



Debates

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Thursday, 19 September 2013

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Thursday, 19 September 2013

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

Marriage Equality Bill 2013

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.02): I move:

That this bill be agreed to in principle.

Madam Speaker, this bill is about equality. It is a bill which says people in a same-sex relationship are able to have their love and commitment to each other legally recognised in the same way that people in a heterosexual relationship are able to through a legally recognised marriage.

This Labor government has consistently advocated and acted to remove discrimination and establish equality before the law for all people in our city, regardless of their sexual orientation. In 2003 and 2004, we amended the territory statute book to remove discrimination against gay and lesbian people in the areas of parentage, IVF access and adoption. In 2006 we enacted Australia's first civil unions, making civil unions between same-sex couples and heterosexual couples legally equivalent to marriage. This law was overturned by the then federal government. In 2007 the government attempted to legislate for a civil partnerships law, which was eventually passed in a modified form in 2008. In 2009 the Civil Partnerships Act was amended to provide for legally binding ceremonies and authorised celebrants, elements which the then federal government had previously objected to. And in 2012 the Civil Unions Act was passed to reinstate the full provisions of a civil unions scheme which had been originally disallowed in 2006.

In October last year, as part of Labor's election policy platform, we committed to legislate for same-sex marriage. In June this year, the government agreed to continue its human rights and legislative reform program with the drafting of a new law for full marriage equality in the territory, and it is that bill that I present this morning.

This Labor government's commitment to reform, equality and fairness is enduring; enduring because it is underpinned by the principal belief that human rights are central to a civilised, fair and just society the legal recognition of a relationship through marriage is not denied to hundreds and hundreds of couples in our city living together in loving and committed relationships simply because of their sexuality.

This bill asserts that the right to equality and the right to protection from discrimination under section 8 of the ACT Human Rights Act require the removal of barriers to a civil marriage, even in circumstances where other discriminations, such as financial or parentage, have already been removed.

Often those opposed to this reform will assert that because other forms of discrimination have been removed there is no need to extend the concept of marriage to same-sex couples. To this, we say, in the words of Justice LaForme of the Ontario Supreme Court:

Any “alternative” to marriage ... simply offers the insult of formal equivalency without the ... promise of substantive equality.

This bill asserts clearly and unambiguously that all people are entitled to respect, dignity, the right to participate in society and to receive the full protection of the law regardless of their sexual orientation. The introduction of this law is a response to the broad support across our community for the implementation of a legal framework for same-sex marriage.

There is a clear support for full and equal recognition of same-sex relationships. The Australian Council of Human Rights Agencies, or ACHRA, has highlighted that the absence of a right to civil marriage for same-sex couples continues to:

... reinforce the different value placed on relationships between opposite sex and same-sex couples.

The government agrees with ACHRA’s statement that:

... the principle of equality therefore requires that any formal relationship recognition available under law to opposite-sex couples should also be available to same-sex couples. This includes civil marriage.

The Marriage Equality Bill 2013 substantially draws upon other bills presented in other state and territory legislatures, particularly the New South Wales State Marriage Equality Bill, which is similar in structure and provision to the commonwealth Marriage Act 1961. The bill replicates certain regulatory provisions from the Civil Unions Act 2012 to ensure its operational consistency and effective implementation. The bill will repeal the Civil Unions Act and transfer provisions dealing with the ending of a civil union to the Domestic Relationships Act 1994.

The bill will apply to all marriages between two adults that are not marriages within the meaning of the commonwealth act and which are solemnised here in the ACT. A person will be eligible to marry under this act only if they are an adult, they are not married, they cannot marry their proposed spouse under the commonwealth act because that marriage would not be a marriage within the meaning of that act, and they do not have a prohibited relationship with their proposed spouse.

Marriages under the act will begin in the same way as other marriages—with a notice of intention to marry, accompanied by evidence of identity and age given to an authorised marriage celebrant. Marriages under the Marriage Equality Act will be

solemnised by authorised celebrants on any day at any time and at any place in the ACT.

Since our laws will provide for marriages to begin, they must also make provisions for marriages to end. Consistent with commonwealth requirements and marriage equality bills in Western Australia, South Australia and Victoria, the bill provides that an application for a dissolution order in relation to a marriage under this act must not be made within two years after the date of the marriage unless it is accompanied by evidence that the parties have considered reconciliation. The Supreme Court may give leave for the application to be made without evidence that the parties have considered reconciliation in special circumstances.

The bill provides that an application for a dissolution order in relation to a marriage must be based only on the ground that the marriage has broken down irretrievably. Consequential amendments to the Domestic Relationships Act will extend the provisions in that act for mediation and arbitration, adjustment of property interests and maintenance, domestic relationship agreements and termination agreements to marriages under the Marriage Equality Act.

It is important to explain these core elements of the bill before I explain what this bill will not do. The bill will not require a minister of religion to solemnise a marriage under this act if that minister is not inclined to do so. There is no compulsion or obligation on a priest or minister of a religion to solemnise a marriage under this act. Freedom of religion is central also to a fair and just society.

The bill will provide for an authorised celebrant who is a minister of religion to solemnise a marriage according to any form or ceremony recognised by the religious body if they choose to do so. Only an authorised celebrant will be able to solemnise a marriage under the Marriage Equality Act. If a priest or minister of religion's faith does not support the concept of same-sex marriage, they are not compelled to perform them. They are not required to become authorised celebrants under this act.

The bill does not prevent two people who are already parties to a valid marriage under the Marriage Equality Act going through a later religious ceremony with each other. A minister of religion will not be required to make a place, such as a church, available for a marriage or second ceremony under this act.

This bill does not include a residency requirement. This means that any couple who satisfies the other eligibility requirements for marriage will be eligible to marry under this act. While other jurisdictions have included residency requirements in their bills, the position of the government is that the application of a geographical restriction is not consistent with equality. We cannot purport to promote equality but then restrict that equality only to permanent residents of the territory.

Couples who wish to marry in the ACT will need to travel to the ACT to satisfy notice requirements. It is the case that marriages solemnised under this act may not be recognised outside of the ACT. At this time, no other Australian jurisdiction has enacted marriage equality laws, and there is no provision for an external jurisdiction to recognise an ACT marriage. I do not, however, expect that this will discourage

couples from choosing to be married in the ACT. Currently, many same-sex couples are already travelling overseas to marry under foreign marriage equality laws knowing their marriage is not recognised under Australian law.

The government has closely considered the constitutional questions and implications of this bill. There is a view that marriage is a federal issue alone and a matter that only the federal government and parliament has jurisdiction over. The government agrees that it is preferable for the commonwealth Marriage Act to be amended to provide for same-sex marriage for all Australians. Yet the federal parliament is deadlocked, and the new federal government appears to have no appetite to allow such a reform to progress. In the context, then, of our federation, it falls on the states and territories to consider how they will act.

New South Wales, South Australia, Tasmania, Victoria and Western Australia have all seen marriage equality bills introduced into their parliaments. The New South Wales parliament's Standing Committee on Social Issues has stated there is no doubt that New South Wales, and, by extension, other states and territories, can legislate for marriage equality. In its report on same-sex marriage in New South Wales, the committee stated that section 52 of the constitution provides the federal parliament with exclusive powers over various matters. Section 51 of the constitution grants the federal parliament powers that it holds concurrently with the states. The power to regulate marriage sits in section 51 of the constitution and is, therefore, a power held by both the commonwealth and the states.

Concurrent powers are to be exercised consistently, so the constitution provides at section 109 that:

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

The Australian Capital Territory, however, faces a different test. Section 28 of the Australian Capital Territory (Self-Government) Act 1988 (Cwlth). Under that act:

A provision of an enactment has no effect to the extent that it is inconsistent with a law defined by subsection (2), but such a provision shall be taken to be consistent with such a law to the extent that it is capable of operating concurrently with that law.

This act, therefore, provides for a scheme that permits same-sex couples to enter into a marriage under the Marriage Equality Act if they are ineligible to enter into a marriage as defined under the commonwealth Marriage Act. The ACT act is, therefore, capable of operating concurrently with commonwealth law, with the ACT law providing for marriage for same-sex couples and commonwealth law providing for the marriage of opposite-sex couples.

This is a complex and difficult area of the law, but difficulty and complexity must not be excuses for inaction. Professor George Williams, the Anthony Mason Professor and Director of the Gilbert and Tobin Centre of Public Law at the University of New South Wales has said that if legal complexity were a genuine obstacle to legislating, then many things would never get done in parliament. He states:

... if a State believes in something for its community through its Parliament, you enact and work through the issues as best you can. The complexity issue needs to be dealt with but, if that was a stumbling block, there are lots of things you would never do.

The government does not consider uncertainty as an excuse not to act, and the passage of this law will foster certainty in other ways—that is, gender and sexuality will not be grounds for discrimination of any kind in this territory. It is not a reason for us not to exercise our mandate to legislate for our territory, for our community.

The 2011 census estimates that there over 33,000 same-sex couples across Australia. Census data indicates that the ACT has the highest rates of both male and female same-sex couples of any state or territory in the country. As legislators for our community, therefore, we have a duty to end discrimination against people who are a significant part of our city.

We must acknowledge that there are members of our community who do not support same-sex marriage, yet we must say to them that this law has no impact on them or their relationships. No marriage is downgraded or reduced as a consequence of this law. No minister of religion is required to solemnise a marriage ceremony under this law. No church or other place of worship is required to be made available for marriage ceremonies under this law.

It is clear that society's expectation of marriage has changed over time. We acknowledged this with the introduction of no-fault divorce. We acknowledged it when we repealed the law that allowed the circumstances of marriage as a defence against the crime of rape. Our concept of marriage and what constitutes a valid and meaningful relationship has evolved as our society has, and this law represents part of that evolution.

The possibility of a legal challenge does not diminish our duty to make this law, neither does it lead to the conclusion that our law would be defeated. The bill affirms that the love that exists outside binary human relationships is not less than the love between a man and a woman. Gender does not determine the value of a person, and it must not be held to determine the value of a relationship.

Our human rights provide that everyone has the right to recognition before the law. It affirms that everyone has the right to enjoy their human rights without distinction or discrimination of any kind, and it proclaims that everyone is equal before the law and is entitled to the equal protection of the law without discrimination on any ground. I commend this bill to the Assembly.

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

Statute Law Amendment Bill 2013 (No 2)

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.19): I move:

That this bill be agreed to in principle.

The Statute Law Amendment Bill 2013 (No 2) makes statute law revision amendments to ACT legislation under guidelines for the technical amendments program approved by the government. The program provides for amendments that are minor or technical and non-controversial in nature. They are generally insufficiently important to justify the presentation of separate legislation in each case and may be inappropriate to make as editorial amendments in the process of republishing legislation under the Legislation Act 2001. The program is implemented by presenting a statute law amendment bill such as this in each sitting of the Legislative Assembly.

Statute law amendment bills provide an important and useful mode for continually modernising the statute book. This statute law amendment bill deals with three kinds of matters. Schedule 1 provides for minor non-controversial amendments proposed by a government agency. Schedule 2 contains amendments to the Legislation Act proposed by Parliamentary Counsel. Schedule 3 contains technical amendments proposed by the Parliamentary Counsel to correct minor typographical or clerical errors. The bill contains a large number of amendments with detailed explanatory notes; so I will only briefly highlight a couple of the elements of the bill.

Schedule 1 of the bill amends the Education and Care Services National Law (ACT) 2011 to bring the ACT law into line with amendments made in Victoria to the education and care services national law set out in the Education and Care Services National Law Act 2010 of Victoria. Under the ACT act, section 6, any amendments passed in Victoria to the national law must be presented to the ACT Legislative Assembly within six sitting days and may be disallowed by the Assembly. Amendments made to the national law in 2011 by the Children's Services Amendment Act 2011 of Victoria were not tabled in the Assembly and so were not taken to be part of the national law as it applies in the ACT. A technical amendment has been made to the ACT act to ensure that the Victorian amendments are included in the national law as it applies in the ACT.

Schedule 1 of the bill also amends the Health Act 1993, section 59, to include eligible midwives as a class of health practitioner that may be considered by the scope of the clinical practice committee for suitability to be credentialed. The provision currently covers doctors and dentists only. Section 59 sets out the functions of the committee including whether or not to credential a health practitioner and the terms on which the practitioner is credentialed. The committee assesses suitability based on the health practitioner's qualifications, experience, skill or other professional attributes.

Madam Speaker, the Health Act 1993 is also amended in schedule 1 to relocate provisions about pharmacy ownership and premises from part 9 of the act to new part 3D in the Public Health Act 1997. This is a logical approach to assist legislation users because community pharmacies are now regulated under the Public Health Act 1997.

Schedule 2 contains minor non-controversial structural amendments of the Legislation Act initiated by the Parliamentary Counsel's Office. Structural issues are particularly concerned with making the statute book more coherent and concise and therefore more accessible. In this bill the definition of Standards Australia in the Legislation Act 2001, dictionary, part 1, is amended as a consequence of the change of name of the organisation.

In relation to the schedule 3 amendments, amendments are made to the Children and Young People Act 2008 to include an updated definition of Aboriginal and Torres Strait Islander person. Act dictionaries are updated to include signposts definitions for terms defined elsewhere in the act.

Finally, Madam Speaker, in addition to the explanatory notes in the bill the Parliamentary Counsel is, as always, available to provide any further explanation or information that members would like about any of the amendments made by the bill. I commend the bill to the Assembly.

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

Planning, Building and Environment Legislation Amendment Bill 2013 (No 2)

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.24): I move:

That this bill be agreed to in principle.

This is the fifth bill to be created under the government's omnibus Planning, Building and the Environment Legislation Amendment Bill process. This omnibus bill provides an efficient avenue for consideration of minor matters in a consolidated single bill. The bill I present today proposes editorial, technical, consequential and minor policy amendments to the Environment Protection Act 1997, Environment Protection Regulation 2005, Lakes Act 1976, Planning and Development Act 2007, Planning and Development Regulation 2008, Public Place Names Act 1989 and Utilities Act 2000.

The bill makes two minor policy amendments. Clauses 4 and 5 of the bill amend the Environment Protection Act to provide that the EPA may delegate its functions to officers or employees of state and commonwealth environment protection agencies. This will assist with cross-border collaboration for the EPA across the ACT border. The other minor policy amendment relates to the naming of public places. Clause 18 of the bill inserts a new section 4A into the Public Place Names Act. This new section provides that a minister may make guidelines about the naming of public places. A guideline is a notifiable instrument.

The bill makes minor editorial amendments to keep legislation up to date across a range of provisions and these are outlined in the detailed notes accompanying the bill. This amendment touches on legislation that dictates and governs planning, development, environment and environment protection matters in the ACT. The amendments are technical and non-controversial in nature. As always, the Parliamentary Counsel and officers of my directorate are available to brief members on the bill. I commend the bill to the Assembly.

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

Animal Welfare (Factory Farming) Amendment Bill 2013

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

Title read by Clerk.

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (10.27): I move:

That this bill be agreed to in principle.

Madam Speaker, the bill that I am presenting today amends the Animal Welfare Act 1992 to prohibit the use of two forms of factory farming in the ACT: battery cages for egg production and the use of sow stalls and gestation crates for pigs. Both of these methods of farming are cruel. Both of these methods of farming are inhumane, and both of these methods of farming fail to meet community expectations.

According to research conducted by the RSPCA, the vast majority of Australians would prefer to eat humanely produced or cruelty-free egg and pork products. As more are people finding out about how their food is being produced, they are finding intensive confinement of farm animals unacceptable.

Although the Tasmanian government announced that it would phase out the use of both battery cages and sow stalls, legislation to do so was never passed in the Tasmanian parliament. I believe that now it is finally time for the ACT to take a stand and show national leadership by becoming the first Australian jurisdiction to finally legislate to outlaw these cruel practices. The Assembly's passage of this bill will help to progress positive national movement on factory farming issues.

The ACT has long been a national leader on animal welfare issues. The ACT was the first jurisdiction in Australia to ban tail docking of dogs in 2001 and within a few years all other states and territories followed suit.

Many other countries and jurisdictions around the world have also banned battery egg production. The European Union's ban came into effect last year, although it has been banned in Switzerland since 1992. Battery hens are also banned in seven states of the

USA. Sow stalls are also already banned in the United Kingdom and Sweden, and New Zealand will follow from 2015.

Even Australian Pork Limited, the peak pork industry body, acknowledges the consumer interest in animal welfare and is introducing a voluntary phase-out of the use of sow stalls by 2017. This bill continues the ACT on its path to bringing ACT animal welfare legislation up to world's best practice.

Battery cage farming places laying hens in horrific conditions. It is widely recognised that hens kept in battery cage systems suffer chronically. Hens are kept in cages the size of an A4 piece of paper. They can barely move. They cannot exhibit usual chicken behaviour such as flapping their wings or dust bathing. They cannot lay their eggs in a nest. And they endure these horrific conditions for the whole of their short lives.

The bill that I am presenting today is intended to improve the quality of life of farmed hens by prohibiting the use of battery cages in egg production in the ACT. It does this by inserting a new section 9A into the Animal Welfare Act. New section 9A will create a new offence of keeping a laying fowl for commercial egg production in a battery cage. For the purposes of the Animal Welfare Act, a battery cage is defined as a cage for housing a laying fowl that would prevent the fowl from engaging in natural chicken behaviour such as stretching, perching, accessing litter or laying eggs in a nest. The maximum penalty for a prosecution for this offence is 50 penalty units.

This bill also introduces a clause to prevent trimming or removing of hens' beaks. This is a cruel practice which has been in place to enable hens to live in stressful, cramped, cruel conditions without injuring themselves or their fellow hens by pecking.

By limiting the offence to commercial egg production, it targets factory farming and not domestic keepers of chickens. With the passage of this bill, commercial farmers will be required to undertake egg production by an alternative method more humane than battery cage farming.

The ACT government has already gone some way to ban the practice of battery cage farming of hens in the territory. Members may be aware that last year the government entered an agreement with the ACT's only battery cage farm operator, Pace Farm, to destock and convert its operations.

This bill honours that agreement with Pace Farm. A transitional provision in the bill provides that the offence will not apply to any commercial egg producer who is party to an agreement with the territory to convert its facility to a barn system, until 16 May 2016. This is the date by which the government and Pace have agreed that Pace's Parkwood farm facility would be converted from its battery cage system.

Notwithstanding this transitional provision, commercial egg producers in the ACT are obliged to comply with the commercial egg production provisions in part 6 of the Animal Welfare Regulation 2001, which mandate minimum standards for battery cage operations.

Despite the government's agreement with Pace Farm, it is now time for the Assembly to take one step further and legislate to end the practice of battery cage farming entirely so that other egg producers cannot commence battery cage operations in the ACT.

This is now the fifth bill introduced into this Assembly by a Greens member to ban battery hens in the ACT. The first bill was passed in 1997. However, as the bill also included provisions banning the sale of caged eggs in the ACT, under the commonwealth Mutual Recognition Act, it needed approval from all other jurisdictions in Australia before the act could commence. As this did not occur, the act has been sitting on our statute books uncommenced for 16 years. This bill removes those provisions to enable the current bill to commence.

The second factory farming practice that this bill seeks to prohibit is the use of sow stalls and gestation crates. Members may be aware that a sow stall is a metal-barred crate used in intensive pig farming. A sow stall houses a single sow for all or part of her 16-week pregnancy. A standard sow stall is just two metres long and 60 centimetres wide. The floor of the stall is usually slatted concrete. The stall has just enough space for the sow to stand up in. She cannot turn around and can only take a short step forward or back.

A few days before giving birth—or farrowing—the sow is moved from a stall to a farrowing crate. Farrowing crates are slightly wider than stalls so that sows can lie down to nurse. They have troughs on each side to physically separate the nursing piglets from their mother. At between two and five weeks of age, piglets are weaned from their mother. She is then returned to a sow stall for mating, and the cycle starts again.

Pork producers claim that the use of sow stalls makes feed management easier in pig farms and prevents pregnant sows from biting each other. The use of farrowing crates prevents the danger of “sow overlay”, where a sow accidentally crushes one of her piglets.

But the use of sow stalls and farrowing crates in intensive pig farming severely compromises the welfare of pigs and causes them behavioural, physical and mental suffering. Life for a sow confined to a stall is miserable. The inability to move or exercise leads to painful muscle and bone problems. Sows are unable to engage in the most basic of natural pig behaviours like rooting in the dirt, foraging for food and wallowing in mud to maintain their body temperature.

Pigs that are kept in sow stalls have no opportunity to interact socially with other pigs. Pregnant sows are instinctively motivated to engage in nesting behaviours, but they are prevented from carrying out this behaviour when placed in farrowing crates, which do not provide bedding or nesting material.

I am advised that some scientists believe that pigs are the third most intelligent animal on our planet, following human beings and chimpanzees. In fact, some scientists

believe that pigs exhibit the same intelligence as a three-year old human being. It is no surprise then that sows kept in stalls show stereotypical behaviours caused by their extreme frustration and boredom, such as biting the bars of the stall and continuously swaying their heads.

Many countries and states have already recognised the cruelty of using sow stalls. Places like Sweden, the UK and nine US states have now legislated to outlaw sow stalls. These jurisdictions recognise the cruelty of confining a highly intelligent animal like a pig in a stall until it slowly goes insane. I want the ACT to join these places by legislating to ban this practice.

This bill outlaws the cruel practice of keeping pigs in sow stalls or farrowing crates by inserting a new section 9B into the Animal Welfare Act. The new section 9B will create an offence of keeping a pig in anything less than appropriate accommodation. The maximum penalty for a prosecution for this offence is 50 penalty units.

Appropriate accommodation for a pig kept by a person is defined in new section 9B(3). This clause provides that appropriate accommodation allows a pig to turn around, stand up and lie down without difficulty, have a clean, comfortable and adequately drained place in which it can lie down, maintain a comfortable temperature and have outdoor access.

If the accommodation is for more than one pig, each pig in the accommodation must be able to lie down at the same time. The accommodation must also allow pigs to be able to see each other, except for a pig isolated on the advice of a veterinary surgeon or a pig within a week of farrowing.

Madam Speaker, there are no intensive pig farms currently operating in the ACT, and so sow stalls are not being used here. But I want this Assembly to legislate to ensure that, should a pig farm be established in the territory, it would never have the option of using sow stalls or farrowing crates.

There has been much community concern and outrage for many years about the welfare of hens in battery cages and pigs in sow stalls. Public sentiment has built a groundswell against the intensive factory farming of hens and pigs. I will continue to advocate for these improved standards to be implemented nationally when the opportunity arises, and as the relevant minister, through the Standing Council on Primary Industries.

I believe that it is now time for the ACT to show national leadership on this issue through legislation. This Assembly's passage of this bill will send a strong message to the rest of the nation that the intensive confinement of pigs and layer hens is no longer considered acceptable. I commend the bill to the Assembly.

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

Legislative Assembly—members code of conduct

MR RATTENBURY (Molonglo) (10.38): I move:

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

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

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

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

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

- (9) Members will observe proper standards of parliamentary conduct, and observe respect for differences and fairness in their political dealings.
- (10) Members should promote and support these principles by leadership and example, in order to maintain and support public trust and confidence in the integrity of the Assembly and the conduct by its Members of public business.

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

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

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

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

A review of the code of conduct was recommended during the last Assembly by Ron McLeod in the context of some broader issues around the conduct of a member that he

was asked to investigate. At the time, as the Speaker, I felt that that was a good recommendation, and that we look closely at the text, because the Assembly has had a code of conduct since 2005 and these sorts of documents do warrant a re-examination and consideration from time to time as to whether they are up to date and whether they accurately reflect the expectations and the desires of the members of the Assembly at a given time.

The code of conduct is an important statement of the values and integrity that the members of this place should uphold. We do have an expectation on us from the community that we are operating to the highest standards; the code of conduct, contained in the standing orders, is a way of members of the Assembly expressing that, of being clear with ourselves and each other about how we define those expectations, how we define those standards. And it is also about being transparent with the community, should they seek to read that code of conduct, as to what the standards are that we are seeking to operate to.

After Ron McLeod made that recommendation, a review of the code of conduct was undertaken by Stephen Skehill, the Assembly's ethics and integrity adviser. He reported back to me, as the Speaker in the last term, on 31 July 2012. After that, a revised draft was taken to the administration and procedures committee, and that committee looked at the code of conduct. There has been discussion and there has been some amendment to come up with a document that we can all agree to. It is important that a document such as this has the unanimous support of the Assembly, because all of us, in having that motion on the table, should be comfortable and feel it is a document that we are willing to sign up to.

That is the context in which I think it is also useful to refresh the previous code of conduct to make sure that those members who are now members of the Assembly support the text, understand the text and believe the text reflects current expectations and practices—as opposed to, perhaps, those members who wrote it when it was introduced back in 2005.

As part of this process, I have been working on the introduction of a commissioner for standards. This code of conduct sits adjacent to that issue of the commissioner for standards. That was also included in the recommendations from Mr Skehill. There is some more work to do on that, and that will not be brought forward today. I hope to be able to bring that forward during the next sitting, as we continue to work on some of those details. I was recently provided with some new comments from my colleagues in the Assembly, and I welcome that engagement on the text. It is important that we get it right, but it is also a good initiative to be carrying forward.

I understand that today, when it comes to the code, there may well be some last-minute amendments and that we may be adjourning. So perhaps we will not get this matter finished today. I am unsure why this is the case, given that we have been talking about this for some time and that at admin and procedures on Tuesday I thought we were ready to go.

Nonetheless, as I have observed, I think it is important that members feel comfortable with this; that we have a document that all members can ascribe to; and that then,

when the public read it, they know that all 17 members of the Assembly are committed to it.

I commend my motion to the Assembly. I commend the revised code of conduct. I think it simply updates and refreshes a document that has been in place for a number of years now and has stood the Assembly in good stead. I look forward to receiving the support of my colleagues.

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

Legislative Assembly—members code of conduct Members' commitment

MR RATTENBURY (Molonglo) (10.43): Madam Speaker, I seek your guidance. Members must now endorse the new code of conduct. Should I start and then have the debate adjourned or should I simply defer this matter? It seems odd to start.

MADAM SPEAKER: It is the endorsement of any code of conduct. However, it may be that because—actually, I think it is in your court, Mr Rattenbury. It may be, because there is not a code of conduct, that it is better to—

MR RATTENBURY: It does seem somewhat artificial to start the discussion today, Madam Speaker. I have a mental blank on the procedure, but I propose not to proceed with this item of business today.

MADAM SPEAKER: I think the best course of action might be for you to fix a future date for this to be debated.

MR RATTENBURY: Yes. I will move that this item be fixed for a future day of sitting.

MADAM SPEAKER: We cannot remember the standing order number, but by your making that statement, Mr Rattenbury, you have fixed this for a future date; so it is on the notice paper and you can bring it back at a time of your choosing.

MR RATTENBURY: Thank you, Madam Speaker.

MADAM SPEAKER: Sorry about that. I should have thought about that ahead of time.

Annual and financial reports 2012-2013 Reference to standing committees

Motion (by **Ms Burch**, on behalf of **Mr Corbell**) agreed to:

That:

- (1) the annual and financial reports for the calendar year 2013 and the financial year 2012–2013 presented to the Assembly pursuant to the Annual Reports (Government Agencies) Act 2004 stand referred to the standing committees, on presentation, in accordance with the schedule below;

- (2) the annual reports of ACT Policing and the Office of the Legislative Assembly stand referred to the Standing Committee on Justice and Community Safety and Standing Committee on Public Accounts respectively;
- (3) notwithstanding standing order 229, only one standing committee may meet for the consideration of the inquiry into the calendar year 2013 and financial year 2012–2013 annual and financial reports at any given time;
- (4) standing committees are to report to the Assembly by the last sitting day in March 2014; and
- (5) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Annual Report (in alphabetical order)	Reporting area	Ministerial Portfolio	Standing Committee
ACT Auditor-General		Chief Minister	Public Accounts
ACT Building and Construction Industry Training Fund Authority		Minister for Education and Training	Education, Training and Youth Affairs
ACT Electoral Commission		Attorney-General	Justice and Community Safety
ACT Gambling and Racing Commission		Minister for Racing and Gaming	Public Accounts
ACT Human Rights Commission		Attorney-General	Justice and Community Safety
ACT Insurance Authority		Treasurer	Public Accounts
ACT Insurance Authority	Office of the Nominal Defendant of the ACT	Treasurer	Public Accounts
ACT Long Service Leave Authority		Minister for Workplace Safety and Industrial Relations	Public Accounts
ACT Ombudsman		Chief Minister	Public Accounts
ACT Policing		Minister for Police and Emergency Services	Justice and Community Safety
ACTEW Corporation Limited		Treasurer	Public Accounts
ACTTAB Ltd		Treasurer	Public Accounts
Canberra Institute of Technology		Minister for Education and Training	Education, Training and Youth Affairs
Chief Minister and Treasury Directorate		Chief Minister	Public Accounts
Chief Minister and Treasury Directorate	ACT Executive	Chief Minister	Public Accounts
Chief Minister and Treasury Directorate	Industrial Relations Policy Workplace Compensation and Workplace Safety	Minister for Workplace Safety and Industrial Relations	Justice and Community Safety

Chief Minister and Treasury Directorate	Default Insurance Fund	Minister for Workplace Safety and Industrial Relations	Justice and Community Safety
Chief Minister and Treasury Directorate	Work Safety Council	Minister for Workplace Safety and Industrial Relations	Justice and Community Safety
Chief Minister and Treasury Directorate	Regional Development	Minister for Regional Development	Public Accounts
Chief Minister and Treasury Directorate	Economic, Budget and financial management	Treasurer	Public Accounts
Commerce and Works Directorate	ACT Government Procurement Board	Treasurer	Public Accounts
Commerce and Works Directorate	Director of Territory Records	Treasurer	Public Accounts
Commerce and Works Directorate		Treasurer	Public Accounts
Commissioner for Public Administration		Chief Minister	Public Accounts
Community Services Directorate	Arts Policy, Advice and Programs (including Arts ACT)	Minister for the Arts	Education, Training and Youth Affairs
Community Services Directorate	Community Affairs—Aboriginal and Torres Strait Islander Affairs	Minister for Aboriginal and Torres Strait Islander Affairs	Health, Ageing, Community and Social Services
Community Services Directorate	Community Affairs—Ageing	Minister for Ageing	Health, Ageing, Community and Social Services
Community Services Directorate	Community Affairs—Multicultural Affairs	Minister for Multicultural Affairs	Health, Ageing, Community and Social Services
Community Services Directorate	Community Affairs—Women	Minister for Women	Health, Ageing, Community and Social Services
Community Services Directorate	Community Development and Policy	Minister for Community Services	Health, Ageing, Community and Social Services
Community Services Directorate	Disability and Therapy Services	Minister for Disability, Children and Young People	Health, Ageing, Community and Social Services
Community Services Directorate	Housing ACT	Minister for Housing	Health, Ageing, Community and Social Services
Community Services Directorate	Children, Youth and Family Services (Child and family centre program; children services; youth services)	Minister for Disability, Children and Young People	Education, Training and Youth Affairs

Community Services Directorate	Children, Youth and Family Services (Care and protection services)	Minister for Disability, Children and Young People	Health, Ageing, Community and Social Services
Community Services Directorate	Official Visitor — <i>Children and Young People Act 2008</i>	Minister for Disability, Children and Young People	Health, Ageing, Community and Social Services
Cultural Facilities Corporation		Minister for the Arts	Education, Training and Youth Affairs
Director of Public Prosecutions		Attorney-General	Justice and Community Safety
Economic Development Directorate		Minister for Economic Development	Public Accounts
Economic Development Directorate	Tourism Policy and Services (including Australian Capital Tourism)	Minister for Tourism and Events	Public Accounts
Economic Development Directorate	Sport and Recreation Services	Minister for Sport and Recreation	Planning, Environment and Territory and Municipal Services
Education and Training Directorate		Minister for Education and Training	Education, Training and Youth Affairs
Environment and Sustainable Development Directorate		Minister for the Environment and Sustainable Development	Planning, Environment and Territory and Municipal Services
Environment and Sustainable Development Directorate	ACT Heritage Council	Minister for the Environment and Sustainable Development	Planning, Environment and Territory and Municipal Services
Environment and Sustainable Development Directorate	ACT Planning and Land Authority	Minister for the Environment and Sustainable Development	Planning, Environment and Territory and Municipal Services
Environment and Sustainable Development Directorate	Conservator of Flora and Fauna	Minister for the Environment and Sustainable Development	Planning, Environment and Territory and Municipal Services
Environment and Sustainable Development Directorate	Environment Protection Authority	Minister for the Environment and Sustainable Development	Planning, Environment and Territory and Municipal Services
Exhibition Park Corporation	Economic Development Directorate	Minister for Economic Development	Public Accounts
Health Directorate		Minister for Health	Health, Ageing, Community and Social Services
Independent Competition and Regulatory Commission		Treasurer	Public Accounts
Justice and Community Safety Directorate		Attorney-General	Justice and Community Safety

Justice and Community Safety Directorate	Corrective Services	Minister for Corrections	Justice and Community Safety
Justice and Community Safety Directorate	Emergency Services Agency	Minister for Police and Emergency Services	Justice and Community Safety
Justice and Community Safety Directorate	Transport Policy and Regulation	Attorney-General	Justice and Community Safety
Land Development Agency		Minister for Economic Development	Planning, Environment and Territory and Municipal Services
Legal Aid Commission (ACT)		Attorney-General	Justice and Community Safety
Office of the Commissioner for Sustainability and the Environment		Minister for the Environment and Sustainable Development	Planning, Environment and Territory and Municipal Services
Office of the Legislative Assembly		Speaker	Public Accounts
Public Advocate of the ACT		Attorney-General	Justice and Community Safety
Public Trustee for the ACT		Attorney-General	Justice and Community Safety
Territory and Municipal Services Directorate		Minister for Territory and Municipal Services	Planning, Environment and Territory and Municipal Services
Territory and Municipal Services Directorate	Arboretum	Chief Minister	Public Accounts
Territory and Municipal Services Directorate	ACTION	Minister for Territory and Municipal Services	Planning, Environment and Territory and Municipal Services
Territory and Municipal Services Directorate	ACT Public Cemeteries Authority	Minister for Territory and Municipal Services	Planning, Environment and Territory and Municipal Services
Territory and Municipal Services Directorate	Animal Welfare Authority	Minister for Territory and Municipal Services	Planning, Environment and Territory and Municipal Services
University of Canberra		Minister for Higher Education	Education, Training and Youth Affairs
Victims of Crime Support Program		Attorney-General	Justice and Community Safety

Taxation—reform

Proposed order to table

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

That, in accordance with standing order 213A, Mr Barr table all modelling that has been conducted into the ACT Government's tax reform.

MR RATTENBURY (Molonglo) (10.46): I will move the amendment that I have circulated to the parties previously. The Clerk has just received it so it should come round shortly. The Greens have long argued for greater community participation in government decision-making and strongly believe the community has a right to information held by the government. The community should have access to the information that informs government decision-making. The tax reforms are

complicated and the community should be able to evaluate those reforms, including by being able to consider the material that has been prepared by Treasury to inform policy decisions.

I make the observation that anyone who is of a mind to do so can calculate the impacts of the reforms and work out what the various costs will be based on any assumptions one cares to make. All the necessary information is publicly available: total revenue, number of residential and commercial ratepayers and average suburb values, so you can break down the information by suburb, if you wish. The real point I am making is that the Liberal Party can work out the answer to any question about the reforms they wish to ask. If they want to know what the rates will be in any suburb in any year they can plug in the different policy assumptions and work it out. We have revenue forecasts for the next four years and beyond, and they can easily be extrapolated to give indicative numbers.

The point is that there seems to be a fixation on the part of the Liberal Party on these numbers, which does not really make sense if the intention is to genuinely debate the issue. Nevertheless, I think there should be a genuine public debate on the issue, and I think the community should have access to the material developed by Treasury to assist in the community's understanding of these changes.

The Greens are committed to improving the transparency of government, and I have no doubt it is in the government's best interest to provide more information to the community. The Greens, as we have stated on many occasions in this place, support the tax reform. The spectrum of possible impacts to the reforms is quite broad and I have no doubt the changes will evolve over the two decades of the implementation.

In terms of the amendment that I move, I have endeavoured to—

MADAM SPEAKER: Mr Rattenbury, you may speak to the amendment but you cannot move it until it has been circulated. It is being copied at this stage and has not yet been circulated.

MR RATTENBURY: I will move it at the end of my remarks, if that is agreeable.

MADAM SPEAKER: Yes, thank you.

MR RATTENBURY: The amendment better articulates the information that is actually useful to the community and about which there should be genuine debate. The reason I have sought to do this is that the motion Mr Smyth moved last time was very broad and I was unclear about what was being sought. I have endeavoured to define a bit more clearly what is being sought. I think the community has a right to access documents on the analysis of the impacts the taxation reforms implemented to date are expected to have over time, because that information is relevant. When it comes to tax reforms, it is plausible that any government in the ACT over the next 20 years can make a series of policy decisions that could shape the way rates are applied and the way the ACT raises revenue. They could adjust a whole lot of the parameters. This, of course, has been the discussion and debate that has gone on when it comes to the tax reforms over the last 12 months or so and in the scare campaigns that have been attached to it.

What is relevant—and it is appropriate that documents be sought in that context—is the government has taken a set of decisions; the Greens have supported those. They are based on certain parameters and certain assumptions. That information should undoubtedly be publicly available. The Greens completely support that, and that is why I am endeavouring to acknowledge what I believe Mr Smyth was trying to do—that is, to get the modelling that lies under the tax reforms that have been made and the projections built into that. The community has a right to that information. They are the decisions that have been taken that are going to play out for the community.

I believe my amendment reflects that. It gives some definition to the public service to have to go off and find the documents. In any request, whether it is freedom of information or a call for documents, there should be some borders or some crispness around what you are actually asking for, otherwise real time goes into searching for things that may not be sought.

I have also put a return date on this. In discussions with the Treasurer he indicated to me that it would take some time for the agency to produce the documents and that any date set should allow for the practicalities of that. I think that this is a date that, whilst it is not the close of business today, is certainly in the near term, and it means members of the Assembly will have access to the documents in a timely manner. I have sought to find a productive way forward on this issue, and I commend my amendment to the Assembly. I now move my amendment as circulated:

Omit all words after “That” first occurring, substitute:

“this Assembly:

- (1) notes the information provided in the 2012-2013 and 2013-2014 Budget papers concerning the taxation reforms; and
- (2) in accordance with standing order 213A, calls on the Government to table, by 31 October 2013, any other analysis of the impacts that the taxation reforms implemented to date are expected to have over time.”.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (10.52): The government will support this amendment. Much of the information that is sought within the amendment is already publicly available. Some information can, of course, be accessed by members now, particularly in the 2012-13 budget papers, the 2013-14 budget papers and the five-year tax reform plan that I released with the 2012-13 budget.

As I indicated in my response when Mr Smyth first moved this motion in September, many elements of information are budget in confidence, and the government will, of course, seek executive privilege in relation to those matters that impact upon the territory budget, as is right and proper and as you would anticipate.

I also foreshadow that, in relation to the next phase of tax reform, the government will pay due heed to a number of changes in the federal landscape in relation to tax reform—namely, it is, as I understand it, the commitment of the incoming federal government to commission a white paper on tax reform. I also understand it is their intention to commission a white paper and seek reform of federal financial state relations. I have read numerous press reports where other state and territory governments have argued for reform of federal-state financial relations, and matters of taxation obviously are impacted by such arrangements. It is entirely possible—one one would anticipate it with a degree of certainty—that there will be changes in the ACT government's approach to tax reform in the second phase of our reforms that we made in the 2012-13 budget—that is, a commitment to the abolition of insurance duties over five years. That commitment remains, and we will phase out those duties over the course of this parliamentary term. That reform will be complete over the next two budgets.

We also have a long-term aspiration over a 20-year period to abolish stamp duty, and we will make efforts in every budget while I am Treasurer to reduce stamp duty. We have certainly done so in the 2012-13 and 13-14 budgets. However, we will, of course, respond to changing circumstances in relation to, for example, the distribution of the goods and services tax and any incentives offered by the commonwealth government to reform inefficient state and territory taxes. I know other state and territory governments are seeking those incentives. We would enthusiastically embrace any, should they be forthcoming from the tax white paper that is proposed in this term of the federal parliament. The government will, of course, respond to those changing circumstances.

But I have no issues at all in releasing the modelling. In fact, I released on the day I released the tax reform package the government's modelling in relation to the impacts of the tax reforms we have announced to date. I indicated in 2012-13 that a rolling five-year program was my preferred way of approaching tax reform, as this undoubtedly will be an area that will be subject to a variety of changing parameters over the year. That approach has certainly proved to be the correct one, given the change of federal government that occurred earlier this month. This means it is highly likely that the circumstances and rate of tax reform will be different in the years ahead than what was anticipated in 2012-13. Indeed, we made changes in the 2013-14 budget to accelerate reform in some areas, particularly in relation to slashing the top rate of commercial stamp duty for large property transactions.

I reiterate that the government remains committed to the abolition over time of inefficient taxes, but we also need to ensure we have a robust revenue base in order to support the operations of the territory. We will, as opportunities present—like we did in the 2013-14 budget—make changes to policy settings to accelerate the rate of stamp duty reduction. One such example was the money saved from the changes to the first home owner's grant was put into accelerating the rate of stamp duty reduction, and, therefore, not requiring revenue replacement through the rates system. We will continue to take those opportunities when they present themselves.

The government will ensure two things: firstly that the program of abolition of inefficient and distortive taxes continues; secondly, we will take appropriate steps to ensure the territory's revenue base is diversified and protected. With those two principles guiding our direction for tax reform, the government is happy to support Mr Rattenbury's amendment, and will provide information in accordance with it. Of course, I remind members that if they wish to see modelling over the next four to five years, that information has been available for more than a year.

MR SMYTH (Brindabella) (10.58): To speak to the amendment and close the debate, I thank Mr Rattenbury for his amendment. At last we might see the modelling the government claims they have and what the effect of their reforms will be in the long term. There has never been any doubt that there is some information in the marketplace and that the minister has put some numbers out, but what he has not done is explain how the reforms are paid for over the full reform period. Hopefully we will now get that information.

I note the minister has already said the government will claim privilege. That being so, I suggest the minister read standing order 213A paragraphs (5) through (11), which show how privilege is dealt with. It would be better if the government was just open. If they were confident of their reforms, if they were confident they can pay for their reforms and if they were confident that rates do not triple over a time frame, then they would put this documentation into the public realm. They have not.

They can end the argument about tripling rates any time they want. But the fact they have not put this material into the public realm leaves the doubt hanging. It is important that the information is available as the reforms impact upon families and households. I again remind the Treasurer that, yes, you can claim privilege, but that then triggers another process. We will be interested to see, firstly, the return on 31 October of all the documents that are available and, secondly, which ones have the claim of privilege attached to them. If privilege is invoked, I will certainly be looking to use the process of an independent arbiter looking at which documents can and cannot be made public.

I thank Mr Rattenbury for his support and the Treasurer for that fact that even he now supports making public further documents.

Amendment agreed to.

Motion, as amended, agreed to.

Executive member's business—precedence

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

That Executive Member's business be called on forthwith.

Fair Trading (Fuel Prices) Amendment Bill 2013

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

That this bill be agreed to in principle.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.01): The Fair Trading (Fuel Prices) Amendment Bill 2013 seeks to require petrol stations to display only the normal price of their fuel—that is, the price payable before any supermarket docket or other discounts are applied. The bill would also require petrol stations to display the price of all fuels sold at that station—for stations that sell four or less types of fuel—or the four most popular types of fuel if the station supplies more than four types of fuel. The price of LPG and diesel must also be displayed if the petrol station supplies those products. Finally, the bill requires petrol stations to display on the fuel pump the octane rating of all unleaded and E10 petrol sold by that station. The explanatory statement for the bill states that this would stop consumers being misled about the price of fuel, and would stop motorists entering petrol stations only to discover they have to pay a higher price than advertised.

The government agrees that these are worthy objectives. It is important that motorists are able to clearly determine the price they actually have to pay for fuel without having to enter the petrol station. Motorists would also benefit from having the prices of a wider range of fuel types more prominently displayed. These objectives demonstrate precisely why the government has been actively working with jurisdictions across Australia to develop a consistent national approach to the display of information on fuel price boards.

This work is being developed under the guidance of the Legislative and Governance Forum on Consumer Affairs, which consists of all commonwealth, state, territory and New Zealand ministers responsible for fair trading and consumer protection laws. I represent the ACT on this body. The forum's role is to provide an opportunity for ministers to discuss matters of mutual interest concerning consumer policy, services and programs. It considers consumer affairs and fair trading matters of national significance and works to develop a consistent approach to those issues.

At the second meeting of the forum, on 6 July, it was agreed that all jurisdictions would work towards a nationally consistent framework on fuel price board signage. As a first step, a public consultation paper on a proposed national petrol information standard was developed and released to coincide with the third meeting of the forum in December last year. The aim of the consultation paper was to stimulate discussion on fuel price transparency with a view to increasing competition and allowing consumers to accurately compare fuel prices at different retailers.

The public consultation paper canvassed three options. The first was no regulation. Jurisdictions would continue to rely on generic consumer protections against false, misleading and deceptive conduct, "bait advertising" and multiple pricing. The second

option presented was to introduce a basic national standard. This would permit only undiscounted fuel prices on signs, although fuel discount schemes may be included. The final option proposed was the development of a detailed national standard. This could include requirements that all fuel retailers must maintain a fuel price board, displaying in equal prominence the undiscounted prices of a specified minimum number of fuels.

A large number of submissions were received on the consultation paper from petrol stations, industry representatives, motoring associations and the general public. In addition, during that period a working group of commonwealth, state and territory officials met with key stakeholders, including industry groups, motoring associations and consumer groups. The outcomes of this consultation are being used to inform the final decision of ministers.

In July, ministers met to discuss the final paper and agree a way forward. There will be further discussions at a subsequent meeting later this year, and it is expected that there will be agreement to implement a national standard incorporating aspects of options 2 and 3.

An important aspect of this consultation has been research on how fuel prices can be best presented so that consumers, who are initially confused by the current information displays, can learn and adapt to how information is displayed. Therefore, there is no point in rushing to implement a solution today if the solution is fundamentally flawed because it fails to achieve the objective of providing greater clarity for consumers.

I mentioned that the forum has proposed the use of an information standard to prescribe the information requirement for fuel price boards. An information standard is a written notice made under the Australian Consumer Law. The Australian Consumer Law, which commenced in 2011, is a national regulatory framework that incorporates national laws guaranteeing consumer rights when buying goods and services, a national product safety law and enforcement system and new penalties, enforcement powers and consumer redress points. The Australian Consumer Law applies nationally, in all states and territories, and to all businesses.

The advantage of regulating fuel price boards through the Australian Consumer Law is that it provides a consistent national framework. It provides certainty to consumers and industry across Australia. The use of the ACL also provides the regulator with the options of strong enforcement mechanisms under the law to ensure that petrol stations are complying with their obligations.

The national trend towards a smaller number of large petrol station chains is well known and, given these operators are operating nationally, it is important that regulators are able to work together, using consistent powers, to ensure compliance. Proceeding in a piecemeal fashion, without the benefit of operating within the framework of the ACL, will prevent the regulator from exercising the full suite of its powers to achieve the best outcome for consumers.

Therefore, the government believes it is premature to consider this bill at this time. The government has been actively participating in national reforms on this issue. It is expected there will be an agreed position this year. It is important that motorists, no matter where they drive within Australia, particularly in a place like the ACT and its close proximity to New South Wales, are presented with fuel pricing information in a consistent manner. The national approach being developed is evidence based, and it is being done in consultation with motorists and industry. This will ensure that ACT motorists get the best result the first time.

Proceeding with this bill now may actually see the ACT implementing requirements that are less stringent than those that may be adopted nationally. It is vital that this Assembly does not confuse motorists, or impose unnecessary costs on business, by bringing in a framework now that will only have to be changed or amended in a matter of months. Therefore, the government will not be able to support this bill today.

MR HANSON (Molonglo—Leader of the Opposition) (11.09): I rise to speak to this bill. I will do so in two parts. I will first give the opposition's view of this legislation. But then I am going to go to a broader point about the problematic status of having somebody bringing forward legislation sometimes as a minister, sometimes as a cross-bencher, and the opposition's evolving response to that based on the way that we have seen that play out in this place.

With regard to the specifics of this piece of legislation, I am broadly in agreement with what Mr Corbell has outlined. It is premature. It is broadly unnecessary but my overarching concern is that what has emerged in this place is a situation where Mr Rattenbury is bringing forward legislation sometimes as a minister through the right processes and sometimes as a Green crossbencher. He is trying essentially to be all things to all men—have his cake and eat it.

As a result, what we are seeing is this sort of ad hoc approach to legislation and to motions. We are seeing that with this piece of legislation today. We are certainly seeing it in relation to the AD(JR) bill that we are going to be talking about. A lot of this legislation that has been pushed through by Mr Rattenbury is ill-considered, ill-conceived. We will be adjourning or have adjourned—I am not quite sure; I was out of the chamber—the two pieces of Assembly business because they are poorly conceived and poorly written.

I and the opposition have reached a point where we simply are not going to accept this pretence that Mr Rattenbury can be a government minister one minute and a Greens crossbencher the next. It is not workable. Ultimately this is something that has arisen from the Greens-Labor parliamentary agreement. That was the price of government. It was one of the costs of government that the Labor Party paid. But I am not a signatory to that agreement. I do not recognise that agreement. As far as I am concerned, there is a Greens-Labor coalition government and we are not going to accept a position here where we have not only to deal with a Greens-Labor coalition government but also the Greens as a separate entity. It is entirely unworkable.

In essence if Mr Rattenbury cannot get an issue through his cabinet colleagues, if he cannot get an issue through his coalition partners, then it is a nonsense that he should then be bringing this issue essentially to the opposition in the Assembly to try to get it through. If his Labor mates are not going to sign up to something, he is then going to try and bring it to us. If there is an issue that Mr Rattenbury is bringing forward in his ministerial portfolio, I make it very clear that, as he is a member of the government, of course we will treat it on its merits.

But if he has a piece of legislation that he wants to get through, then he should get it through the cabinet process as a cabinet member. Then the appropriate minister should bring that forward. If there is a piece of legislation that falls outside his ministerial portfolio it should rightly be brought on by somebody else if the government were to support it. The only reason he would be bringing it forward, essentially, is sort of posturing and grandstanding.

I consider it entirely unworkable. I can foreshadow some of the other debates that we are going to have in this place about various issues. We can certainly see it with the piece of legislation introduced by Mr Rattenbury today with regard to pig farms and battery hens. There are no pig farms and battery hen farms in the ACT. In Mr Rattenbury's own words in the media, it is about time to send a message to other jurisdictions.

Mr Corbell: Point of order.

MADAM DEPUTY SPEAKER: Mr Corbell, point of order.

Mr Corbell: Relevance, Madam Deputy Speaker. We are discussing the Fair Trading (Fuel Prices) Amendment Bill 2013. If Mr Hanson wants to speak about matters agricultural, I am sure there are other opportunities to do that. But they are certainly not relevant matters for this bill.

MR HANSON: Madam Deputy Speaker, on the point of order. I accept what Mr Corbell is saying, but the reason I am putting forward this argument is that I am trying to explain the opposition's approach to dealing with this piece of legislation that has broader implications in terms of how we are going to deal with executive members business.

I accept that this matter I am discussing is not directly relevant to this bill but it certainly is in terms of the opposition's approach to it, which I will outline shortly. I am certainly not going to be going into broader matters and debating them further but it is entirely relevant to the outcome of the way that the opposition is dealing with this particular piece of legislation.

MADAM DEPUTY SPEAKER: Mr Hanson, we are not debating that matter at all. The question is that the bill be agreed to in principle. That is all we are debating at the moment; so please remain relevant.

MR HANSON: Sure. The point I am making—and I will not digress from this bill though—is that this bill, like other pieces of legislation brought forward by Mr Rattenbury, is ill-conceived, is mostly about posturing, is about trying to gain support from his base. In the context of a broader range of issues, this is just one of them. Others that I am giving examples of, Madam Deputy Speaker, include the piece of legislation that he brought in today, the Simon Sheikh memorial bill, and other pieces of legislation—for example, the one we are going to speak to next, which is an Attorney-General piece of legislation.

The point I am making is that I do not believe it is possible for Mr Rattenbury to take this role of trying to be all things to all men—to be a minister, to be a crossbencher. He tried this in the last Assembly. He wanted to be the Speaker and be a crossbench member. As you know, we have a very firm position on that. I believe he did perform his responsibilities as the Speaker properly but he is not as a minister because he is entirely distracted by other matters.

Our position will be that, as a rule, when there is legislation brought in here by Mr Rattenbury in his quasi-Green role that should otherwise be brought forward by the government—Attorney-General legislation or legislation in the purview of other ministers—then the opposition will move to adjourn that legislation—

Mr Rattenbury: How dare you.

MR HANSON: and that legislation be brought forward—

Mr Rattenbury: That is so disgraceful.

MR HANSON: Mr Rattenbury is interjecting that I am disgraceful, Madam Deputy Speaker. I would ask you to rule—

MADAM DEPUTY SPEAKER: Mr Hanson, I actually cannot hear what Mr Rattenbury is saying; so we will—

MR HANSON: Maybe he would like to repeat it. Maybe he would like to repeat it for—

Mr Rattenbury: Yes, for clarity, Madam Deputy Speaker, I said that I thought that was a disgraceful thing to do, and it is

MADAM DEPUTY SPEAKER: Right; I do not think that is unparliamentary.

MR HANSON: There we go.

MADAM DEPUTY SPEAKER: Thank you, Mr Rattenbury.

MR HANSON: What the opposition will do as a general rule—I am not going to wedge myself to the point where I am going to say exclusively—if we see this political posturing from Mr Rattenbury bringing forward these ill-conceived, ill-

considered, poorly-thought-through pieces of legislation, what we will do is seek to have them adjourned and brought forward by the appropriate minister for the government.

I think that in that way we will prevent what is broadly happening here on a number of pieces of legislation. We are having, essentially, a cabinet discussion in the chamber. Mr Rattenbury is a cabinet minister. If he has issues to discuss in cabinet, this should occur in cabinet. Then the opposition should consider legislation being brought forward by the cabinet minister. We should not have to be here to try and negotiate a path forward and be part of what seems to be a squabble internally between the Labor Party and the Greens. That is not our role in this place.

Madam Deputy Speaker, I foreshadow that the opposition will be moving to have this legislation adjourned. We would welcome the debate if it were brought forward by the appropriate government minister, as we welcome the debate on any matter. But we want to make sure that what we are debating in this place is considered well, is factually correct, is not poorly presented, is not just simple political posturing, which it always is when it is brought forward by Mr Rattenbury with his Greens hat on. If it is considered well, then we will debate it properly.

Obviously, if the government does not agree with that, we will have to consider what we will finally do with that particular piece of legislation—whether we will simply knock it off or support amendments if the government is going to try and improve the sort of mess that Mr Rattenbury does bring into this place, as I can foreshadow certainly is the case with this piece of legislation which is pre-emptive and with the piece of legislation we will be debating shortly, which the Attorney-General is desperately trying to clear up. Essentially, we are not going to be obstinate but we will not allow Mr Rattenbury's very poor legislation to get through. That will be the general approach.

It is a bit of a line in the sand in this place. I accept that what it does is, in some ways, empower the government further. But I think it is important in this place that what we debate and what we deliver to the ACT community is well considered, is well conceived and is not based solely on political posturing to a political base—in this case to Mr Rattenbury and the Greens party.

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

That the debate be adjourned.

The Assembly voted—

Ayes 7		Noes 8	
Mr Coe	Ms Lawder	Mr Barr	Ms Gallagher
Mrs Dunne	Mr Smyth	Ms Berry	Mr Gentleman
Mr Hanson	Mr Wall	Ms Burch	Ms Porter
Mrs Jones		Mr Corbell	Mr Rattenbury

Question resolved in the negative.

MR SMYTH (Brindabella) (11.24): As Mr Corbell has said, it is worthy to note that there is a COAG process currently in place to look at exactly this same matter. The latest joint communique by the COAG governance and legislative forum on consumer affairs notes:

Ministers discussed the value of having a national information standard for petrol price boards to assist consumers to make better fuel purchasing decisions through the provision of clearer, more standardised information.

Ministers noted the consultation that had been undertaken with industry and consumer groups to date and that the agreement was not reached over a national information standard.

Ministers agreed to undertake further consultation with industry and consumer stakeholders and revisit this issue at the next CAF—

Consumer affairs forum—

meeting.

The context of this goes back to July 2012 when CAF ministers agreed to consider a national approach to the display of price information on fuel price boards. This agreement resulted in the release of the public consultation paper “Consumers and fuel prices boards” by Consumer Affairs Australia and New Zealand on 7 December 2012. The paper was formally assessed by the Office of Best Practice Regulation as meeting the COAG principles on best practice regulation. Looking at the submissions that had been received and concerns raised, CAF’s position for further consultation seems prudent.

Based on the advice that we were provided with by Mr Rattenbury’s office—I thank him for the briefing on the bill—this bill takes its lead from the New South Wales fair trade regulation 2012. For the most part, it is a straight copy of the New South Wales regulations, with the exception that the Greens are enshrining this in territory legislation, noting that the explanatory statement accompanying the bill and key features include that the act commence on 1 September 2013, the same time as in New South Wales. This may have to be modified.

It creates offences with a maximum penalty of 50 penalty units for failing to correctly advertise the price of fuel that is available to all customers. It requires that service stations that sell up to four types of prescribed fuels must advertise the prices of each fuel they sell. It requires that service stations that sell five or more types of fuel must advertise the price of the four highest selling fuels and requires stations to correctly advertise the octane rating of each fuel they offer for sale. When asked why do this now when there is a formal COAG process underway, the response we received was that it will take too long, which Mr Rattenbury stated on the public record.

Madam Deputy Speaker, consistent with other Greens go-it-alone-type approaches, which we also resisted, we have concerns. Firstly, it is rushed. I recall the Greens wanting to focus on 16 August this year, the last day of the appropriation debate for

the budget. Secondly, the ill-considered consequence of this was perhaps that if it did pass in the Assembly, it would have given ACT petrol stations just 11 days to comply.

Keep in mind that the compliance signs have been estimated to cost around \$50,000 to \$70,000. That would have been unviable. I do recall that the New South Wales initiative allowed for a 12-month phase-in period so service stations had time to amend their signage. Thirdly, there was no regulatory impact statement that would have given some sense of the cause and effect of this initiative in the ACT. And lastly there was scant indication of how octane levels are to be verified and issues around quality control.

Madam Deputy Speaker, our concern is compounded by the fact that Mr Corbell has already warned that the territory does not have the capacity to achieve the desired outcomes in Mr Rattenbury's bill. This leaves the Canberra Liberals with little confidence that this ACT Labor-Greens government would properly implement a fuel price display scheme should the ACT go it alone.

We have seen this with the government's legislation relating to plastic bags, criminalisation in relation to shopping trolleys, the small and medium feed-in tariff schemes and the carbon emission targets. These are just a few of the failed go-it-alone initiatives. Quite clearly, we will not be supporting the bill today.

MR RATTENBURY (Molonglo) (11.28), in reply: It seems that the only real reason offered to object to this bill is that it would be preferable to have a national approach. That is probably true: having one standard everywhere would be a good thing. However, as members know and have seen on many occasions, our federated jurisdictions do not always move swiftly. In fact, they next to never move swiftly, and this issue is unlikely to be an exception to that. This matter has already been deferred by the Legislative and Governance Forum on Consumer Affairs for further consideration, and I have no doubt that we will see no action on it for at least the next year, and possibly longer.

The other important point to note about hiding behind the possibility of a national scheme is that even if there is national regulation of the issue, all it can do is apply the rules proposed in the bill. The issue is actually very simple. We either require service stations to display the actual price or we allow them to display any other price that they like. There really is no third way. And there is no reason why the scheme proposed in the bill could not be in place until any commonwealth law, or any other agreed national approach, commenced to take the space.

The proposal in the bill is an exact replica of the rules in place in New South Wales, introduced by Liberal Premier Barry O'Farrell. In the absence of reform, we now have the bizarre scenario where the rules that apply in Queanbeyan to ensure fair competition will not be able to be applied in the ACT.

Minister Corbell has raised two other issues. He has said that we could not enforce the octane labelling requirement. This is a bit hard to swallow given that New South Wales has exactly the same scheme in place. I honestly cannot see how it could be difficult to come to an arrangement with New South Wales to do a modest number of tests on a fee-for-service basis.

The alternative, of course, is that we say that we are not really interested in ensuring that the claims that retailers make about the products that they sell are in fact true. Further, if this really was an issue, it could have been omitted from the bill, and the remaining clauses relating to the display of prices could remain. That was an offer that I made to both parties. If they see that as a barrier, if, unlike other issues, where we work with New South Wales to get the services that, as a small jurisdiction, we do not necessarily have—if they really are fixated and concerned about that, I offered to amend the bill. That is the way parliaments are supposed to work. You are supposed to come together to try and build common ground, to get done what can be done and perhaps continue to debate other issues at a later time. One has to ask: if this was an insurmountable obstacle, why didn't we simply get rid of that part and make progress on the price displays?

In relation to the issue of the cost for retailers, which has been raised, I received a letter from Woolworths claiming that a sign would cost \$70,000. It may well be the case that a snazzy sign would cost \$70,000. However, we believe that for the most part the changes will not actually require service stations to change their signs—just change the way they use them. The intent of the bill, and the way it has been drafted, makes that quite clear.

Certainly some signs may have to be changed, and this may involve some expense, but this is where we need to look at the big picture. I would make the point that in 2012 Woolworths made a net profit of \$1.8 billion and Coles made \$1.3 billion. Arguing against preventing the duopoly from distorting the market because they may have to install some signs that may cost them something in the context of that level of profits is somewhat perplexing.

The other members of the Assembly are saying that rather than ACT consumers being able to have the true price of petrol displayed out the front, they would rather protect those billion-dollar profits of Coles and Woolworths. That is what is being said if you want to make that argument. If that is the value set you want to subscribe to, that is your choice.

Mr Smyth touched on the issue of the start date, and somehow suggested that I had intended that service stations have 11 days to implement the rule. That is simply ludicrous. The date when we first drafted that bill was set when we were seeking to largely coincide with the New South Wales implementation of the rules; and when it was first drafted and circulated, there was sufficient time. I acknowledge that in the time it has taken to try and negotiate with the other parties in this place and get a space on the agenda to bring this bill forward, that date became unrealistic. My office and I have indicated that we would presume to amend that if there was support for the legislation. That is a perfectly practical thing. We have seen that happen on other bills in this place where it has taken longer. One has to sometimes change those things. I do not know whether Mr Smyth was being disingenuous or just rude, but to suggest that I would actually suggest that service stations should have 11 days to implement this is simply not the case.

Let me turn back to the real issues at play here, the impact that the current practices are having not only on fuel retailers but also on small grocery outlets. Coles and Woolworths are doing everything they can to dominate the grocery market and reduce competition, keeping the small local players out. Fuel discounts not only restrict competition by service stations; the scheme has also proved very effective in reducing competition in the grocery markets.

The Australian Retailers Association, the council of small business organisations of Australia, the Australian Newsagents Federation and the Master Grocers of Australia, which together represent two million businesses and five million employees, have strongly supported measures to mitigate the promotion and prevalence of the discount schemes. This bill is one such measure that will help promote competition. In addition to these small business groups, the initiative is strongly supported by the NRMA, and Alan Evans, the local representative, has been in the media expressing those opinions.

What those in the community who are frustrated by the anti-competitive practices of the large supermarket chains have to ask both the Labor and Liberal parties is why they think these activities are okay. Today we have not heard a single argument that the practice is okay or that it does not need a regulatory response. All we have heard is that they would rather wait for someone else to deal with the issue, even though we are perfectly capable of dealing with it ourselves right now—just as New South Wales, which completely surrounds the ACT, has done, with legislation of which this legislation is a duplicate.

I had suspected, and it has been affirmed by Mr Hanson's bizarre remarks this morning, that the reality is that it is more a case of simply not wanting to support a Greens initiative, rather than a policy disagreement. I have no doubt that if either of the other parties had had the idea first or thought to do this, they would be the ones championing what really is a very straightforward and sensible reform.

Whilst it seems that this will be a 16-1 event, I am sure that this will not be the last of this issue. I encourage all the small retailers of both fuel and groceries, and frustrated consumers, to contact other members of the Assembly and ask them why they think it is okay that Coles and Woolies should be able to manipulate the market and engage in the deceptive conduct that ultimately restricts competition to the detriment of small business and consumers.

This is a piece of legislation that was brought forward in absolutely good faith. It is something that constituents have approached me about, expressing their frustration. It is fair to say that since I started talking about it publicly I have received much contact from constituents saying, "Yes, that is a good idea; that is a really practical thing to do." They were a bit surprised that the Greens were doing it; they did not see it as our usual bailiwick. I do not think it is really a pitch to our base. Nonetheless, it is a good idea, and good ideas should get through this place no matter who brings them to the floor. It is a shame that that will not be the case today.

Having made my comments on the legislation, I must turn to the extraordinary set of remarks made by Mr Hanson. Mr Hanson has sought to come in here today and define

what my role in the Assembly can be and is allowed to be. Mr Hanson is simply saying that as a member of the Assembly, somehow my ability to do things in this place should be restricted. That is bizarre, and I am very surprised to hear it.

Mr Hanson actually went so far as to say that it is not the issue at hand but who brings it forward as to whether an idea is a good one or not and whether it should be allowed to be brought on in this place. That is a position that I think is undemocratic. It is certainly a position that lacks any sort of policy integrity. I am sure that if Mr Coe tabled this legislation in here we would have a big backslapping exercise going on where Mr Hanson—

Mrs Jones: I don't think Mr Coe would have tabled it.

MR RATTENBURY: I could imagine that Mr Coe might have tabled this legislation, because he would have looked at Barry O'Farrell across the border and gone: "That is a good idea. That helps consumers here in the ACT. I will bring that forward." I can imagine that Mr Coe might have done that. If he had, Mr Hanson would be slapping him on the back, going, "Good on you for copying that legislation from New South Wales."

Surely the question is whether an initiative brought into this place is a good idea or not. That is certainly the approach that I take. We have seen that three times in the last two days. This morning I supported Mr Smyth's call for papers on the tax reform under standing order 213A, because, as I said in my remarks at the time, I believe the community should have access to those papers. On the bushfire motion yesterday afternoon, Mr Smyth again put a motion asking that certain information be provided because it is required under law. It is appropriate that the community have access to the information; it was a perfectly fair case. I agreed with Mr Smyth on that, and that is why I supported the motion that he brought forward yesterday. Even on Uriarra yesterday morning, despite the back and forth and the shenanigans that went on, I agreed with the Liberal Party that the call-in power should not be used in that circumstance. And they actually—

Members interjecting—

MR RATTENBURY: Let the record show that before we walked into this chamber yesterday morning there was an agreed way forward on that. The Liberal Party then brought another amendment once we were in the chamber that was different from the one we discussed prior to debate yesterday morning. Unfortunately, we could not find common ground. We articulated that debate yesterday, and I do not want to re-prosecute it here.

My observation is simply one around the fact that when a good idea gets brought to this chamber, members should take it on its merits. We should not have the bizarre situation where Mr Hanson has just come in here and said: "Because Mr Rattenbury is bringing it to the chamber, I will not even consider it. In fact, I am going to take the undemocratic approach of seeking to defer anything Mr Rattenbury brings into this chamber, because I do not want to deal with any business he brings to this place."

That is a disgraceful position that is undemocratic and probably unprecedented in this place—one member standing up and saying another member is not allowed to bring items before this chamber unless it is the way they think it should be done. It is bizarre. It is extraordinary. It is one of the most undemocratic things I have ever seen done in a Westminster parliament.

I am just trying to do my job in this place—to represent constituents, to bring forward the issues that people raise with me. The fuel prices bill was specifically suggested to me by a constituent. I do not know if that person was a Greens voter or not. It was just somebody who wrote to me and said: “I am really frustrated with this practice. New South Wales has got a proposal. Why don’t you do something in the Assembly?” I thought: “Fair enough. Good suggestion. Let’s bring that into this place and have it done.”

Mr Hanson stood up this morning and talked a whole lot about political posturing. Let us talk about political posturing. Political posturing is walking in here and saying, “I cannot work out what Mr Rattenbury is doing today, whether he is a Greens member or whether he is acting as a member of the executive.” I am sorry that Mr Hanson struggles with that. Maybe I can bring in little name tags to make it a bit easier for him. Maybe I can wear different hats on different occasions so that Mr Hanson can get it a bit more clearly in his mind. But it does not actually matter. What matters is whether it is a good idea or not. The fact that Mr Hanson cannot see past that is really galling. And members of the community should be galled by that position, because they are seeing ideas that they are putting forward put down because Mr Hanson has got a hang-up about what capacity I am operating in in this Assembly.

This really goes right back to last November when I was required to make a choice about who to support for government. At that time, I said to Mr Seselja, as the then leader of the Liberal Party—and I said it very publicly, so all the other members of the Liberal Party also know it—that I was very happy to work with all the members of this Assembly to try and move initiatives forward on their merits. That does not mean I agree with everybody all of the time; we will have some fierce debates about these things on the merits, and that is as it should be. But to simply come in here and say “We are not going to deal with some business because of who it comes from” really sets a new low when it comes to behaviour by the Liberal Party in this chamber. Basically Mr Hanson has said, “I will never support anything that you bring forward.” How dare he. I guess that is his choice; that is democracy. But to come in here and say something like that, which is what he has effectively just said, is bizarre.

I will not be lowering myself to that. I will continue to look at the issues that the Liberal Party brings forward on their merits. If I was to take Mr Hanson’s approach, it would completely gut the effectiveness of private members day, whereas yesterday we were actually able to carry some items forward. Not everything the Liberal Party brought forward and not everything the Labor Party brought forward got supported. That is as it should be. These things should be debated on their merits.

We have the situation where, if I was to take the approach Mr Hanson is taking, we may as well not bother turning up on Wednesdays because it would be a complete

waste of time. I will not stoop to his level. I will continue to assess the merits of the matters brought forward by the Liberal Party each Wednesday and continue to try and find ways forward to seek common ground and get things done for the benefit of the community.

I commend my bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 1

Noes 14

Mr Rattenbury

Mr Barr

Mr Gentleman

Ms Berry

Mr Hanson

Ms Burch

Mrs Jones

Mr Coe

Ms Lawder

Mr Corbell

Ms Porter

Mrs Dunne

Mr Smyth

Ms Gallagher

Mr Wall

Question so resolved in the negative.

Administrative Decisions (Judicial Review) Amendment Bill 2013

Debate resumed from 16 May 2013, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11.47): The government will be supporting Mr Rattenbury's Administrative Decisions (Judicial Review) Amendment Bill, but proposes a number of targeted amendments to ensure that the right of review is not abused by the new, larger class of potential litigants this bill creates.

The bill will revise the standing requirements under the Administrative Decisions (Judicial Review) Act 1989 by removing the concept of a "person aggrieved" and significantly reducing the current limitation on who can make an application for judicial review of an administrative decision. The bill provides that any person may make an application for review subject to two limitations. A person will not have standing for review if the law under which the decision was made expressly prevents the person from making the application for review, or review of the application may adversely affect an individual whose interests are affected by the decision and the application does not raise a significant issue of public importance.

The government notes and supports Mr Rattenbury's efforts to simplify what has become a complicated area of the law. The government agrees that legal challenges should focus more on substantive issues and the administrative decisions in question and less on whether or not a case may be brought by an applicant. But we must take care that our best intentions do not undermine the practical operation of existing laws.

The government therefore supports relaxing the standing requirements for bringing proceedings under the act, but has three main concerns about the AD(JR) Amendment Bill. Firstly, the open standing provisions in the presentation bill would apply to the Planning and Development Act 2007 and the Heritage Act 2004. AD(JR) applications could be brought to delay or defer planning and land processes in circumstances where it would be frivolous or vexatious or might unduly interfere with legitimate processes for no public benefit.

Secondly, the requirements that must be satisfied in order for a person to be excluded from applying for review of a decision or applying for reasons for a decision exclude very few people from applying for review, which has the tendency to open government to potential abuses of process as people who have no interest in a matter are able to seek review in relation to it. Thirdly, unlike the standing rules in the ACAT legislation in relation to administrative review, there is no restriction on creating an organisation or association after a dispute arises, for the sole purpose of initiating proceedings. Under the ACAT Act only organisations or associations in existence at the time a matter arises may take action.

Access to justice issues are particularly pertinent when dealing with administrative decisions of government. There is a welcome trend towards increasing transparency of government and this includes the opening of government decision making to public scrutiny. However, there needs to be balance in pairing this with powerful injunctive relief. The proposed government amendments to the bill give effect to this need to strike the appropriate balance.

The revision of the standing requirements is based on the Australian Law Reform Commission report No 78 *Beyond the Doorkeeper—Standing to Sue for Public Remedies*. Under current law in the ACT, it is not open to just any member of the public to commence litigation. A person must have standing to commence proceedings. Various tests are used to determine what is sufficient standing. In the ACT, the existing AD(JR) Act specifies the "person aggrieved" test: "a person whose interests are, or would be, adversely affected". The policy rationale behind this is that the best person to conduct litigation in court is the person most affected by a decision, conduct, or controversy.

The Law Reform Commission's report recommended that these restrictions be removed in favour of open standing and any person should be able to commence proceedings having a public element, subject only to two limits: a person should not be able to commence these proceedings if the relevant legislation provides otherwise, or the litigation would unreasonably interfere with the ability of a person having a private interest in the matter to deal with it as he or she wishes.

Mr Rattenbury's bill was drafted to give effect to the commission's findings and, in essence, to expand the standing requirements to increase the public's access to justice. The government proposes to address some issues with the Administrative Decisions (Judicial Review) Amendment Bill by implementing a number of targeted amendments to the bill while still retaining and supporting its general thrust. Specifically, there are three amendments that government proposes to address each of its three main concerns: the retention of the "person aggrieved" test to review planning and development as well as heritage decisions, restricting eligibility to apply for review and restricting the definition of "eligible person".

Firstly, land planning and heritage matters need to be excluded from the operation of the bill. The government wants to avoid strategic lawsuits designed to frustrate the policies and objectives of the elected government of the day, or to obtain competitive advantage. The government's amendments take into consideration the strong opinions expressed by stakeholders that when it comes to land planning and heritage matters that the status quo should remain in relation to them.

The government proposes that the current "person aggrieved" test continue to apply to land planning and heritage matters as the existing review mechanisms are sufficient, well established and appropriately balanced. This is a well-settled area of the law and the introduction of unnecessary change does not, in the government's view, serve any clear purpose.

Allowing the bill to apply to planning and development decisions could significantly weaken the ACT's planning processes and adversely interfere with the orderly provision of important public infrastructure and private development to support the growth of the city. The exemptions of specific acts and decisions in schedule 1 and schedule 2 of the Administrative Decisions (Judicial Review) Act 1989 continue to apply and are not affected by the proposed bill or the government amendments. Also, the common law right to review of decisions on application to the Supreme Court still remains.

The government's second amendment recognises that the right to apply for review needs to be restricted from the proposal in the bill. The requirements that must be satisfied in order for a person not to be able to make an application need to be adjusted in order to exclude more people from automatically being able to launch applications. The current requirements in the bill exclude very few people from applying for review.

This can open the government to potential abuse of process as people who have no interest in the matter will be able to seek review in relation to it. The threshold for being excluded from applying for review is very high, so almost anyone can apply for a review. The government, along with the courts, has been working for some time to reduce court delay. The government does not intend to endorse anything that has the potential to reverse the trend towards shorter waiting times by potentially flooding the courts with unmeritorious proceedings.

There has been a tendency to think of the ACT court system as a free resource, but it is not. Nor, though, is it a strict user-pays system. We could not have access to justice if everyone who needed to take action paid the full price for that. The government proposes a lowering of the threshold for being excluded from being eligible to apply for review, meaning fewer people can apply for review. Specifically, a person may not make an application if an enactment does not allow the person to make an application, or the interests of the person are not adversely affected by the decision and the application fails to raise a significant issue of public importance.

Without this amendment, the broader provisions in the bill would allow government decisions to be subverted by requesting reasons for interim stage decisions. This would have the potential to impose an unnecessary burden on government and the consequent cost to the community in a time of limited public resources. The narrowing of the ability of third parties to apply for judicial review limits the right of strangers to apply for reasons for the decisions and consequently limits the potential impact on the government.

The test applies to both standing to apply for review and applications for reasons for decisions. It is only a minor limitation compared to the proposal currently in the bill, and still provides for intervention on public interest grounds. It will also be simpler for the courts to apply than the current four-part test in the bill.

The government will monitor this legislation as it is implemented to respond in case there are abuses of the system, particularly AD(JR) applications being used to interfere in private decisions that affect individuals. In that case the government may consider adding to schedule 1 of the act to ensure that individuals do not have the certainty of administrative decisions in relation to them being unreasonably threatened.

The third amendment proposed by the government is another reasonable measure to help prevent abuse of the system. The government proposes to move amendments to ensure that organisations exist prior to an administrative decision being made in order to have standing for review of the decision. In the bill currently there is no such restriction. The government amendment proposes to restrict the dictionary definition of “eligible person” to include a requirement that an organisation be in existence prior to an administrative decision being made in order to have standing.

This approach is consistent with provisions in the ACT Civil and Administrative Tribunal Act, and has operated successfully to date. The amendment would lessen the prospect of corporations and associations being established solely to fight particular decisions. The recommended government amendments will decrease the impact from delays where a person with no interest in a decision seeks review of an administrative decision. The proposed amendments will also retain the existing criteria in relation to the standing test for applications for review, but rework them.

The approach proposed by the government amendments is a responsible one. It is balanced and supportive of the intention of the bill, which is to ensure that decision makers are accountable and make decisions in accordance with the law. The government will support the bill, subject to the proposed amendments being adopted.

MR HANSON (Molonglo—Leader of the Opposition) (11.59): I move:

That the debate be adjourned.

Question resolved in the negative.

MR HANSON (Molonglo—Leader of the Opposition) (11.59): Before I talk to the substance of the bill I would just like to further reiterate my points on some of the comments raised by Mr Rattenbury in the chamber. It is very important that when we discuss things in this Assembly that we know that they have been well considered and well conceived. I would like to reiterate that point. As to Mr Rattenbury's howls of protest that there should just be a free flow of ideas and anyone can move anything they like, that is simply not the practice of this place. There is a discipline in this place and it is normal for the executive to move matters that are the responsibility of the executive. It is not for a member of the executive to freestyle and just move what they want.

A good example of that would be the Marriage Equality Bill this morning. I think there would be a number of members on that side of the chamber who would have an interest in that piece of legislation. I imagine Mr Barr would have a particular interest. I know that he has been a strong advocate of marriage equality. But he did not bring the legislation forward. It was done by the Attorney-General because he is the minister responsible.

That is the point that I am making. Mr Rattenbury has made the decision to join the executive, to be a member of cabinet, and therefore he should make sure that if he has an idea and has something he wants to put forward he puts it through the executive and it is dealt with in that fashion, rather than, particularly in the case of this bill, having an ill-conceived piece of legislation that is now desperately being cleaned up by the Attorney-General to make it workable. That is what has happened here. I think it would be far better if that were done within the cabinet by cabinet ministers rather than in the Assembly. This piece of legislation has previously been adjourned by the government. That is my point and it is one that we will maintain.

Moving from there to this piece of legislation itself—

MADAM SPEAKER: I am sorry, Mr Hanson, before you proceed, could I draw members' attention to the fact that the time for executive members' business has expired.

MR RATTENBURY (Molonglo) (12.01), by leave: I move:

That the time allotted to Executive Member's business be extended to allow the Assembly to complete its consideration of the Administrative Decisions (Judicial Review) Amendment Bill 2013.

Question resolved in the affirmative.

MR HANSON: As you can imagine, I was tempted to say no, but we will get this fixed up. The core issue here is that of standing. Standing, or *locus standi*, is the requirement of a party to demonstrate to the court sufficient connection to the law or action to support that party's participation in the case. Standing exists from one of three causes: firstly, that the party is directly subject to an adverse effect by the statute or action in question, and that the harm suffered will continue unless the court grants relief; secondly, if the party is not directly affected by the harm that it has some reasonable relation to their situation and the continued existence of the harm may affect others who might not be able to ask a court for relief; and, thirdly, the parties are granted automatic standing by act of law.

This is a very long-established tradition and it is designed to prevent extensive vexatious litigation or to prevent the courts from being used for campaigns that ought by right to be pursued through the legislature. A person or organisation with a mere emotional or intellectual concern or belief affected by the administrative action does not have standing to seek reviews—from *Ogle v Strickland* in 1987.

The High Court has specifically moved against open standing, from the *Australian Conservation Foundation Inc. v the Commonwealth* (1980). I think the fact that it was the Australian Conservation Foundation might give some inkling to the Greens party motivation in this case, perhaps. In cases which do not concern constitutional validity, a person who has no special interest in the subject matter of the action over and above that enjoyed by the public generally has no *locus standi* to sue. I quote:

The assertion of public rights and the prevention of public wrongs by means of those remedies is the responsibility of the Attorney-General, who may proceed either *ex officio* or on the relation of a private individual. A private citizen who has no special interest is incapable of bringing proceedings for that purpose, unless, of course, he is permitted by statute to do so.

Further, Stephen J:

If the present state of the law in Australia is to be changed, it is pre-eminently a case for legislation, preceded by careful consideration and report, so that any need for relaxation in the requirements for *locus standi* may be fully explored and the limits of desirable relaxation precisely defined.

Standing exists to prevent excessive, vexatious and nuisance cases. The Attorney-General has outlined some of these issues in his speech also. I think that this is a precedent in law, and certainly in other jurisdictions. The opposition will not be supporting this bill, and it does not support what Mr Rattenbury is trying to achieve.

However, I foreshadow that it would appear that the government will be moving amendments that will significantly improve this legislation. We are certainly of the view that if that is the way it is going to end up it will make this legislation more workable. Again, it highlights my point that if a piece of legislation is going to be brought into this place by the Greens-Labor coalition it is best to deal with it in the cabinet to get the right legislation before it comes into this place so that we do not have such a long, drawn-out and protracted debate that, it would seem, only serves as an opportunity for grandstanding by the Greens member in this place.

MR RATTENBURY (Molonglo) (12.07), in reply: The framework for the judicial review of government decisions is undoubtedly complex. However, the principles that sit behind it are, in fact, very simple. The simple question members need to ask themselves is: do they believe a decision of the executive should potentially be immune from judicial review? Similarly, members could also ask themselves: as those who are responsible for making the laws, are we comfortable with the situation where the executive might not follow the laws and for members of the community not to be able to do anything about it?

Standing has long been used to prevent concerned citizens from challenging the excesses of government. Back in 1875 in the case of *Palmer v the Board of Land and Works*, which involved a proposed sale by the Victorian government of part of Albert Park in Melbourne, a local landowner acting on behalf of a group of residents instituted proceedings in the Supreme Court in an attempt to prevent the government from selling part of the park. Instead of resolving the important issue of land ownership and the doctrine of the public trust, the applicant was denied standing to argue the case.

The laws of standing were developed from the common law test for the prerogative writs and the remedies of declaration and injunction, which, in turn, were based on the right to proceed in private law actions. This bill recognises that private law limitations simply do not work in the public law context. The application of the private law limitations has meant that legitimate applicants have been prevented from having their concerns determined by a court simply because an arbitrary rule has been used to prevent them. The fact that the interest test has evolved as it has, particularly over the last 25 years or so, indicates that it is out of step with contemporary expectations and that the legislature should clarify when it is and is not reasonable for a person who believes that an executive decision-maker has acted unlawfully.

This goes exactly to the matter of *ACF v The Commonwealth*. Firstly, it was a 1980 case so it is now 33 years since it took place, and I think that jurisprudence and the thinking around legal matters has progressed somewhat in that time. But, secondly, and as Mr Hanson accurately quoted, Justice Stephen indicated this should be a matter for the legislature to deal with, which is exactly what this bill seeks to do.

There is no shortage of judges of superior courts across the common law world, including justices of the High Court, who have criticised the current requirements for standing. Justice Stephen in *Onus v Alcoa* said of the current test that questions of proximity and of weight reflecting curial value judgments are determinative. He also said that deliberate legislative action rather than judicial innovation would be desirable to reform the law on standing, again reinforcing the earlier point.

There are many academic articles and studies into the law of standing. Almost all strongly support increased access to the court and removing the current limitation on standing. As well as this, there are a number of Law Reform Commission reports and most recently a report by the commonwealth Administrative Review Council. All of these reports also recommend reforms.

As outlined in my presentation speech and the ES, the bill seeks to implement the Australian Law Reform Commission recommendations. In responding to some of the issues raised by others in the debate, it is worth reiterating part of the overview to the report:

The current law on standing for proceedings of this kind is counterproductive. It acts as an extra source of unnecessary legal costs and delay. It does not act as an effective filter for disputes that are futile, vexatious or otherwise inappropriate for litigation. Such a filter is provided by other laws and discretions available to the court.

It also acts as an unpredictable technical barrier. In particular the “special interest” test can be uncertain, complicated, inconsistent and overly dependent on subjective value judgements. This can make the legal system appear unfair, inefficient and ineffective.

The standing rules do not work as a gate guarding Australia against a flood of litigation or guarding Australian business against damaging and meddlesome interference. Experience over the last ten years indicates that there is not a flood of litigants waiting to be released and that, even if there were, standing tests are not an effective restraint.

Where there is a need for protection against damaging interference in government regulation of business and other activities, this requires better case management and better government decision making. The law of standing does not help.

Those words from the Australian Law Reform Commission are fairly compelling. Conversely, the availability of external review as well as the requirement to give reasons improves the quality of decision-making, so not only does the availability of review ensure redress is made, it actually reduces the errors in the first place.

In the context of planning laws, which we will return to in the detail stage, the Chief Judge at Common Law of the Supreme Court of New South Wales, Justice McClellan, said in a 2005 article that, as a result of the open standing provisions in New South Wales, many of the cases heard have “significantly enhanced the quality of environmental decision-making within New South Wales”. This is not some green lawyer; this is the Chief Judge at Common Law of the Supreme Court of New South Wales making those remarks.

To put it bluntly, there really is not a single redeeming feature of the current law of standing. It has proven to be unnecessary, wasteful and counterproductive, and no informed analysis of it has ever shown otherwise. Certainly, there are particular interest groups in the community who are quite happy with the status quo, most notably—perhaps, in fact, even only—the Property Council. It says something that those who are wealthiest are the ones happiest with the status quo. I am not at all surprised the Liberal Party would want to stick with that position. Although, it is interesting that yesterday the Liberal Party was claiming to be concerned about the rights of the residents of Uriarra to be able to seek review of a planning decision and

yet today they are willing to potentially prevent a group of residents of Uriarra from being able to seek judicial review of a decision if there are legitimate grounds for questioning the lawfulness of the decision.

Another issue that has been canvassed by the government and which I would like to address is the issue of statements of reasons. I cannot believe a government could bring itself to actually say it is worried about having to give reasons for its decisions. I appreciate there is a resource cost to having to formally write up statements of reasons, but, of course, the better the reasons one has for a decision the easier it is to write them down. As I said before, the universal truth is that a requirement to give reasons improves the quality of decision-making. Any additional resource costs I believe are well worth it.

I will briefly address some of the issues raised in the scrutiny report, firstly, by noting that the expansion of the availability of judicial review is consistent with the right protected by section 21 of the Human Rights Act. More substantially, the committee's concern centred around properly balancing an individual's right to privacy with protection of the rule of law. I am firmly of the view that the bill strikes the right balance. It ensures that where the matters raised involve an individual and do not raise significant issues for the community, those whose interests are not affected by the decision will not be able to seek review. Where the matter is of significant public importance, the matter will be able to be heard and decided by the court. I do not believe that, in reality, this will mean a significant limitation on a person's rights, although I accept that it is a possibility.

This balance fulfils the requirements of section 28 of the Human Rights Act. I think it would be a very tough task indeed to mount an argument that protecting the rule of law in matters of significant public importance was not a legitimate end for which a potential limitation on the right to privacy is justified.

To finish where I began, for all the complexity in the application and the initial barrier that the technical legal issues associated with AD(JR) review present, this bill is a very simple change that reflects a very simple principle. There are only 12 non-executive members in this place, and they cannot possibly hold the government to account for every decision it makes. As the volume and scope of administrative decision-making increases, the only way to ensure that the decisions that are made are made according to the laws that govern them is through judicial review. The current limitation on access to the courts to seek review is a significant barrier to government accountability.

Outside the parliament and elections, there are really only three mechanisms to ensure government accountability: oversight and integrity agencies, public access to government information, and judicial review. Either one believes the community has a limited role in being able to remedy deficient government decision-making, in which case the current rules should be supported, or one believes that the community has a legitimate role and that, by the very nature of public decision-making, it is legitimate for the community to be able to ensure those decisions are made correctly.

This bill seeks to make the ACT a leading jurisdiction in this space. It will demonstrate that the Assembly is prepared to make reforms we know are the right thing to do; reforms that are supported by the evidence and based on considered reasoning and not irrational fear or apprehension. I have no doubt that, over time, other jurisdictions will follow our lead and there will come a time when people have to ask what the fuss was about, just as is the case in New South Wales in relation to their planning scheme. 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 CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (12.17), by leave: I move amendments Nos 1 and 2 circulated in my name together [*see schedule 1 at page 3540*], and I table the following paper:

Supplementary explanatory statement to the Government amendments.

The government is making these amendments to address a range of issues I outlined in the in-principle debate. The government's amendments under this section focus on two areas which require amendment to ensure the bill is responsible, balanced and effective. The government proposes amendments that specify that all decisions under the Planning and Development Act 2007 and the Heritage Act 2004 continue to be subject to the person aggrieved test to establish standing for review of decision or request reasons for a decision. This is a well-settled area of the law. Complicating the processes for planning and heritage matters with unnecessary change will serve no public purpose.

This amendment responds to stakeholder concerns about the threat to planning, development and heritage laws and removes the risk that planning and land processes will be subject to frivolous or vexatious proceedings aimed to delay or frustrate legitimate or lawful action. This amendment will ensure stability and certainty in the ACT's building industry and the broader business community. It will preserve the status quo for proceedings under these laws. A person will be able to seek administrative review only if they have a demonstrated and legitimate interest in a decision made under those laws.

Mr Rattenbury's bill proposes an extremely high threshold restricting the right to request a review. Under the bill as originally proposed, a person will only be ineligible to apply for a review if the interests of the person applying for review are not adversely affected by the decision and the decision is about an individual and the application fails to raise a significant issue of public importance. The government is concerned this threshold may fail to achieve its longer term objectives. Instead of this test, the government proposes a simpler test for exclusion.

Under the government's test a person will be ineligible to apply for review if the interests of the person applying for review are not adversely affected by the decision and the application fails to raise a significant issue of public importance. The government's approach uses some of the Greens' original criteria but provides a more effective filter for eligibility. The government's amendments support the general thrust of the bill but draw a line between people who should be entitled to access decisions and reasons for decisions and people who are strangers to those decisions.

In proposing these amendments the government is mindful that the right to apply for review also gives a person a right to ask for reasons for a decision. Without these amendments, it is possible that the AD(JR) act would have allowed legitimate government processes to be subverted and delayed by individuals seeking a commercial advantage through requests for reasons for interim stage decisions.

Previously, the person aggrieved test applied to judicial review in relation to all decisions to which the AD(JR) act applies, including under the Planning and Development Act 2007 and the Heritage Act 2004. Schedule 1 of the Administrative Decisions (Judicial Review) Act 1989 lists discrete exceptions. The government position, as I have already outlined, is to retain the person aggrieved test for planning and heritage decisions. These types of decisions are category A decisions in the government's amendment. All other decisions are known as category B decisions and the open standing test applies to them.

The threshold for applying for review in current proposed section 4A(2)(b) in the Greens' bill prevents people from applying for review only if all of the following apply: (a) the interests of the eligible person—the person applying for review—are not adversely affected by the decision; (b) the subject matter of the application is a decision about an individual; (c) an order of review in relation to the decision may prejudicially affect the individual; and (d) the application fails to raise a significant issue of public importance. This is an extremely high threshold of preventing a person from applying for review, and it is the government's view that a simpler test which lowers the threshold for exclusion should be applied instead.

Therefore, the government proposes a test that would make a person ineligible to apply for review if: (1) the interests of the eligible person are not adversely affected by the decision; and (2) the application fails to raise a significant issue of public importance. This approach allows more potential applicants to be removed from the class of people eligible to apply for a review of decisions under AD(JR).

The government also proposes an amendment to restrict the dictionary definition of "eligible person". The definition will include a requirement that an organisation be in existence prior to an administrative decision being made in order to have standing for review of the decision. This is consistent with the approach in the ACT Civil and Administrative Tribunal Act 2008, which has operated successfully to date. This amendment will lessen the prospect of corporations and associations being established solely to fight particular decisions.

I commend the government amendments to the Assembly.

MR HANSON (Molonglo—Leader of the Opposition) (12.23): We will be supporting these amendments; I understand that is also what the Greens will be doing to improve this legislation.

As I outlined previously, this is a bad bill. There is no question about that. But what the Attorney-General has done, and I commend him for it, is significantly improve this legislation so that it is an improvement on the dog's breakfast that was brought into this place by Mr Rattenbury. It is disappointing that this was not something that was worked out by the Greens-Labor coalition so they could bring this legislation to this place in a more deliberate manner. I note that the amendments that were brought by Mr Corbell just got in under the new standing order in terms of timeliness for matters to be considered in this place.

With such a substantive change to territory law that is somewhat revolutionary in terms of its approach compared to other jurisdictions, and certainly taking a different approach to other jurisdictions, to have this still playing out, with amendments being potentially circulated at the last safe moment on a busy sitting day, as it was yesterday, not giving time for the opposition to circulate amendments to the various people with a keen interest in this matter, is, I think, a poor way to do business.

I do not see the rush for this legislation. To do it on the run—to do it ad hoc, to do it through a process of amendments at the last minute without proper consultation or the ability for them to be considered by the community before they are voted on in this place—is poor form.

That is the very point that I was making in earlier debate. If this government wants to make significant changes to the way that we do business, that is fine, but let us do it properly. Let us do it professionally. Let us not have this as amateur hour. This is a government that we have seen this week, highlighted by the police numbers in Civic and the fact that the attorney did not even know what was going on in police reform—

Mr Corbell: Point of order, Madam Chair.

MADAM SPEAKER: Point of order, Mr Corbell.

Mr Corbell: Once again, Mr Hanson is using debate on what is now the detail stage of this bill to discuss a matter which is completely irrelevant to it. Police numbers in Civic have nothing to do with this bill. I ask you to call him to order.

MR HANSON: On the point of order, Madam Speaker, the point I am getting to is the fact that the way this is being debated is poor form. We have only just been circulated with amendments, just in time for the standing orders but not in substantive time for the proper community consultation to occur. I am trying to make the point that this is a broader failing of the government, that this is a government that is distracted by other issues and should be paying more attention to this issue. But I am happy to accept the point of order and move back to the topic.

MADAM SPEAKER: On the point of order, I uphold Mr Corbell's point of order. The issue in relation to police numbers does not relate to AD(JR) and I ask you to come to the point, Mr Hanson.

MR HANSON: Thanks, Madam Speaker. I will get back to the point. We will support the amendments because they do clean this up, but I reiterate the point that this is not a good way to do business. This is not a good way to be making laws in this place. We do not support the bill, but I support the amendments that go some way to fixing it up.

MR RATTENBURY (Molonglo) (12.27): There are some issues I would like to refer to when it comes to the amendments, and I will just talk through them briefly before we finalise the discussion.

The first is the threshold for denying standing to a person whose interests are not affected. The bill proposes that only in circumstances where review of a decision will impact prejudicially on an individual should there be a limitation on a person's ability to seek review of a decision. The amendment increases this limitation by requiring that in all circumstances where the applicant interests are not affected, the matter must raise a significant issue of public importance.

On the one hand, a concern could be raised that this will potentially shift the argument to what is and is not a matter of public importance rather than allowing the parties to simply litigate the issues. On the other, it is reasonable to say that if the matter does not raise an issue of public importance there is no point to the review.

The difficulty, of course, will be articulating the level of importance required to satisfy the test. Guidance can be found in other instances where similar tests are used. For example, the Judiciary Act requires that matters must involve a question of law that is of public importance in order to be given special leave to appeal to the High Court. How the test will be applied is, of course, a matter for the courts to determine to best give effect to the object and purpose of the AD(JR) Act. I would argue that it includes matters that are of consequence to a group or groups within the community, involve the expenditure of a significant amount of public money, concern the integrity of public officials or provide an important legal precedent likely to be relevant to other decisions.

This amendment is a step away from the recommendation of the ALRC which canvasses restricting review rights only where it would involve an unreasonable interference with the rights of someone else. Nevertheless, the compromise position appears workable; and so, whilst I do not believe it is necessary, it certainly is not unreasonable.

The second issue is the exclusion of the Heritage Act decisions and some decisions under the Planning and Development Act. This amendment is directly contradictory to the premise of the bill and to all the available evidence. What is it about the Heritage

Act and parts of the planning act that make them different from all the other administrative decisions that the government makes? I honestly cannot see a legitimate explanation for why these decisions should not be included in the new system and why we should retain the current limitation the Australian Law Reform Commission described as counterproductive, futile, unpredictable and overly dependent on subjective value judgements.

Added to this, in directly addressing the arguments that the minister has raised, the commission said:

The standing rules do not work as a gate guarding Australia against a flood of litigation or guarding Australian business against damaging and meddlesome interference.

But perhaps even that is not as bad as the criticism from the former Chief Justice of the Land and Environment Court who described the minister's arguments as "wholly discredited". There is no credible evidence to support the contention that these decisions should be excluded—none at all.

The third matter I would like to turn to is the exclusion of groups formed after a decision has been made. The final amendment relates to groups which will be able to seek review. The bill provides for review by any individual, corporation or other group where the objects or purpose of the group relate to the subject matter of the application. The amendment proposes to restrict that to corporations and groups in existence before the decision was made. My argument in response is that it is entirely legitimate for a group to form in response to a particular decision to attract and galvanise community opposition to, or even support for, the particular outcome. Equally, it is legitimate for such a corporation or group to seek to have the decision reviewed by a court.

Again, the point has been made that the premise of the objection—that it will allow people to hide behind corporate constructions to avoid costs orders—(a) has not proven to be the case in New South Wales, and (b) is wholly negated by the capacity of the court to make security for costs orders under rule 1900 of the court procedure rules. The argument is put that these are hard to obtain. The reality is that these orders have been made by the court according to the rules. Whilst there is certainly an interesting argument to be had about whether they should be harder to obtain, because they can act as a significant barrier to justice, it is not currently the case in the ACT.

To prove the point I will quickly list some examples of cases in the last decade or so where security for costs orders have been made: Cleary Bros (Parramatta) Pty Limited & Ors v Commonwealth Bank of Australia; Top Slice Deli Pty Ltd v George Maliganis and Edmund Craig Edwards Carrying On Business As Maliganis Edwards Johnson; Stelmag Pty Ltd v Tifferly Manufacturing Pty Ltd & King; JS Hill & Associates Ltd, Vila Engineering Services Ltd and Lami Housing and Joinery Ltd v Stephen John Dawn, Pacific Developments Pty Ltd, Angus Donald Hall and Kostas Pty Limited; Baida Holdings Pty Ltd v Pocknell; Master Club Consultants Pty Limited v Stanbritt Pty Limited & Anor; Concerned Citizens of Canberra Inc v Chief Planning Executive (Planning and Land Authority); and Hja Holdings Pty Ltd v Zoran Iliev and Anor. These were all matters heard in the ACT Supreme Court.

When it comes to Mr Hanson's comments, let me offer a few brief remarks. He was concerned to see that these matters were being played out in the Assembly. The bottom line is that there is some disagreement between me and the ALP on these matters. We do have a different view, and I think that is perfectly healthy. The parliamentary agreement certainly envisages those situations, and in some ways Mr Hanson should be pleased, because there is an opportunity for him to have a role in working out which way these matters should fall. Again, that is what parliaments are supposed to do. They are supposed to debate the merits of issues, and the fact that these amendments have come to the Assembly is a healthy thing.

The other thing I would say is that on numerous occasions the Greens have offered the Liberal Party briefings and discussion on this legislation. From back when Mr Seselja was still in the Attorney-General's shadow portfolio right through to recently, we have repeatedly offered briefings and discussion opportunities so we could ask, "Look, is there something you would like to do differently?" For Mr Hanson to walk in here today and make some assertions about this being last minute, being rushed, is really a reflection of his own behaviour.

That is how the Liberal Party operates. They come in here at 9 o'clock or whatever time they have their party meeting and go: "What are we going to do today? We had better sort out a position on these issues." We know that because of how often we cannot find out what the Liberal Party is doing until after their party room meeting in the morning. They do not think about something in advance. There is no advance canvassing; there is no ability to engage in discussion. Mr Hanson—through you, Madam Speaker—if you had actually had a briefing over the many previous occasions in the last few weeks, we would have run you through these matters. The fact that you cannot switch your focus on until less than 24 hours before an event is not our problem; it is yours.

In summary, these amendments are not supported by the evidence and they are a step away from the benefits that the bill is intended to bring. Particularly in relation to amendments that exclude certain decisions and certain groups, I would like to stress my opposition to those amendments. However, for the benefit of getting the bill through today, I understand that the changes that will come about as a result of this bill, even in its amended form, are good outcomes for the community. It will enable more people in the community to come forward and to be able to challenge administrative decisions, to have judicial review. That can only be a healthy thing for the quality of governance in the territory and for democracy in the territory.

Overall, I think we have made good progress today. I particularly thank the Attorney-General and his staff for working with me and my office to find ground where we could move forward. We may not agree on all of the details, but nonetheless we are doing something very good here today that citizens in Canberra who feel aggrieved by government decisions will appreciate. They will have an opportunity to have their day in court. They may or may not win, but we will be a better territory for these changes.

MADAM SPEAKER: Before we proceed I would like the guidance of the Assembly. It is now 23 minutes before 1 o'clock. We normally adjourn at 12.30. I know that

members often have commitments. Are we going to go to a vote on this or is there going to be more debate?

Mr Rattenbury: I think we have finished, Madam Speaker.

Mr Corbell: There is no division. We will proceed, Madam Speaker.

MADAM SPEAKER: The other problem is that if we do not finish now we will have to come back before question time, because we have suspended standing orders.

Amendments agreed to.

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

Bill, as amended, agreed to.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.38 to 2.30 pm.

Questions without notice

Government—executive contracts

MR HANSON: Madam Speaker, my question is to the Chief Minister. Chief Minister, last month you tabled 57 long-term executive contracts. Over 45 of these executives commenced work prior to signing a contract, and the average time between starting work and signing a contract was over six months. Yesterday you confirmed that these executives were paid prior to signing their contract. You stated yesterday that authorisation for this expenditure of \$60 million was in accordance with the public service management act. In the case of directors-general, section 28 of the public service management act says:

The person must be engaged under a contract with the Territory.

And it says that the contract must “be in writing” and “be signed by the person and the head of service”.

In the case of the five contracts you tabled for directors-general, in the absence of signed contracts, which section of the public service management act overrides section 28 and authorises payment?

MS GALLAGHER: I thank Mr Hanson for the question. I do not have the Public Sector Management Act in front of me, so I am happy to come back. There is a section of the Public Sector Management Act, and I will come back to Mr Hanson with the appropriate section, which talks of the fact that the employment relationship is still valid despite failure within certain areas of a contract. I think what I am trying to say is that the advice that I have from the Solicitor-General, and I did seek advice

around this matter once it became clear to me—and let us just remember that this is not a matter that is just restricted to the contracts that you have nominated as part of your question; it actually relates back to the late 1990s in relation to some of the contracts that we have had to clean up, and we are going back into the audit of that process—

Members interjecting—

MS GALLAGHER: I am just saying that it pre-dates this government—some of the issues. I became aware of this issue, Mr Hanson, as I have said in this chamber, I think, in a response to a question you asked about a particular employment contract. In following up the advice I got back about that individual matter, I asked further questions around whether there were other contracts that had not been tabled, and the advice came back. So I did my job, sought more information. That advice came back. I then sought legal advice around the nature of any concerns with valid employment relationships, and that advice has come back saying that the employment relationship is still valid despite the failure of meeting a particular accountability arrangement in legislation. I have no reason—there is no evidence before me—to suggest that the employment relationships as arranged through the ACT public service, and that includes through the performance of duties, duties being performed, is invalid because these contracts were not tabled in the Assembly within the appropriate timetable.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Thanks, Chief Minister. Can you outline the process for the Assembly whereby someone starts being paid, a director-general, if their contract has not been signed?

MS GALLAGHER: They are paid because they are performing the duties of the director-general for which they have been engaged. The problem seems to have arisen that the contracts were signed once a performance agreement was put in place. At times the performance agreements have not been put in place in a prompt way.

Mr Hanson interjecting—

MS GALLAGHER: There has been failure. I am not standing here saying there has not been failure to follow proper procedures, Mr Hanson. To the contrary: I am very disappointed with the way the public service has failed in this very important accountability measure. But the issue which you are trying to raise concern over is whether people have been paid for work that they have performed and whether there is some invalid arrangement in place around their employment relationship.

All the advice to me is that the contract in itself does not constitute the employment relationship. There are other ways that that relationship is formed. The performance of duties—turning up to work, doing the work, performing the duties of director-general—constitutes a valid employment arrangement.

Mr Hanson: You just turn up.

MS GALLAGHER: You do not just turn up; you work.

MADAM SPEAKER: Supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, how important is stability in employment relationships and how does Canberra compare to other jurisdictions?

Mr Hanson: Madam Speaker, on a point of order of relevance. The question is very specifically about executive contracts and the process under the Public Service Management Act. The question that Mr Gentleman has asked is far broader than that and is beyond the scope of the issue that we are addressing in the question.

MADAM SPEAKER: Thank you, Mr Hanson. I was about to ask Mr Gentleman to repeat his question. I think you were reading from notes. Would you repeat it?

MR GENTLEMAN: Thank you, Madam Speaker. I will just re-word the question—

MADAM SPEAKER: Before you do, could you repeat the question?

MR GENTLEMAN: It was: how important is stability in employment relationships, which was directly in relation to the minister's answer, and how do we compare with other jurisdictions?

MADAM SPEAKER: I think that that does not really relate to the question Mr Hanson asked. However, I will give you an opportunity to attempt to re-word it so it would be in order, because you did offer to do that before.

MR GENTLEMAN: Yes. How important is stability in employment contracts and how do we compare to other jurisdictions?

MADAM SPEAKER: I will rule it in order. Chief Minister.

MS GALLAGHER: We have been very well served by stability at the executive level of the ACT public service. This is something that I think we should be proud of, and we are. We have very diligent director-generals that work very hard for the ACT community. They do not often get recognition for the work that they perform, but they do. I think the stability at the head of our public service certainly contributes to the strength and high quality of services provided to the people of the ACT.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, in your first answer to Mr Hanson, you spoke of performance agreements. Why did it take so long for performance agreements to be put in place and then the proper process to be followed?

MS GALLAGHER: I do not think there is a single answer to that, or I certainly have not been given a single answer. I think it is about the convoluted process. I think the nature of the work performed at the senior level and the workload could have

contributed to it. Regardless of the reason for it, it has been a failure of process, and I think we all accept that. So the job of mine is to fix a failure of process, and I have done that.

After question time I will be tabling executive contracts that maintain and keep us up to date with the changing contractual arrangements that have been put in place since the last sitting of the Assembly, which I now understand is the first time, probably since the late 1990s, that has been the case.

Government—executive contracts

MR SMYTH: My question is to the Attorney-General and Minister for Environment and Sustainable Development. Minister, last month the government tabled executive contracts of which 27 referred to executives engaged in the JACS and ESD directorates for which you are responsible. Some of these contracts were for over \$350,000 per annum and averaged \$250,000 per annum. Amongst these contracts was one executive who worked for 268 days before signing a contract, and this contract was not tabled before the Assembly for 308 days. Another executive working in an area of compliance worked for 182 days without a contract and 171 days before signing a performance agreement. One executive contract was signed but not dated and another executive was engaged using a series of short-term contracts issued on multiple occasions for a period totalling two years. Minister, how many more executive contracts from your directorates will be tabled that do not comply with the Public Service Management Act?

MR CORBELL: These are matters that the Chief Minister has explained at length, Madam Speaker. My directorate has taken all appropriate steps to address any shortcomings in documentation, as are other directorates across the government.

Mr Hanson: On a point of order on relevance, Madam Speaker, the question specifically was: how many outstanding contracts from the directorate will be tabled? If he does not have an answer to that and does not know, he should say, “I don’t know,” but he should be relevant to the nub of the question—that is, how many outstanding contracts are there that do not comply?

MADAM SPEAKER: My notes on the question actually say, “How many contracts will be tabled?” Attorney, in accordance with standing orders, I ask you to be directly relevant to the question.

MR CORBELL: I have concluded my answer.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, how does the mismanagement of executive contracts impact on the performance of your directorates?

MR CORBELL: My directorates are working very hard and very professionally. All of my senior executives in both directorates, in my view, do an outstanding job and make a very significant contribution to our community. So I do not think there is anything to back up the assertion in Mr Smyth’s question.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, what message does engaging high-paid executives without performance agreements and without contracts send to the lower paid staff in your directorates?

MR CORBELL: I think that everyone in the public service and perhaps everyone else in this place, except the Liberal Party, understands what the circumstances are arising from this administrative failing and they recognise that steps are being taken to appropriately address it.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: What have you done to ensure that this mismanagement of issuing executive contracts and non-compliance with the public service management act in your directorates does not continue?

MR CORBELL: The Chief Minister has written to all ministers reminding ministers to remind their directorates to take appropriate steps to ensure that the relevant provisions are abided by. I have communicated that message to my directors-general.

Health—infrastructure

DR BOURKE: My question is to the Minister for Health. Minister, can you update the Assembly on the investment made to date in the health infrastructure program and the major achievements of the program?

MS GALLAGHER: I thank Dr Bourke for the question, and yes, I can. The health infrastructure program is a very significant commitment from the government to a large program of capital works which is essential for the ACT to deliver health services required not just for the people of the ACT but for the region as well. That health infrastructure program involves the redevelopment and expansion of all aspects of the ACT health system and is the largest capital works project undertaken in the history of the territory since self-government. At its end the health infrastructure program will deliver a coordinated and integrated framework for health services in the territory, provided as close as possible to where people live and in the most appropriate and safe location. So far a total of \$756.3 million has been appropriated to the health infrastructure program by the ACT and commonwealth governments.

Since the program was first announced ACT Health is proceeding on two main fronts: implementing a range of early projects and finalising the planning for the full form and scope of the health infrastructure program. Within this framework a number of important projects have already been completed, including many improvements to services and facilities at the Canberra Hospital campus. Since the program's commencement the government has delivered a number of key projects, including additional operating theatres, additional beds, the mental health assessment unit, the walk-in centre, the PET and CT suite at the Canberra Hospital, the neurosurgery suite and the surgical assessment and planning unit, the intensive care at Calvary hospital,

the southern multi-storey car park at Canberra Hospital, the linear accelerators for the Capital Region Cancer Service, the acute mental health unit at Canberra Hospital, stage 1 of the women's and children's hospital, the new Gungahlin Community Health Centre, and the Duffy House, which is a facility for interstate patients receiving cancer services. Under the national health reform the refurbishment of the emergency department at Calvary hospital is complete and is due to be completed soon at Canberra Hospital.

This government's commitment to the health infrastructure program is long term, which is why, despite these achievements, we are pushing ahead with a number of other major infrastructure projects this year and planning for future projects in future years.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Minister, could you tell us more about what the major projects are that are currently underway?

MS GALLAGHER: I can, and there are a number of projects underway. The emergency department and intensive care unit extension project at the Canberra Hospital will expand both areas of the hospital. These projects were combined into one project overall, which has created a number of savings in project management. The completed extension will deliver eight new treatment spaces in the ED and seven new beds in the ICU.

In the Centenary Hospital for Women and Children, stage 2 is nearing completion, with the major refurbishment of the former maternity building almost complete. Over coming months, the service areas of the hospital will move in from their temporary locations.

The new Belconnen community health centre is the first of two enhanced community health centres. It is designed to complement hospitals and general community health centres in the ACT, offering services such as renal dialysis and outpatient clinics, which have traditionally been confined to hospitals.

We have the Tuggeranong Community Health Centre, which members for Brindabella have shown a lot of interest in. It has refurbishment work underway and external work has begun for the extension of the existing building. This is due for completion in the first half of 2014.

We also have the Capital Region Cancer Centre, which is nearing completion now. There is planning underway for an open day to coincide with the opening of the new cancer centre. This will enable the Canberra community the opportunity to view the facility. I hope that some members of the opposition will feel able to attend that very important opening event.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, what projects are currently in planning?

MS GALLAGHER: This is a long-term project for the ACT government. So there are a number of large parts of the health infrastructure program in the early development and planning stages. They include the University of Canberra public hospital. They also include the secure mental health unit, the walk-in centres at Tuggeranong and Belconnen, with the works on the construction of the walk-in centre at the Belconnen community health centre to be undertaken later this year. Construction of the walk-in centre within the Tuggeranong health centre will occur as part of the current construction program.

We have also got the work happening for the design of the Calvary car park, with the appropriation passing the Assembly in August this year. That will provide for the design of the 700 parking spaces in a structured car park over four or five levels, and construction is due to commence in late 2014. We also have a range of other projects, including in-patient unit design and infrastructure expansion and continuity of service-essential infrastructure, which is the work that underpins several of these major elements of the health infrastructure program.

MADAM SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, how has the Canberra community benefited from government's investment in health infrastructure?

MS GALLAGHER: The overall aim of the health infrastructure program is that it improves the quality of care that is provided for people accessing healthcare services. It also ensures the efficient and effective delivery of healthcare services, which is why at the Belconnen community health centre, with the enhanced services offered there, people will be able to access services in a community-based setting that previously they have only been able to access in the hospital. It is not just building new buildings: it is looking at developing a new workforce; developing new ways of delivering care, and more efficient ways of delivering care; and also designing care and models of care that are focused on the needs of the patients.

This is, of course, all around our role in the region. We do not just look at what it means for the people of the ACT. We are also caring for and looking after patients from right around south-eastern New South Wales. That will continue. And we know from all the feedback we are getting—from people particularly using some of the new infrastructure, the new buildings and the new services that operate within there—that there is a lot of positive feedback around that.

Credit goes to the people in ACT Health and all the contractors and subcontractors that are helping deliver this very important program.

Roads—speed cameras

MR COE: My question is to the Attorney-General and it relates to point-to-point speed cameras. Attorney, apart from monitoring the average speed of vehicles travelling between point A and point B, what other uses are there of the point-to-point data?

MADAM SPEAKER: I am sorry, could you just repeat that? What other uses are there for—

MR COE: For the point-to-point data.

MADAM SPEAKER: Data; thank you.

MR CORBELL: The relevant legislation sets out the provisions for which data held or collected by point-to-point cameras may be utilised. The legislation also sets out retention and destruction of data protocols. I would refer Mr Coe to that legislation.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Attorney, in practice how long is the data which is collected by point-to-point speed cameras retained by the government?

MR CORBELL: I refer Mr Coe to the relevant legislation, which sets out all of the provisions in detail.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, which agencies have access to the data collected by the point-to-point cameras?

MR CORBELL: Within the ACT government the Traffic Camera Office. The legislation sets out the legal framework by which other agencies, notably the police, are able to access data and, indeed, their legal authority and legal obligations in doing so.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Attorney, how have access rights to this information been determined?

MR CORBELL: In accordance with the law.

Uriarra Village—proposed solar farm

MR WALL: My question is to the Minister for the Environment and Sustainable Development. Minister, residents have expressed legitimate concerns about the location of an industrial-sized solar development adjacent to their homes at Uriarra. In doing so, they have put the government on notice that the concerns of residents should be taken into account when considering matters of this nature. Minister, what assurances can you give to other Canberrans that industrial large-scale solar developments will not be built adjacent to residential areas?

MR CORBELL: At this point in time, the government has not indicated that it is proceeding further with further rounds of the solar auction process, because we are

currently reviewing the legislation, and then we will be making decisions about whether or how to proceed with further auction rounds. The assurance that I would give is that the territory plan sets out very clearly what land can be used for; it sets out very clearly how development proposed for that land consistent with the zoning in the territory plan needs to be assessed, and needs to take account of community consultation and comments and objections made by interested people; and then it has a clear process for assessment.

So the answer to Mr Wall's question is that the planning system is there to do its job. The land use zoning is very clear about what can and cannot occur in terms of use, and those uses are then subject to a detailed development assessment. As is the case at Uriarra, so it is anywhere else in the city: the planning system will assess impacts and determine, first, whether or not a proposed development is consistent with the land use zoning and, second, whether it is reasonable or whether impacts cannot be mitigated and therefore it cannot be supported.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, in light of the Uriarra experience, what elements of the planning and approval process for future large-scale solar developments are being reviewed?

MR CORBELL: In relation to Uriarra, once again Mr Wall pre-empts the fact that there has been no development application lodged yet for that project. The development application needs to be lodged. It then needs to be publicly notified. It then needs to go through a three-week statutory period of public consultation—

Mr Wall: Unless you use your call-in powers.

MR CORBELL: And there he is again saying, "Unless I use my call-in powers." Well, he is wrong, Madam Speaker. He is absolutely wrong. The minister uses call-in powers if the minister determines it is in the public interest for the minister to be the decision maker. And that occurs at the conclusion of the statutory consultation and assessment process. Mr Wall is out there deliberately misleading residents and deliberately misleading the community by claiming that if I use my call-in powers there is no public consultation. Well, he is wrong, and I refer you, Madam Speaker, to the process that every minister who has ever exercised a call-in power has undertaken—that is, the public consultation process runs its course, the agency referral and assessment process runs its course, the public notification process runs its course and then, if the minister determines it is in the public interest, the minister determines he will be the decision maker.

Mr Wall: On a point of order on relevance, Madam Speaker, I asked the minister what elements of the planning and approval process were going to be reviewed following the outcomes of what has happened at Uriarra. He has not, as yet—with 10 seconds to go—touched on those changes.

MADAM SPEAKER: I uphold Mr Wall's point of order and ask the minister to be directly relevant.

MR CORBELL: I have concluded my answer, Madam Speaker.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Minister, what are the benefits of a structured planning system for Canberra?

MADAM SPEAKER: It is marginally in order, I think. Mr Corbell.

MR CORBELL: We do not operate like a local council in New South Wales or in Victoria. We do not operate like councils in Victoria that are being shut down. We do not operate like councils in New South Wales where corruption has been found. The reason—

Opposition members interjecting—

MADAM SPEAKER: Order, members!

MR CORBELL: The reason we do not is that we do not allow our political representatives, through this Legislative Assembly, to determine what development should and should not take place. Instead, we have a statutory framework where a planning and development authority assesses development applications. It either determines them itself or refers them to the minister with their expert opinion, and the minister is held accountable in this place for those decisions.

We saw yesterday how the Liberal Party thinks development assessments should happen in this town. We heard first of all in the morning Mr Coe and Mr Wall saying, “We do not have a problem with call-in powers as long as you refuse this development at Uriarra.” Then we had Mr Coe stand up in the afternoon and say, “Canberra is closed for business. Isn’t this terrible?”

So in the morning they are saying, “Do not approve a development where a development application has not been lodged.” Then in the afternoon they say, “Shock, horror! Canberra is closed for business.” Madam Speaker, the only people who are closing Canberra for business and not adhering to due process and a fair and equitable development assessment process are those opposite.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, will you ensure that ACT home owners receive direct appropriate notice about any solar farm proposals to be built near their homes?

MR CORBELL: The development application and notification process, whether it be for a solar farm or any other development, will be notified in accordance with the provisions set out in the Planning and Development Act.

ACT Policing—alcohol enforcement

MS LAWDER: My question is to the minister for police. Minister, in 2010 you dramatically increased fees for liquor licences, making it clear that all of the increased tax would be used to pay for new work by the Office of Regulatory Services and to create the police alcohol crime targeting team. ORS says that, together with existing fees, the new fees would also pay for city beat police. Given the amalgamation of the police alcohol crime targeting team and the city beat team due to chronic understaffing, will the savings made by the government now be returned to the affected hospitality businesses?

MR CORBELL: I thank Ms Lawder for the question. The premise of Ms Lawder's question is simply incorrect. The fact is there has been no diminution or reduction in alcohol crime targeting activities by ACT police. We still have more police on the beat as a result of this government's reforms. We still have a dedicated team of 10 police focusing on alcohol crime as well as supporting general public order duties in the Civic area.

So there has been no diminution in policing services. There has been no reduction in the number of police, and the premise of Ms Lawder's question is simply wrong.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Minister, could you outline on what the government will spend the hospitality industry's money?

MR CORBELL: Could you repeat the question, please?

MS LAWDER: Minister, if those savings are not returned, on what will this government spend the hospitality industry's money?

MR CORBELL: Again, the premise of Ms Lawder's question is wrong. There are no savings. The money is going towards 10 extra police. Those 10 extra police are on the beat. They are doing their job. They are enforcing alcohol-related crime and violence matters and they are delivering results because we have seen, since the government introduced its liquor licensing reforms, a drop in alcohol-related crime and violence. That is what this community wants to see. Those opposite oppose these reforms, they oppose risk-based licensing, they oppose mechanisms to drive down the level of alcohol-related crime and violence in our community. But our reforms and the extra police are delivering the results. Alcohol-related crime and violence is down in this city over the last 18 months because of the reforms introduced by this government.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, given that you announced the alcohol crime targeting team with great fanfare—

MADAM SPEAKER: Preamble.

MR HANSON: as an executive decision of the government in 2010, how is it that you were oblivious to the fact that the police had amalgamated this entity with the city beat without even bothering to inform you?

MR CORBELL: Again, the premise of Mr Hanson's question is wrong—I was not.

MADAM SPEAKER: Have you got a supplementary question, Mr Hanson.

MR HANSON: Yes, thank you. Will you now reduce the ongoing fees for the hospitality industry—now that you are not delivering the service that was promised by your government?

MR CORBELL: I do not know how many times I have to say it: the premise of Mr Hanson's question is wrong. I do not know whether he was listening to the answer I gave to Ms Lawder earlier, so I will repeat it: there is no reduction in the number of police on the beat; there is no reduction in the number of police targeting alcohol-related crime and violence; and there is no reduction in our capacity to deal with alcohol-related crime and violence. The only reduction we are seeing is the reduction in the level of alcohol-related crime and violence in our city because of this government's reforms.

Construction industry—activity

MS PORTER: Madam Speaker, my question, through you, is to the Minister for Economic Development. Minister, can you update the Assembly on recent construction activity in the ACT?

MADAM SPEAKER: Could you just bear with me for a second. Could I just ask a question, Mr Barr. Is the LDA your responsibility?

Mr Barr: Yes.

MADAM SPEAKER: Fine. Can you update the Assembly? Thank you.

MR BARR: Thank you very much, Madam Speaker. I am pleased that construction is considered part of economic development in the city.

MADAM SPEAKER: No. Actually, the point was, Mr Barr, that I was puzzling whether you had ministerial responsibility for construction, not economic activity.

MR BARR: Thank you for that guidance, Madam Speaker. I am pleased to advise the Assembly, through you, that there are a number of exciting developments in progress across the territory.

Mr Hanson: Is he being smarmy?

MR BARR: You would win any contest on that score, Mr Hanson.

MADAM SPEAKER: Mr Hanson, could you—

MR BARR: I am not in your league when it comes to being smarmy. You are the king on that score.

MADAM SPEAKER: Order, members! Mr Barr is running down his time, responding to interjections.

MR BARR: But when they are as good as that, you could not possibly resist.

MADAM SPEAKER: No. Actually you can, Mr Barr, at every opportunity.

MR BARR: I am pleased to advise the Assembly that construction is about to begin in the suburb of Lawson, and I know Ms Porter, as a member for Ginninderra, together with Dr Bourke and Ms Berry, is very pleased to see the commencement of construction for a new suburb in the electorate of Ginninderra. The release of land in Lawson has been eagerly awaited, and it is an opportunity to live in a suburb that will be keenly sought. Lawson is the last large, undeveloped site in an existing urban area in Belconnen. The development will be staged and will contain a mix of around 1,850 low, medium and high-density dwellings and will include a retail centre and community facilities.

Lawson is centrally located close to the town centre, UC, the CIT, Calvary hospital, the AIS, Canberra stadium, Lake Ginninderra and is only seven kilometres from the CBD. Half the suburb will be reserved for public open space, and this includes Reservoir Hill, the Lake Ginninderra foreshore and the College Creek corridor. The historic old travelling stock route, which runs through the site, will be maintained as a distinct path, through the use of landscaping, footpaths and interpretative signs.

Work starts on the first stage of the development this month, with initial lots expected to be on sale towards the end of this year. Construction of homes is expected to start next year. Lawson is just one of a number of exciting new developments underway in the city.

Development is due to begin soon at Denman Prospect in the Molonglo Valley. Indeed, work is continuing in Gungahlin and progress is well underway towards the new west Belconnen development.

On top of these new greenfield estates, there are a number of infill developments that are progressing in the city. Last week the Campbell 5 section redevelopment was launched. Campbell 5 is currently scheduled to start with a release of 252 dwellings this financial year and 276 dwellings and around 12,000 square metres of commercial space to be released in the next year. The site will include medium and high-density development. It will have 520 residential units in total and will become a distinctive and high-quality urban precinct, with, importantly, ground floor active street frontage to Constitution Avenue.

The master plan for the site, of course, in these convoluted times, required a national capital plan amendment, extensive community consultation, integration with the Griffin plan and the Griffin legacy. The development will include a new public park, a range of children's play spaces, an open area for ball games and water-sensitive urban design. (*Time expired.*)

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, what initiatives are being undertaken by the government to help stimulate the construction sector?

MR BARR: The government is stimulating activity in new residential construction through its program of tax reform, particularly phasing out conveyance duty and the targeting of a range of concessions. The changes to the first home owners grant and home buyer concession schemes announced in this year's budget certainly provide a boost to the territory's residential construction industry and particularly, and most importantly, encourage the construction of new homes.

For first home buyers purchasing a new home, from the start of this month when the new scheme came into operation the first home owners grant increased to \$12½ thousand. The home buyer concession scheme was expanded by increasing the income threshold and property value threshold. So households with an annual income of up to \$160,000 can now access this scheme. The property threshold for accessing the full concession has increased from \$385,000 to \$425,000. This means that those home buyers who are purchasing a property up to \$425,000 will only pay \$20 in stamp duty. The threshold for the partial concession increases from \$450,000 to \$525,000.

These initiatives, combined, encourage the construction of new dwellings and avoid putting upward pressure on house prices when you have more demand chasing the same supply of housing. That is why they are targeted to encourage the construction of new housing. That avoids house price inflation and ensures that housing is more affordable, which was a great weakness in previously designed schemes.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Minister, why has it taken so long for Lawson to come online, given that the planning committee approved the subdivision in 2009 and the consultation started in 2001?

MR BARR: There were a number of environmental issues in relation to the site and remediation requirements. The site, of course, had to go through the EPBC process and required commonwealth approval before development could occur. That process commenced at the conclusion of the Assembly process—

Mr Coe interjecting—

MADAM SPEAKER: Mr Coe, I cannot—

MR BARR: I think Mr Coe is more interested in having a conversation than listening to the answer to his question.

MADAM SPEAKER: I am listening to the answer, Mr Barr.

MR BARR: It is very good of you, Madam Speaker. I am delighted that I have maintained your interest and attention in my answer. The reason for the delay related to environmental clearances and approvals required under commonwealth law. This is an area that was a former defence precinct. There are a number of issues around environmental remediation, and appropriate measures needed to be taken to ensure that the area was suitable for development. Those processes have now completed and development is proceeding.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, why is the construction sector so important to Canberra's economy?

MR BARR: The sector accounts for around nine to 10 per cent of employment and economic activity within our economy, so it certainly is an important contributor to the territory's gross state product. There is also a considerable level of employment in the construction sector across a variety of disciplines. So a vibrant construction sector is, indeed, a good indicator of the strength of an economy, and it is pleasing to see that, in spite of some decisions taken at the commonwealth level in relation to a withdrawal of commonwealth expenditure in the territory economy—that is particularly the case after the completion of the ASIO building—there is such a strong pipeline of development for the territory.

The Deloitte Access Economics investments monitor for the June quarter shows there are \$3.5 billion worth of investment projects underway in the territory. There are major projects in the pipeline including: capital metro; the city to the lake project; the west Belconnen development; the housing developments that I alluded to in one of my earlier answers; of course, the new Gungahlin office block; the redevelopment of the Woden town centre, including a new bus interchange; significant capital works to support land release in the Molonglo valley; the developments in Coombs, Wright, Lawson, Denman Prospect, Moncrieff and Throsby; the infill estates at Greenway in the electorate of Brindabella and the Kingston Foreshore; and, of course, the various elements of the city to the lake project. So there is a strong pipeline of construction activity.

Mr Smyth: When will the first building be built in city to the lake?

MR BARR: Mr Smyth, you can sit back in opposition and watch us deliver these projects. I am sure year 12 to year 15 in opposition will be enjoyable for you, Mr Smyth.

Housing—land rent scheme

MR DOSZPOT: My question is to the Minister for Economic Development. Minister, you recently announced that work was underway for the new suburb of Lawson in Belconnen. On the LDA website, it is stated that for stage 1 of the release, land rent will not be available to purchasers in the new development. Minister, why won't land rent be available in Lawson?

MR BARR: The application of the land rent scheme is the subject of legislative reform. I refer Mr Doszpot to that reform process.

MADAM SPEAKER: Supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, are there any other suburbs being developed where land rent will not be available?

MR BARR: That will vary from suburb to suburb. It depends on who is developing the area.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, can you update the Assembly on the land rent scheme?

MR BARR: The scheme has been very successful in allowing those who would otherwise not be able to enter into the housing market to enter into the housing market. That is what really annoys the Liberal Party. The key point that really gnaws away in their opposition to this scheme over six years is that it is working and it delivers an outcome for people they do not care about. That is exactly why we get the sorts of narky questions that we get—

Mr Hanson interjecting—

MR BARR: and a failure to support those who most need support to enter into the housing market. It is sad and pathetic that the Liberal Party, after all of these years, still cannot bring themselves to lend a hand to those who need assistance to enter into the housing market.

Ms Lawder: On a point of order, Madam Speaker—

MADAM SPEAKER: Sit down, Mr Barr. A point of order, Ms Lawder.

Ms Lawder: Madam Speaker, I refer to standing order 55 about imputations of improper motives. I refer to Mr Barr's comment that people on the Liberal Party side do not care about disadvantaged people.

MADAM SPEAKER: I uphold Ms Lawder's point of order and I ask you to withdraw.

MR BARR: You are seriously kidding, Madam Speaker. You are suggesting—

MADAM SPEAKER: Sit down, Mr Barr. When I make a ruling I am not seriously kidding. I asked you to withdraw. Ms Lawder took a point of order. She took exception to the comment that you made that she, amongst other people, does not care about people who are disadvantaged. It is quite clear that Ms Lawder's previous career would indicate that it is otherwise. She took exception to it and I would ask you to withdraw.

MR BARR: Madam Speaker, I wish to move dissent from your ruling.

Mr Rattenbury: Mr Barr, before you do so, might I have the floor?

MADAM SPEAKER: Do you have a point of order?

Mr Rattenbury: Yes. On the point of order, Madam Speaker, I would seek your clarification. If I think about yesterday's debate on Uriarra, numerous assertions were made by colleagues on that side of the chamber that members on this side of the chamber, including myself, did not care about the residents of Uriarra. I feel that that is an equivalent imputation and I find your ruling surprising in the history of the Assembly.

Mr Coe: On the point of order, if Mr Rattenbury or another member of this place yesterday did take offence then they should have stood up and raised it as a point of order. But the fact is a member on this side who has a distinguished history when it comes to helping vulnerable people did take offence to this.

Ms Gallagher interjecting—

MADAM SPEAKER: It does not help, Ms Gallagher, if you interrupt while we are dealing with this.

Mr Coe: She raised a point of order and therefore you made a ruling. There is always going to be subjectivity as to whether somebody takes offence. However, if Mr Rattenbury or any of the other nine members in the government wished to say they took offence yesterday, they had the opportunity to do so.

Mr Rattenbury: On the point of order, following Mr Coe's comment. If I take offence every time Mr Hanson or his colleagues say something rude about me we are going to have very slow progress in the Assembly. I think that is going to be very challenging. Members, I think, should be realistic about the fact that there is a level of cut and thrust in this place. If we are going to set this standard, I think it is going to be very difficult for the operation of the chamber.

MADAM SPEAKER: I think that we have canvassed the issue substantially. I did not hear the words because I was having a discussion with the Clerk, I think. I missed the words. I will undertake to review the tape and, in the context, have a look at that. I do take on board that Ms Lawder has taken exception to this. Honestly, I did not hear

the words. I am relying on what Ms Lawder tells me she heard and I am not quite sure whether that was the case. On the basis that this has obviously caused some consternation and there is some uncertainty as to exactly what was said, I undertake to review the tape and come back. There is cut and thrust in this place and I have from this chair advocated that there should be cut and thrust in this place. But I have also on a number of occasions made rulings that we should not be impugning other people's character. You can debate the issues without impugning and making aspersions about other people's character. I will be as diligent as I can in upholding that standard in this place. On this occasion I will listen to the tape. I will take into account the points that Ms Lawder raised and come back to the Assembly. Dr Bourke.

Dr Bourke: Madam Speaker, perhaps I could draw your attention to Mr Hanson's repeated description of the Deputy Chief Minister as a nasty piece of goods.

MADAM SPEAKER: I am sorry, has this just happened? I think the point needs to be, and the point was made by Mr Coe—

Mr Hanson: On a point of order—

MADAM SPEAKER: Mr Hanson, let me finish my sentence, please. The point is—and the point was raised by Mr Coe—that if there are such imputations, and I try to be alive to those as much as possible, they should be raised at the time. It is very hard to come back and say that he said this three hours ago or three days ago. If someone takes exception to them they should be raised at the time. It is also the responsibility of the person sitting in this chair, whether it is me or any other member, to intervene if they hear these things and that they are alive to these issues. Can I just use this opportunity to remind people, again, of the point: by all means be robust in your debate but do not impugn other people's character. Mr Hanson, you have something to say? You have a point of order?

Mr Hanson: Just responding to Dr Bourke's point of order, he is entirely correct. I did say that as an interjection. I want to be up-front and honest about that. I said that as an interjection in response to Mr Barr's comments that were the subject of Ms Lawder's point of order. If that is a request from Dr Bourke, as I take it, to withdraw, I withdraw.

MADAM SPEAKER: Thank you, Mr Hanson. I have completely lost track of where we are up to.

DR BOURKE: Supplementary, Madam Speaker.

MADAM SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Minister, why is the construction sector so important to Canberra's economy?

MADAM SPEAKER: Sorry, I think that that question has already been asked and therefore presumably answered and cannot be asked again.

Mr Coe: You can ask why it is still important.

MADAM SPEAKER: Yes, he could have asked you why it is still important but—

Mr Barr: Actually, I have had two supplementaries on the question—one from Mr Coe and one from Dr Bourke. Then the time ran out. So in fact, there should be a new question.

MADAM SPEAKER: No, Mr Doszpot asked you about Lawson. He asked a supplementary question about Lawson. Mr Gentleman asked you a question about something, which I did not write down, and Dr Bourke asked a question, which he has already asked. Mrs Jones.

Transport—light rail

MRS JONES: My question is to the Minister for Environment and Sustainable Development and relates to the Capital Metro Agency. Minister, on 22 June this year you issued a media release stating:

The recruitment process for the critical role of Project Director to lead the new Capital Metro Agency, and for a Project Board Chair, will commence in the coming weeks.

Minister, when will the government appoint the project director and the project board chair?

MR CORBELL: I thank Mrs Jones for the question. The answer to her question is: imminently.

MADAM SPEAKER: Supplementary question, Mrs Jones.

MRS JONES: Minister, how much money has been spent on the recruitment process for the director and chair, and who has undertaken the work?

MR CORBELL: The costs for recruitment are costs that are borne within the budget allocation of the Capital Metro Agency. I am happy to take that element of the question on notice and provide advice to the member. As to who has undertaken the recruitment process, the government has engaged external recruitment consultants to assist it in identifying the best and most suitable candidates for these two very important jobs.

MADAM SPEAKER: A supplementary question, Ms Porter.

MS PORTER: Minister, how important is it to recruit professional advice for the agency?

MR CORBELL: I thank Ms Porter for her supplementary. It is very important, Madam Speaker, because the capital metro project is a very significant undertaking by

the government. It is one of the most complex infrastructure projects we will have embarked upon to date, and the governance of the project needs to be overseen by people with the skills and capability to do that and with significant experience in large-scale infrastructure projects and potentially projects that engage the private sector significantly. So we will be looking very carefully at the skills needed for the chair of the board of the Capital Metro Agency, who will be an independent chair, not a public servant. We will also be making sure that the project director is someone who has the expertise and experience in similar large-scale, transport-related infrastructure projects to drive the development of this project.

I am pleased to say that the government has had a very strong field from which to draw upon, and that is a great indicator of the interest in this project from people nationally with the skills and expertise to bring to this project. As I said, we expect to make an announcement very soon in relation to those two very important positions, and I am confident those two appointees, when they are announced, will be very well received by industry and the broader community. (*Time expired.*)

MADAM SPEAKER: Supplementary, Mr Coe.

MR COE: Minister, are you, as the minister responsible for capital metro, going to be responsible for the appointment, or does responsibility for the appointment of the project director and chairperson lie with the subcommittee of cabinet?

MR CORBELL: Like all significant appointments, they will be considered by cabinet in the appropriate way. The appointment of the project director is the responsibility of the board of the Capital Metro Agency. The board consults with me in relation to who they propose to appoint. In relation to the chair of the board, that is an appointment which is endorsed by the cabinet.

Education—gifted and talented students

MS BERRY: My question is to the minister for education. Minister, I understand that you recently announced a community consultation process for a review of policies for gifted and talented students. Can you outline for the Assembly the purpose of the review as well as the consultation process and time line?

MS BURCH: I thank Ms Berry for her interest. Research shows that gifted and talented students represent about 10 per cent of the school population. These students are potentially our future leaders and innovators and we need to recognise that they need additional attention to ensure that they reach their full potential. The current education directorate's gifted and talented students policy was developed in 2008 to help school principals to effectively meet the needs of their gifted and talented students. It is therefore timely for a review.

Since 2008 there has been considerable change in our understanding of how best to identify and engage our gifted and talented students. As part of the policy review we know the importance of hearing the views of parents, students, teachers, researchers and the wider Canberra community.

In doing this, the Education and Training directorate is using the ACT government's community engagement framework. This demonstrates the government's commitment to high-quality policy development by communicating with the community. A pre-consultation working group has been assembled, consisting of key stakeholders, including the ACT Council of Parents and Citizens Associations, the ACT Gifted and Talented Local Support Group and an independent expert in gifted education, Dr Catherine Wormald from the University of Notre Dame.

To date there have been three workshops to inform the development of a new draft policy. The second phase of the process will be a six-week wider community and stakeholder consultation policy document that will inform the final version of the policy.

This includes an opportunity for the community to express their views via a series of forums and the ACT government's online time to talk survey portal. One of my goals as minister for school education in the ACT is to put parents and children at the centre. This approach will guide the way we develop and implement the new gifted and talented policy.

This will include better, more accessible documentation and improved communication for parents on how to access programs and support for their gifted and talented children. The policy and support material available will also inform schools of current best practice in meeting the needs of all gifted and talented students. The review will be finalised by the end of this year in readiness for school next year in 2014.

MADAM SPEAKER: Supplementary question, Ms Berry.

MS BERRY: Minister, why is it important that we have a public education system that meets the needs of top performing students?

MS BURCH: Ms Berry, as I have said, gifted and talented students represent about 10 per cent of the school population. If we fail to recognise them or fail to nurture their special talents, we are denying them the right to reach their full potential. Opportunities for gifted and talented students must be available in every classroom and in every school. It is through this that we can truly provide equitable access and ensure that gifted students are catered for wherever they live and attend school.

Gifted and talented students come from a wide range of cultural and socioeconomic backgrounds. Students from low socioeconomic backgrounds, Indigenous and culturally and linguistically diverse backgrounds, students who live in rural and regional areas and students with disabilities are at particular risk of having their abilities overlooked. The ACT government remains committed to gifted and talented education and continues to view it as an area of high importance, along with the provision of high-quality education to develop every child's potential.

We need to ensure that our school teachers are aware that gifted and talented learners have needs beyond the general curriculum and know what to do to help them develop deeper knowledge and broader understanding and to be exposed to significantly more

complex learning than their peers. If we fail these students, we are at risk of losing a chance to develop their great potential into something that will benefit their lives and those of our community.

Our new policy will help schools identify gifted and talented children and give them the best education that we can provide.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, can you tell the Assembly about some of the gifted and talented programs that are currently operating in ACT public schools?

MS BURCH: I thank Mr Gentleman for his interest. It is important to remember that, when we are talking about gifted and talented students, they are not a single, homogenous group. As such, one size does not fit all. Schools, therefore, offer a wide range of options for meeting the needs of gifted and talented students. Strategies employed by schools to cater for gifted and talented students centre around enrichment and extension of the curriculum, specific gifted and talented programs, and classroom structures that group gifted and talented students together.

For example, several colleges, such as Narrabundah College, provide the International Baccalaureate diploma, and this is recognised as an effective program for meeting the needs of gifted students who are self-directed learners.

Gungahlin College has a SMART program, which is a year 10 selective program designed for students who show interest and aptitude or potential in science, maths, and related technologies. Students have the opportunity to participate in a comprehensive preparation program which includes commencing year 11 subjects while they are still in year 10.

Alfred Deakin High School has the unicorn program, and this is a dedicated gifted class to provide extended learning opportunities for some core subjects.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, can you tell us, at the other end of the spectrum, what plans are afoot to address the issues faced by students who are falling further behind in successive NAPLAN tests?

Ms Burch: I do not know what NAPLAN tests have got to do with gifted students.

MADAM SPEAKER: It is not so much that it relates to the NAPLAN tests. I am actually considering that this was a question about gifted and talented students. It did not talk about children who are failing to achieve. I think I have to rule the question out of order.

Mr Doszpot: It is a matter of education that this refers to.

MADAM SPEAKER: I understand that, Mr Doszpot, and I understand that you may be interested in it. The standing orders require that supplementary questions be

relevant to the initial question and the matters that have arisen in the answering of the question. I do not think that children who are failing to achieve have been addressed by Ms Burch's comments.

Civic—talking CCTV cameras

MR GENTLEMAN: Minister, can you please outline for the Assembly what the trial of speakers for the CCTV system that was recently announced involves.

MR CORBELL: I thank Mr Gentleman for his question. A new talking CCTV speaker system is being trialled in Civic currently to help prevent crime by targeting crime hotspots. The speaker system commenced on 12 September this year and will be trialled over a three-month period. The speaker will broadcast a message to let people know that they are being viewed and recorded by the ACT Policing CCTV monitoring network.

The purpose of the speaker is to help act as a crime prevention tool in certain crime hot spots. This is in response to incidents where ACT Policing CCTV operators have identified public assets being vandalised. If the operators had been able to tell the offenders that they were being viewed and police were on their way, it is likely that some damage at least would have been prevented.

The speaker is currently being trialled at the corner of Alinga and Mort streets in the Civic bus interchange. Signage is installed to inform members of the public of the location of the speaker.

Talking CCTV has proven to be successful in other CCTV networks around the world—for example, in the United Kingdom. ACTION buses currently use speakers linked with CCTV at the Belconnen bus interchange.

Privacy was a key issue considered in the development of the trial. The speakers do not have the capacity to listen to or record any audio and they are compliant with the ACT government's CCTV code of practice.

ACT Policing have prepared procedures for the use of the speaker, including a set of scenarios where the speaker can be used and about the use of the speaker along with current crime prevention strategies. Only ACT Policing duty sergeants will use the speaker to broadcast the messages, and a radio at the CCTV monitoring centre will be used to relay messages on an encrypted channel to another radio at the speaker location.

The speaker will be used by ACT Policing in the following circumstances: to deter antisocial behaviour; to deter criminal behaviour; or to ensure the safety of police officers and members of the public.

This is a very useful trial. We need to see whether it does have a practical impact on the effectiveness of the CCTV speaker system. The cost of the trial is very modest, at approximately \$9,200. At the end of the three-month period, the government will be in a better position to determine whether this is an initiative that should be broadened and whether it has a level of effectiveness that warrants further ongoing use.

MADAM SPEAKER: A supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, how are the speakers intended to assist in improving safety and security in Civic?

MR CORBELL: I thank Mr Gentleman for his supplementary. The purpose of the speaker is to act as a crime prevention tool. There are numerous cameras located within our entertainment precincts around Civic as well as in Manuka and Kingston.

It has been this Labor government that has done the work to put in place a comprehensive CCTV monitoring network to help improve public safety in these high-volume, high-patronage areas. They are recorded at the CCTV monitoring centre 24 hours a day, seven days a week, and the government has, for the past four to five years now, budget-funded live monitoring of these cameras by CCTV operators on Thursday, Friday and Saturday night.

The speakers, and the implementation of them, will further enhance the capability and flexibility of the system, and we will look very closely at their capacity to deter criminal activity, increase public safety and enhance the overall ACT Policing presence in the Civic area.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, are the messages being broadcast pre-recorded at random intervals or are they made directly as a result of activities being observed, and will such a spoken CCTV unit be installed in Narrabundah to stop the tyre slasher?

MR CORBELL: I am speechless, Madam Speaker. A number of pre-recorded messages are being used, such as, "Your actions are being monitored and recorded on CCTV cameras," as they are here, Mr Hanson. Freestyle narrative begins, for example, with directions to persons who may be behaving in an antisocial way or committing what would appear to be a criminal act, and there is also the capacity for messages to be broadcast live from the ACT Policing duty sergeant from the CCTV monitoring network centre.

In relation to the Narrabundah tyre slasher, no, the government is not proposing to install CCTV cameras in Narrabundah or, indeed, in other suburbs around the ACT. I think there are some practical limitations on how CCTV may operate in those circumstances. I am happy, though, to advise Mrs Jones that, at the end of question time, I will be able to provide her with some further information in relation to the tyre slasher.

MADAM SPEAKER: Supplementary question, Ms Porter.

Mr Coe interjecting—

MS PORTER: Minister, what other initiatives—

Mr Coe interjecting—

MADAM SPEAKER: Mr Coe, can you be quiet, please? I want to hear Ms Porter.

Mr Corbell interjecting—

MADAM SPEAKER: Mr Corbell, can you be quiet as well? Ms Porter has the floor.

MS PORTER: What other initiatives are being put in place to minimise the impact of crime on people and assets?

MR CORBELL: Of course, this measure of the trial CCTV speakers is only one part of a broader range of projects being rolled out by ACT Policing and by the justice and community safety portfolio to improve community safety and to protect assets, both public assets and people's private property. Last week I launched a three-month police campaign targeting the manufacture, sale and distribution of illicit and synthetic drugs in the ACT.

This campaign, commissioned and developed by ACT Policing, is about encouraging the public to share information on illicit drugs activity in the community—in particular the presence or otherwise of grow houses or clan-lab activities in the ACT. It encourages the community to be wary of the signs that may indicate premises are being used for the manufacture or distribution of synthetic or illicit drugs and to contact Crime Stoppers accordingly.

The home safety program continues to be rolled out by the justice and community safety agency, which is providing funding to vulnerable people in our community such as the elderly. It is providing financial assistance and the installation of home safety improvements such as better locks on doors and windows, sensor lighting, security screens and so on.

The government is also continuing to roll out its high density housing safety and security project focusing on public housing properties in the ACT in high density housing sites, acting to intervene early, improve outcomes for residents and reduce crime in those areas.

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

Supplementary answer to question without notice Government—executive contracts

MS GALLAGHER: I undertook to come back with the relevant section of the Public Sector Management Act in relation to a question from Mr Hanson on executive contracts. The relevant section is section 80 of the Public Sector Management Act, and in relation to directors-general at section 32. Both sections use the same language, and section 32 provides:

The engagement of a person under section 28 or section 30 to perform the duties of an office of director-general is not invalid, and shall not be called into question, by reason of a defect or irregularity in relation to the engagement.

Personal explanation

MR WALL (Brindabella): There is one further issue arising from question time, and I would like to make a personal explanation under standing order 46.

MR ASSISTANT SPEAKER (Mr Gentleman): Does the member claim to have been misrepresented?

MR WALL: I do.

MR ASSISTANT SPEAKER: Please proceed.

MR WALL: During question time Mr Corbell said I had been spreading misinformation and telling untruths about the extent of the call-in powers he holds. I refer the minister to the Planning and Development Act 2007, division 7.3.5, section 158(1), which states:

The Minister may, in writing, direct the planning and land authority to refer to the Minister a development application that has not been decided by the authority.

Subsection (3) states:

If the Minister gives a direction under subsection (1) in relation to an application, the planning and land authority—

- (a) must take no further action that would lead to a decision by the authority on the application; but
- (b) may continue to take procedural steps in relation to the application, unless the Minister's direction under subsection (1) directs the authority not to take a procedural step.

In the examples, public notification is considered a procedural step. Learn the act.

Supplementary answers to questions without notice

Crime—car tyre slashing

MR CORBELL: Yesterday in question time Mrs Jones asked me a question about the Narrabundah tyre slasher. I can provide some further information to Mrs Jones in relation to this matter. The activities of the person known as the Narrabundah tyre slasher are well known to ACT Policing. ACT Policing has engaged the community at length both at a patrol level and through community groups such as Neighbourhood Watch and Crime Stoppers in an attempt to raise awareness and locate the offender.

In April this year, through information received from the public and intelligence gathered, ACT Policing identified a suspect, and a search warrant was subsequently executed on the suspect's home. There was insufficient evidence to prosecute the

suspect; however, ACT Policing has and will continue to conduct surveillance activities in the Narrabundah area.

In the four months after the execution of the search warrant no tyre damages were reported to ACT Policing. However, in the last three weeks, ACT Policing has received two reports of tyre slashing in Narrabundah. ACT Policing is continuing to actively investigate this matter and, therefore, it would be inappropriate for me to comment further at this time.

Transport—light rail

MR CORBELL: In relation to a question I took today from, if I recall correctly, Mr Coe in relation to appointments to the Capital Metro Agency, I add to my answer by confirming that the capital metro board will be making the decision in relation to the project director. The appointment of the project director will be made, though, under the Public Sector Management Act and is a matter for the head of service to technically determine.

Executive contracts

Papers and statement by minister

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

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Alison Playford, undated.

Mark Doverty, dated 2 September 2013.

Mark Whybrow, dated 2 September 2013.

Paul Lewis, dated 21 August 2013.

Short-term contracts:

Benjamin Ponton, dated 29 August and 2 September 2013.

Bruce Fitzgerald, dated 30 August and 2 September 2013.

Craig Simmons, dated 29 August 2013.

Daniel Walters, dated 23 August 2013.

Douglas Gillespie, dated 8 and 12 August 2013.

Leesha Pitt, dated 27 and 28 August 2013.

Melanie Saballa, dated 28 and 30 August 2013.

Neil Bulless, dated 12 and 13 August 2013.

Stephen Gilfedder, dated 5 September 2013.

Contract variations:

Allan McLean, dated 10 and 12 September 2013.

David Matthews, dated 21 and 22 August 2013.

Floyd Kennedy, dated 22 August 2013.

Ian Hill, dated 6 and 11 August 2013.

Mary Toohey, dated 26 and 27 August 2013.

Michael Chisnall, dated 22 August 2013.

Russell Noud, dated 19 August 2013.

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

Leave granted.

MS GALLAGHER: I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all director-general and executive contracts and contract variations. Contracts were previously tabled on 15 August 2013. Today I present four long-term contracts, nine short-term contracts and seven contract variations. The details of the contracts will be circulated to members.

Papers

Ms Gallagher presented the following papers:

Health Act, pursuant to subsection 15(4)—ACT Local Hospital Network Council—Annual Report to the ACT Minister for Health—2012-2013 Financial Year, dated 27 August 2013.

Education, Training and Youth Affairs—Standing Committee—Report 1—*Report on Annual and Financial Reports 2011-2012*—Government response.

Health, Ageing, Community and Social Services—Standing Committee—Report 1—*Report on Annual and Financial Reports 2011-2012*—Government response.

Justice and Community Safety—Standing Committee—Report 1—*Report on Annual and Financial Reports 2011-2012*—Government response.

Planning, Environment and Territory and Municipal Services—Standing Committee—Report 1—*Report on Annual and Financial Reports 2011-2012*—Government response.

Public Accounts—Standing Committee—Report 3—*Report on Annual and Financial Reports 2011-2012*—Government response.

Estimates 2012-2013—Select Committee—Report—Appropriation Bill 2012-2013—Recommendation 29—E-health records—Summary, dated September 2013.

Building and Construction Industry (Security of Payment) Act 2009—review
Paper and statement by minister

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

Building and Construction Industry (Security of Payment) Act, pursuant to subsection 45(2)—Report on the outcome of a review of the operation of the Act, dated August 2013.

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

Leave granted.

MR CORBELL: I am pleased to table this report of the review of the operation of the Building and Construction Industry Security of Payment Act 2009. I would like to acknowledge the industry stakeholders who contributed to the review of this important piece of legislation and thank them for their ongoing commitment to engage with government in improving the operation of the act.

The review undertaken by my directorate covered the operation of the act over the three years since its commencement in July 2010. The report notes that the act, when used by contracted parties, has proven effective in securing payment for goods and services provided.

The review found that general awareness in the building and construction industry of the act and its functions including claims for payment and adjudication activities, continue to increase. It was acknowledged, however, that many providers of goods and services continue to rely on traditional construction industry dispute resolution methods.

The policy intent of the act was not to replace the more traditional methods of dispute resolution. Rather, it was to provide a simple, more cost-effective means of responding to disputes between contractors.

The report noted that while it was not expected that adjudication processes under the act would replace all other forms of dispute resolution, there were a number of likely factors that impacted on the act's overall impact. These included:

- the relatively short period of time that the act has been in operation;
- the lack of willingness of subcontractors to force payment by using coercive mechanisms; and
- the small market size limiting diversity of business relationships particularly in the residential construction sector.

Despite this, the review found that the act has benefited the building and construction industry and the ACT economy and remains an important piece of legislation to remedy non-payment in the ACT. The government is committed to further exploring the areas of potential improvement identified in the report.

I look forward to continuing to work with the building and construction industry, the authorised nominating authorities and other stakeholders in improving the operation of the act. I commend the report to the Assembly.

Planning—urban environment

Discussion of matter of public importance

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

The importance of protecting the ACT's urban environment from decay.

MR SMYTH (Brindabella) (3.54): This is an important matter. It is important on two levels. Firstly, at the local level it is about where we live and how we live. But at the broader level it is about us as a city and our future. Perhaps in the centenary year it is a worthy debate to be had, because I do not think we have had a great deal of debate about what the Centenary has meant and what the legacy from the Centenary will be, except perhaps the hangover from some very, very good and entertaining events. But what direction has now been set and how will we know that we are going there?

There is a constant theme in letters to the editor in the *Canberra Times*, in the *Chronicle* and the local papers about the state of the streets. One that I recall—I asked my office to ask the library to track it down—was, admittedly, from January last year. It is from a young resident of Young who visited. I will read it. It is entitled “Mow the grass”:

I have been visiting my grandparents in Canberra for the past three weeks over the Christmas holidays. All I wanted to do while I was here was go to the local parks and skate parks for a play. The parks in Canberra are very untidy. There is too much long grass to walk through to get to the playgrounds or skate parks. Can you please mow all of the untidy long grass which makes Canberra look so messy? In Young, where I live, our parks and streets are very clean and tidy. They are always mowed and look neat.

That is from Charlie Sullivan, aged seven, from Young, New South Wales. There was another interesting letter from a Keith Minto of Holt in which he asks, “Why the mess?” It states:

Returning to Canberra after an absence, it is noticeable how untidy our city looks. Grass growing out of cracks, median strips unmown, scotch thistle emerging from drains. I know that this is a sleepy January, but interstate visitors notice this. Where has our civic pride gone? Does it boil down simply to a cost,

or is there a complacency in our administration? The Newell Highway between Moree and Boggabilla is frequently mown, and it is a pleasure to pass. What went wrong here?

I think we have all heard the complaints. I know that we have all read them in the *Canberra Times*. But then a group like the Business Council last year made comments in an article headed, "Business Council laments tired national capital". The article states:

"Canberra is beginning to look tired and dirty," the Council said. "Grass has not been cut or trimmed regularly. Rubbish accumulates in alleyways and shopping precincts, and streetscapes are in need of renewal on the major roads and parkways."

That is a range of the comments. There are many more that people are making. It may be about abandoned petrol stations, and we have questions as to whether or not they are compliant with the petrol station policy. We have had questions in this place about shopping centres and the accumulation of bird droppings, the lack of paint and dead garden beds. Playgrounds used to be a real gem for the people of the ACT. But when they are damaged they take so long to fix or they are just left damaged. They are unpainted. There is broken glass.

Pavement and footpaths are cracked. Often the footpaths are ground down, but the cracks remain and they crack again. Of course, there is the contentious area of mowing. The 75 to 80 millimetres of rain that we have had this week will add to that problem in the coming months. It is about the look of the city and how the city feels for people when they live here. It is about street sweeping. I know a lot of people will tell you that they have never seen their street swept. We are told they are swept at regular intervals each year, but are they? Is the job being done? Is it adequate?

It is about the state of the roads. It is about vegetation, some of it on private property, some of it on public land. Certainly some of us will remember the glory days of the 1960s and the 1970s under the federal government that had an excess of money, it would appear. Everything was neat and pretty all the time. How do we get to that state again where there is some real pride in the way the streets look so that people, when they visit, can say, "Yes, this does look like the national capital"? How do we get that right? I am sure others will take up that theme.

The government did have a solution to that sort of local urban decay. It was a thing called the urban improvement fund. The urban improvement fund came from the lease variation charge. All that money—the supposed \$25 million a year that was to be raised—was going to be hypothecated to an urban improvement fund. The Chief Minister commented in February last year, "The results will be noticeable." The *Canberra Times* of 21 February 2012 stated, "Upkeep hinges on the Urban Fund".

She was right. The results have been noticeable for what is a failure in delivering to Canberrans better local services. It is certainly not a success. The industry has characterised this fund by saying that it is "a complicated and unworkable new way to fund the maintenance and upgrade of municipal services which the community expects to be covered through the rates and land tax that we all pay for these services". That is from an article at about the same time.

Perhaps the best summary is from the Treasurer himself, who last year conceded, "Our urban improvement program is in arrears." We were told that ACT coffers slid \$174 million into the red. So they promised Canberrans improved, better services. They had this implausible program which is tantamount to doing nothing at all; it is just simply an empty promise. They said that they had a funding source for the program and the funding source has never come good.

Remember that the actual revenue received in 2011-12 was \$8.7 million, down from the predicted \$22.4 million. It was \$13.7 million shy. In just the September quarter of 2012-13, they received \$1.3 million. That was \$4.5 million below target. By 31 December, only \$2.1 million was received, \$7.7 million below target. The expected \$23 million was then revised down to \$17 million and, of course, we all know that was revised to \$19 million, and that was revised down to \$17 million.

You cannot have an urban improvement fund that is in arrears and you cannot deliver what you cannot fund. There are a number of issues there that I am sure others will want to have a chat on and will have a view on. I will leave that to them.

The other issue, of course, is the issue of the city in the broad. It is interesting. There is an American group called the Congress for the New Urbanism. Congress for the New Urbanism, in their charter of new urbanism, states:

We advocate the restructure of public policy and that development practice support the following principles: neighbourhoods should be diverse in use and population. Communities should be designed for the pedestrian and transit as well as the car. Cities and towns should be shaped by physically defined and universally accessible public spaces and community institutions. Urban places should be framed by architecture and landscape designs that celebrate local history, climate, ecology and building practice.

In many ways you can agree with all of that. Canberra is a city that could achieve that. In many ways, Canberra in its second century will build on a fabulous foundation that the federal government, particularly the Menzies federal government after 1956, has laid when Menzies established the National Capital Development Commission and set the standard for what a city could be.

Those of us that were here in the 1960s and the 1970s would remember those days. We have now got self-government and there are constraints. But where is the aspiration for the state of the city? How are we going to stop the ACT's urban environment from decay? You have to take this in the context of a decline in population density. In the late 1960s the average household was about 3.94 people. Now it is about 2½ people. In suburbs with 1,000 houses, you might have had 4,000 people there. Those suburbs may be down to 2,500 people. You have got fewer people in the suburbs with the same level of service being provided. So there has to be a reasonable discussion about population and how we have that urban renewal.

But urban renewal is not going to happen when you put a tax on it. That is what the lease variation charge is. The government is saying, "We want this renewal, but we are going to tax that renewal." It is counterintuitive. As the Treasurer himself has

admitted in hearings, every tax has an effect. Every tax has a drag. We are seeing that drag now. We are seeing it in the government not getting the DAs they thought they would get in the redevelopment. What it does is it forces sprawl. People are forced to go to the perimeters of the city. Cities that get bigger are harder to support. Of course, it is contradictory to some of the bits that are mentioned in the charter of new urbanism from the congress. It is about population and it is about density.

There are also the issues like visual pollution. Canberra used to be free of a lot of visual pollution, but everywhere you look now there is this plethora of signs appearing everywhere. There is a sign for everything. There is that song, "Signs, signs, they are everywhere." If it is not signs, in the case of the people in Uriarra it is a solar farm right in their front yards. You have to take into account the urban amenity wherever these things occur. I think, particularly for the people of Uriarra, that they would be wondering about their urban environment right at this time and who is going to protect them. Clearly from yesterday's debate, those opposite are not interested.

There is visual pollution. There are a number of texts being written now on gentrification of suburbs and about how we get suburbs to renew, how we get population back into them, how we do not lose the values of those suburbs in the changing times. There is work that needs to be done on that.

The government and the Greens say, "We have got capital metro." What are the impacts of the metro? When will we have some honesty about how wide the renewals have to be to make this train work? When will they communicate that to the people? It is not 100 metres. It is not just the block on either side of Northbourne Avenue. It probably extends 700 to 1,000 metres either side of Northbourne Avenue. There must be significant uplift to make this work and make it pay.

I wonder whether the people in those suburbs down Northbourne Avenue—Braddon, Turner, Dickson and Lyneham—are truly aware of what the impact of that will be. Have they had reasonable warning and discussion about it? I suspect the answer is no. Again, you have to look at the urban environment. Would people consider that a reasonable thing to get a train set? Or would they like to leave it that way and look at other options—indeed, the preferred option that Mr Corbell had until his road to Damascus or in this case his train to Damascus? He was in favour of a better bus system.

There is this whole issue of gentrification, how it happens and, indeed, how it is paid for. Again, the lease variation tax is a tax against density. It is so counterintuitive. I would have thought that the economic guru that the Treasurer would like to be thought of would say that this is counterintuitive. He says, "We want densification because densification along service carriageways will pay for transport upgrades but we are going to tax it." You cannot have your cake and eat it too, but that appears to be the case here.

Then there is the issue of the city itself. There is always comment from people, particularly visitors, that they were through Civic before they even knew it. Where is the Civic centre? Great cities have great city hearts. They have locations that you go to that are synonymous with the city. You cannot go to Sydney and not go to the

Rocks and feel that maritime influence, the water influence on Sydney—the combination of the old, the Rocks, the sandstone buildings and the new, whether it be Utzon’s Opera House or the Cafe Sydney that sits on top of the Customs House.

It is about getting it right. Mr Rattenbury, Mr Barr and myself were lucky enough to have dinner last evening with Larry Oltmanns, the gentleman who is here to conduct the seminar on a new convention centre. He said that our problem is that there is this void at the centre of our city. There is this big hole in the middle. There is no sense of city because we have not achieved that yet. Maybe that is one of the achievements that we should be looking at for the second century of this centre, that we have a reasonable discussion about what happens inside London Circuit and the blocks between London Circuit and, depending on the side you are looking at, Coranderrk Street or Marcus Clarke Street. But where is the real heart of the city? How do we define ourselves?

Again, the charter of new urbanism says that urban places should be framed by architecture and landscape, significant buildings that define the public space. Seriously, one of those Civic buildings that we truly should be considering is a new convention centre, something that defines us as a meeting place, as neutral ground. Our name “Canberra” means meeting place. It should be a case of Canberra by name, Canberra by nature.

We should have a discussion about how we define ourselves. There is a real opportunity here. Canberra is a magnificent blank canvas. It is kind of like the *Mona Lisa* without Mona sitting there. It is that beautiful Tuscan background that so many of the renaissance painters used to paint. The way they did the background was quite unique. It mirrored the hills and the general vegetation of Tuscany. Then they would put in their characters and tell their story in the foreground. Canberra is a lot like that. We have protected the vegetation. We have kept off the hills and ridges. But the city is low in its visual impact when it comes to the majority of places around the city.

The question for us, as the ones who will set the path for the coming centuries, is: how do we protect Canberra’s urban environment from decay? How do we make a city heart so that it pumps strongly and the rest of the city functions properly? How do we survive economically? How do we pay for these protections that we want and the services that we need and deserve? How do we protect the things that we love so much, whether they be the open spaces, the bird calls in the mornings or the beautiful sunsets not being obscured by buildings?

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (4.09): The government has a long and proud history of protecting and enhancing our urban and natural environments, and across a wide range of policy areas from environmental and water management to sustainable transport to supporting the viability of upgrading of urban places like our local centres. Far from the decay Mr Smyth appears to believe the city is falling into, this government has set a strong foundation to support the long-term future of the city and the territory.

The only way for governments to deliver outcomes for the future is by ensuring we have the right planning and policy frameworks in place that build shared goals and

strong community support for them. My own directorate is responsible for leading work on a range of innovative and integrated urban policies that will ensure our city is sustainable, liveable and viable well into the future. It starts with the higher level of strategic planning frameworks. We have set a strong framework for reform to deliver on key social issues like improving housing affordability, managing population growth and improving people's transport choices, focusing on residential intensification, amenity and mobility and by making the switch to a sustainable future in our energy supply, in water and transport management activities and in the government's own operations.

In 2012 this Labor government renewed its long-term vision and outcomes for the city through the ACT planning strategy. That policy sets out the strategic direction for how our city will grow sustainably in the short, medium and longer terms. But that planning strategy also does some very important things in addition. It reinforces the spatial structure of our city by focusing on town, group and local centres and the Griffin legacy work. The strategy outlines where future growth and urban intensification will occur and how it will be managed. Through the planning strategy and its sister policy, transport for Canberra, we have also prioritised investment in social and public transport infrastructure and in better urban design and amenity.

The planning strategy also works together with the government's sustainability strategy—action plan 2, weathering the change—to set a course for sustainable urban growth and development by achieving our greenhouse gas reduction targets and working towards the goal of carbon neutrality.

Let me talk about some of the very important targets for sustainable transport first of all. We want to increase active and public transport use to 30 per cent by 2026. We want to extend the network of paths, cycleways and other infrastructure to encourage active transport and make good connections to activity centres and bus stops. We want to manage parking demand through a strategic parking, pricing and management regime, a parking offset fund and the release of regular parking plans for the city and our town centres. All this planning is already leading to the delivery and implementation of important projects that will provide strong social, economic and sustainability outcomes.

The government's commitment, for example, through delivering the capital metro project is a clear sign of our focus on this delivery. Mr Smyth asks, "Where is the vision for the city centre? Where is the vision for managing growth?" That transport project and other projects like the city plan are central to that. We know that we want to see more people living in the city centre. We know that there is great potential to leverage more activity in the city centre if we give people good public transport choices. We know that it is going to be increasingly difficult to sustain the vibrant city centre without good, indeed excellent, public transport connections.

Capital metro is one way that that can be achieved. The 12½ kilometres of light rail linking the city to Gungahlin down one of the city's busiest corridors is a key part of our planning agenda. We have committed to planning for its future expansion as well beyond the city centre through the development of a light rail master plan which is currently underway. This project will be a transformative project for our city and its future.

At a finer grain level we are also planning for the future of our districts and our town centres. In March this year we embarked on a strategic planning process for Canberra city through the city plan. Mr Smyth says, “We need to have a discussion about what happens in the centre of our city, around London Circuit, around Vernon Circle.” That is exactly what the city plan is. That is exactly what the city to the lake project is all about. The city to the lake project has received endorsement through a peer-reviewed national competition and has won an Australian award for urban design excellence. This highlights the very significant work that this government is doing to paint and realise a vision for the future of our city centre as the true heart of Canberra.

The city plan will provide the long-term spatial and strategic framework for growth and change in the city centre for 2030 and beyond. Building a vibrant and viable city centre will come from increasing our residential population to deliver a day and night time economy and associated cultural and commercial life. The city centre has real capacity to meet anticipated future residential, commercial, retail and community facility needs. This means there are real opportunities to revitalise and rejuvenate existing areas and to provide new areas for growth and development.

Beyond the city centre, the government’s master planning program is developing forward-looking policy frameworks for our own town and group centres, setting out how particular areas should develop and redevelop into the future, establishing agreed community objectives and defining what is important about a place and how its character and quality can be conserved, improved and enhanced.

We are backing all this up with action on the ground. My colleague Minister Rattenbury will outline how government investment in maintenance and upgrades of our public spaces and infrastructure is addressing and implementing these planning strategies.

Our actions are also protecting and improving our natural environment, such as our urban waterways and lakes. The importance of our local waterways in providing urban amenity and recreational and community activity cannot be underestimated. We are investing heavily in urban ponds that are helping to protect areas such as Lake Burley Griffin from stormwater pollutants like nutrients, sediment and bacteria and improve water quality.

Since 2008 the government has embarked upon a comprehensive program of development of urban ponds in the Sullivans Creek catchment in the city’s inner north. These ponds are having measurable and real positive impacts on our waterways. They are bringing together the community in school and other groups as volunteers to work with the government to deliver, maintain and enhance these ponds’ infrastructure.

These are the types of measures that the government is implementing on the ground. We are strengthening our urban framework through our heritage protection processes. We back that up with a vibrant annual heritage festival that brings large sections of our community together to celebrate our varied past and our common future.

The government is putting in place comprehensive programs to support our natural environment. The recent approval of future development in the Gungahlin district includes over 700 hectares of new land being included in nature park and reserve, protecting valuable and endangered ecosystems in those areas and providing some beautiful amenity for future residents of Gungahlin, and indeed right across the ACT, to enjoy, continuing and enhancing our reputation and our standing not only as the national capital but also as the bush capital.

We are backing up our strategies in nature conservation with real action on the ground. We are protecting threatened and endangered species, like the corroboree frog and the eastern bettong. We are protecting threatened fish species through the provision of artificial fish habitats, including the Tharwa logjam, the Cotter artificial rock reef and cement cod caves. We are committed to supporting the wider community and its engagement in protecting our natural environment through the provision of our environmental grants programs which this year fund 13 new projects across the ACT, including in our urban areas.

The government has built a solid and innovative policy and planning base from which to drive a range of housing, transport, energy, environmental, planning and sustainability reforms for our city, placing our city in a strong position to deliver excellent urban outcomes for the challenges we will face in this, our second century. We are well placed to meet the broad range of urban sustainability and planning challenges that face us today. That is because this government has put in place the strategic thinking, the plans and the policies and is implementing them on the ground to achieve a more sustainable future for our city.

MRS JONES (Molonglo) (4.19): I rise today to support this matter of great public importance—the importance of protecting the ACT’s urban environment from decay. The urban environment impacts on every Canberran’s daily life. We spend our time travelling to workplaces, schools, universities or CIT only to be confronted by a steady supply of graffiti, dilapidated local shops, derelict petrol station sites, overgrown grassed areas, unfinished abandoned homes littered with broken glass windows, cracked and damaged footpaths and tired playgrounds with peeling paint.

The Labor government are, as Minister Corbell has pointed out, very good at developing beautiful pictures of their plans for the city to the lake project to flog off land between Civic and the lake, which one presumes in a decade or so may not be as nice as suggested. However, they have completely lost sight of the front door to the bus stop or the front door to school.

Many residents in Canberra spend huge sums on buying homes to raise their families or to enjoy in retirement only to be confronted on the way to local shops with graffiti monsters staring at them, piles of rubble and overgrown weeds on old petrol station sites and grassed areas that seem rarely to be mown. I spoke to a distinguished resident of the suburb of Campbell last week who told me, “I remember coming back to Canberra after being away for work in the 1980s and it was like coming back to a manicured landscape.” “Parts of Canberra”, he said, “now look like Mexico.”

Let us go to the detail of the issue. Thirteen suburbs across Canberra suffer from being home to a derelict petrol station site. This means derelict blocks with overgrown grass that are covered in graffiti, with builders' rubble, fences that are gaping and shade cloth that is falling down. Some of these sites have materials that are fire hazards.

Let us talk about the small local shops, the heart of our local suburbs. There are many that are rundown and dilapidated. I am not saying they are unsafe, but I am saying it does not look right for the ACT. One of these shops in Rivett has an ongoing health concern of bird waste. This bird waste is not only an eyesore but a health and safety hazard, despite the opinion of the government. Many of the local shops across Canberra are in need of a fresh coat of paint, as they have been left to become neglected and dilapidated, with garden beds that are now a bowl of dry dust as though we were still in the middle of the drought.

Although there are many wonderful playgrounds in Canberra, including the new play area at the arboretum, many local suburban playgrounds are only 90 per cent of the way there. They, like many of the shops, are in need of some maintenance. Again, I am not pointing out safety issues; I am talking about the feel and the look of these places.

There should be at least a minimum number of playgrounds which are completely fenced, which would be of great benefit to those parents and carers supervising more than one small child at a time or looking after children with some special needs. The old, dry tanbark at the base of many playgrounds is used as a litter tray for local cats and dogs, and the aged bark is hard and dry. There are playgrounds with problems of inappropriate graffiti, not to parents' delight. I noted six phallic symbols on the playground next to one of the unfinished, abandoned houses in Amaroo.

There are many grassed areas across Canberra in need of more regular mowing. I know it is an expense, but it just does not seem to be quite doing the job. Many residents are so frustrated that they are mowing laneways and local grassed areas themselves. They complain to me about the amount of rates that they pay and what they are getting for it.

In the older areas, many of the footpaths are in need of more maintenance. Some have been ground down. I understand that this is an activity that has been undertaken recently, particularly in some older areas—grinding down the cracks in the pavement. While that is an improvement, it does not completely solve the problem of safety. In many of the newer suburbs they do not even have footpaths, and there are issues with that as well. One gentleman who works at Cooleman Court was sharing with me how his wife fell out of her electric wheelchair near Rivett shops when trying to negotiate cracked footpaths.

There is urban renewal going on in older areas. Many young couples are spending all they have and more to move into older homes. They are doing a great deal of work and spending a lot of money on improving their own houses and front yards, but it does not seem like the ACT government is keeping up with this renewal.

These seem like little things, but they are big things for people's daily lives. I am really interested in the government's plan for front door to the bus stop, front door to the shop and front door to school. Urban decay leads to depressed residents and an increase in crime. I think that is well understood.

In conclusion, I will continue to work towards protecting our city's urban environment from decay and I will continue to ask the government why they have been distracted from providing these services better. The minister, Mr Corbell, outlined that, as far as he is concerned, urban environment means planning, sustainability, urban growth, transport, carbon neutrality, light rail and nature conservation. While each of these things has its merits, it is not really what we are talking about. We are talking about the little things at the suburban level that make people's lives better or worse. I ask the government to put greater emphasis on this.

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (4.25): I thank Mr Smyth for bringing this to our attention. I go to a comment of his around visual pollution. I find this quite interesting from Mr Smyth, so I want to draw to his attention again, and I will continue to draw to his attention, the matters I find are visually polluting, and the three members of Brindabella which I know utilise Chisholm and Erindale shops—the signs from the 2008 campaign that are still stuck on give-way signs and road signs in the area.

While Mr Smyth was going through his concerns about visual pollution, I went through to the TAMS website, posters and noticeboards. They make comment about poster silos installed at shopping centres and other locations. They are legal sites for poster advertisements and community notices, and can be used freely by everybody. Then there is a section on illegal bill posting. It says:

Illegal bill posting refers to the act of placing posters on public places and private places such as walls, poles, fences and hoardings. Illegal bill posters are costly. In any one year, there are thousands of illegal posters attached to both public and private property. Bill posters detract from the amenity of our city and create a poor image for Canberra's visitors. Bill posters peel and create litter which pollutes pavements and stormwater systems, and eventually have an adverse environmental affect on our lakes and waterways.

Then there is the next section, under "Enforcement":

Bill posting is illegal under Section 119 of the Crimes Act 1900. Since December 2008, the ACT Government has targeted the enforcement of illegal bill posting. Penalties include \$1,000 for individuals and \$5,000 for businesses. Any individual or commercial business posting illegal bill posters may be subject to be penalties under this legislation. To report illegal bill posting call Canberra Connect ...

But I want to take this opportunity more directly to put this to the Canberra Liberals on notice now. Can you please go through—

Mr Wall interjecting—

MS BURCH: I know you know those posters, because you go in and out of Chisholm shops, Mr Wall. I know you see them. You drive past them freely. So on notice, Canberra Liberals, can you please do right by this city and get rid of those unsightly remnants of the 2008 election committee? They are under your banner, “Canberra Liberals”, loud and proud—bills posted, from my interpretation. I may be tempted to write to the relevant minister to get formal advice, but I say to each and every one of you over there, members of Brindabella, member of the Canberra Liberals, you have been given notice. Can you get rid of those signs—what I consider to be illegally placed signs—and give everyone a rest.

Mr Smyth: Goodness me.

MS BURCH: I hear the interjection “Goodness me”. We have heard from the people over there about the look and feel of the city—downgrading it, pushing it down, making it sound as though it is the worst place in the world to live. It is the best place in the world to live. Yet they are not prepared to tidy up after themselves. I will come here each and every time they raise the amenity of this city until those unsightly signs are removed.

And while I am it, can you please perhaps get rid of the leftover plastic scrubby remnant of the most recent federal election as well, on Isabella Drive? Again, I know that many of you use that. I ask you please to stop your car and to do right by Canberra.

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (4.29): I welcome the opportunity to discuss these matters today. As the Minister for Territory and Municipal Services, my directorate has responsibility for a lot of the look and feel of the city. Reflecting on Mrs Jones’s—

Members interjecting—

MR ASSISTANT SPEAKER: Order, members! Mr Rattenbury has the floor.

MR RATTENBURY: Reflecting on Mrs Jones’s earlier comments, let me say that the reason Mr Corbell spoke about the matters that he did was that I will take up the cudgel on some of the other matters for which he had an interest.

TAMS does have a big job to do, but I do not believe that the city is in a state of decay as has been suggested. To start with, there are literally thousands of hours of work each week done by TAMS staff, who take considerable pride in the city. People that I have chatted to around the place really believe they are doing a great job for Canberra, and they really enjoy the job they do for Canberra.

I think this is reflected by the feedback from the community. TAMS undertakes regular community surveys across a whole range of matters. In particular, I can inform members of the Assembly that from the community survey for 2012-13, when it comes to neighbourhood parks, there was a satisfaction rating of 93 per cent. With the maintenance and pruning of trees in the urban parks, there was a satisfaction rating from the community of 93 per cent. With the general look and feel of local shopping centres, there was satisfaction of 91 per cent. And when it comes to town and district parks being clean and well maintained, there was a 96 per cent satisfaction rating from the community.

We can see from those figures that, whilst not absolutely everybody is happy, most people recognise that Canberra is a great city to live in, and it is well looked after. Personally, I would rather put myself in the camp of the 90-odd per cent in all of those categories who recognise that this is a tremendous city to live in. Anybody who has travelled anywhere will know that Canberra is a city that, frankly, is of a very high standard. There are places that need work; there are always bits and pieces that need to be done around the town. But to hear some of the descriptions we have heard in the chamber today about how depressing the suburbs are, which is the suggestion—that people will be depressed by living in the suburbs—is a long way from the reality of the Canberra that we live in.

For the benefit of members, I will provide a few statistics on some of the things that go on in Canberra to ensure that the city is maintained to as high as possible a standard for the resources that are available. There is always a discussion to be had, and I would be interested to have that discussion, about how we resource that. We have heard a lot today about what should be done in the city. How do we resource that? There is not too much fat in TAMS, I can assure you. Years and years of efficiency dividends mean it is an agency that runs pretty lean.

TAMS is always looking for improvements, and that is why the agency has taken on board, through this year's budget, a review of parks and city services. But within that, we need to have a serious debate about how much resource we are willing to put in and what level of services we expect. All the things that Mrs Jones described can be done, but it takes more resources.

Let us have that discussion. Do we want to raise the amount of revenue the government is taking in so we can employ more people? Do we want people just driving around, looking for random graffiti? Or are we happy with the current system where we rely on people to ring up and say, "I need this cleaned," and TAMS comes out within 24 hours if it is offensive or three days if it is not offensive, if it is on public land or public assets? That is not a bad turnaround—24 hours for offensive graffiti, three days for non-offensive graffiti. I am open to having a discussion about employing a bunch of people who drive around this whole huge city looking for graffiti, but let us think about how we are going to resource that.

Mrs Jones interjecting—

MR RATTENBURY: It turns out that we do know where there is some. But coming to what TAMS actually does, there are 87 shopping centres across TAMS that are part of our responsibilities. TAMS does litter and rubbish removal; park furniture maintenance; car park sweeping; pruning of trees and shrubs; weed control; and general cleaning, including of public toilets. Town centres and district shopping centres are cleaned daily, while neighbourhood shopping centres are cleaned at least weekly. Waste bins in town centres and district shopping centres are emptied at least three times per week and neighbourhood shopping centres at least weekly.

When it comes to our favourite issue of bird excrement at Rivett shops, we have discussed this in the chamber before. We have ascertained, and I have checked this, that it is on a private lease. I urge Mrs Jones to get in touch with the private leaseholder to further pressure them. At the end of the day, there is a limit to what government can actually do, and the community needs to take some responsibility.

Let me turn to mowing. Canberra has 5,200 hectares of open space that it mows across the city. This is without doubt one of the largest mowing programs of any jurisdiction in Australia. The program for 2013-14 has commenced; it commenced in the first week of September. Certainly the heavy rains are going to add to the challenge of keeping the grass under control, but there is a fleet of mowers out there that are doing the job.

Let me go to urban trees. TAMS manages over 730,000 trees in the urban area, which includes tree pruning and shaping for line of sight; removal of dead or damaged timber; and responding to the many public requests we get for people to inspect trees for safety and stability. TAMS has planted 868 new trees this year and will plant 800 more this spring. Unfortunately, 16 of the trees that were planted on Commonwealth Avenue as a centenary project have just been stolen, and this underlines the challenge that the government faces. I was at Belconnen Community Council on Tuesday night talking about TAMS issues, discussing with them the challenges of trying to deal with vandalism and general destruction. It is deeply frustrating when you think about 16 of these trees just being ripped out of the ground and stolen, and all the other types of vandalism that go on across the city that make it even harder to keep up across a large space.

There are other areas, of course, that TAMS has responsibility for. Playgrounds got a mention today. There are 507 playgrounds and nine skate parks in the territory, with equipment for children of different ages. Playgrounds are inspected on a program consistent with Australian standards, which define requirements for maintenance inspections; they are also inspected for cleanliness at least weekly in high-use areas and fortnightly in low-use areas. More comprehensive maintenance inspections are undertaken monthly.

TAMS is responsible for 119 barbecues in urban parklands and 248 barbecues in rural reserves and campgrounds. They are cleaned twice weekly in the urban area, weekly in high-profile locations and less frequently at isolated ones.

Then there are roads. TAMS has a program of road resurfacing, which I am happy to go into the details of. In 2012-13 there were 5,144 potholes filled in. These develop when water enters the base layers of the road through cracks caused by wear, age and damage. That is a constant job as well. Street sweeping got a mention. Street sweeping is undertaken on a programmed basis to remove leaves and debris from gutters. Every street in Canberra sees at least two sweeps a year, and arterial roads receive at least four sweeps a year. In the areas where there is a high amount of leaf litter, it is done a couple more times in autumn.

Mr Smyth made the comment, and I have heard it before, that “I have never seen a street sweeper in my suburb.” As it happens, I have never seen a postman in my suburb, but I still get mail. Just because I am not at home at the right time of day does not mean he does not come. The job does get done. Now that I am TAMS minister, I watch these things as I go around and I can see that the gutters have been cleaned. I have never seen the trucks either, but the gutters do get cleaned. Those sorts of comments are not very helpful to the equation.

Then there are streetlights, cycle path sweeping, footpaths and cycle paths. Footpaths got a mention. Let us talk about that. There are over 2,200 kilometres of footpaths in the city. Huge amounts of them are replaced each year. In 2012-13, over 38,000 square metres of paths were replaced across Canberra and 20,000 linear metres of edge cracks were ground down to remove trip hazards, which is a perfectly valid way of making sure the infrastructure lasts as long as possible.

There is heaps more that TAMS does that I could talk about, and maybe I will get a chance some other day. But I did want to turn to the general idea of what urban decay is. There is a whole lot about social infrastructure as well. To my mind, there is a really important issue about a community role in this. I do not think it is all up to the government. There are a whole range of things going on right across our community, whether it is local neighbourhood watches, community councils, park care groups, or people who just bother to go out and maybe mow the grass in the laneway next to their house. It is not that big a deal. I know plenty of people in the community who are happy to do that sort of thing, because they know that we live in a community. That is the sort of contribution people like to make. They like to make it, and why shouldn't they make it?

Mrs Jones: Do they get a discount off their rates?

MR RATTENBURY: Why not pick up the litter as you walk down the footpath near your house? I do it occasionally. It does not take any of my time. It gets done.

The government cannot deliver everything. There is a role for the community to make a contribution. Even if they do pay rates, there are a lot of volunteers in this community. People actually appreciate being involved in things. I thank people for that contribution as much as I thank the TAMS staff for the considerable job they do.

Discussion concluded.

Land Rent Amendment Bill 2013

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

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (4.40): I note from this amendment bill's explanatory statement that it seeks to make amendments to the Land Rent Act 2008 to take effect from 1 October 2013. I thank the minister and his staff for the briefing. These amendments will retarget the land rent scheme to assist those most in need by restricting entrance into the land rent scheme to only those applicants who are eligible for the discounted land rent rate of two per cent.

Key features to take effect from 1 October are as follows: the land rent scheme will only be available to new entrants who are eligible under the criteria for the discount land rent rate of two per cent; the income threshold will be increased and will include the income of a lessee and their domestic partner; lessees who are no longer eligible for the discount rate will be obligated to transition out of the scheme by transferring their land rent crown lease to a nominal crown lease or transferring the block to another eligible applicant; and lessees entering the scheme on or after 1 October 2013 will only be able to transfer their land rent crown lease to a purchaser who is also eligible for the discount rate. This legislation amends the calculation of interest of an outstanding land rent debt from a simple monthly rate to a compounding rate.

To state our position at the outset of what I have to say, the Canberra Liberals will not be supporting the bill. We maintain our continued position on this scheme: we do not agree with the fundamental design of this program, for the reasons already mentioned. As such, support for this scheme is tantamount to supporting wrong policy. In turn, wrong policy cannot solve the problems, no matter how hard you try to bandaid it, as in the case of what the government is trying to do with this amendment.

When the government advertised their scheme, here is what they said: "The Scheme will allow eligible households to pay rent on land rather than purchase it. It will help a number of households who might not otherwise be able to buy their own home to have access to the housing market." Yet at the time the government failed to follow up with the fact that there were no lenders willing to underwrite people who had signed up for the scheme. Lenders responded by saying that it was too risky. Westpac said: "I have been speaking to the head of our legal department who has advised this proposal looks promising, although they do have some concerns that need to be addressed prior to moving forward." St George said:

... there was no appetite for participating in the scheme for the following reasons. In the event of a borrower default it would be difficult to distinguish house versus land value upon the sale to repay the housing loan.

Genworth Financial said:

The cost of construction may not equal the value of the dwelling. Without the land component balancing out any negative equity issues realised in the value of the dwelling it is possible from the outset that the borrower may, in fact, have negative equity.

An anonymous broker said: "How the government was misguided enough to actually introduce the legislation in the first place is way beyond me because if they knew anything about lending practices, they would realise that it has nothing to do with global economic crises or anything like that."

Members will recall that the Auditor-General at the time responded by saying that it would represent a risk to the territory. She noted that to date they:

... have not been effective in achieving the ACT Government's stated objectives, which include meeting demand, providing affordable land and housing, and establishing an inventory of serviced land.

She said:

Despite the current accelerated land programs, there was evidence of a shortage of the supply of residential land, capable of being built on, to meet the pent-up and on-going strong demand.

And then we had statements from residents. One said: "The failed ACT land rent scheme is one of many cosmetic attempts by the Government to delude voters that it genuinely wants to solve Canberra's housing crisis ... There can be no solution until the Assembly's profit-hungry land monopoly ..." That is from a Latham resident. Another said: "...under such a scheme the benefit of increases in the land's value over the years would accrue to the Government rather than the lessee, thus leaving the lessee with equity only in the house itself. ... And as Australia's biggest mortgage insurer explains, that's insufficient to get a loan." That is from RS Gilbert of Braddon.

There is some interesting historical data now. In 2008-09, of the 58 contracts exchanged, none were handed back. In 2009-10, 416 contracts were exchanged and 23 were handed back. That is an 18 to one ratio. In 2010-11, 768 contracts were exchanged and 113 were handed back, approximately a seven to one ratio. What is telling is that in the 2011-12 financial year, up until 5 December 2011, of the 182 contracts exchanged, 91 were handed back. That is a two to one ratio. That is, for every two contracts exchanged, one gets handed back.

And there is more. It took this government almost four years to clarify duties paid on land rent leases, a sign that this flawed program is still being ill managed. But the biggest mistake by Mr Barr and his government is that they tell low income families that this scheme will "assist households to purchase their own home" yet they are silent on the fact that one of the benefits of owning a home is the way the land value increases over time to match, or even outpace, cost of living increases. In other words, while it may allow some who otherwise may not be able to own a home to buy a house, the scheme denies these home owners gains on land value increases. This is a flawed program and, worse still, has the potential to leave low income owners with negative equity.

The bill is continued proof of this program's failure. By limiting the program to prospective buyers who qualify for the discount rate, you are incentivising people to stay at a low income level. What message are you sending out to low income

families? Improve your lot in life, and the government will take away your home unless you buy the land that you live on. There is no certainty with regard to income thresholds and calculations for prospective land rent participants and the guidelines on transferring the lease to non-eligible transferees, as these are at the minister's discretion.

As we voted, I think, against every bit of legislation connected with the land rent scheme, we will continue to do so.

MR RATTENBURY (Molonglo) (4.46): On Tuesday when we debated the duties deferral amendment bill I said that the Greens do not believe that we currently have the package of housing assistance measures right and that we should look holistically at how we provide assistance across the housing continuum and the level of support we provide to the different stages of the continuum.

In that context, the land rent scheme has proven to be a very popular scheme. It was created as a scheme to assist those who would not otherwise be able to afford home ownership to move into ownership. I think it is fair to say that whilst this scheme has achieved that objective for a good number of people, it has also been used by some who were already in the housing market or who had the capacity to enter the market without the scheme as well as by those exploiting the scheme for land banking.

The bill should address these issues and restrict access to the scheme to those who otherwise would genuinely struggle to achieve home ownership. The Greens support these changes. As I have said before, these are broadly consistent with our view that we should be shifting the housing assistance provided by government to those most in need.

Of course, those who can afford to purchase a house through land rent are not those most in need, but the reality is that there is less of an opportunity cost for the government in allowing people to rent rather than buy land than with other grants and concessions that could simply be spent on those more in need. The land rent scheme is an innovative idea and deserves to be recognised as a very positive initiative. The bill responds to initial problems and refines the scheme to help it better achieve its objective. No doubt over time further refinements may be required, and a willingness to continually refine the scheme and accept when things need to be adjusted is very positive.

As I said previously, there should be a comprehensive look at the range of housing assistance measures so that we have an objective assessment of what works and what does not, and how the initiatives can work together to ensure that we help those who need it and provide the community overall with not only the best use of their limited resources but also the best social outcomes.

Having made those general points, there is one small issue presented by the bill which was raised by the scrutiny committee. I do not think that the current provisions of the bill are quite right; I think the points raised by the scrutiny committee are valid. I will

be proposing an amendment in the detail stage that goes to that effect. That amendment has been circulated and I will speak to it in more detail when we come to that point.

For now, I note those issues and I indicate that the Greens will be supporting this bill today.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (4.49), in reply: I thank members for their comments. The Land Rent Amendment Bill 2013 will retarget the land rent scheme to ensure that this scheme is only available to applicants who will receive the greatest benefit.

The land rent scheme is a vital affordable housing initiative which provides a valuable service to first home buyers in the territory. It allows lessees to rent land from the government instead of purchasing the land outright. This allows purchasers who may not otherwise be able to enter the property market to do so by significantly reducing the up-front financial obligations.

These amendments implement changes to the scheme announced as part of the 2013-14 territory budget. These changes will only apply to land rent leases entered into on or after 1 October 2013, and will restrict entrance to the land rent scheme to only those applicants who are eligible for the discounted land rent of two per cent.

Eligibility for the discounted rate is currently determined by several factors. Lessees must reside in the subject property once the subject residence is completed, and cannot own any other real property. In addition, the income of lessees must not exceed an annually determined threshold amount.

The scheme requires annual payment of land rent and currently has two bases for participation. Lessees who meet the required eligibility criteria for a discount rate of rent are charged two per cent of the unimproved value of the land. Those lessees who do not qualify for the discount rate pay at a standard rate of four per cent.

As the discounted rate of two per cent requires lessees to meet eligibility criteria, the standard four per cent rate is currently available without restriction. This has resulted in a large take-up of land rent leases by builders and developers. This has reduced the availability of land rent blocks to the intended recipients of the scheme, those being low and middle income earners.

From October 2013 applicants wishing to enter the scheme must be eligible for the discounted rate. In addition to restricting entrance to the scheme, a number of other retargeting measures are being introduced. This will ensure that the land rent scheme continues to be accessed by genuine low and middle income applicants.

Lessees who enter the land rent scheme from 1 October 2013 must remain eligible for the discounted two per cent land rent rate. Lessees who become ineligible for the discounted rate will be obliged to transition out of the scheme, and will be provided with a two-year period in which to do so.

Lessees who are transitioning out of the scheme will have the option of converting their land rent lease to a nominal crown lease or of transferring their block to another eligible land rent applicant. Should a lessee return to the discounted eligibility within this two-year period, they may remain in the scheme. However, lessees already participating in the land rent scheme prior to 1 October 2013 will have continued access to both rates should their circumstances change.

It is important to note that these amendments to the land rent scheme will not affect those lessees who are already participating in the scheme, at either the two or four per cent rate. The bill makes it clear that the amendments will only affect those new lessees who enter the scheme on or after 1 October 2013.

Once enacted, these amendments will ensure that the land rent scheme continues to play a vital role in the government's affordable housing initiatives.

In relation to the matters that were raised in scrutiny report No 11, delivered on 9 September, I note that the committee queried the meaning of an eligible transferee and felt it was unable to locate the definition of this in the bill. In my letter to the committee, and to you as chair, Mr Assistant Speaker, I referred the committee to clause 41 of the bill, which does in fact add that definition to the Land Rent Act 2008.

I note as well that the committee queried the validity of proposed subsection 26A(4) in clause 28 of the bill in light of the High Court judgement in the case of *Kable versus the DPP* in 1996. The proposed subsection empowers a court to order the forced sale of the subject property by public auction following the loss of lessee eligibility for land rent. The operation of the subsection is governed by the court's satisfaction as to certain matters set out in proposed subsection 26A(1), which includes those steps that have been taken under proposed section 16AA in clause 23 of the bill.

I referred the committee to the fact that the combined operation of the two proposed provisions means that proposed section 26A is conditional on the issue of a notice from the Commissioner for ACT Revenue following the loss of eligibility for a post 1 October 2013 land rent lessee. Such a notice, issued if a non-eligible lessee fails to convert the land rent lease or sell the subject land, is of course subject to the usual objection and appeal rights in the ACAT and courts, and it is highly unlikely that a court-ordered sale would or properly could be sought whilst the notice is under dispute. I suggest that the combined operation of proposed section 16AA and 26A means that proposed subsection 26A(4) would not substantially impair the institutional integrity of a court in the manner captured by the *Kable* doctrine.

We thank the committee for its inquiry concerning the validity of the proposed provision. However, the government is content that, in the highly unlikely event of an action under proposed section 26A, a legal challenge concerning this or any other provision in the Land Rent Act 2008 would follow the usual legal procedure. I trust that this information adequately addresses the committee's requests and concerns. I commend the Land Rent Amendment Bill 2013 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) (4.56): by leave: I move amendments Nos 1 to 4 circulated in my name together [*see schedule 2 at page 3541*]. This is an area of some complexity. I have listened to Mr Barr's comments quite carefully, and I think this is an area where it is perhaps lawyers at 20 paces. It is a tricky one because the scrutiny committee has raised an issue and Mr Barr has just outlined in some detail his views on why that is not the case. The advice I have is different advice, and that is the spirit in which I put these amendments up—that is, to take on board what the scrutiny committee have identified and seek to find a way through that.

The amendments are to change an existing section in the act and a proposed new section in the bill that essentially replicate those existing provisions in a new context. The issue the amendments address was raised by the scrutiny committee and concern an important legal principle. In *Gypsy Jokers*, a case arising from South Australia, High Court Justices Gummow, Hayne, Heydon and Kiefel accepted as a general proposition that legislation which purports to direct the courts as to the manner and outcome of the exercise of their jurisdiction is apt impermissibly to impair the character of the courts as independent and impartial tribunals. That is the issue at hand. It is not the role of this place to dictate the orders a court may make in a matter that comes before it.

In *South Australia v Totani* the High Court invalidated the South Australian legislation that provided that the court must on application by the commissioner make a control order against a person—the defendant—if the court is satisfied that the defendant is a member of a declared organisation. Members can see the similarity of the provision we are debating, because if a court is satisfied of X then it must do Y. The fact that the court has to be satisfied of slightly more elements which are procedural and factual in nature is of no consequence and the fact that merits review of the prerequisite steps is available is also completely beside the point.

Indeed, in *Totani*, Justice Hayne at paragraph 196 explicitly made the point that the availability of review of other steps in the process is not determinative and that the particular provision needed to be considered on the basis that the preceding steps had been validly executed. I make the observation that the response to the scrutiny committee, as I said, seems to be debatable. Clearly there is sufficient similarity with the South Australian provisions that were invalidated by the High Court to warrant a close consideration of this issue.

There are arguments as to why the provision could survive a challenge. Certainly Mr Barr has touched on some of those this afternoon. On the other hand, it is difficult to refute the claim that, under the provision, the court is required to act at the behest of

the executive as it must make an order in the articulated circumstances. This issue was of fundamental importance to the court in Totani and strongly suggests the clause could be problematic.

As members can see from this cursory outline of the issues and potential arguments, it is a complicated issue and one we cannot dismiss lightly. There is no need to impose this restriction, and the risk that it will become the subject of complex constitutional litigation for no benefit means the Assembly should support the amendments to remove it. It is the case that section 26 of the Rates Act 2004 and section 24 of the Land Act 2004 similarly provide that the court must make certain orders in certain circumstances, and I argue that these examples are also problematic and will also need to be dealt with at another point in time.

Essentially, the amendments seek to deal with a situation which is a technical one and seek to defend the legislation and ensure it is not open to being found invalid in some sort of detailed constitutional challenge. On that basis, I commend the amendments to the Assembly.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services) (5.01): I appreciate the expansion on the rationale for the amendments from Mr Rattenbury. The advice I have is that it is highly unlikely that there would be a challenge under the Kable doctrine and that it would be unlikely to be successful. The inconsistency that would occur were these amendments to be accepted with the Land Rent Act, the Land Tax Act and the Rates Act would, indeed, be problematic. I point out that there is a comprehensive review path prior to matters being considered under this provision—that being internal review, then through the ACAT and then through the courts—and that under the provision in the legislation the court has to be satisfied that a new section applies before it must act—that is, the court already has a high degree of discretion on the matter.

I remain unconvinced of the need for the amendments. I accept there will be differing legal views, but I and the government are yet to be convinced of the need for these amendments. On this occasion, the government will not support the amendments.

MR SMYTH (Brindabella) (5.02): We will be supporting the amendments. It is always very concerning when I see the word “must” in regard to a court, so I am happy with the changes as presented.

Amendments agreed to.

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

Bill, as amended, agreed to.

Adjournment

Motion by **Mr Barr** proposed:

That the Assembly do now adjourn.

Planning—convention centre

MR SMYTH (Brindabella) (5.03): Mr Assistant Speaker, it is curious that the three of us are here because Mr Rattenbury, Mr Barr and I had a very pleasant dinner together last evening, which people might find a bit surprising.

Mr Rattenbury interjecting—

MR SMYTH: As Mr Rattenbury points out, there were other people there. Not that I drink wine, but there was a certain amount of Canberra region wine on the table. The subject for discussion and the guest of honour was one Larry Oltmanns, who has today been running a workshop, and will continue to do so tomorrow, on the very interesting subject of a new convention centre for the ACT. To give the department and the minister their due, moneys from Economic Development have funded that. That is a great thing. It is, I think, one of the first positive signs we have seen from the government with regard to the possibility of a new convention centre after 12 years of waiting for one.

I would remind members that Ted Quinlan as the tourism minister and the business and economic minister in December 2001 said that by December 2002 they would have selected the site for the convention centre and be getting on with the job. Here we are in September 2013 and I am not sure a site has genuinely been confirmed.

I think we need to set up a model to deliver the convention centre and determine what is required so that we have the functional requirements agreed to. That includes making sure that there is space for future expansion. These centres generate a lot of business. There is a lot of competition and if you do not keep up, you lose. We then need to make sure that it happens.

I think as a sign of the support for a new facility in the ACT one only needs to go to “Canberra—the meeting place of Australia. The national capital’s need for Australia Forum convention centre” from July 2013 from the Canberra Convention Bureau, Think Canberra and the Canberra Business Council. There is quite an extraordinary array of organisations on pages 8 or 9 who have signed up to the need for the new convention centre and the statement of support.

I am going to read them all. I will do an Alistair Coe and read a list of names. These are the national institutions that have all signed up to supporting the development of the Australia Forum convention centre as a priority: the Australian Academy of Science, the Australian National University, the Australian Institute of Sport, the Australian Catholic University, the Australian National Botanic Gardens, the Australian War Memorial, the CSIRO Discovery Centre, the Museum of Australian

Democracy, the National Archives, the National Film And Sound Archive, the National Gallery of Australia, the National Library of Australia, the National Museum of Australia, the National Portrait Gallery, Questacon and the Royal Australian Mint.

And then ACT and national organisations: the Canberra Convention Bureau, the Canberra Business Council, the ACT and Region Chamber of Commerce and Industry, the ACT Law Society, ACTSPORT, ACS, the Australian Information Industry Association, the Australian Hotels Association, the Australian Institute of Architects, the Australian Institute of Company Directors, the Australian Institute of Management, the Australian Institute of Quantity Surveyors, the Australian Medical Council Ltd, the Australian Property Institute, the Canberra Airport, the Canberra Institute of Technology, the Chamber of Women in Business, ClubsACT, CollabIT, Consult Australia, the Council on the Ageing, Engineers Australia, Family Business Australia, the Institute of Public Accountants, the Master Builders of the ACT, Medicines Australia, the Motor Trades Association of the ACT, the National Capital Attractions Association, the National Electrical and Communications Association, NICTA, the Property Council of Australia, the Pharmacy Guild of Australia, the Real Estate Institute of the ACT, the SIA, Volunteering Australia, the YWCA Canberra, the University of Canberra and the University of New South Wales at ADFA.

That is a list of interested groups and it is an endorsement of the need for a new facility. I have not seen such a list and such unity amongst business and the academic and educational institutes of the ACT in all my time since first getting into parliament in 1995. I think the overwhelming statement of the case for a new convention centre is contained on those two pages. I would urge the government to move swiftly on the proceedings of the conference that we have had over today and will have tomorrow.

Australian Masters Squash Championships

MS LAWDER (Brindabella) (5.08): I would like to speak about the Australian Masters Squash Championships which were held over the first two weeks of September here in Canberra. I express thanks to the ACT government for supporting these championships to be held in Canberra as part of the centenary year. I was honoured to be invited to officially open the event on 1 September.

The Australian Masters Squash Championships bring together players from all over the country and are a chance to make new friends and rekindle old friendships, as well as see the host city at various social events. The visitors had the opportunity to experience a number of the fantastic attractions of our beautiful city while they were here. The Australian Masters Championships offered participants and spectators alike the chance to experience great sporting prowess as well as moments of great sportsmanship. Squash legend Heather Mackay, who was recently named the ACT female athlete of the century, is the patron of masters squash.

With 251 individual competitors and 375 competitors in the teams event, I am mindful of the significant effort involved in organising such an event. I would like to take the chance to acknowledge these people today. First and foremost I would like to thank the 2013 subcommittee who worked tirelessly to ensure this event was a success. That includes Debbie Sims, Scott Caban, Sue Parker and Ron Smith. Additionally, I

thank the Australian Masters Squash Association executive for their ongoing commitment to squash in Australia, including Peter Wright, Gary Irwin and, again, Debbie Sims.

Finally, these people could not have done what they did without other members of the squash fraternity and past squash players who gave up their time to assist in running the control desk, preparing welcome packs, assisting with car parking, providing food, maintaining the website and undertaking so many other tasks that happen in the background. I pay tribute to these volunteers today.

I congratulate the ACT masters players who were awarded places in the various competitions. I will start with the individual men followed by the individual women and then the team placegetters. In the individual men's competition, the ACT winners were as follows: Trevor Smith, third place in the men's 80-84 and 85 plus division; John Forrest, runner up in the men's 65-69 division 3; Denis Mettam, winner of the men's 65-69 division 2; Richard Fry, third place in the men's 60-64 division 3; Gary Hampson, runner up and Alan Brownlee, third in the men's 55-59 division 2; Scott Andison, winner and Peter Jordan, runner up of the men's 50-54 division 2; Brian Cady, runner up in the men's 50-54 division 2; Stuart Green, winner of the men's 45-49 division 3; Graeme Seller, winner and John Smit, third place in the men's 45-49 division 2; Shane Gurney, third place in the men's 45-49 open division; and Bryson Hawkins, winner of the men's 40-44 division 2.

In the women's: Sue Parker, runner up, women's 55-59 division 2; Lynda Hancock, winner and Rhonda Fry, third place women's 55-59 division 3; Sharon Blyton, winner and Susan Briggs, runner up in the women's 50-54 division 3; Penny Neuendorf, winner and Fran Wilson, runner up women's 45-49 division 3; Karen Horsfall, runner up women's 40-44 division 3; and Helen Chant, runner up, women's 35-39 division 2.

The ACT team members who won first place in their team competitions: Brian Cady, Grahame Deards, Melissa Orr, Scott Andison, Alan Martin, Denis Mettam, Linda Barich, Jeanette Williamson, Bill Daszczyk. And the runners up were: Mark Young, Bryson Hawkins, Brian Dunkley, Paul Sweeney, Martin Shannon, Ron Smith, Jack Child, Helen Parkes, Tania Hancock, Susan Briggs, Sharon Blyton, Raice Tapp, Rhonda Fry, Ron Bates and Fran Wilson. Thank you very much to all involved.

Holt community carers Parking—Belconnen

MS BERRY (Ginninderra) (5.13): I want to quickly mention tonight Holt community carers, who have come together to take responsibility for the cleaning and maintenance of their community park. I want to mention them tonight because what of happened earlier with some people in this chamber talking our city down. I want to mention these people because they are a good example of where people are proud of their community and take ownership for its upkeep and maintenance. That, in turn, means that money and resources can be spent elsewhere where people perhaps do not have the time or the ability to take responsibility for their parks.

The second thing I want to talk about tonight is parking in Belconnen. On Tuesday I headed out during the sitting break to join the Belconnen Community Council in their community consultation regarding parking arrangements in Belconnen town centre. Whilst the weather was certainly not on our side, there was a lot of enthusiasm from everyone present for talking about a whole range of transport solutions. Anyone who lives and works in Belconnen knows that the high rate of development and the growing number of people who live and work within the centre are creating a gap between the supply of parking and the current demand.

It was great to hear from the Belconnen Community Council that the surveys they had already received showed support for a wide range of transport options to supplement parking needs. Amongst those that have already contributed are both car drivers and bicycle riders. As I have said before in this place, it is my belief there is more to consider in the decision about how we get to work than simply convenience. I do not know anyone in Belconnen who wants to see our town centres turned into giant multi-storey car parks, but I also know there are mornings when we have the double drop off or a midday appointment at school when driving is the only option. We need to find a way to balance these priorities.

As the Belconnen Community Council knows, part of that solution is ensuring that, on those days when we need it, parking is available in our town centres. It is not only a matter of convenience but one of fairness for members of our community with caring responsibilities and mobility issues.

I was also happy to hear the council have received responses from people who know that, if we want good public spaces, we need to ensure that we have public transport infrastructure and public amenities that encourage active travel and reduce reliance on cars. It is great to see one of our fantastic community councils reaching out to the community and engaging new people, both in the process of feeding that back to this place and also in building and supporting the unique communities that form around our town centres.

I look forward to seeing the ideas for Belconnen that people in the community have come up with out of this consultation. I also look forward to having more conversations about how we strike a balance between access and amenity. In our growing city, flexibility and a concern for the access of others to this limited resource is the only way we will be able to ensure that there is a park on the days when we really need it and truly liveable centres to enjoy on the days when we are able to have a more active trip to work.

Chisholm Health Cooperative

MR GENTLEMAN (Brindabella) (5.16): I rise tonight to talk about an event I attended on 21 September with Minister Burch—the Chisholm health co-op opening. The National health co-op has been developing a health co-operative and health wellbeing centre on Canberra's northern fringe since 2004. The energy from this co-operative came from the community following persistent concerns raised by residents about the lack of affordable GPs and health services. Using a membership-based bulk

billing system, the co-op is available to offer bulk bill appointments to its members. The health co-op has been a huge success in the ACT, bringing health services to those who need it most in our community, with Chisholm being its sixth centre to open. It will not be the last, I am sure.

During the opening I attended with Joy Burch and Ray Hayley and Jason Hinder from the Bendigo Bank I had the opportunity to walk around this new purpose-designed area and was delighted with what I found—several consult rooms, test rooms and a large community meeting area. I am proud to be part of the government that has provided \$200,000 for the building and to be a customer of Bendigo Bank that contributed \$100,000 to this great initiative. I would like to take a moment to thank the Bendigo Bank and its board members, including the chair, Jason Hinder, for his generous donation.

However, the definite highlight of this event for me was talking to the enrolled nurse, Ms Vicki Jackson. Vicki is a real gem who was more than giving of her time at the event. I have rarely met someone so happy to be at work and so excited to show us her working surrounds. She told us of how she had decided to take on working at the health co-op after contemplating leaving the sector after many years in a fast-paced career. I believe this is one of the key factors that will help the co-op thrive. With extremely experienced and friendly staff and their willingness to give of their time, you will find that whenever you walk into one of these centres you will be treated not just as another number but as a patient the staff are more than happy to care for.

Vicki showed us the purpose-planned ECG area separated from all the other rooms, ensuring a private and peaceful area for patients requiring diagnosis. She took real pride in showing us the community room available at the centre. This facility will mean the co-op can hold group meetings and provide training opportunities for the community. These classes may include nutrition and mothers groups, two very successful programs currently undertaken in west Belconnen. I was happy to hear the meeting area will not be limited to use by the co-op, with plans to open it to the local community also when needed, ensuring that no part of the centre is underutilised.

I will take a minute to thank the board members of the co-op. Without their vision, none of this would be possible: the chair, Adrian Watts, the secretary, Peter White, Roger Nicoll, Margaret Stewart, Brian Frith, Robert Dean, and Blake Wilson. I also thank the doctors and nurses at Chisholm: Dr Luz Espino, Dr Eugene Tshibangu, Dr Olugbenga Odeleye, Mr Christopher Helms and, of course, Ms Vicki Jackson who I have mentioned.

I am sure it will be a great success in Chisholm for the National Health Cooperative, and I am looking forward to the construction of the next one—hopefully built down south—to look after those residents who need it.

Lions clubs—youth of the year program

MR COE (Ginninderra) (5.20): I rise today to speak about the Lions youth of the year competition. Lions youth of the year is a national program designed to help young people improve their skills before entering the workforce run by Lions clubs across

Australia. The program focuses on the development of leadership and other citizenship qualities. Young people involved in the program demonstrate academic achievements as well as skills in leadership, personality, sportsmanship, public speaking and citizenship. The program provides an opportunity for students to engage in open discussions, meetings with professionals and community service. The aim of the youth of the year program is to provide outstanding role models for young people and to increase their confidence.

The youth of the year program is promoted in schools and local communities across Australia. Candidates are judged in their local Lions clubs. Winners then move into the zone, regional, district, state and finally national competitions with the national winner travelling overseas to the international youth camp. Winners are also involved in a group tour of the national winner's home state and receive scholarships to use for further education and development. Entry to the program is open to all young people between the age of 15 and 19 years who are currently attending a high school or secondary school.

I think it is also appropriate that I recognise the longstanding and generous support of the youth of the year quest by the National Australia Bank. The bank gives generously in a number of ways, including the contribution of more than 375 employees across metropolitan and regional Australia who have participated in the program in a voluntary capacity as judges over the last year alone.

As someone who participated in the program myself, I can attest to the wonderful experience the competition provides entrants, and I encourage all young people to consider applying for next year's competition.

On 5 September I was pleased to attend the Lions Club of Gungahlin's youth of the year public speaking competition at the Gold Creek Country Club in Nicholls. The event was a great success, with Lions guests and family and friends of the entrants in attendance to hear two very impressive students in the competition. I would like to commend participants Stefan Qin and Jessica Luton on their superb presentations and the professional manner in which they interacted on the night. I am sure that both of these talented students have a very bright future ahead of them. I wish Stefan well for the next stage of the competition.

I would like to place on the record my thanks to the committee of the Lions Club of Gungahlin: the president, Steve Holm, the secretary, Bonnie Fox, the treasurer, Glynis Whitfield, and the chairman, Danny Howard. I would also like to thank Graham and Robyn Erickson for their service to the community through Lions and for inviting me to attend the club's youth of the year competition. The Gungahlin Lions Club, like so many service clubs, punches well above its weight and contributes greatly to our community. I thank all the lions and their families for the sacrifices they make in the service of Canberra.

In conclusion, I would like to congratulate all the participants in this year's competition. For more information about the Gungahlin Lions Club, I recommend members visit the website at www.gungahlin.act.lions.org.au and the national website at www.lionsclubs.org.au.

Landcare awards

MR RATTENBURY (Molonglo—Minister for Territory and Municipal Services, Minister for Corrections, Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Ageing) (5.23): The work of conservation volunteers was recognised last week with the announcement of the ACT Landcare awards. The awards celebrate groups and individuals that have made significant contributions to natural resource management projects in our local communities around the region. ACT Landcare volunteers put in more than 10,000 hours of unpaid work each year.

I would just like to take a moment to acknowledge the 2013 Landcare award winners, which are as follows: in the junior landcare team award the winner was the Lanyon Cluster of Schools—giving to the environment project, and the North Belconnen Junior Landcare Group was highly commended. Yurung Dhaura Aboriginal land management team was the winner of the Indigenous land management award. The Qantas landcare innovative community group award was won by the Hughes Garran Woodland Group, with the Friends of Aranda Bushland highly commended.

The individual landcarer award was won by Caroline Wenger, who is the convenor of the Umbagog Landcare Group, and Jenny Horsfield, who is the convenor of the Minders of Tuggeranong Homestead, was highly commended in that category.

The landcare facilitator coordinator award was won by Angela Calliess from Greening Australia, with Pauline Carder from the Upper Murrumbidgee Catchment Coordinating Committee highly commended in that category.

The innovation in sustainable farm practices award was won by Anne McGrath from Majura Valley Free Range Eggs, a tremendous local business who are, of course, in the spirit of today's discussions, letting their chooks run free.

In the partnerships with landcare award the winner was the source water protection program by ACTEW Water, with Rob Thorman from the Land Development Corporation highly commended in that category. Many people know Rob from his high profile work around the community.

The quiet achiever award was actually two co-winners: Ken Hodgkinson from the North Belconnen Landcare Group and John Fitz Gerald from the Friends of Grasslands. They were recognised for their work on grasslands and woodlands.

The environment community support award for community coordinators was won by Glenys Patulny, the chair of the Southern ACT Catchment Group. Anyone who spends any time in Tuggeranong or has anything to do with water will have met Glenys. She is one of the most committed advocates for water issues, particularly in the southern part of Canberra, that I have ever met. She has been a significant supporter of Landcare since 1996. Stephen Skinner, the Molonglo water catchment coordinator, was highly commended in that category.

And, finally, the Westpac agribusiness innovative young landcarer leader award was won by Karina Paloma Bontes Forward, and the Dirty Beanstalk ANU won the highly commended award.

I would simply like to take the opportunity to thank all of those people for their contributions, congratulate them on their awards and simply acknowledge what a tremendous job they are doing in putting their own time and effort into the landcare program to help maintain and restore our environment.

White Ribbon Day

DR BOURKE (Ginninderra) (5.26): White Ribbon Day, the international campaign to stop violence against women, is approaching on 25 November. We need to keep up awareness to stop this failure on the part of men and act to stop the violence on every day of the year, not just on White Ribbon Day. Mr Assistant Speaker, you are doing your part to maintain awareness as a white ribbon ambassador. You will be speaking at the white ribbon fundraiser on Friday night at the Palace Electric Cinema, featuring a screening of the old classic *Grease*, as well as a lucky door prize. Upcoming events in Canberra in support of White Ribbon Day include the Australian Defence Force members and their supporters walking or running, as it suits them, around Lake Burley Griffin from bridge to bridge on Friday, 29 November from 12.30. Defence personnel have embraced the cause and have arranged several other white ribbon events in the months to come.

The White Ribbon Foundation is encouraging men to host an event and “do your bit” to stop men’s violence against women by involving colleagues, mates, family or community and spreading the message. Prevention initiatives with communities, schools, universities, workplaces and sporting codes are funded through fundraisers, donations, selling merchandise or holding raffles and auctions at community events.

I am proud the ACT government supports the White Ribbon Foundation and last year gave the foundation \$20,000 from the confiscated assets trust fund. This assistance is directed to White Ribbon Day and awareness and prevention programs in schools and workplaces.

The white ribbon movement started in Canada a few years after the horrific massacre of 14 women in Montreal in 1989. Ten years later the UN adopted the white ribbon as a symbol of the International Day for the Elimination of Violence against Women held on 25 November. This is the 10th year that White Ribbon Day has been observed in Australia.

The White Ribbon Foundation is encouraging men to commit to the oath, “I swear never to commit, excuse or remain silent about violence.” The campaign has spread throughout social media with men taking the oath on Facebook, Twitter, YouTube, blogs, Instagram and Pinterest.

White ribbon is promoting three steps towards the prevention of violence towards women. Step one is live the white ribbon oath. The oath is a commitment to lead by

example, to be a role model and to intervene safely when needed. This means being aware of how your behaviour influences others, raising awareness in our friends and colleagues and challenging sexist and violent behaviour by speaking up about it, urging the perpetrator to seek professional help or by contacting the police.

Step two is break the silence about violence. The message is that violence against women is everybody's business. We need good men to say, "Enough is enough," and raise the issue in public and through their networks.

Step three is grow the campaign. Help spread the message and recruit others to take a stand and get involved in white ribbon events or host your own. There are many resources for how men can address their own behaviour and support the community campaign. At the top of the list of practical things to do is listen to women and learn from women, which is a very good starting point.

ACTSport Hall of Fame

MR DOSZPOT (Molonglo) (5.29): On 30 August, as shadow minister for sport, I had the pleasure of being a guest of ACTSport at their ActewAGL Hall of Fame induction lunch. My Assembly colleague Ms Berry was also in attendance. It is an honour for any sportsman or woman in the region to be inducted into the ACTSport Hall of Fame. This year it had an extra special element because, as part of the centenary of Canberra celebrations, two additional categories were included. The centenary of Canberra 1913-2013 ACT male athlete of the century was the AFL legend Alex Jesaulenko, who started his AFL career here in Canberra with the Yarralumla-Manuka under 13 team in 1958 and went on to be an outstanding player, captain, coach and selected as a member of the AFL team of the century.

The centenary of Canberra 1913-2013 ACT female athlete of the century—again, another worthy recipient, a local recipient—was Heather McKay, Australia's and probably the world's best known and most successful female squash player. Probably quite a few of us know that Heather McKay was born in Queanbeyan and in her international squash career lost only two matches in her entire career, a career that spanned three decades. Those two losses were very early on in her career.

The 2013 ActewAGL ACTSport Hall of Fame associate member inductees were Bob Mouatt OAM, for his involvement in and contribution to orienteering over 40 years. Another one was Frank Cleary, a born and bred Canberra man who is well known in racing circles. Most notably, Frank Cleary was the first local trainer to win the Gold Coast Magic Millions and the Magic Millions Two-Year-Old Classic before winning the prestigious Black Opal with Clan O'Sullivan in 1992. Clan O'Sullivan also won the Todman Stakes before running second in the Golden Slipper. His racing career stretched over 20 starts, winning nine and amassing nearly \$2 million in prize money. In 1999 Frank became the only trainer to have won the Black Opal and Golden Slipper double with Catbird. Catbird won five of his 14 starts and \$1,755,000 in prize money.

Moving on, the other 2013 ACT ActewAGL Sport Hall of Fame full member inductees were Bronwyn Calver, for her contribution to and success in local and

international women's cricket—she was also quite a successful soccer player here in Canberra; Miriam Manzano, six times Australian senior ladies skating champion, nine times Australian skating champion medallist and four times international podium medallist in ice skating; and Siobhan Paton, a paralympian swimmer who has been paralympian of the year awarded from the Australian Paralympic Committee and who has been honoured on a postage stamp. Siobhan is still the holder of 13 records in her disability class.

Jeremy Paul, a former Brumbies and Wallabies hooker and prolific try scorer, was the final inductee. He had 112 caps for the Brumbies, represented the Wallabies on 72 occasions and in 2005 was awarded the John Eales medal. I am sure the Wallabies could still make use of his talents today. How blessed we are that, while born in New Zealand, he moved to Australia in 1991 and then to Canberra in 1998.

All of these athletes deserve the highest accolades for their commitment to their respective sports, for the great successes they have achieved and the good example they have each provided to the general community.

I also think it is very appropriate that we congratulate Jim Roberts, the President of ACTSport, and his hardworking committee not only for the way that they have conducted this year's ACTSport Hall of Fame but also for the way they have conducted their activities over the last 10 or 15 years. Their awards have become prestigious and very much appreciated by the sporting community.

Question resolved in the affirmative.

The Assembly adjourned at 5.34 pm until Tuesday, 22 October 2013 at 10 am.

Schedules of amendments

Schedule 1

Administrative Decisions (Judicial Review) Amendment Bill 2013

Amendments moved by the Attorney-General

1

Clause 6

Proposed new section 4A

Page 3, line 3—

omit proposed new section 4A, substitute

4A Who may make an application under this Act

- (1) An eligible person may make an application under this Act, subject to subsections (2) and (3).
- (2) If the application relates to a category A decision, or conduct engaged in for the purpose of making the decision, the person may make the application only if—
 - (a) the person's interests are, or would be, adversely affected by the decision, failure to make the decision, or conduct engaged in for the purpose of making the decision; or
 - (b) if the decision is of a kind that is proposed in a report or recommendation—the person's interests are, or would be, adversely affected if the decision were, or were not, made in accordance with the report or recommendation.
- (3) If the application relates to a category B decision, or conduct engaged in for the purpose of making the decision, the person may make the application unless—
 - (a) an enactment does not allow the person to make the application; or
 - (b) each of the following apply:
 - (i) the interests of the eligible person are not adversely affected by the decision or conduct;
 - (ii) the application fails to raise a significant issue of public importance.
- (4) The Supreme Court may at any time, on application by a party, refuse to hear the application or dismiss the application if satisfied that the applicant is not an eligible person.
- (5) In this section:

category A decision means a decision of an administrative character made, proposed to be made, or required to be made (whether in the exercise of a discretion or not) under—

 - (a) the Heritage Act 2004; or
 - (b) the Planning and Development Act 2007, other than a decision under that Act mentioned in schedule 1.

category B decision means a decision to which this Act applies, other than a category A decision.

2

Clause 14

Proposed new dictionary definition of eligible person, paragraphs (b) and (c)

Page 6, line 9—

omit proposed new paragraphs (b) and (c), substitute

- (b) a corporation, if the subject matter of the application relates to a matter that happens after the corporation was incorporated or came into existence; or
- (c) an unincorporated organisation or association if the subject matter of the application relates to a matter that—
 - (i) forms part of the objects or purposes of the organisation or association; and
 - (ii) happens after the organisation or association came into existence.

Schedule 2

Land Rent Amendment Bill 2003

Amendments moved by Mr Rattenbury

1

Proposed new clause 27A

Page 11, line 20—

insert

**27A Land rent—sale of land rent lease for non-payment
Section 26 (4)**

omit

must

substitute

may

2

Proposed new clause 27B

Page 11, line 20—

insert

27B New section 26 (4) (d)

insert

- (d) make any other order the court considers appropriate.

3

Clause 28

Proposed new section 26A (4)

Page 13, line 2—

omit

must

substitute

may

4

Clause 28

Proposed new section 26A (4) (d)

Page 13, line 20—

insert

(d) make any other order the court considers appropriate.

Answers to questions

Schools—International Baccalaureate program (Question No 134)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 6 August 2013:

- (1) How many schools in the ACT, both government and non-government, offer the International Baccalaureate (IB) program at (a) primary, (b) middle and (c) senior levels.
- (2) How are government schools selected to teach the IB program.
- (3) What accreditation does it require and who makes the assessment.
- (4) What, if any, additional training is required for teachers delivering this program.
- (5) What additional resources are required for schools that have this program available.
- (6) Are additional funds made available to schools that offer this program; if so, how much and on what basis.
- (7) What is the demand for this program from parents of ACT school students.
- (8) Why do ACT public schools offer this program.
- (9) Why don't more ACT public schools offer this program.
- (10) What assessments have been done to assess the success of students in ACT schools being taught under this program.
- (11) Have any surveys been undertaken among students, teachers and parents of this program as it is delivered in ACT public schools.

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

- (1) Five schools have a Primary Years Program.
One school has a Middle Years Program.
Five schools have a Diploma Program (senior years).
- (2) ACT public schools are not selected to teach the IB program. Schools wishing to teach the IB program apply for authorisation from the International Baccalaureate Organisation (IBO).
- (3) Schools apply for authorisation from the International Baccalaureate Organisation.
- (4) All teachers delivering the program and the principal take part in training in IB curriculum, documentation and assessment procedures.

- (5) IB World Schools pay an annual school fee for each program they deliver. Current costs are \$12,000 for the Diploma program, \$10,000 for a Middle Years program and \$8,500 for a Primary Years program. The Primary and Middle Years programs are frameworks and do not require the purchase of significant resources. The Diploma program requires schools to purchase IB related texts to assist in the delivery and learning of courses.
- (6) The decision to deliver and fund IB programs is made at the school level and funding is allocated from within school budgets.
- (7) The decision to adopt the IB framework and program is a school based decision and consultation occurs within school parent communities to determine demand prior to adoption of IB.
- (8) Demand may be driven by high levels of international students within a school community. The senior secondary IB Diploma qualification has international recognition as an entry qualification for a number of international universities.
- (9) Becoming a registered IB World School is an individual school decision and reflects community demand.
- (10) The Board of Senior Secondary Studies collects grade and academic unit score data from all Year 11 and 12 students in the ACT.
- (11) IB World Schools are governed by the IBO. The IBO commissions its own studies which are reported on through their website www.ibo.org.

ACT public service—employees (Question No 136)

Mr Wall asked the Chief Minister, upon notice, on 7 August 2013:

- (1) How many employees, currently employed by the ACT Public Service (ACTPS), by directorate, identify as (a) Indigenous and (b) having a disability.
- (2) How many employees employed by the ACTPS, by directorate, identified as (a) Indigenous and (b) having a disability in (i) 2009, (ii) 2010, (iii) 2011 and (iv) 2012.

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

- 1 & 2 The table below shows the number of employees employed by the ACTPS, identified as (a) Indigenous and (b) having a disability in reporting years 2009-10, 2010-11, 2011-12 and 2012-13:

Reporting Year	Employees Identified as Indigenous	Employees Identified as having a disability
2009-10	177	324
2010-11	214	372
2011-12	220	371
2012-13	257	406

For individuals' privacy I am not able to provide these numbers by directorates as requested. In some directorates the numbers of Aboriginal and Torres Strait Islander staff and staff with Disability are small and as such, providing a directorate breakdown may identify individual staff.

**Rivett shops—health and safety
(Question No 138)**

Mrs Jones asked the Minister for the Environment and Sustainable Development, upon notice, on 8 August 2013 (*redirected to the Minister for Health*):

- (1) What is the plan to keep the Rivett shops free from bird waste.
- (2) In relation to the birds and the health concerns around their presence at Rivett shops, what is the plan to (a) manage and (b) remove or deter, the birds.

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

- (1) Public Health Officers have attended the Rivett shops to assess the situation. I am advised that this is not a public health issue and as such is not covered by the *Public Health Act 1997*. However, Public Health Officers have been working with the manager of Rivett shops to devise a plan to manage the birds.
 - (2) Recommendations have been made to the manager of Rivett shops to install spikes on awning beams and above shop entries. The spikes are intended to prevent the birds from landing or roosting.
-

**Roads—Horse Park Drive
(Question No 139)**

Mrs Jones asked the Minister for the Environment and Sustainable Development, upon notice, on 8 August 2013 (*redirected to the Acting Minister for Territory and Municipal Services*):

- (1) What is the rationale behind the duplication of only the section of Horse Park Drive between Francis Ford Boulevard and Gundaroo Drive.
- (2) What are the plans to duplicate the remainder of Horse Park Drive.
- (3) What is the time frame to duplicate Horse Park Drive.

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

- (1) The Territory and Municipal Services Directorate (TAMS) is currently designing the upgrade of the intersection where Horse Park Drive meets Katherine Avenue. As part of this design process, TAMS has considered the future duplication of Horse Park Drive in the vicinity of this intersection. The design for the upgrade has been funded and completed. A bid for construction funding will be prepared by TAMS for consideration in the 2014/15 budget.

- (2) The remainder of Horse Park Drive, from Gundaroo Drive to the Federal Highway, will be considered for duplication following a feasibility study that is programmed for 2014, subject to funding.
 - (3) The feasibility study will identify and prioritise the sections of Horse Park Drive that will require duplication as well as the recommended timing of the works.
-

Rivett—mowing schedule (Question No 141)

Mrs Jones asked the Minister for Territory and Municipal Services, upon notice, on 8 August 2013 (*redirected to the Acting Minister for Territory and Municipal Services*):

- (1) How often are the grassed areas in Rivett mowed.
- (2) How often are the laneways mowed, in particular, the laneway between Nelumbo Street through to Bangalay Crescent.
- (3) What is the mowing schedule for Rivett and why is the mowing schedule not publically available for the residents.

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

- (1) Depending on seasonal conditions, such as rainfall and temperature, grassed open space areas in Rivett can be mowed anywhere between five and ten times per annum. Grass is mown monthly during peak growth periods and three monthly during the rest of the year.
- (2) Depending on seasonal conditions, such as rainfall and temperature, grassed laneways, including the laneways between Nelumbo Street and Bangalay Crescent in Rivett, can be mown anywhere between five and ten times per annum. Grass is mown monthly during peak growth periods and three monthly during the rest of the year.
- (3) Grass in Rivett is mown monthly during peak growth periods and three monthly during the rest of the year.

During the grass growing season (October to April) the public can view the mowing schedule on the TAMS website or contact Canberra Connect to find out their suburbs mowing schedule for the coming week.

ACTION bus service—patronage (Question No 142)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 8 August 2013 (*redirected to the Acting Minister for Territory and Municipal Services*):

What is the average number of passengers who travel each direction on ACTION routes (a) 2, (b) 3, (c) 6, (d) 7, (e) 8, (f) 30, (g) 31, (h) 39, (i) 50, (j) 56, (k) 57, (l) 58, (m) 82 and (n) 200, broken down by (i) morning peak, (ii) off-peak and (iii) afternoon peak.

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

- (1) The daily average number of passenger boardings will vary by month and is impacted by a number of factors including school holidays, number of weekdays in a month and external factors which influence demand for services.

The table below represents the daily average weekday boardings for the month of July 2013. During this month ACTION operated a school holiday network with slightly fewer services (route and school) for the period 6 - 21 July 2013.

Daily Average Boardings by Direction and Route					
Route and Direction	AM Peak	Day Off Peak	PM Peak	Evening Off Peak	Daily Average
Route 2					
Woden to Dickson	261	688	236	102	1287
Dickson to Woden	436	703	105	46	1290
Route 3					
Woden to Belconnen	164	328	361	51	904
Belconnen to Woden	250	472	92	65	879
Route 6					
Woden to Dickson	142	320	129	50	641
Dickson to Woden	266	312	77	54	709
Route 7					
National Museum to Belconnen	92	272	88	51	503
Belconnen to National Museum	196	271	53	45	565
Route 8					
City to Dickson	13	64	53	44	174
Dickson to City	82	89	12	12	195
Route 30					
City to Belconnen	82	211	148	77	518
Belconnen to City	260	218	63	31	572
Route 31					
City to Belconnen	58	154	69	82	363
Belconnen to City	104	141	47	26	318
Route 39					
Loop Service	461	624	262	161	1508
Route 50*					
City to Gungahlin	-	-	-	136	136
Gungahlin to City	-	-	-	79	79
Route 56					
City to Belconnen	133	277	132	83	625
Belconnen to City	259	279	83	47	668
Route 57					
City to Gungahlin	40	121	76	66	303
Gungahlin to City	136	118	24	6	284
Route 58					
City to Belconnen	114	197	90	101	502
Belconnen to City	187	182	66	43	478

Daily Average Boardings by Direction and Route					
Route and Direction	AM Peak	Day Off Peak	PM Peak	Evening Off Peak	Daily Average
Route 82*					
City to Bimberi	-	3	-	-	3
Bimberi to City	-	-	7	-	7
Route 200					
DFO to Gungahlin	231	931	342	140	1644
Gungahlin to DFO	751	952	170	83	1956
Total Daily Average Boardings	4,718	7,927	2,785	1681	17,111

*The Route 50 provides a supplementary service to cater for demand once Route 200 ceases after 7pm.

*The Route 82 operates services in line with the visiting hours of the Bimberi Youth Justice Centre only.

AM Peak = trips commencing from the start of the day to 8:59am

Day Off Peak = trips commencing from 9:00am to 4:29pm

PM Peak = trips commencing from 4:30pm to 5:59pm

Evening Off Peak = trips commencing from 6:00pm until the last service

Water—projects costs (Question No 143)

Mr Coe asked the Treasurer, upon notice, on 15 August 2013:

- (1) What was the (a) agreed Target Outturn Cost (TOC), (b) date of TOC, (c) Actual Outturn Cost (AOC), (d) Gainshare/Painshare amounts broken down by Non Owner Partner fee, adjustment and residential fee and (e) date of commencement and completion of the (i) Murrumbidgee to Googong Transfer (M2G), (ii) Googong Dam Spillway rectification works (GDS), (iii) Tantangara Transfer water licenses (TT), (iv) Murrumbidgee to Cotter augmentation (M2C) and (v) Cotter Pump Station Suction and Discharge Main Upgrade (SD) projects.
- (2) What was the (a) original budgeted cost for the projects and (b) final cost, in the event that TOC, AOC, and Gainshare/Painshare amounts are not relevant for any of the projects listed in part (1).

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

ACTEW has provided the following table in reply:

Water Security Major Projects (WSMP) — Project Performance

	Googong Dam Spillway rectification works (GDS)	Murrumbidgee to Googong transfer (M2G)	Tantangara Water Licences (TT)	Murrumbidgee to Cotter augmentation (M2C)	Cotter Pump Station Suction and discharge Main upgrade (SD)
Date of commencement	30 April 2008	27 March 2008	1 April 2008	30 June 2008	30 November 2009
TOC Approval date	24 November 2008	25 May 2009	N/A	27 January 2009	17 December 2009
Target Outturn Cost (TOC) (\$m)	42.3	103.9	N/A	17.0	18.3
Actual Outturn Cost (AOC) (\$m)	40.5	76.5	N/A	15.2	13.3

Original Non-Owner partner fee (\$m)	5.5	12.7	N/A	2.4	2.5
Adjustment (\$m)	0.2	1.0	N/A	0.0	0.0
Adjusted Non-Owner Partner fee (\$m)	5.7	13.7	N/A	2.4	2.5
Non-Owner Partner fee paid (\$m)	5.7	13.7	N/A	2.4	2.5
Residual fee (\$m)	0.0	0.0	N/A	0.0	0.0
Gain share to Non-Owner Partner (\$m)	0.9	13.7	N/A	0.9	2.5
Original Budgeted Cost (\$m)	N/A	N/A	32.9	N/A	N/A
Final Cost (\$m)	N/A	N/A	33.1	N/A	N/A
Date of commissioning/ completion	24 January 2011	7 September 2012	9 May 2012	20 January 2010	31 March 2011

Canberra Hospital—data centre (Question No 144)

Mr Hanson asked the Minister for Health, upon notice, on 15 August 2013:

For the (a) Emergency Department Information System, (b) RiskPac, (c) ICU database, (d) Clinical Record Information System medical records, (e) pharmacy system and (f) alarm system, (i) at what time did the system go offline, (ii) at what time did the system return online, (iii) did backup systems in place during the outage make the system functional, (iv) were the systems inaccessible during the outage and (v) what paper-based contingencies were in place.

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

(i) At 10.16am on Monday 12 August 2013, the data centre at the Canberra Hospital (TCH) lost power. The data centre operates several clinical systems in TCH, including those listed.

(ii) At 12.15pm the data centre was operational and the following critical systems had been restored:

- Emergency Department's Information System (EDIS)
- RISPACS
- Alarm system

By 2.00pm, the following systems were operational:

- Intensive Care Unit (ICU) system
- Clinical Record Information System (CRIS) medical records

By 4.30pm all of the systems mentioned in the question were fully operational.

(iii) As soon as the outage occurred, systems with failover diverted to the secondary site. Some manual intervention was needed on systems to confirm no data was lost or corrupted and the integrity of systems and data was maintained.

- (iv) Of the six systems listed all were inaccessible for some period. By 4.30pm all systems were fully operational.
- (v) During the outage period, staff in the ED, ICU and patient admissions used paper-based options to record and track information. This involved the use of a white board within the ED and manual recording of information. The EDIS system was in standalone (manual) mode during the outage meaning the system could be used for tracking and entering information into the system, but there was no sharing of information with other online systems (ie. ACTPAS, CRIS etc). Once the system was restored all systems were re-integrated.

Within ICU, staff reverted to a manual paper based system for patient notes, medicine charts and recording patient observations. The paper based notes are sent to medical records and scanned into the system. Non-clinical staff can be called upon to assist with this work.

All information during the outage period has been entered and patient information is accurate.

Questions without notice taken on notice

Health—adult mental health unit

Ms Gallagher (*in reply to a supplementary question by Mrs Jones on Thursday, 8 August 2013*): The warranty period was for 12 months from 1 April 2012 to 31 March 2013.

Health—nurse-led walk-in centres

Ms Gallagher (*in reply to a supplementary question by Mr Hanson on Wednesday, 7 August 2013*): In relation to the software used in the Walk-in-Centre, ACT Health has received permission in writing from the software owner to modify the Triage Guidelines within the software.

Schools—capacity

Ms Burch (*in reply to a supplementary question by Mr Doszpot on Thursday, 15 August 2013*): No ACT public high school is ‘fully subscribed’. The term ‘fully subscribed’ is not relevant in the ACT public school context because the Education and Training Directorate is required to ensure that public schools accept all applications for enrolment from children living in their defined Priority Placement Area. This is to ensure that families have access to a local school for their child’s education.

In relation to measures of a school’s physical capacity the Directorate monitors the current and projected enrolments of schools and provides information to Principals to assist them in managing their intake (through, for example managing enrolments of ‘out-of-area’ students and the use of transportable buildings). This is not typically

measured at individual school year level. The high schools currently experiencing school capacity pressure are Lyneham and Telopea Park School. Both schools are managing this by restricting out-of-area enrolments.

Economy—skilled migration

Mr Barr (*in reply to a supplementary question by Mrs Jones on Thursday, 15 August 2013*): The review was commissioned in March 2013. KPMG has completed the review task and the Government is currently considering matters raised. The consultant's report will be released when the Government finalises its response.

Roads—Kambah Pool Road

Mr Rattenbury (*in reply to a supplementary question by Ms Lawder on Thursday, 15 August 2013*):

The current schedule and time line for streetlight installations in the ACT is based on the following assessment criteria:

- o Technical parameters as stated in design standard AS 1158 which incorporates public safety, security, amenity and prestige
- o ACT Government's Transport for Canberra Plan and Territory Plan
- o Environmental impact
- o Light pollution
- o Any existing infrastructure
- o The project installation and power consumption costs

All requests are inspected and then assessed in accordance with these criteria. They are then added to the Street Light Installation Schedule (Attachment 1).