



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2012–2013

MINUTES OF PROCEEDINGS

No. 15

WEDNESDAY, 10 APRIL 2013

- 1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mrs Dunne) took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.
- 2 **AUTISM SUPPORT SERVICES**

Mr Doszpot, pursuant to notice, moved—That this Assembly:

 - (1) notes:
 - (a) April is Autism Awareness Month and 2 April was World Autism Awareness Day;
 - (b) that the Canberra Liberals' 2012 election policy for an autism specific school had widespread community and corporate sector support; and
 - (c) currently, only nine hours of therapy support per week is provided directly through the Autism Intervention Unit when experts recommend a minimum of 20 hours; and
 - (2) calls on the Government to:
 - (a) develop more effective autism specific diagnostic and support services;
 - (b) provide more support for non-government organisations that deliver guidance and support for families dealing with Autism Spectrum Disorder (ASD) diagnosed children; and
 - (c) provide more targeted education support through the establishment of a school specifically for children diagnosed with ASD, in line with the Canberra Liberals' 2012 election policy.



Ms Burch (Minister for Disability, Children and Young People) moved the following amendment: Omit all words after “That this Assembly”, substitute:

“(1) notes:

- (a) that April is Autism Awareness Month and 2 April was World Autism Awareness Day;
 - (b) the significant support already provided by the ACT Government to people with autism, together with the Government’s recent commitments to disability support; and
 - (c) the potential impact that important national reforms in disability and education may have on support for people with autism; and
- (2) calls on the Government to report to the Assembly by the last sitting day of May 2013 on support provided for autism diagnosis and services and the potential for further reforms resulting from the National Disability Insurance Scheme and the National Plan for School Improvement.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Ms Gallagher	Mr Coe	Mr Seselja
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly:

- (1) notes:
- (a) that April is Autism Awareness Month and 2 April was World Autism Awareness Day;
 - (b) the significant support already provided by the ACT Government to people with autism, together with the Government’s recent commitments to disability support; and
 - (c) the potential impact that important national reforms in disability and education may have on support for people with autism; and
- (2) calls on the Government to report to the Assembly by the last sitting day of May 2013 on support provided for autism diagnosis and services and the potential for further reforms resulting from the National Disability Insurance Scheme and the National Plan for School Improvement.”—

be agreed to—put and passed.

3 PLANNING FOR THE FUTURE OF CANBERRA

Ms Porter, pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) that it is vital to the future of our city that we ensure there is an integrated, imaginative and clear blueprint for our city, our suburbs and our town centres;
 - (b) that we must engage and consult with our community on what it identifies as its priorities, what role the community wants our city centre to have and how it can become a more dynamic, vibrant and sustainable place;
 - (c) that it is essential to creating the city of the future that we integrate public transport, walking and cycling, the needs of our residents and our community facilities in a way which creates and sustains an environmentally responsible city; and
 - (d) that we continue to set clear priorities for investing in our infrastructure to ensure we have quality schools, health facilities, public housing, sporting and convention facilities and transport infrastructure; and
- (2) calls on the Government to:
 - (a) incorporate community feedback into the city plan to determine a comprehensive approach for the city's future as an economically vibrant and attractive centre;
 - (b) ensure that information about the major elements of the proposed City to the Lake project, including changes to Parkes Way, West Basin and the interface with Lake Burley Griffin, is provided to the community;
 - (c) continue to ensure that the transport needs of our community, including Capital Metro, are integrated into the city plan;
 - (d) continue to consult closely with the community on master plans for our town and group centres, and ensure our local shopping centres upgrade programs maintain the attractiveness, community well-being and viability of these centres; and
 - (e) continue to ensure that there is an effective and efficient roll out of investment in essential infrastructure such as schools, community health facilities, hospitals, sporting facilities and public housing.

Debate ensued.

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

4 QUESTIONS

Questions without notice were asked.

5 PLANNING FOR THE FUTURE OF CANBERRA

The order of the day having been read for the resumption of the debate on the motion of Ms Porter (*see entry 3*)—

Debate resumed.

Question—put and passed.

6 ACTEW—GOVERNANCE

Mr Hanson (Leader of the Opposition), pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) the cost blowouts and time delays for construction of the Enlarged Cotter Dam;
 - (b) Government and community concern over the:
 - (i) misreporting of the remuneration for ACTEW Corporation Ltd's managing director in the 2010-2011 annual report; and
 - (ii) quantum of the managing director's remuneration package;
 - (c) the Chief Minister's request of ACTEW Corporation Ltd for an analysis and report on "corporate largesse" in its expenditure;
 - (d) the return of water and sewerage assets and business from the joint venture to ACTEW Corporation Ltd on 1 July 2012; and
 - (e) concerns identified in Draft Report No. 1 of 2013 of the Independent Competition and Regulatory Commission on Regulated Water and Sewerage Services; and
- (2) directs the Speaker to write to the ACT Auditor-General, requesting a performance audit on ACTEW Corporation Ltd, reporting to the Assembly by the last sitting day in September 2013 and examining the Corporation's governance arrangements including, but not limited to:
 - (a) ACTEW Corporation Ltd's management of the major water security projects, particularly the Enlarged Cotter Dam;
 - (b) the processes used to assess, determine, approve and review executive remuneration and performance;
 - (c) the "corporate largesse" of expenditure of ACTEW Corporation Ltd including, but not limited to, community engagements and sponsorships;
 - (d) the process and justification for the return of water and sewerage assets and business from the joint venture to ACTEW Corporation Ltd on 1 July 2012;
 - (e) concerns raised in the draft report referred to in part (1)(e);
 - (f) the internal control procedures and checks and balances ACTEW Corporation Ltd engages to:
 - (i) protect its interests as a joint venture partner in ActewAGL; and
 - (ii) ensure good governance within ActewAGL;
 - (g) shareholders' responsibilities and compliance requirements in relation to:
 - (i) the memorandum and articles of association of ACTEW Corporation Ltd;
 - (ii) relevant ACT law; and
 - (iii) relevant Australian corporate law; and
 - (h) any other matter.

Mr Barr (Treasurer), by leave, moved the following amendments together:

- (1) Omit subparagraph (1)(a), substitute:
 - “(a) as reported to the Assembly on 9 April, the estimated final cost of the Enlarged Cotter Dam is in excess of the original budget, due to the unexpected geological events that occurred in March 2012;”.
- (2) Omit subparagraph (1)(c), substitute:
 - “(c) in response to a shareholder request, the Board of ACTEW Corporation Ltd have commissioned PWC to undertake an independent review of its governance and integrity processes to ensure the business is both operating within commercial standards and within community expectations. The Government understands the report will be completed in May 2013;”.
- (3) After subparagraph (1)(e), insert:
 - “(f) the Treasurer advised the Assembly of concerns relating to the under reporting of executive remuneration on 19 March 2013 and undertook to report back further findings in relation to the issue;
 - (g) that a Special General Meeting of ACTEW Corporation Ltd will be held on 15 April to discuss some of these issues as called by the shareholders;
 - (h) that the ACT Auditor-General has advised on its website that it has a proposal to conduct an audit on Governance and Administrative Arrangements for the Regulatory Review of Water and Sewerage Prices in the ACT;
 - (i) that the Government will:
 - (i) report back to the Assembly on the final costing of the ECD after completion;
 - (ii) discuss the issues relating to remuneration with the Board of ACTEW Corporation Ltd at the Special General Meeting on 15 April 2013 and report back on any resolution at the next sitting;
 - (iii) brief the Opposition Leader as requested on 12 April 2013;
 - (iv) consider the issue of governance raised by the Independent Competition and Regulatory Commission in its current review on water pricing which will be informed by the outcome in the Commission’s final report;
 - (v) consider any recommendations made by the ACT Auditor-General in relation to her findings from her proposed *Governance and Administrative Arrangement* inquiry;
 - (vi) provide the ACT Auditor-General with documents and assistance if requested; and
 - (vii) report back to the Assembly by June on progress on all these issues.”.
- (4) Omit paragraph (2).

Debate continued.

Question—That the amendments be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Ms Gallagher	Mr Coe	Mr Seselja
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly notes:

- (1) as reported to the Assembly on 9 April, the estimated final cost of the Enlarged Cotter Dam is in excess of the original budget, due to the unexpected geological events that occurred in March 2012;
- (2) Government and community concern over the:
 - (a) misreporting of the remuneration for ACTEW Corporation Ltd’s managing director in the 2010-2011 annual report; and
 - (b) quantum of the managing director’s remuneration package;
- (3) in response to a shareholder request, the Board of ACTEW Corporation Ltd have commissioned PWC to undertake an independent review of its governance and integrity processes to ensure the business is both operating within commercial standards and within community expectations. The Government understands the report will be completed in May 2013;
- (4) the return of water and sewerage assets and business from the joint venture to ACTEW Corporation Ltd on 1 July 2012;
- (5) concerns identified in Draft Report No. 1 of 2013 of the Independent Competition and Regulatory Commission on Regulated Water and Sewerage Services;
- (6) the Treasurer advised the Assembly of concerns relating to the under reporting of executive remuneration on 19 March 2013 and undertook to report back further findings in relation to the issue;
- (7) that a Special General Meeting of ACTEW Corporation Ltd will be held on 15 April to discuss some of these issues as called by the shareholders;
- (8) that the ACT Auditor-General has advised on its website that it has a proposal to conduct an audit on Governance and Administrative Arrangements for the Regulatory Review of Water and Sewerage Prices in the ACT; and
- (9) that the Government will:
 - (a) report back to the Assembly on the final costing of the ECD after completion;
 - (b) discuss the issues relating to remuneration with the Board of ACTEW Corporation Ltd at the Special General Meeting on 15 April 2013 and report back on any resolution at the next sitting;
 - (c) brief the Opposition Leader as requested on 12 April 2013;

- (d) consider the issue of governance raised by the Independent Competition and Regulatory Commission in its current review on water pricing which will be informed by the outcome in the Commission’s final report;
- (e) consider any recommendations made by the ACT Auditor-General in relation to her findings from her proposed *Governance and Administrative Arrangement* inquiry;
- (f) provide the ACT Auditor-General with documents and assistance if requested; and
- (g) report back to the Assembly by June on progress on all these issues.”—

be agreed to—put and passed.

7 LEASE VARIATION CHARGE

Mr Smyth, pursuant to notice, moved—That this Assembly:

- (1) notes:
 - (a) the continued underperformance of the Government’s Lease Variation Charge (LVC);
 - (b) that rather than the \$9.7 million anticipated for the December Quarter year to date 2012, the LVC collected \$2 million;
 - (c) the revised revenue estimate for the LVC for 2012-13 from \$23.4 million to \$19.4 million;
 - (d) the LVC’s negative impact on the Government’s Urban Improvement Fund as a result of this underperformance; and
 - (e) the LVC’s negative impact on the housing sector; and
- (2) calls on the Government to:
 - (a) provide all documents and data in relation to revenue generated (or not) by the LVC since its inception;
 - (b) provide all documents and data in relation to the financial status of the Urban Improvement Fund and projects that it has funded; and
 - (c) detail the financial and policy connections between the LVC and the Urban Improvement Fund.

Mr Smyth addressing the Assembly—

Adjournment negatived: It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Mr Barr (Treasurer) requiring the question to be put forthwith without debate—

Question—put and negatived.

Mr Smyth continued.

Mr Barr moved the following amendment: Omit all words after “notes”, substitute:

- “(a) the Lease Variation Charge (LVC) represents good public policy. It ensures the community receives an appropriate benefit from the increase in value that accrues to a landholder following a change to the permitted use on their land;
- (b) the latest activity report shows that revenue received to 4 April 2013 is \$7.361 million on 115 applications. This includes:
- (i) \$1.735 million from residential redevelopments (46 applications or 281 units);
 - (ii) \$0.888 million from commercial sector redevelopments (29 applications);
 - (iii) \$0.460 million from industrial redevelopments (14 applications); and
 - (iv) \$4.278 million from mixed and other redevelopments (26 applications);
- (c) as at 4 April 2013, there were 82 applications in the system, totalling \$15.411 million that has been determined but not paid over the past two years. The main applications were:
- (i) 45 residential redevelopments with assessed revenue of \$2.344 million;
 - (ii) 13 commercial applications with assessed revenue of \$1.570 million;
 - (iii) 7 industrial applications with assessed revenue of \$0.443 million; and
 - (iv) 17 mixed redevelopment applications, with around \$11.054 million in assessed revenue; and
- (d) that 25 projects have been funded through the Urban Improvement Fund to date. These projects are detailed on pages 203-204 of Budget Paper 3.”.

Debate continued.

Question—That the amendment be agreed to—put.

The Assembly voted—

AYES, 9		NOES, 8	
Mr Barr	Ms Gallagher	Mr Coe	Mr Seselja
Ms Berry	Mr Gentleman	Mr Doszpot	Mr Smyth
Dr Bourke	Ms Porter	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell		Mrs Jones	

And so it was resolved in the affirmative.

Question—That the motion, as amended, viz:

“That this Assembly notes:

- (1) the Lease Variation Charge (LVC) represents good public policy. It ensures the community receives an appropriate benefit from the increase in value that accrues to a landholder following a change to the permitted use on their land;
- (2) the latest activity report shows that revenue received to 4 April 2013 is \$7.361 million on 115 applications. This includes:

- (a) \$1.735 million from residential redevelopments (46 applications or 281 units);
 - (b) \$0.888 million from commercial sector redevelopments (29 applications);
 - (c) \$0.460 million from industrial redevelopments (14 applications); and
 - (d) \$4.278 million from mixed and other redevelopments (26 applications);
- (3) as at 4 April 2013, there were 82 applications in the system, totalling \$15.411 million that has been determined but not paid over the past two years. The main applications were:
- (a) 45 residential redevelopments with assessed revenue of \$2.344 million;
 - (b) 13 commercial applications with assessed revenue of \$1.570 million;
 - (c) 7 industrial applications with assessed revenue of \$0.443 million; and
 - (d) 17 mixed redevelopment applications, with around \$11.054 million in assessed revenue; and
- (4) that 25 projects have been funded through the Urban Improvement Fund to date. These projects are detailed on pages 203-204 of Budget Paper 3.”—

be agreed to—put and passed.

8 ADJOURNMENT

Mr Barr (Deputy Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.54 p.m., adjourned until tomorrow at 10 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting.

Tom Duncan
Clerk of the Legislative Assembly