) town centre and (b) dwelling type.

(2) What is the number of dwellings in each town centre for which a Development Application has been lodged since 2010-2011, broken down by town centre.

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

(1) How many dwellings are located in town centres broken down by (a) town centre and (b) dwelling type.

The most reliable source is the 2011 Census. However, it should be noted that a number of dwellings have been constructed since the last census. The figures relate to the Suburb (Statistical Area 2) in which the town centre is located

	Separate House	**Semi Detached/Row**	**Flat/Apartment**	**Other/Not Stated**	**TOTAL**
Civic	0	4	1236	19	1259
Belconnen	101	961	1225	0	2287
Greenway	95	413	279	0	787
Phillip	28	576	695	0	1299
Gungahlin	871	750	581	0	2202

(2) What is the number of dwellings in each town centre for which a Development Application has been lodged since 2010-2011, broken down by town centre.

Data for all Development Applications is stored in a wide range of locations both within the ACT planning and land authority (the Authority) and externally for land not administered by the Authority including applications on Designated Area. Providing a precise response across multiple agencies and systems would require significant staff resources to collate and respond. The following information is provided to inform Mr Coe of some of the Town Centre approvals and residential activity:

Building Approvals by Town Centre as provided by the Australian Bureau of Statistics:

	2010-11		**2011-12**		**2012-13**		**2013-14**		**2014-15**	
Town centre	**Houses**	**Other**	**Houses**	**Other**	**Houses**	**Other**	**Houses**	**Other**	**Houses**	**Other**
Belconnen	0	128	0	594	0	255	0		0	234
Gungahlin (suburb)	2	101	5	10	3	0	2	40	3	0
City	0	720	0	330	0		0		0	191
Tuggeranong	4	227	0		0		0		0	90
Woden	0	179	0		0	201	0		0	323

Some notable and relatively recent development approvals approved by the Authority in the town centres include:

Tuggeranong Town Centre

DA201426060	Block 1 Section 73 Greenway (29 townhouses + 66 apartments)	95 dwellings
DA201426760	Block 4 Section 57 Greenway	276 dwellings
DA201528079	Block 1 Section 74 Greenway	54 dwellings
DA201527288	Block 1 Section 75 and Block 3 Section 65 Greenway	53 dwellings
DA201527282	Block 1 Section 76 Greenway (Stage 1)	176 dwellings
DA201528233	Block 1 Section 76 Greenway (Stage 2)	184 dwellings

Woden Town Centre

DA201425274	Block 1 Section 22 Phillip	323 dwellings
DA201323585	Blocks 13 and 15 Section 3 Phillip	137 dwellings
DA201017864	Blocks 54 and 84 Section 8 Phillip This DA has expired	168 dwellings and 39 serviced apartments.

Woden Area (just outside the town centre)

DA200914856	Block 12 Section 156 Phillip	179 dwellings
DA201425762	Block 18 Section 156 Phillip	105 dwellings
DA201120399	Block 2 Section 177 Phillip	201 dwellings
DA201017245	Block 17 Section 156 Phillip This DA has expired	21 dwellings

City Centre/Braddon

DA201018904	Blocks 17 & 18 Section 21 Braddon	52 dwellings
DA201120194	Block 22 Section 20 Braddon	60 dwellings
DA201119628	Blocks 2, 3, & 4 section 18 Braddon	230 dwellings
DA201120272	Block 1 Section 96 City	300 dwellings
DA201324307	Block 3 Section 2 City	191 dwellings
DA201426530	Block 8 Section 20 Braddon	56 dwellings
DA201526949	Block 20 Section 20 Braddon	39 dwellings

Belconnen Town Centre

DA201018636	Block 13 Section 45 Belconnen	248 dwellings
DA201323477	Block 8 Section 47 Belconnen	331 dwellings
DA201017903	Block 20 Section 32 Belconnen	171 dwellings

Gungahlin Town Centre

DA201527477	Blocks 2 & 3 Section 88 Gungahlin	126 dwellings
DA201527105	Block 2 Section 209 Gungahlin	196 dwellings
DA201527109	Block 3 Section 209 Gungahlin	230 dwellings
DA201527119	Block 4 Section 209 Gungahlin	122 dwellings
DA201528070	Block 8 Section 58 Gungahlin	138 dwellings

Roads—speed and red light cameras (Question No 685)

Mr Coe asked the Minister for Justice and Consumer Affairs, upon notice, on 9 March 2016 *(redirected to the Chief Minister)*:

(1) What is the breakdown of the number of infringement notices that have been issued in the financial years (a) 2014-2015 and (b) 2015-2016 to date, for mobile speed cameras by (i) month, (ii) offence category of (A) 10 to less than 15 km/h, (B) 15 to less than 30 km/h, (C) 30 to less than 45 km/h and (D) 45 km/h or more, over the speed limit and (iii) location.

(2) What was the fine imposed for each infringement category identified in part (1).

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

(1) Please see attached spreadsheet

(2) Please see attached spreadsheet

(A copy of the attachment is available at the Chamber Support Office).

Roads—speed and red light cameras (Question No 686)

Mr Coe asked the Minister for Justice and Consumer Affairs, upon notice, on 9 March 2016 *(redirected to the Chief Minister)*:

(1) What is the breakdown of the number of infringement notices that have been issued in the financial years (a) 2014-2015 and (b) 2015-2016 to date, for fixed speed-only and fixed speed/red light cameras by (i) month, (ii) offence category of (A) 10 to less than 15 km/h, (B) 15 to less than 30 km/h, (C) 30 to less than 45 km/h and (D) 45 km/h or more, over the speed limit and (iii) location.

(2) What was the fine imposed for each infringement category identified in part (1).

(3) What was the total value of fines imposed at each camera location in part (1) for the financial years, broken down by month, (a) 2014-2015 and (b) 2015 2016 to date.

Mr Barr: The answers to the member's question is in the attached spreadsheet.

(A copy of the attachment is available at the Chamber Support Office).

Roads—cycling accidents (Question No 687)

Mr Coe asked the Minister for Justice and Consumer Affairs, upon notice, on 9 March 2016 *(redirected to the Minister for Road Safety)*:

(1) How many accidents involving cyclists have been reported for each year since 2010-2011.

(2) How many of the accidents in part (1) involved (a) injury and (b) death.

(3) What was the suburb in which the accident took place for each of the accidents in part (1).

(4) How many of the accidents in part (1) took place on Northbourne Avenue.

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

(1) There were 976 reported crashes involving cyclists during the five year period between 2010 and 2014. The number of crashes reported for each of these years is provided below:

2010 – 173
2011 – 205
2012 – 191
2013 – 210
2014 – 197

Reports on injury and property crashes which occurred in 2015 are still being received and compiled, and will be reported as part of the annual ACT Road Crash Report.

(2) (a) 441 of the 976 reported crashes resulted in injury.

(b) 4 of the 976 reported crashes were fatal crashes: two in 2010, one in 2012 and one in 2014.

(3) The following table provides the number of reported crashes which occurred in each suburb/region during the period between 2010 and 2014:

REGION	**Crashes**
ACTON	35
AINSLIE	34
AMAROO	7
ARANDA	4
BANKS	2
BARTON	6
BELCONNEN	20
BONYTHON	3
BRADDON	98
BRUCE	17
CALWELL	2
CAMPBELL	15
CAPITAL HILL	3
CHAPMAN	1
CHARNWOOD	4
CHIFLEY	4
CHISHOLM	3
CITY	102
CONDER	3
COOK	2
CRACE	3
CURTIN	11
DEAKIN	9
DICKSON	45
DOWNER	18
DUFFY	4
EVATT	5
FADDEN	1

FARRER	3
FISHER	1
FLOREY	6
FLYNN	1
FORREST	12
FRANKLIN	1
FYSHWICK	11
GARRAN	4
GIRALANG	3
GORDON	3
GOWRIE	1
GREENWAY	9
GRIFFITH	24
GUNGAHLIN	19
HACKETT	3
HARRISON	7
HAWKER	6
HIGGINS	3
HOLDER	1
HOLT	1
HUGHES	3
HUME	1
ISABELLA PLAINS	8
KALEEN	4
KAMBAH	11
KINGSTON	13
LATHAM	5
LAWSON	2
LYNEHAM	34
LYONS	13
MACGREGOR	4
MACQUARIE	8
MAWSON	4
MCKELLAR	3
MELBA	1
MITCHELL	10
MONASH	2
NARRABUNDAH	11
NGUNNAWAL	4
NICHOLLS	7
O'CONNOR	22
O'MALLEY	1
PAGE	3
PALMERSTON	4
PARKES	10
PEARCE	4
PHILLIP	28
PIALLIGO	1
RED HILL	12
REID	7
RICHARDSON	2

RIVETT	3
RURAL - BELCONNEN	2
RURAL - CANBERRA CENTRAL	5
RURAL - COREE	2
RURAL - GUNGAHLIN	1
RURAL - MAJURA	8
RURAL - MOLONGLO VALLEY	1
RURAL - PADDYS RIVER	1
RURAL - STROMLO	2
RURAL - TUGGERANONG	2
RURAL - WESTON CREEK	1
RUSSELL	3
SPENCE	1
STIRLING	1
SYMONSTON	3
TORRENS	5
TURNER	54
WANNIASSA	12
WARAMANGA	2
WATSON	9
WEETANGERA	1
WESTON	4
WRIGHT	1
YARRALUMLA	30

(4) 120 of the 976 reported crashes occurred on Northbourne Avenue, including crashes on footpaths and intersections of Northbourne Avenue. The 120 crashes include 53 injury crashes, and 67 property damage crashes.

Schools—enrolments
(Question No 688)

Mr Doszpot asked the Minister for Education, upon notice, on 9 March 2016:

(1) What work has been done on projected enrolments in each ACT public school for the (a) 2017, (b) 2018 and (c) 2019 school years.

(2) Who has undertaken the work and on what data are projections based.

(3) What comparison is made each year to projected vs actual enrolments.

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

(1) The Education Directorate undertakes annual one and five year student enrolment projections for each ACT Public School.

(2) The Education Directorate undertakes student enrolment projection modelling for each ACT Public School. Projections are completed using

a) school census and capacities data;

b) land release data;

c) sales data and occupation dwelling forecasts sourced from the Chief Minister and Treasury, Economic Development Directorate;

d) birth data sourced from Births, Deaths and Marriages; and

e) population estimates sourced from the Australian Bureau of Statistics.

From time-to-time, external demographic analysis is sought.

(3) The Education Directorate routinely compares projected enrolments to actual enrolments as the Directorate's census data is released. This informs projection accuracy at a school, school network and Territory level.

Schools—out of state students (Question No 689)

Mr Doszpot asked the Minister for Education, upon notice, on 9 March 2016:

(1) How many ACT resident school age students are educated in NSW in any government, systemic or independent schools.

(2) How many NSW resident school age students are educated in the ACT in any government, systemic or independent schools.

(3) Is the ACT recompensed by NSW in any way for the education of NSW resident students in the ACT; if so, how.

(4) Is NSW recompensed by the ACT in any way for the education of ACT resident students in the NSW; if so, how.

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

(1) The NSW Government Education Department has advised that as at July 2015:

a) 211 students with ACT resident addresses attended Public Schools across NSW.

b) Data is not available on students with ACT resident addresses who attend non-government NSW schools.

(2) The February 2016 ACT School Census identified that:

a) 1,851 students with NSW resident addresses attended ACT Public Schools.

b) 3,646 students with NSW resident addresses attended ACT non-government schools.

(3) The ACT is not recompensed directly by NSW. However, through the Commonwealth Grants Commission processes, an assessment is made of NSW residents accessing ACT provided services.

(4) No.

Housing—non-rateable dwellings (Question No 691)

Mr Coe asked the Treasurer, upon notice, on 9 March 2016:

(1) What is the number of non-rateable dwellings in the ACT as at 8 March 2016.

(2) Of the number of non-rateable rateable dwellings in the ACT as at 8 March 2016, what is the usage of those non-rateable dwellings by category.

(3) Of the usage categories identified for non-rateable dwellings in the ACT, what is the number of dwellings per category.

(4) What is the projected number of non-rateable dwellings in the ACT for (a) 2016-2017, (b) 2017-2018 and (c) 2018-2019.

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

(1) The number of non-rateable dwellings (residential properties) as at 8 March 2016 is 936.

(2) The usage of non-rateable dwellings by category is:

- Agriculture & Grazing 7
- Homes for the Aged 43
- Exempt Properties 886

(3) As above.

(4) The Government does not produce projections of future non-rateable land.

ACT public service—executive level staff (Question No 692)

Mr Coe asked the Chief Minister, upon notice, on 9 March 2016:

(1) What is the number of Chief Executive and executive level equivalent staff for each Directorate and Agency across the ACT Public Service.

(2) What is the number by classification level of staff in part (1).

(3) How many of the staff in part (1) are on (a) long-term and (b) short-term contracts.

(4) What is the current average cost (including relevant on-costs) of each executive.

(5) What is the total number of SES officers in the ACT Public Service for each financial year since 1999-2000.

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

(1) As of 11 March 2016 the number of Chief Executive and executive level equivalent staff for each Directorate and Agency across the ACT Public Service is shown in the table below:

Directorate/Agency	**Total**
ACT Teacher Quality Institute	1
ACT Audit Office	2
Canberra Institute of Technology	3
Capital Metro Agency	9
Chief Minister, Treasury and Economic Development	63
Community Services	19
Cultural Facilities Corporation	1
Education	18
Environment and Planning	8
Exhibition Park in Canberra	1
Gambling and Racing Commission	1
Health	24
Independent Competition and Regulatory Commission	1
Justice and Community Safety	36
Land Development Agency	10
Long Service Leave Authority	1
Shared Services	8
Territory and Municipal Services	16
Grand Total	**222**

(2) The number by classification level of staff in part (1) is shown in the table below:

Directorate/Agency	**1.1**	**1.2**	**1.3**	**2.4**	**2.5**	**2.6**	**3.7**	**3.8**	**3.10**	**3.11**	**3.12**	**Total**
ACT Teacher Quality Institute			1									**1**
ACT Audit Office			2									**2**
Canberra Institute of Technology		1	2									**3**
Capital Metro Agency	3	2	1		1	1					1	**9**
Chief Minister, Treasury and Economic Development	1	3	33	10	1	6	6		1	1	1	**63**
Community Services		1	9	3		4	1		1			**19**
Cultural Facilities Corporation			1									**1**
Education		4	9			2	2		1			**18**
Environment and Planning		1	1	4			1		1			**8**
Exhibition Park in Canberra		1										**1**
Gambling and Racing Commission			1									**1**
Health		2	5	13		1		2		1		**24**

Independent Competition and Regulatory Commission	1											**1**
Justice and Community Safety	3	10	10	4	5		3		1			**36**
Land Development Agency		2	2	4		1	1					**10**
Long Service Leave Authority		1										**1**
Shared Services			4	3	1							**8**
Territory and Municipal Services		1	11		1	2			1			**16**
Grand Total												**222**

(3) The number of the staff in part (1) are on (a) long-term and (b) short-term contracts is shown in the table below:

Directorate/Agency	**Short Term***	**Long Term***	**Total**
ACT Teacher Quality Institute		1	**1**
ACT Audit Office		2	**2**
Canberra Institute of Technology		3	**3**
Capital Metro Agency	1	8	**9**
Chief Minister, Treasury and Economic Development	4	59	**63**
Community Services	4	15	**19**
Cultural Facilities Corporation		1	**1**
Education	5	13	**18**
Environment and Planning		8	**8**
Exhibition Park in Canberra		1	**1**
Gambling and Racing Commission		1	**1**
Health	3	21	**24**
Independent Competition and Regulatory Commission		1	**1**
Justice and Community Safety	5	31	**36**
Land Development Agency		10	**10**
Long Service Leave Authority		1	**1**
Shared Services	1	7	**8**
Territory and Municipal Services	2	14	**16**
Grand Total	25	197	**222**

*Note: If an Executive on a long term contract is currently acting at a higher level in short term contract, only the long term contract has been counted.

(4) The current average cost (including relevant on-costs) of each executive including salary, allowances and on-costs is equal to $278,154.

(5) The total number of SES officers in the ACT Public Service for each financial year since 1999-2000 is shown in the table below:

Financial Year	No. of Executives at End of Financial Year
1999-2000	95
2000-2001	109
2001-2002	106
2002-2003	118
2003-2004	130
2004-2005	142
2005-2006	153
2006-2007	158
2007-2008	168
2008-2009	181
2009-2010	188
2010-2011	194
2011-2012	197
2012-2013	207
2013-2014	219
2014-2015	218

Access Canberra—parking operations (Question No 693)

Mr Coe asked the Chief Minister, upon notice, on 10 March 2016:

(1) What is the total number of staff allocated to Access Canberra Parking Operations and how many work (a) full-time and (b) part-time.

(2) What is the frequency of Access Canberra Parking Operations patrols in residential areas over an annual period and how are the patrols in residential areas conducted.

(3) How many complaints about illegal parking has Access Canberra Parking Operations received in (a) 2014-2015 and (b) 2015-2016 to date.

(4) How many complaints in part (3) resulted in infringement notices being given in (a) 2014-2015 and (b) 2015-2016 to date.

(5) How much revenue was generated from parking infringement notices in (a) 2014-2015 and (b) 2015-2016 to date.

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

(1) Parking operations currently has an allocation of 37 staff. (a) 32 staff work full time and (b) 5 staff work on a part-time basis.

(2) Frequency of patrols in residential areas varies as patrols are organised both proactively and reactively. Reactive patrols are not recorded and are usually a result of complaints received by Access Canberra. Based on the safety issues identified through the complaints, the frequency of proactive patrols may vary.

(3) (a) 2180 complaints were received by Access Canberra Parking Operations during the period 1 July 2014 through to 30 June 2015. (b) 1058 complaints were received during period 1 July 2015 through to 20 March 2016.

(4) (a) During the period 1 July 2014 through to 30 June 2015, 330 complaints resulted in enforcement action. (b) In the period 1 July 2015 to 20 March 2016, 183 complaints have resulted in enforcement action.

(5) (a) Parking infringement notice revenue generated in 2014-15 was $11,428,449. (b) Parking infringement notice revenue generated in 2015-February 2016 was $7,658,902.

ACTION bus service—breakdowns (Question No 695)

Mr Coe asked the Minister for Transport and Municipal Services, upon notice, on 10 March 2016:

(1) How many ACTION bus services have been completed as per the scheduled timetable since 1 January 2016.

(2) How many buses have broken down while on their route since 1 January 2016.

(3) For part (2), can the Minister break down the number into services which (a) were not completed due to a breakdown and (b) completed their service more than 4 minutes after the scheduled time after a breakdown.

(4) For part (2), can the Minister break down the number into (a) school services and (b) regular route services.

(5) For part (2), can the Minister break down the number into buses which broke down between (a) 6am and 9am, (b) 9.01am and 4pm, (c) 4.01pm and 6pm and (d) after 6.01pm.

(6) For part (2), can the Minister break down the number into buses manufactured between (a) 0 and 4 years, (b) 5 and 9 years, (c) 10 and 14 years, (d) 15 and 19 years and (e) 20 years ago or more.

(7) Have any school bus services broken down on more than one occasion since 1 January 2016; if so, can the Minister list the school bus service(s) affected and the number of times the service(s) broke down.

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

(1) ACTION has completed 198,312 bus services per the scheduled timetable between 1 January 2016 and 20 March 2016.

(2) During the same period, there have been 494 bus breakdowns whilst in service.

(3) During the period 1 January 2016 to 20 March (a) 445 were not completed due to a breakdown and (b) 49 completed their service more than 4 minutes after the scheduled time after a breakdown.

(4) The number of breakdowns by services type was (a) 22 for school services and (b) 472 for regular route services.

(5) Breakdowns by the times requested for the period were (a) 86, (b) 179, (c) 158 and (d) 71.

(6) Breakdowns by the years of manufacture as requested were (a) 63, (b) 149, (c) 125, (d) 115 and (e) 40.

(7) During the time period of 1 January to 20 March 2016, school Route 514 has broken down on five separate occasions. Each time the remainder of the service was covered by another vehicle.

Motor vehicles—registration (Question No 697)

Mr Coe asked the Attorney-General, upon notice, on 10 March 2016 *(redirected to the Chief Minister)*:

(1) How many Passenger Carrying Vehicles are registered in the ACT.

(2) How many Passenger Carrying Vehicles registered in the ACT received the 20% Gas/Electric Vehicle discount and how is this number broken down by (a) gas vehicles and (b) electric vehicles.

(3) What was the total cost of the Gas/Electric Vehicle registration discount in the 2014-2015 financial year.

(4) What is the expected cost of the Gas/Electric Vehicle registration discount for (a) 2015-2016, (b) 2016-2017, (c) 2017-2018 and (d) 2018-2019.

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

(1) 235,050 at 15 March 2016

(2) a) Gas = 7,432 and b) Electric = 2,376

(3) $342,342.60 is the discount provided to vehicles with a gas/electric only concession.

(4) The expected cost of the discount in current and future years will depend on demand and future decisions about registration fees.

Finance—community sector levy (Question No 700)

Ms Lawder asked the Minister for Housing, Community Services and Social Inclusion, upon notice, on 10 March 2016:

What is the amount of money raised from the 0.34 percent levy imposed on the community sector (a) in 2014-2015 and (b) expected in 2015-2016.

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

The figures below represent the amount of money raised from the 0.34 percent co contribution levy:

a)	In 2014-15:	$447,822.23
b)	Expected in 2015-16:	$426,999.43.

The above figures comprise the following amounts from the Community Services Directorate (CSD) and the Health Directorate:

a)	In 2014-15:	$298,828.14 (CSD) and $148,994.09 (Health)
b)	Expected in 2015-16:	$274,752.97 (CSD) and $152,246.46 (Health).

The levy has been used as part of the Community Sector Reform Program to support the community sector through a range of activities, related to strategic reform and red tape reduction.

Housing—public tenants rental revenue (Question No 701)

Ms Lawder asked the Minister for Housing, Community Services and Social Inclusion, upon notice, on 10 March 2016:

(1) How much revenue is raised from rental payments from public housing tenants who (a) receive a rental rebate and (b) pay market rent.

(2) How much revenue, on average, is raised per annum from public housing tenants.

(3) How much revenue was raised from public housing tenants in (a) 2013-2014 and (b) 2014-2015.

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

(1) The rental revenue raised from rental payments from public housing tenants who
(a) receive a rental rebate was $71.3 million; and
(b) who pay market rent was $9.4 million.

(2) The average rental revenue raised per annum from public housing tenants is $80.7 million.

(3) The rental revenue raised from public housing tenants in
(a) 2013-2014 was $80.8 million; and
(b) 2014-2015 was $80.6 million.

Questions without notice taken on notice

Crime—domestic violence

Mr Corbell *(in reply to a supplementary question by Ms Lawder on Wednesday, 17 February 2016)*: In 2015, the average time for a criminal charge relating to a domestic violence matter to be finalised in the ACT Family Violence Court was 116 days.

Most offences that relate to domestic violence are listed before a magistrate sitting as the Family Violence Court. If the defendant is in police custody they will be brought before the court within 24 hours of arrest. If the defendant has been granted police bail or the matter is dealt with by way of a summons, the defendant will usually be required to appear within 2-4 weeks of being bailed or within 6 weeks of the summons being issued. Once before the court, personal safety may be addressed by the defendant being remanded in custody or being released on bail subject to conditions imposed by the Magistrate. The Bail Act provides additional conditions upon those who are accused of committing domestic violence offences which go to the safety of complainants (see section 25(f) of the Bail Act).

If the defendant pleads guilty then the matter may be finalised relatively quickly. If the charges are defended then it may take a few months for the matter to be heard and finalised. Very serious offences may be committed to the Supreme Court for trial or sentence.