

SELECT COMMITTEE ON ESTIMATES 2009–2010

Appropriation Bill 2009–2010

JUNE 2009

VOLUME 1 – REPORT

Committee membership

Mr Zed Seselja MLA Chair
 Ms Caroline Le Couteur MLA Deputy Chair
 Ms Amanda Bresnan MLA
 Ms Joy Burch MLA
 Mr Brendan Smyth MLA

Participating members

Mr Alistair Coe MLA
 Mr Steve Doszpot MLA
 Mr Vicki Dunne MLA
 Mr Jeremy Hanson MLA
 Ms Meredith Hunter MLA
 Ms Mary Porter AM MLA
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Secretariat

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Resolution of appointment

On 2 April 2009 the Assembly resolved that:

(1) a Select Committee on Estimates 2009–2010 be appointed to examine the expenditure proposals contained in Appropriation Bill 2009–2010 and the revenue estimates proposed by the Government in the 2009–2010 Budget;

(2) the Committee be composed of:

(a) one Member to be nominated by the Government;

(b) two Members to be nominated by the Opposition; and

(c) two Members to be nominated by the Greens;

to be notified in writing to the Speaker by 4 pm today;

(3) a non-Government member shall be elected chair of the Committee by the Committee;

(4) funds be provided by the Assembly to permit the employment of additional staff for the engagement of external expertise to work with the Committee to facilitate the analysis of the Budget and the preparation of the report;

(5) the Committee is to report by 16 June 2009;

(6) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and

(7) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

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VOLUME 3

ADDITIONAL AND DISSENTING COMMENTS: JOY BURCH MLA

Abbreviations

a/g	acting
ABAF	Australia Business Arts Foundation
ACAT	ACT Civil and Administrative Tribunal
ACT	Australian Capital Territory
ACTAB	Australian Capital Territory Totalizator Agency Board
ACTDGP	ACT Division of General Practice
ACTEW	Territory owned corporation which provides energy, water and wastewater services to the ACT
ACTPLA	ACT Planning and Land Authority
ADACAS	ACT Disability Aged and Carer Advocacy Service
AEU	Australian Education Union
AFP	Australian Federal Police
AMA	Australian Medical Association
AMC	Alexander Maconochie Centre
ANU	Australian National University
APS	Australian Public Service
ASBA	Australian School Based Apprenticeships
ATO	Australian Tax Office
CATT	Crisis Assessment and Treatment Team
CCTV	closed circuit television network
CHC	Community Housing Canberra
CIF	Community Inclusion Fund
CIT	Canberra Institute of Technology
CMAG	Canberra Museum and Gallery
COAG	Council of Australian Governments
COTA	Council on the Ageing
CPI	Consumer Price Index
CSS	Commonwealth Superannuation Scheme
Cth	Commonwealth
DA	Development application
DECCEW	Department of the Environment, Climate Change, Energy and Water
DET	Department of Education and Training
DHCS	Department of Disability, Housing and Community Services
DPP	Director of Public Prosecutions
DUI	driving under the influence

SELECT COMMITTEE ON ESTIMATES 2009–2010

EBA	enterprise bargaining agreement
EOI	expression of interest
EPA	Environment Protection Authority
EPBC	Environmental Protection and Biodiversity Conservation Act 1999 (Cth)
EPIC	Exhibition Park in Canberra
ESA	Emergency Services Authority
ESD	environmentally sustainable design
F&C	Family and Community Day public holiday
FBT	fringe benefit tax returns
FTE	full-time equivalent
G8	Group of Eight
GDE	Gungahlin Drive Extension
GFC	Global financial crisis
GPO	Government payment for outputs
GST	goods and services tax
HACC	Home and Community Care
HASI	Housing and Accommodation Support Initiative
ICRC	Independent Competition and Regulatory Commission
ICT	information and communications technology
IHI	Individual health identifier
ILC	Independent Living Centre
LDA	Land Development Agency
MHAU	Mental Health Assessment Unit
MoU	memorandum of understanding
MYS	Multicultural Youth Service
NPP	National Partnership Payments
OH&S	Occupational health and safety
PHAMS	Personal Health and Mentoring Scheme
PRI	Principles of Responsible Investing
Property Council	Property Council of Australia
PSS	Public Sector Superannuation Scheme
RADAR	rapidly deteriorating, at risk older persons
RFID	Radio Frequency Identification
RPL	recognition of prior learning
SES	State emergency service
SPP	Special Purpose Payments

TAMS	Department of Territory and Municipal Services
TCH	the Canberra Hospital
the Centre	the Canberra Environment and Sustainability Resource Centre
the Coalition	the Youth Coalition of the ACT
the Unit	Indigenous Education Unit
VET	Vocational education and training
WA	Western Australia

RECOMMENDATIONS

RECOMMENDATION 1

1.18 The Committee recommends that guidelines for the use of ACT Government facilities be clearly displayed on all ACT Government websites, that all requests for use of a facility be submitted in writing, and that any approval to use a facility be supported by written documentation outlining the conditions of use. Any approvals for use of facilities for political or commercial purposes should be published on Departmental websites as soon as possible.

RECOMMENDATION 2

1.19 The Committee recommends that the Ministerial Code of Conduct be amended to ensure that Ministers do not use their office to arrange party political advertising and activity.

RECOMMENDATION 3

1.25 The Committee recommends that the indicators in the ACT Budget papers reflect how progress will be measured in relation to the implementation of ACT Government strategies and plans.

RECOMMENDATION 4

1.26 The Committee recommends that strategic indicators contained in the ACT Budget papers for ACT Government agencies be meaningful and measurable.

RECOMMENDATION 5

1.27 The Committee recommends that a measure be introduced as a strategic indicator for each agency requiring that agency to report on its work towards achieving zero net carbon emissions.

RECOMMENDATION 6

1.40 The Committee recommends that future ACT Legislative Assembly estimates committees consider whether the deadline for questions on notice should be extended to three working days after the close of the sitting day which included the relevant portfolio area.

RECOMMENDATION 7

1.41 The Committee recommends that the Legislative Assembly's Standing Committee on Administration and Procedure review the process

and timeframes for lodging, responding to and communicating questions taken on and lodged on notice during inquiries by select committees on estimates, and make recommendations to the Assembly by the end of 2009.

RECOMMENDATION 8

1.42 The Committee recommends that all questions taken on notice and all written questions on notice not answered by 12 June 2009 be forwarded to the Speaker for tabling in the Assembly by the last sitting day in June 2009.

RECOMMENDATION 9

1.43 The Committee recommends that the ACT Government publish electronically as part of the next ACT Budget papers, a breakdown of the output classes into their programs, and the funding per program.

RECOMMENDATION 10

2.6 The Committee recommends that the electronic mail box size across the Legislative Assembly and Secretariat be unlimited.

RECOMMENDATION 11

2.7 The Committee recommends that the file server space allocated to the Assembly be significantly increased.

RECOMMENDATION 12

2.8 The Committee recommends that information and communications technology services for non-Executive members and their staff be equivalent to those provided for Executive members of the Legislative Assembly.

RECOMMENDATION 13

2.10 The Committee recommends that the Standing Committee on Administration and Procedure review the staffing available to the Legislative Assembly's Committee Office.

RECOMMENDATION 14

2.19 The Committee recommends that the Auditor-General's funding allocation be increased to allow for the target number of performance audits to be reached without running a deficit.

RECOMMENDATION 15

3.10 The Committee recommends that if the Commonwealth Budget is delivered in May, the ACT Government consider delivering its Budget later,

so as to enable the ACT Budget to take account of the final Commonwealth Budget figures.

RECOMMENDATION 16

3.23 The Committee recommends that the ACT Government consider further relief measures for tenants whose place of residence is involved in a mortgagee foreclosure and their tenancy is terminated. Such measures could include amendments to the *Residential Tenancies Act 1997* (ACT) to provide for rental refunds, 30 days rent free accommodation to enable affected tenants to find alternative accommodation, and expedited return of rental bonds.

RECOMMENDATION 17

3.27 The Committee recommends that the ACT Government provide to the Assembly substantiation for its revenue predictions, detailed information regarding efficiency dividend application, and justification for how revenue and expenditure will be reconciled to return the Budget to surplus within the specified seven years.

RECOMMENDATION 18

3.29 The Committee recommends that the ACT Government immediately commence the development of a policy framework that will provide encouragement for the growth of the private sector in the ACT.

RECOMMENDATION 19

3.35 The Committee recommends that the ACT Government instigate a comprehensive approach to the incurring and management of debt in the ACT to facilitate the development of significant community infrastructure.

RECOMMENDATION 20

3.36 The Committee recommends that the ACT Government demonstrate appropriate responsibility and make the necessary fiscal policy decisions with respect to savings, revenue and associated matters.

RECOMMENDATION 21

3.37 The Committee recommends that the economic forecasts that underpin the ACT 2009–10 Budget be reviewed, and that any revisions be published.

RECOMMENDATION 22

3.55 The Committee recommends that the Independent Competition and Regulatory Commission be asked to update its analysis of the cost of the major water security projects and to report to the Assembly.

RECOMMENDATION 23

3.60 The Committee recommends that details of ACTEW expenditure, including the salaries of senior executives, be included in the corporation's annual report.

RECOMMENDATION 24

4.9 The Committee recommends that section 11 (1) of the *Financial Management Act 1996* (ACT) be amended to require that the proposed budget for the Territory for a financial year presented to the Assembly under section 10 (a) include a statement about how the Budget has taken into account the object of ecologically sustainable development, including greenhouse gas emission reduction.

RECOMMENDATION 25

4.10 The Committee recommends that the Chief Minister's Department ensure that executive performance contracts include, if they do not do so already, performance indicators concerning environmental sustainability.

RECOMMENDATION 26

4.17 The Committee recommends that the Coordinator General provides a quarterly report to the Assembly on progress of the Federal Nation Building stimulus package projects.

RECOMMENDATION 27

4.23 The Committee recommends that where community inclusion programs have ceased and have been evaluated, the evaluation should be considered and formally responded to by the relevant ACT Government department or agency.

RECOMMENDATION 28

4.27 The Committee recommends that sufficient details be provided in the ACT Budget in relation to business and industry development programs to give a clear and unambiguous understanding of the funding for these programs.

RECOMMENDATION 29

4.29 The Committee recommends that appropriate co-ordination take place when programs being developed and implemented by ACT Government departments and agencies have interests that cross administrative boundaries.

RECOMMENDATION 30

4.30 The Committee recommends that more meaningful indicators be developed for business development in the ACT.

RECOMMENDATION 31

4.33 The Committee recommends that funding for the Canberra International Arboretum and Gardens not be counted as a climate change initiative until there is a cost benefit analysis on climate change outcomes from the Arboretum, including the carbon emissions generated and offset.

RECOMMENDATION 32

4.40 The Committee recommends that the Minister for the Arts and Heritage, Mr Jon Stanhope MLA, reconsider the Government's stance on the future of the Nolan Gallery and the Nolan collection, and negotiate with the Commonwealth to implement the recommendations of the 2004 Nolan Gallery / Lanyon Feasibility Study.

RECOMMENDATION 33

4.47 The Committee recommends that artsACT review the policy regarding structures for arts organisations and assess whether less restrictive policies for minimising conflicts of interest in small community based organisational structures are more appropriate. The Minister for the Arts and Heritage should report to the Assembly on the findings of the review by the end of 2009.

RECOMMENDATION 34

4.55 The Committee recommends that the Chief Minister, Mr Jon Stanhope MLA, correct the record concerning his misrepresentation of the letter that the Committee wrote to the Deputy Chief Executive of Business and Projects, Mr Dawes, on 27 May 2009.

RECOMMENDATION 35

4.56 The Committee recommends that the Chief Minister, Mr Jon Stanhope MLA, write again to the builders involved in the *OwnPlace* scheme – those with whom he had previously corresponded and

misrepresented the Committee – and that the Chief Minister correct the record.

RECOMMENDATION 36

4.62 The Committee recommends that the Executive refrain from ordering ACT Government agencies to place advertisements, or write letters attacking reporting because they feel personally aggrieved.

RECOMMENDATION 37

4.63 The Committee recommends that guidelines be developed and adhered to, that provide a more accountable process for the use and placement of ACT Government advertising, as is being considered by the Select Committee on Government Advertising.

RECOMMENDATION 38

4.69 The Committee recommends that the Land Development Agency maximise solar orientation consistent with topographical orientation and yield requirements.

RECOMMENDATION 39

4.89 The Committee recommends that the Chief Minister prepare and table a full briefing for the Assembly, in the next sitting, on the progress of the Land Rent scheme, a timeline of what advice his office and department received, and a cross reference to information provided to the public, and to reveal the identity of lending institutions, if any, who have officially offered support for the scheme.

RECOMMENDATION 40

4.90 The Committee recommends that the Chief Minister provide an update to the community, informing those currently waiting for this scheme, about progress on the status of financial support and the likelihood of any potential purchase being completed prior to the expiration of the first home owners' grant.

RECOMMENDATION 41

5.5 The Committee recommends that the Strategic Indicator 1 for the Department of the Environment, Climate Change Energy and Water be amended to provide an equivalent to:

Integrate environmental sustainability into decision-making across the ACT Government sector, including through a pre-Cabinet environmental sustainability assessment and certification. All cabinet submissions will be

reviewed by the Department to ensure that they explicitly support environmental sustainability outcomes, including reporting on greenhouse gas emissions, waste, water, biodiversity and resource efficiency issues.

RECOMMENDATION 42

5.6 The Committee recommends that all of the strategic indicators for the Department of the Environment, Climate Change, Energy and Water be reviewed to ensure that they are measureable and relevant.

RECOMMENDATION 43

5.10 The Committee recommends that in the second Action Plan under *Weathering the Change* to be brought forward at the end of 2009, more meaningful and ambitious targets are set.

RECOMMENDATION 44

5.18 The Committee recommends that the Minister for the Environment Climate Change and Water, Mr Simon Corbell MLA, provide the Standing Committee on Climate Change Environment and Water with a copy of the ACT carbon sequestration study during the June sitting, and explain to the Assembly why the report had not been provided to that Committee earlier.

RECOMMENDATION 45

5.25 The Committee recommends that the Department of the Environment, Climate Change, Energy and Water work with the Chief Minister's Department to promote Office Smart and Business Smart programs.

RECOMMENDATION 46

5.27 The Committee recommends that the ACT Government develops a new strategy, including indicators, timetables and targets to achieve the *ACTNOWaste* target, and tables that in the Assembly before the end of 2009.

RECOMMENDATION 47

5.33 The Committee recommends that accountability indicators for energy and water saved and greenhouse gas emissions reduced as a result of the *Switch your thinking!* program be developed and reported against.

RECOMMENDATION 48

5.35 The Committee recommends that staff in the *Switch your thinking!* program team be asked to specifically liaise with and assist community sector organisations, their clients, recipients of income support payments,

and other disadvantaged stakeholders, to apply for funding and other assistance from Commonwealth and Territory programs to enable them to achieve operational and cost-of-living savings from water and energy efficiency and sustainable transport use.

RECOMMENDATION 49

5.47 The Committee recommends that the ACT Government develop an approach to administration that facilitates dealing with cross-portfolio issues raised by the community about the development and management of community facilities.

RECOMMENDATION 50

5.53 The Committee recommends that the *Commissioner for the Environment Act 1993* (ACT) and the *Environment Protection Act 1997* (ACT) be amended to grant the Commissioner for Sustainability and the Environment the power to audit in relation to sections of annual reports prepared under section 158A of the *Environment Protection Act 1997*.

RECOMMENDATION 51

5.54 The Committee recommends that each relevant section of each annual report under 158A of the *Environment Protection Act 1997* (ACT) be collated into a new whole-of-government report on the ACT Government's sustainability performance, including greenhouse gas emissions, with a whole-of-government summary of performance.

RECOMMENDATION 52

6.8 The Committee recommends that the ACT Government, in determining currently unallocated savings, avoid any unnecessary imposition on front-line health services, and report back to the Assembly with progress by the last sitting day of the 2009 calendar year.

RECOMMENDATION 53

6.20 The Committee recommends that the Minister for Health, Ms Katy Gallagher MLA, provide to the Assembly during the June sitting details of the Budgetary performance of Calvary Hospital and the Canberra Hospital over the past three financial years.

RECOMMENDATION 54

6.25 The Committee recommends that the Minister for Health advise the Assembly, before the appropriation bill is debated, how the possible purchase of Calvary Hospital will be funded.

RECOMMENDATION 55

6.26 The Committee recommends that the ACT Government report to the Assembly the status of negotiations and plans for the purchase of Calvary Hospital moving forward, prior to the finalisation of any agreement about the purchase, and that ACT Health develop detailed plans should the sale not proceed.

RECOMMENDATION 56

6.36 The Committee recommends that ACT Health undertake an immediate review of its internal approval processes for using health facilities and staff for party political purposes, and provides the Assembly with the results of that review, including an explanation as to how such a situation had occurred without due process or record keeping, and what steps will be taken to remove the possibility of recurrence.

RECOMMENDATION 57

6.50 The Committee recommends that the ACT Government provide the Assembly with the details of how the \$12.2 million, in addition to funding provided by the Federal Government, which has been allocated to general practitioner (GP) initiatives, will impact upon GP numbers in the community.

RECOMMENDATION 58

6.57 The Committee recommends that funding allocated to the community mental health sector not be used to fund the ACT Government oversight group.

RECOMMENDATION 59

6.60 The Committee recommends that at the conclusion of the public consultation process for the location of the Mental Health Young Persons Unit and its model of care, the findings be tabled in the Assembly and put on the ACT Health website.

RECOMMENDATION 60

6.67 The Committee recommends that the Assembly pursue the Minister for Planning, Mr Andrew Barr MLA, for his contempt of the Committee and accountability processes, in refusing to reappear to explain to the Committee his proposed use of Ministerial call-in powers in relation to the Canberra Hospital car park.

RECOMMENDATION 61

6.87 The Committee recommends that ACT Health undertake a rigorous and comprehensive review of its freedom of information processes to ensure that inappropriate exclusions are not claimed, and to report back to the Assembly by the first sitting day in September 2009.

RECOMMENDATION 62

6.92 The Committee recommends that if the Speaker agrees that the issues raised by Mr Hanson in his letter to the Committee dated 4 June 2009 concerning his interaction with the Chief Executive of ACT Health, have substance, and/or the Assembly agrees that a Select Committee on Privileges be established, that the Select Committee also investigate the broader issues of protection of communications made by Members of the Legislative Assembly in the course of their employment.

RECOMMENDATION 63

6.93 In the event that the Select Committee is not established, this Committee recommends

(a) that the *Handbook for ACT Government Officials on Participation in Assembly and Other Inquiries (2004)* be amended to provide guidelines for correspondence between staff in the ACT Public Service and Members of the Legislative Assembly, and

6.94 (b) that the Standing Committee on Administration and Procedure inquire into and report on the protections available to Members concerning protection of communications made by Members of the Legislative Assembly in the course of their employment.

RECOMMENDATION 64

6.104 The Committee recommends that ACT Health put in place strategies to ensure that elective surgery patients are seen on time, consistent with the nationally established criteria.

RECOMMENDATION 65

6.110 The Committee recommends that ACT Health revise its strategic indicators for key performance areas to reflect a date for achieving performance targets as opposed to 'long-term' and aspirational targets, in particular those related to the waiting list times for elective surgeries.

RECOMMENDATION 66

7.4 The Committee recommends that the Department of Territory and Municipal Services provide a breakdown of the operating expenses and revenue of each business unit within the output classes for the current budget and in future years.

RECOMMENDATION 67

7.11 The Committee recommends that a formal and comprehensive assessment of parking availability at the Kingston local centre be undertaken with specific reference to the potential increase in parking demand from library users.

RECOMMENDATION 68

7.30 The Committee recommends that when developing its urban forest renewal program, the ACT Government consider environment and amenity, as well as cost and safety issues. In particular, the ACT Government should ensure solar access to buildings is maintained, or preferably enhanced.

RECOMMENDATION 69

7.31 The Committee recommends that if the urban forest renewal program is to be funded from the climate change program, the net greenhouse gas emission contribution must be independently measured, and must lead to reduced emissions.

RECOMMENDATION 70

7.34 The Committee recommends that the ACT Government maintain the grass in Green Square and take action to provide it with adequate protection.

RECOMMENDATION 71

7.40 The Committee recommends that the Ernst and Young review of the Department of Territory and Municipal Services financial and asset management be tabled during the June sitting.

RECOMMENDATION 72

7.42 The Committee recommends that the Standing Committee on Justice and Community Safety consider, as part of their inquiry into freedom of information legislation, discussion of the issue of cabinet-in-confidence designations for documents.

RECOMMENDATION 73

7.45 The Committee recommends that the ACT Property Group prioritise energy and water savings as a contribution to achieving the efficiency dividend across ACT Government.

RECOMMENDATION 74

7.56 The Committee recommends that the ACT Government renews its commitment to open-source software, and that it uses open-source software where appropriate.

RECOMMENDATION 75

7.64 The Committee recommends that the Standing Committee on Public Accounts include social tendering as part of its inquiry into procurement.

RECOMMENDATION 76

7.66 The Committee recommends that the ACT Government clarify in its response to this report, whether occupational health and safety and environmental management plans are required by ACT Government construction contractors.

RECOMMENDATION 77

7.78 The Committee recommends that the note for accountability measure a) 'Timeliness of ACTION Services' is revised to more clearly explain the way that the measure is assessed, and that the discrepancy concerning the source of the target figure be clarified.

RECOMMENDATION 78

7.79 The Committee recommends that the next round of reporting should include a report for 'Timeliness of ACTION Services' against the new methodology (point to point sampling) as well as reporting against the previous measure (depot departure times) to enable cross year comparisons.

RECOMMENDATION 79

7.83 The Committee recommends that the ACT Government investigate the claimed \$4 to \$5 million in efficiencies to be found in ACTION, prepare a plan identifying impediments to achieving those, and report back to the Assembly on progress by November 2009.

RECOMMENDATION 80

7.84 The Committee recommends that the Minister for Territory and Municipal Services, Mr Jon Stanhope MLA, tables annually in the Assembly data comparing ACTION with other comparable services using nationally established benchmarks.

RECOMMENDATION 81

7.86 The Committee recommends that once locational data is available from the new ACTION ticketing system that ACTION provide an overlap in reporting on timeliness of ACTION Services 'by including data from the point to point sampling system as well as the locational data to enable cross-year comparisons.

RECOMMENDATION 82

7.92 The Committee recommend that the ACT Government reviews the impact of ACTION fare increases on students and low income earners, and other customers who cannot afford to buy pre-paid multiple tickets.

RECOMMENDATION 83

7.101 The Committee recommends that if the Redex express service trial is successful, the service should continue without interruption.

RECOMMENDATION 84

7.108 The Committee recommends that the ACT Government requires, as part of its performance agreement with the Brumbies, that a prescribed minimum amount of ACT Government funding go to junior development, and that the Brumbies be required to report on compliance with this requirement in their acquittal of future grants.

RECOMMENDATION 85

7.117 The Committee recommends that specific data on which elements of sport and recreation facilities users are dissatisfied with be collected in future surveys.

RECOMMENDATION 86

7.118 The Committee recommends that the ACT Government conducts a facilities audit of all ACT sports venues and report to the Assembly by February 2010.

RECOMMENDATION 87

7.133 The Committee recommends that the Minister for Sport and Recreation, Mr Andrew Barr MLA, provide to the Assembly a report providing a reconciled budget for the Mountain Bike World Championship, and which outline the benefits of that event.

RECOMMENDATION 88

7.137 The Committee recommends that the Minister for Territory and Municipal Services table in the Assembly the final Floriade statistics in the first sitting week after receiving them.

RECOMMENDATION 89

8.16 The Committee recommends that the Minister for Education and Training, Mr Andrew Barr MLA, include in the School Census report clear and concise information outlining class sizes across the ACT Government education system, including the number of classes which exceed 21, 25 and 30 students.

RECOMMENDATION 90

8.17 The Committee recommends that the Department of Education and Training publish on its website the School Census data as soon as it is available.

RECOMMENDATION 91

8.30 The Committee recommends that the ACT Government provide to the Assembly a detailed analysis of the impact that a major restructure of the education teaching workforce would have on budget outcomes over the forward years.

RECOMMENDATION 92

8.39 The Committee recommends that the ACT Government pay particular attention to innovative and effective community-based programs, and that funding for Gugan Gulwan's numeracy and literacy program be continued at the current rate.

Non-government school funding

RECOMMENDATION 93

8.55 The Committee recommends that the ACT Government budget gives a more detailed breakdown of funding to non-government education.

RECOMMENDATION 94

8.63 The Committee recommends that the ACT Government reports to the Assembly on the structural changes it will make to ensure more efficient delivery of infrastructure.

RECOMMENDATION 95

8.69 The Committee recommends that the ACT Government conduct an audit of school safety and security in all ACT schools and formulate a safety and security plan by 30 June 2010.

RECOMMENDATION 96

8.74 The Committee recommends that the Minister for Education and Training widen the scope of the special needs review to include non-government school students.

RECOMMENDATION 97

9.7 The Committee recommends that the official opening of an ACT Government facility not be held until the facility is complete and ready to operate.

RECOMMENDATION 98

9.12 The Committee recommends that the ACT Government facilitate the involvement of community organisations in the provision of through-care and after-care in relation to the Alexander Maconochie Centre as a matter of urgency.

RECOMMENDATION 99

9.13 The Committee recommends that the Minister for Corrections, Mr John Hargreaves MLA, report all security breaches at all ACT correctional facilities to the Assembly quarterly.

RECOMMENDATION 100

9.23 The Committee recommends that the ACT Government provide details to the Assembly of the impact on services as a result of the decision to fund the ACT Policing Consultative Committee trial from existing funding and that the ACT Government report to the Assembly with the result of the trial in November 2009.

RECOMMENDATION 101

9.26 The Committee recommends that the ACT Government review the funding arrangements for all community legal centres prior to the 2010–11 ACT Budget.

RECOMMENDATION 102

9.33 The Committee recommends that the Attorney-General commission an independent review of the ACT Civil and Administrative Tribunal after twelve months of its operation, including the activities undertaken during the transition period.

RECOMMENDATION 103

9.34 The Committee recommends that accountability indicators be developed for ACT Civil and Administrative Tribunal and be reported upon in the Department of Justice and Community Safety's 2009–10 annual report.

RECOMMENDATION 104

9.43 The Committee recommends that the ACT Government review its policy in relation to the criteria for seeking the advice of the Government Solicitor on contracts with the Territory.

RECOMMENDATION 105

9.57 The Committee recommends that the Minister for Police and Emergency Services, Mr Simon Corbell MLA, report quarterly on the progress of the Emergency Services Authority headquarters being constructed at the Canberra Airport.

RECOMMENDATION 106

9.58 The Committee recommends that the Minister for Police and Emergency Services provide a full budget acquittal for the emergency services headquarters to date.

RECOMMENDATION 107

9.61 The Committee recommends that the ACT Government implement, as a matter of urgency, action to develop a new facility for the Tidbinbilla Rural Fire Service.

RECOMMENDATION 108

9.65 The Committee recommends that the ACT Government incorporate detailed accountability indicators relating to ACT Policing as part of its

Justice and Community Safety budget statement to provide a correlation between the ACT Policing Purchase Agreement and performance.

RECOMMENDATION 109

9.67 The Committee recommends that the ACT Government provide the Assembly with specific details of ACT Policing personnel by location, rank and duties, and incorporate this information in future Justice and Community Safety budget statements.

RECOMMENDATION 110

9.71 The Committee recommends that the ACT Government, in conjunction with ACT Policing, develop strategies to target the alarming increase in the number of people driving under the influence, and that the ACT Government report back to the Assembly with progress in November 2009.

RECOMMENDATION 111

10.11 The Committee recommends that ACT Health conduct a full consultation process with users of both the equipment loan service and the Independent Living Centre to determine the best location for these services before the relocation occurs.

RECOMMENDATION 112

10.25 The Committee recommends that in relation to the Multicultural Festival, the ACT Government develop formal monitoring and evaluation processes, including key accountability indicators, and provide a full annual report measuring the success of the Festival.

RECOMMENDATION 113

10.34 The Committee recommends that the ACT Government conduct an independent assessment of the costs associated with funding the initiatives in the multicultural strategy (when it is finalised) and increase the allocated funding as required.

RECOMMENDATION 114

10.39 The Committee recommends that the ACT Government consults further with the United Ngunnawal Elders Council and the Indigenous Elected Body in relation to its plans to fund a Ngunnawal Genealogy Study and report back to the Assembly by the last sitting week in 2009.

RECOMMENDATION 115

10.42 The Committee recommends that in future budgets, the ACT Government provide the total annual spending on initiatives and programs specific to the Indigenous community across all ACT Government departments, agencies and administrative units.

RECOMMENDATION 116

10.48 The Committee recommends that funding to the ACT Disability, Aged and Carer Advocacy Service be continued for the Elder Abuse program, until a review of the program is undertaken.

RECOMMENDATION 117

10.77 The Committee recommends that the ACT Government engage with the community housing sector to ensure that they can build their capacity in order to play a more active part in the social harmony initiative and in meeting the social housing needs of the Territory.

RECOMMENDATION 118

10.79 The Committee recommends that definitions of community housing, affordable housing, public housing and social housing be agreed with housing service providers.

RECOMMENDATION 119

10.87 The Committee recommends that the ACT Government review the employment conditions in the child and protection area to ensure that the ACT can attract and retain sufficient numbers of skilled professionals.

RECOMMENDATION 120

10.93 The Committee recommends that the Minister for Children and Young People, Mr Andrew Barr MLA, reports all security breaches at the Bimberi Youth Justice Centre to the Assembly quarterly.

RECOMMENDATION 121

11.10 The Committee recommends that the ACTPLA website include regular updates of the number of development applications in the system, and the estimated time it will take to process each application.

RECOMMENDATION 122

11.11 The Committee recommends that ACTPLA create an archive section on their website, and that it provides access to all processed development applications from the commencement of the new planning system.

RECOMMENDATION 123

11.24 The Committee recommends that ACTPLA include as an accountability indicator the average energy efficiency rating of domestic and commercial buildings constructed each year.

RECOMMENDATION 124

11.28 The Committee recommends that the Minister for Planning, Mr Andrew Barr MLA, provide the Assembly, in the June sitting, with a report on how the issues concerning Section 63 in Civic have been addressed.

RECOMMENDATION 125

11.32 The Committee recommends that ACTPLA ensure that solar orientation is a key criterion in estate plans.

RECOMMENDATION 126

11.44 The Committee recommends that new areas of suitable land be identified for use as horse paddocks and that the contract management of horse paddocks is reviewed.

RECOMMENDATION 127

12.18 The Committee recommends that the ACT Government provides a detailed response to the Assembly regarding the concerns raised by the Australian Medical Association during the Estimates inquiry about the sale of Calvary Hospital and other matters.

RECOMMENDATION 128

12.28 That the ACT Government review bureaucratic processes and communication with business, and prepare a detailed plan to redress the concerns of the business sector in the ACT.

RECOMMENDATION 129

12.35 The Committee recommends that the Treasurer provides a detailed response to the Assembly regarding the concerns raised by the Property Council about the ACT's narrow revenue base and other matters.

RECOMMENDATION 130

12.43 The Committee recommends that the Standing Committee on Health, Community and Social Services inquire into the impact of the global financial crisis on the non-government community services sector in the ACT and the ACT Government funding it receives.

1 INTRODUCTION

- 1.1 Select Committees on Estimate are established to scrutinise expenditure proposals in appropriation legislation which has been introduced to the Assembly by a Minister in accordance with the *Financial Management Act 1996* (ACT), and to report back to the ACT Legislative Assembly.
- 1.2 The Financial Management Act also regulates the content of the Budget papers tabled with the appropriation legislation. Budget papers must have been developed taking into account specified policy considerations, such as responsible fiscal management, the object of providing a basis for sustainable social and economic services and infrastructure fairly to all ACT residents, and the object of ecologically sustainable development.¹
- 1.3 Estimates committees may make recommendations on particular items of expenditure, on financial management generally, and other budgetary matters. The formal ACT Government response to the report indicates whether recommendations are acceptable to the ACT Government of the day.²
- 1.4 Members of the Assembly other than a Minister may move amendments to proposed appropriations, but not if the proposal increases the amount of funding to be appropriated.³

Establishment of the Committee

- 1.5 On Thursday 2 April 2009 the Assembly appointed the Select Committee on Estimates 2009–2010 to examine the expenditure proposals contained in the Appropriation Bill 2009–2010 and any revenue estimates proposed by the Government in the 2009–2010 Budget. The Bill was tabled in the Assembly on 5 May 2009.
- 1.6 The motion to establish the Select Committee was moved by the Deputy

¹ *Financial Management Act 1996* (ACT), ss 10, 11

² See generally: Legislative Assembly for the ACT, *Companion to the Standing Orders of the Legislative Assembly for the Australian Capital Territory*, Canberra 2009, pp 222–239

³ *Australian Capital Territory (Self-Government) Act 1988* (Cth), s 65

Leader of the Opposition and Shadow Treasurer, Mr Brendan Smyth MLA, and debated in the Assembly on 2 April 2009. The motion as moved included a paragraph that:

(4) the Government second two ACT public servants to the Committee Office to assist in analysing the 2009–10 ACT Budget and in preparing the report of the Committee

1.7 This part of the motion was intended to ensure that the Assembly Committee Office had additional resources for the inquiry. However as there was concern about how such secondments would work, Mr Smyth moved an amendment to replace paragraph (4) with words to the effect that funds be provided to give the Committee adequate resources to do their job. It provided:

(4) that funds be provided by the Assembly to permit the employment of additional staff for the engagement of external expertise to work with the Committee to facilitate the analysis of the Budget and the preparation of the report.

1.8 My Smyth said 'In effect, it will involve maybe a temporary parliamentary budget officer or a consultant to do some work.'⁴

1.9 Mr Smyth's amendment was subsequently carried, with support from Government members based on an interpretation that the paragraph meant the Assembly would fund the additional assistance from its existing budget and not request additional funding from the Executive. The ACT Greens also supported this interpretation, but noted that the additional ad hoc assistance was a temporary arrangement. In accordance with the Labor-Greens Parliamentary Agreement,⁵ the Assembly's Administration and Procedure Committee had begun its inquiry into whether a parliamentary budget officer should be established, and the Committee was to report on its findings by the

⁴ Legislative Assembly for the ACT, *Hansard 2 April 2009*, pp 1746–7, accessed 24 April <<http://www.hansard.act.gov.au/hansard/2009/pdfs/20090402.pdf>>

⁵ Parliamentary Agreement for the 7th Legislative Assembly for the ACT, entered into on 31 October 2008 by Mr Jon Stanhope MLA for the Australian Labor Party, and Ms Meredith Hunter MLA for the ACT Greens: accessed 2 February 2009, <<http://www.actlabor.com.au/Documents/Documents/alp-greens-agreement.pdf>>

last sitting day in August 2009.⁶

- 1.10 In May 2009 the Committee engaged Mr Tony Harris, former NSW Auditor-General and a consultant with considerable experience in economic and budgetary matters, to provide budgetary advice and assist with the technical aspects of the ACT Budget papers. Mr Harris provided the Committee with a review of the ACT 2009–10 Budget and comments on stakeholder evidence; daily analyses of hearing outcomes pertaining to financial issues raised; analyses on the funding for out-years for both health and education portfolios; and comment on the effects on the ACT Budget of Commonwealth funding, and the potential impact of the International Monetary Fund's predication of slower than expected economic growth. The advices provided by Mr Harris are accessible on the Assembly website.⁷
- 1.11 Mr Simon Corbell MLA, Leader of Government Business in the Assembly, had proposed an amendment to the motion establishing the Committee so that its membership would be expanded to include two ACT Government nominees. The Canberra Liberals did not support the amendment because in their view a larger Committee would be unwieldy, a five-member Committee was adequate, and all parties would be represented in proportion to their numbers of non-Executive members. The ACT Greens also did not support the motion. In any event, under Assembly Standing Order 235, all Members could, with the leave of the Committee, question witnesses appearing before the Committee.⁸
- 1.12 Following the appointment of members, the Committee met on 6 April 2009 and elected Mr Zed Seselja MLA as Chair and Ms Caroline Le Couteur MLA as Deputy Chair. The other members of the Committee were Ms Amanda Bresnan MLA, Ms Joy Burch MLA and Mr Brendan Smyth MLA. Various other Members of the Legislative Assembly participated in the public hearings.

⁶ Legislative Assembly for the ACT, *Hansard 12 February 2009*, pp 715–718, accessed 24 April <<http://www.hansard.act.gov.au/hansard/2009/pdfs/20090402.pdf>>

⁷ via <<http://www.parliament.act.gov.au/committees/index1.asp?committee=122>>

⁸ See also: Legislative Assembly for the ACT, *Standing Orders and continuing resolutions of the Assembly*, p 48

Key issues

- 1.13 The key issues that generated most scrutiny included financial management, the efficiency dividend and recovery from deficits whilst maintaining services, portfolio administration, capital works expenditure, sustainability, the use of ACT Government facilities for election-related campaign advertising, and the discrepancies between economic projections asserted by the ACT Government and evidence provided by senior ACT Government staff and external groups.
- 1.14 The Committee discussed at length the lack of detail in the Budget papers that made it impossible to clearly identify a plan to achieve the recovery predicted by the ACT Government. This lack of detail was also noted in some community budget submissions.
- 1.15 The Committee has concluded as a result of this inquiry that the ACT Labor Party used the Canberra Hospital and Amaroo School for election purposes. The requests for access were made by the Minister for Health, Ms Katy Gallagher MLA, and the Chief of Staff to the Minister for Education, Mr Andrew Barr MLA, respectively, which may be a breach of the caretaker convention. ACT Health staff were also featured in the advertisement for the Labor Party during the election, and this may be a breach of the conflict of interest provisions of the ACT Public Service Code of Conduct. The Health Department could not produce any supporting documentation relating to the request for access to the Canberra Hospital or the use of staff in advertisements for the Labor Party. Also, the Chief Police Officer was photographed with Labor candidates in the lead up to the election. These matters are discussed in detail in the report.
- 1.16 In the Committee's view, Ministers and/or their staff should not discuss with their departments requests for the use of ACT Government facilities for party political purposes. All requests on behalf of political parties should be made by official representatives of the political party making the request.
- 1.17 The Committee also has the view that guidelines for use of ACT Government agencies, their facilities or staff should be developed and adhered to in relation to access and use for party political purposes.

RECOMMENDATION 1

- 1.18 **The Committee recommends that guidelines for the use of ACT Government facilities be clearly displayed on all ACT Government websites, that all requests for use of a facility be submitted in writing, and that any approval to use a facility be supported by written documentation outlining the conditions of use. Any approvals for use of facilities for political or commercial purposes should be published on Departmental websites as soon as possible.**

RECOMMENDATION 2

- 1.19 **The Committee recommends that the Ministerial Code of Conduct be amended to ensure that Ministers do not use their office to arrange party political advertising and activity.**

Sustainability and triple bottom line issues

- 1.20 The Committee asked how triple bottom line and broader sustainability issues were being addressed. The Chief Executive of the Chief Minister's Department, Mr Andrew Cappie-Wood advised that the ACT Government's broad sustainability approach was in the policy document *People Place Prosperity*, but that a triple bottom line methodology was still being worked up in the Department, which would also cover assessment and reporting.⁹
- 1.21 Mr Cappie-Wood was asked how this would interface with the Budget indicators, and he said that that was a broader question of accountability reporting, which was being looked at. That was a separate project being undertaken in the Chief Minister's Department about reviewing the entire accountability framework and trying to refine the accountability tools and reporting methodologies, part of which would include triple bottom line issues.¹⁰
- 1.22 While deliberating on the report, the Committee noted that the Budget is a whole-of-government document. As the priorities for the coming year are detailed in the Budget and appropriation bill, indicators in the Budget Papers

⁹ *Proof Transcript of Evidence*, 20 May 2009, p 349

¹⁰ *Proof Transcript of Evidence*, 20 May 2009, p 350

should reflect measures from key ACT Government plans and policy frameworks such as the *Canberra Plan* and *Weathering the Change*. This will mean that each agency will be reporting against measures in its key plans in its annual report. The Committee noted issues with indicators in most, if not all, departments and portfolios.

- 1.23 The Committee considers that the Government should incorporate into its Budget strategic indicators and criteria which demonstrate how it will measure triple bottom line outcomes, because that would make it easier to evaluate the Government's priorities, and how well they are being addressed.
- 1.24 The Committee noted that the Budget was the major annual whole-of-government report. If all ACT Government priorities were collated into one document (the Budget), it will make it easier to determine whether funds are being spent on programs with similar priority, and spent as effectively in different programs.

RECOMMENDATION 3

- 1.25 **The Committee recommends that the indicators in the ACT Budget papers reflect how progress will be measured in relation to the implementation of ACT Government strategies and plans.**

RECOMMENDATION 4

- 1.26 **The Committee recommends that strategic indicators contained in the ACT Budget papers for ACT Government agencies be meaningful and measurable.**

RECOMMENDATION 5

- 1.27 **The Committee recommends that a measure be introduced as a strategic indicator for each agency requiring that agency to report on its work towards achieving zero net carbon emissions.**

Conduct of the inquiry

- 1.28 In a return to the practice of most previous Assemblies, the Chair of the

Committee was a non-government member.¹¹

- 1.29 Unlike the Estimates Committees of the last few years, the Committee adopted a different approach to the conduct of the hearings allowing Members to pursue a line of questioning in detail with the Minister. This provided some opportunities for Members to engage in a forensic dialogue with the Minister.
- 1.30 The report reflects the structure of the inquiry program and budget papers, with hearings days proceeding according to the structure of the ACT Government, as reflected in *Budget Paper 4*.
- 1.31 The Committee notes a technical difficulty with the presentation of the electronic copy of *Budget Paper 4*. The pagination does not entirely match the printed copy making cross-referencing between users of electronic and hard copy difficult.
- 1.32 The Committee held public hearings over 12 days between 15 May and 12 June 2009, and sat for more than three full days of deliberative meetings. All public hearings were held in Committee Room 1 of the ACT Legislative Assembly and were open to the media and the general public. All portfolio areas were reviewed during this period. The list of Ministers and officials who appeared before the Committee is at Appendix A.
- 1.33 The Committee began the inquiry by hearing from interested non-government organisations. On Friday 15 May 2009 stakeholders met with the Committee in a public hearing. A list of the stakeholder representatives who met with the Committee is also at Appendix A.
- 1.34 Transcripts of all hearings, correspondence sent and received by the Committee, and advices provided by Mr Harris, are available on the Legislative Assembly website, as are responses to questions on notice.¹² Documents tabled at public hearings are listed at Appendix B.

¹¹ The chairs of the Select Committee on Estimates during the four years of the Sixth Assembly, which was a majority government, were government members.

¹² Accessible via the ACT Legislative Assembly Committee Office web pages, at <<http://www.parliament.act.gov.au/committees/index1.asp?committee=122&inquiry=814>>

Questions on notice process

- 1.35 In the Committee's view, the questions on notice process for estimates inquiries is currently not working well. The Committee has not been able to consider many responses to questions taken on notice during hearings, or lodged within two days of a hearing, because the Executive branch of the ACT Government has been unable or unwilling to forward the response within the timeframe of five working days set by the Committee.
- 1.36 The questions on notice process has been the subject of comment in reports of previous estimates committees. For example, in 2008, the former Committee then reported:

1.25 The scope and number of questions is a concern to the Committee given the timeframe for response. Individual questions are often complex, comprising more than 20 separate questions and also often contain statements of fact or opinion and require opinions in return. While the Committee is conscious of the purpose of Estimates inquiries – that is, to provide an open forum in which the ACT Government can be called to account for items of proposed expenditure – the Committee appreciates that the submission of more than 2000 questions is a burden on the Executive.

1.26 The Committee considers that it is time the Estimates scrutiny process, including the issue of submission of questions on notice, now requires a greater degree of formalisation, to provide greater certainty around the general process itself and the questions on notice process in particular.

RECOMMENDATION 5

1.27 The Committee recommends that the Legislative Assembly amend the Standing Orders to provide specifically for the establishment each year of a select committee on estimates and which also provides for rules for the conduct of the inquiry and for the questions on notice process as do the Standing Orders in the Senate.¹³

- 1.37 The Government response simply noted this recommendation, and said that it was a matter for the Assembly to resolve, normally following advice from the Standing Committee on Administration and Procedure.

¹³ Legislative Assembly for the ACT, Select Committee on Estimates 2008–09, *Appropriation Bill 2008–09: Report* volume 1, June 2008, p 7

- 1.38 The Committee discussed the difficulties for Members' staff in meeting the timeframes agreed by the Committee for this inquiry. It was a requirement of the Committee that questions on notice be submitted within two working days after the close of the sitting day which included the relevant portfolio area. This was fairly standard (it is usually two or three days), but the Committee noted that the drafting of questions on notice often requires a review of the Hansard transcripts, uncorrected proofs of which are not usually available until late in the next working day after the close of the sitting day, making it very difficult to meet the deadline.
- 1.39 The Committee notes with concern that as at the close of business on Friday 12 June 2009 the Committee had only received responses to about 35 per cent of the 530 questions lodged and taken on notice during the public hearing process. This made it more difficult to draw conclusions about the detail of the Budget.

RECOMMENDATION 6

- 1.40 **The Committee recommends that future ACT Legislative Assembly estimates committees consider whether the deadline for questions on notice should be extended to three working days after the close of the sitting day which included the relevant portfolio area.**

RECOMMENDATION 7

- 1.41 **The Committee recommends that the Legislative Assembly's Standing Committee on Administration and Procedure review the process and timeframes for lodging, responding to and communicating questions taken on and lodged on notice during inquiries by select committees on estimates, and make recommendations to the Assembly by the end of 2009.**

RECOMMENDATION 8

- 1.42 **The Committee recommends that all questions taken on notice and all written questions on notice not answered by 12 June 2009 be forwarded to the Speaker for tabling in the Assembly by the last sitting day in June 2009.**

RECOMMENDATION 9

- 1.43 **The Committee recommends that the ACT Government publish electronically as part of the next ACT Budget papers, a breakdown of the output classes into their programs, and the funding per program.**

Acknowledgement

- 1.44 The Committee thanks everyone who participated in or assisted in this inquiry, including Members of the Legislative Assembly, their advisers, Ministers and their staff, ACT Government officials, Assembly Secretariat staff, and representatives of stakeholder organisations.
- 1.45 The Committee expresses particular thanks the Assembly Secretariat staff, Ms Grace Concannon and Dr Hanna Jaireth, for their contributions to the inquiry process and the compilation of this report.

2 ACT LEGISLATIVE ASSEMBLY SECRETARIAT AND AUDITOR-GENERAL

ACT Legislative Assembly Secretariat

- 2.1 The ACT Legislative Assembly Secretariat provides business and procedural advice and support services to the Territory's parliament – the ACT Legislative Assembly – including:
- procedural advice and research services to members and their staff through the Chamber Support and Committee Office
 - business and policy advice and support relating to payroll, personnel, accounting, members' entitlements, building and operations management and corporate governance
 - Hansard recording and transcription services, IT support and advice, and broadcasting services
 - communicating and promoting the roles and functions of the Legislative Assembly to the community and ACT Government agencies, and
 - building and strengthening relationships with other parliaments.
- 2.2 Major issues canvassed with the Speaker of the Legislative Assembly, Mr Shane Rattenbury MLA, and the Assembly Secretariat included:
- enhanced accountability – breakdown
 - Committee office staffing numbers
 - ACT Greens/Labor Party Agreement
 - transfer of the ACT Government and Legislative Assembly Library
 - costs of new swipe cards
 - Committee room 1 configuration
 - compost bins
 - ergonomic furniture
 - bike racks
 - information technology and communications (ICT), and
 - lift upgrade costs.
- 2.3 In responding to questions relating to the inclusion of the ACT Greens/Labor

Party Parliamentary Agreement in the Secretariat priorities for 2009–2010, the Speaker stated that elements of the Agreement relate directly to some functions of the Secretariat. After further concerns were expressed by the Committee the Speaker gave an undertaking that in future years more care would be taken when wording the Secretariat's priorities to ensure that it is clear it has no affiliation with any particular political party.¹⁴

- 2.4 The Committee was informed that from 1 July 2009, the ACT Government and Assembly Library would come under the auspices of the Secretariat. The Speaker advised that the library would still perform an ACT Government service. In responding to a question about the future of library staff, the Speaker indicated that the staffing allocation would be retained.¹⁵
- 2.5 The Committee discussed ICT issues including the sufficiency of the current allocation of server file space and email box size allocation. The Committee expressed concern that Members and their staff do not share the same access to ICT facilities as members of the Executive.

RECOMMENDATION 10

- 2.6 **The Committee recommends that the electronic mail box size across the Legislative Assembly and Secretariat be unlimited.**

RECOMMENDATION 11

- 2.7 **The Committee recommends that the file server space allocated to the Assembly be significantly increased.**

RECOMMENDATION 12

- 2.8 **The Committee recommends that information and communications technology services for non-Executive members and their staff be equivalent to those provided for Executive members of the Legislative Assembly.**

¹⁴ ACT Legislative Assembly, Select Committee on Estimates 2009–10, Reference: Appropriation Bill 2009–2010, *Proof Transcript of Evidence*, 25 May 2009, pp 818–822

¹⁵ *Proof Transcript of Evidence*, 25 May 2009, pp 823–824

- 2.9 The Committee also discussed the resource constraints facing the ACT Legislative Assembly Committee Office.

RECOMMENDATION 13

- 2.10 **The Committee recommends that the Standing Committee on Administration and Procedure review the staffing available to the Legislative Assembly's Committee Office.**

ACT Auditor-General

- 2.11 The ACT Auditor-General is created under the *Auditor-General Act 1996* (ACT) to promote accountability and provide independent advice to the ACT Legislative Assembly on the efficiency and effectiveness of ACT public sector agencies.¹⁶
- 2.12 Major issues pursued with the Auditor-General, Ms Tu Pham, included:
- capacity to perform the performance audit function
 - capacity to provide other services and perform general functions
 - staffing matters, and
 - cooperation of ACT Government agencies.

Capacity to perform the performance audit function

- 2.13 The Committee notes with concern the Auditor-General's opening comments:
- ...the ACT Government's proposed funding for the audit office of \$2.1 million in 2009-10 will not be sufficient for us to maintain the current audit capacity, nor will it be sufficient to increase our capacity to respond to the increase in government spending.¹⁷
- 2.14 The Auditor-General advised the Committee that due to the proposed level of funding to be received by the Audit Office, employee costs would have to be decreased as there was little capacity to cut costs elsewhere within the office. The Committee was informed that to accomplish the required balanced budget in 2009–2010 and forward years the Audit Office would need to look at cutting

¹⁶ *Budget Paper 4*, p 21

¹⁷ *Proof Transcript of Evidence*, 25 May 2009, p 841

one senior staff or two staff positions. The Auditor-General advised that this reduction in staffing could mean that the office may have to reduce the number of performance audits undertaken each year by one or two, bringing it down to a possible six from the target of eight each year. However, in responding to a question relating to financial auditing of ACT Government departments the Auditor-General indicated that there should be no significant impact as the audit fee is covered in the costs of delivering each financial audit.¹⁸

- 2.15 The Committee notes the concern of the Auditor-General, given that as a consequence of the funding shortfall, a reduction in the number of performance audits undertaken may be required.

Provision of services

- 2.16 The Committee was also advised that the proposed appropriation for the Audit Office will have an impact on:
- current services provided to ACT Government agencies, such as advice, guidance, training and seminars
 - current arrangements in relation to the effective subsidising of some audit work for smaller agencies
 - ability to utilise external assistance with complex audits, and
 - implementation of new accounting and auditing standards.

Staffing matters

- 2.17 In reiterating her comments made in previous years, the Auditor-General advised the Committee that staff turnover was still high at 25 per cent, even though a great deal of effort had been put into learning and development programs to reduce this figure.¹⁹

Cooperation of ACT Government agencies

- 2.18 In responding to a question relating to the timely responsiveness to the Audit

¹⁸ *Proof Transcript of Evidence*, 25 May 2009, pp 841–49

¹⁹ *Proof Transcript of Evidence*, 25 May 2009, pp 852

Office by ACT Government agencies when conducting performance audits, the Auditor-General advised the Committee that generally there was a very good level of cooperation from government agencies, and that any difficulties that had arisen were addressed, ending in very good cooperation from most agencies.

RECOMMENDATION 14

- 2.19 **The Committee recommends that the Auditor-General's funding allocation be increased to allow for the target number of performance audits to be reached without running a deficit.**

3 TREASURY

- 3.1 Treasury oversees the strategic financial and economic management of the Territory with a key objective being accountability and transparency in Government expenditure.
- 3.2 The Committee met with the ACT Treasurer, Ms Katy Gallagher MLA, on 18 May 2009 to discuss the following output classes and agency functions:
- economic management
 - financial management
 - revenue management
 - home loan portfolio
 - Superannuation Provision Account
 - the Territory Banking Account
 - Rhodium Assets Solutions Limited
 - ACTEW Corporation
 - ACT Gambling and Racing Commission
 - ACT Insurance Authority, and
 - ACTTAB.

Impacts of the global financial crisis

- 3.3 The Treasurer advised that between July 2008 and April 2009, the forecasts for the global economy had been revised downwards by more than five per cent. The Australian economy was expected to contract by 0.5 per cent over the following 12 months.²⁰
- 3.4 The Treasurer advised that some of the impacts on ACT revenue included a reduction in GST revenue of \$489 million over five years; losses of \$322 million in interest income; a \$247 million drop in conveyance revenue; and a drop of

²⁰ *Proof Transcript of Evidence*, 18 May 2009, p 97

\$193 million on superannuation related investments.²¹ The ACT Budget provided for an increased 'modest annual average spend of \$49 million'.²² Despite these contractions to revenue, Ms Gallagher conceded that expenditure could rise 7.5 per cent in 2009–10 due a rollover of expenditure from 2008–09, the honouring of some election commitments, necessary service delivery, and undertakings in the Labor-Greens Parliamentary Agreement.

- 3.5 There was discussion in Committee about some concerns that despite reductions in revenue in some areas, overall revenue is projected to grow strongly in the out-years.

Impact of the Federal Budget

- 3.6 As a consequence of the Federal Budget, the ACT's National Special Purpose Payments (SPPs) had been revised down by about \$20 million, but \$12.5 million of that was funding to non-government schools which did not impact on the Territory's operating balance. With reduced Goods and Services Tax (GST) revenue, Special Purpose Payments (SPPs) and National Partnership Payments (NPPs) from the Commonwealth, the Territory would have operating balance deficits of around \$35 million in 2009–10, \$159 million in 2010–11, \$211 million in 2011–12, and \$205 million in 2012–13.²³
- 3.7 ACT Ministers had lobbied the Commonwealth against 'slashing and burning'²⁴ the Commonwealth public service. However, a two per cent limit on Commonwealth expenditure could impact adversely on the ACT economy in the out-years. The ACT Government had been advised that there would be a net increase in employment in the Australian Public Service (APS) in Canberra.²⁵

²¹ On 18 May 2009 the Treasurer issued an update to the ACT Budget estimates of the Net Operating Balance in response to variations to Commonwealth GST and grants revenue payable to the Territory. The update also revised Budget Plan targets: ACT Treasurer, Ms Katy Gallagher MLA, 'Media Releases: Treasurer Issues ACT Budget Update', 18 May 2009; *Proof Transcript of Evidence*, 18 May 2009, p 97

²² *Proof Transcript of Evidence*, 18 May 2009, p 98

²³ *Proof Transcript of Evidence*, 18 May 2009, p 99

²⁴ *Proof Transcript of Evidence*, 18 May 2009, p 127

²⁵ *Proof Transcript of Evidence*, 18 May 2009, p 135

- 3.8 The Treasurer advised the Committee that since self-government, the ACT Budget had been delivered in the first week of May more than at other times, except when there were late elections. She said a couple of times the ACT Budget had been handed down in June.²⁶ Ms Gallagher had considered delaying the Budget this year, when the Commonwealth started talking about revising its Budget, but decided to proceed as planned and issue an update at the earliest opportunity.²⁷ The Treasurer noted that it was difficult to analyse the implications of the Federal Budget in detail given the short period of time between the Federal Budget and the Legislative Assembly's estimates hearings.²⁸
- 3.9 The Committee noted that the timing of the delivery of the ACT Budget is largely a matter for the Executive and that tabling dates have varied,²⁹ but given the importance of the Federal Budget to the ACT economy, it could improve the reliability, transparency and scrutiny of the ACT Budget if it was delivered after the ACT Treasury had time to consider and respond to the implications of the Federal Budget in the ACT Budget.

RECOMMENDATION 15

- 3.10 **The Committee recommends that if the Commonwealth Budget is delivered in May, the ACT Government consider delivering its Budget later, so as to enable the ACT Budget to take account of the final Commonwealth Budget figures.**

Recovery planning

- 3.11 The Treasurer advised the Committee that the ACT Government was developing an Expenditure Review Committee, chaired by the Under

²⁶ *Proof Transcript of Evidence*, 18 May 2009, p 107

²⁷ *Proof Transcript of Evidence*, 18 May 2009, p 107

²⁸ *Proof Transcript of Evidence*, 18 May 2009, p 126

²⁹ The *Financial Management Act 1996* (ACT) provides that unless the Legislative Assembly resolves otherwise, the first Appropriation Bill relating to a financial year must be introduced into the Legislative Assembly not later than 3 months after the beginning of the financial year: s 5. According to the ACT Legislation Register main appropriation bills have been introduced as follows: May: 1997, 1999, 2001, 2003, 2004, 2005, 2008, 2009; June: 1994, 1998, 2002, 2006, 2007; Sept: 1989, 1990, 1991, 1992, 1993, 1995, 1996

Treasurer and Chief Executive of the Chief Minister's Department, which would report to the Cabinet Budget Committee with options on savings, efficiencies and resource allocations. That Committee would meet every two months. The Treasurer promised that the community would be consulted on savings measures. Unions had been asked to work with the ACT Government on restraining wage growth through enterprise bargaining agreement (EBA) processes, while maintaining conditions, or bettering them (as with paid parental leave provisions).³⁰ The Treasurer advised that Cabinet was still discussing the development of its public consultation plan for the development of its long-term fiscal strategy, and ways to make the necessary savings.³¹

- 3.12 Some members of the Committee noted that no other plans were provided by the Treasurer or had been developed to show how, when, or where necessary cuts would be made.
- 3.13 The Committee noted that the ACT Branch of the Australian Education Union expressed concern that there be provision for salary increases in the enterprise bargaining agreement (EBA) for teachers so that quality staff can be recruited and retained. Branch Secretary, Ms Penny Gilmour, advised the Committee that the gap between teaching wages in the public sector, and the private sector in the ACT and Queanbeyan continues to widen.³²
- 3.14 Ms Gallagher advised the Committee that the estimated cost to Government of a 1 per cent wage increase for wages and salaries for teachers (including school and Canberra Institute of Technology (CIT) teachers) would be about \$3.3 million for a full year, with an initial impact of around \$0.7 million in employee entitlements. For nurses a full year direct impact would be around \$2.2 million (for wages and salaries), with an initial impact of around \$0.4million in employee entitlements for nurses.³³
- 3.15 Ms Gallagher advised that the ACT Government would manage its Budgets with a 7-year recovery plan; aiming for growth of about 4.5 per cent each year

³⁰ *Proof Transcript of Evidence*, 18 May 2009, pp 98, 103

³¹ *Proof Transcript of Evidence*, 18 May 2009, pp 98, 102, 138–9

³² *Proof Transcript of Evidence*, 15 May 2009, p 68

³³ Answer to question taken on notice, E09– 191

in the out-years, rather than responding immediately to the reduced revenue by savings or increased taxes.³⁴ The ACT Budget update aimed to make savings of \$59 million in 2010–11; \$118 million in 2011–12; and \$178 million in 2012–13. Agencies had been informed that job losses should not be necessary.³⁵

3.16 Ms Gallagher advised the Committee that the ACT Government intended adopting annual efficiency dividends across the ACT Government sector.³⁶

3.17 The Government has also made provision to borrow up to \$550 million for infrastructure investments.³⁷

3.18 As discussed with other stakeholder evidence in chapter 12, the Property Council of Australia (ACT Division) believes that ACT Government's increasing dependence on a narrow revenue base – through Commonwealth GST revenue and ACT property taxes – is unsustainable, and that significant reforms are needed.

3.19 Government revenue from conveyancing duties was projected to fall, but the residential property sector was expected to recover from the downturn more quickly than the commercial sector. The first home buyers grant was stimulating demand at the lower end of the market, but this did not mean that ACT Government revenue would rise significantly as first home buyers paid less conveyancing duties than at the other end of the market.³⁸ No other detailed rationale for the predicted increase in residential activity was offered.

Home loan portfolio

3.20 The Treasurer advised that under its home loan portfolio it reviews and monitors home loan arrears. As at 30 April 2009, 41 home loans were in arrears, or 17 per cent of all the loans under administration. Clients on the Deferred Assistance Scheme who are meeting their repayments are not included in these figures.³⁹

³⁴ *Proof Transcript of Evidence*, 18 May 2009, p 101

³⁵ *Proof Transcript of Evidence*, 15 May 2009, p 106

³⁶ *Proof Transcript of Evidence*, 18 May 2009, pp 98, 104, 107–8, 136

³⁷ *Proof Transcript of Evidence*, 18 May 2009, p 114

³⁸ *Proof Transcript of Evidence*, 18 May 2009, pp 124, 125, 136

³⁹ Answer to question taken on notice, E09–192

- 3.21 To assist people facing mortgage stress and the possible repossession of their homes, the ACT Government was implementing an election commitment to establish a fund to provide short-term loans of up to \$10 000 to stabilise households under financial stress, or to enable them to sell their property without going through a forced repossession. About 30 people were thought to be needing support, but that was just an estimate. A discussion paper has been developed and sent out to relevant community organisations, financial institutions, and professional associations. The design of the scheme would be finalised after consideration of stakeholder feedback. Treasury and stakeholders seemed to support the view that the fund should be managed by Treasury, but discussions were also being held with some financial counselling services in the community sector to see whether it may be better located there.⁴⁰
- 3.22 It was noted that the NSW Government has proposed amendments to its residential tenancy legislation to provide for one month's free rent when a landlord defaults on their loan and the mortgagee forecloses on a mortgaged property. The *Residential Tenancies Act 1997* (ACT) provides that tenants must be provided with not less than eight weeks notice of the termination of their tenancy in the event of a foreclosure and a mortgagee election to terminate a tenancy.⁴¹ The Committee considers that since involuntary relocation in times of economic stress can also create significant financial difficulties for tenants, the ACT should consider following the NSW legislative example (as reported).⁴²

RECOMMENDATION 16

- 3.23 **The Committee recommends that the ACT Government consider further relief measures for tenants whose place of residence is involved in a mortgagee foreclosure and their tenancy is terminated. Such measures could include amendments to the *Residential Tenancies Act 1997* (ACT) to provide for rental refunds, 30 days rent free accommodation to enable affected tenants to find alternative**

⁴⁰ *Proof Transcript of Evidence*, 18 May 2009, pp 144–146

⁴¹ *Residential Tenancies Act 1997* (ACT) s 64

⁴² Paul Bibby, 'A month free when landlord defaults', *The Sydney Morning Herald*, 1 June 2009, p 2

accommodation, and expedited return of rental bonds.

- 3.24 Apart from the matters mentioned above, no other detailed plans were presented in the Budget to demonstrate a strategy to return the Budget to surplus.
- 3.25 The Committee noted that some of the projections for revenue predict revenue growth with no substantiation for those predictions, and are contradicted by other submissions received by the Committee, particularly from the Property Council of the ACT.⁴³
- 3.26 The Committee also noted that there was limited detail presented relating to the efficiency dividends expected by the ACT Government. The Committee is concerned at the lack of a clear plan for returning the Budget into surplus.

RECOMMENDATION 17

- 3.27 **The Committee recommends that the ACT Government provide to the Assembly substantiation for its revenue predictions, detailed information regarding efficiency dividend application, and justification for how revenue and expenditure will be reconciled to return the Budget to surplus within the specified seven years.**

Prospects for the ACT economy

- 3.28 The Committee notes the Treasurer's comments about the structure of the ACT economy. There is a general acknowledgement that more must be done to diversify and strengthen the ACT economy. Concerns have been expressed for many years about the ACT's relatively narrow revenue base, and the Treasurer has discussed this in the Legislative Assembly and with the Committee.⁴⁴

RECOMMENDATION 18

- 3.29 **The Committee recommends that the ACT Government immediately commence the development of a policy framework that will provide encouragement for the growth of the private sector in the ACT.**

⁴³ Property Council of Australia (ACT), 2009–10 Pre-Budget Submission, December 2009

⁴⁴ Legislative Assembly for the ACT, 2009 *Week 5 Hansard* (31 March), p 159

Response to 2009–10 Budget

- 3.30 A pervading comment about the ACT 2009–10 Budget has been concerns about what actions will be necessary in the years after 2009–10 to restore the Budget to balance. There has been a consensus that decisive action will be required to restrain the deficits that are forecast in the out-years. Logically, this will involve a combination of savings, growth in revenue and borrowings. The extent and balance between these policy options will be critical to the prospective budget outcomes and effect on the community.
- 3.31 It also is important to note that key industry organisations, while generally supporting the immediate budget strategy, have expressed concern about the decisions that will be required in later years.
- 3.32 The ACT Branch of the Property Council of Australia commented:
- The Territory already faced the prospect of substantial resources being diverted from community services over the coming seven years...The savings and revenue required are daunting. The loss of GST revenue...will make the job of returning the Budget to surplus much more difficult.⁴⁵
- 3.33 These sentiments were reinforced by the Canberra Business Council, which concluded about the ACT 2009–10 Budget:
- Our concerns relate to the magnitude and duration of the forecast budget deficits. It is our view that some quite serious measures will need to be taken to claw back those deficits in future years—that is, beyond 2010. Those concerns are amplified by the fact that the budget does not clearly outline how the ACT Government expects to eliminate the deficit by 2015-16. We appreciate the fact that it will be consulting and we are supportive of that. Nevertheless, it is quite a worrying time for business to be looking at seven years of deficit. And could I say that our concern beyond that is that at the same time that the ACT will be clawing back its deficit, the Federal Government will also be clawing back a very substantial deficit.
- When those two occur at the same time, the pain for the ACT is going to be significantly compounded. The worst case scenario is a perfect storm where you have budgets at both levels taking drastic measures to return the budgets to balance or surplus and that is likely to have a substantially and

⁴⁵ Property Council of Australia, *ACT Branch media release*, 13 May 2009

disproportionately negative impact on business and employment in the ACT.⁴⁶

- 3.34 The sentiments set out in these comments have now been reinforced following the release of the Federal Government's Budget, with the further reductions in revenues and other matters.

RECOMMENDATION 19

- 3.35 **The Committee recommends that the ACT Government instigate a comprehensive approach to the incurring and management of debt in the ACT to facilitate the development of significant community infrastructure.**

RECOMMENDATION 20

- 3.36 **The Committee recommends that the ACT Government demonstrate appropriate responsibility and make the necessary fiscal policy decisions with respect to savings, revenue and associated matters.**

RECOMMENDATION 21

- 3.37 **The Committee recommends that the economic forecasts that underpin the ACT 2009–10 Budget be reviewed, and that any revisions be published.**

Indexation of payments to community sector organisations

- 3.38 The Treasurer was asked about the stresses facing the community sector from increased demand on their services due to the economic downturn. The Treasurer advised that funding to community organisations was indexed according to wage costs and Consumer Price Index (CPI) increases in an 80/20 arrangement, which she described as 'the most generous way of indexing the community organisations'.⁴⁷ This has usually resulted in an approximately four per cent per annum indexation, but this year it was 3.15 per cent, based on a reduction in indexation rates.⁴⁸ Ms Gallagher explained that the community

⁴⁶ *Proof Transcript of Evidence*, 15 May 2009, p 37

⁴⁷ *Proof Transcript of Evidence*, 18 May 2009, p 148

⁴⁸ *Proof Transcript of Evidence*, 18 May 2009, p 147

sector was not subject to an efficiency dividend and that every community grant would be increased at a time when growth was being constrained in the public service. Indexation was expected to return to 3.7 per cent in 2010–11.⁴⁹ Some savings were also expected for community organisations from the work being done on school sites and the co-location of organisations.

- 3.39 The Committee considered the Budget submission from ACTCOSS, discussed in the final chapter, and its comment that low-income and disadvantaged groups should be provided with access to funding from the \$2 million for public space and infrastructure maintenance, to repair and maintain the community sector's public spaces and community facilities.⁵⁰

Community sector long service leave

- 3.40 The Treasurer advised the Committee that an actuarial report on community sector long service leave was being completed. A bill may be introduced to the Legislative Assembly in June. Consideration was currently being given to the range of employees to be covered by the scheme, and whether it should extend beyond the community sector to aged care and child care sectors.⁵¹

Insurance costs for the community sector

- 3.41 The Director of Investment and Economics in ACT Treasury, Mr Tom McDonald, advised the Committee that the global financial crisis may cause public liability premiums to rise by a significant amount. Treasury had previously helped community organisations to save an average of about \$600 in an annual insurance premium by building a single insurance pool for 46 organisations, and by identifying appropriate insurance cover and risk management strategies. Treasury would work more closely with Volunteering ACT and other organisations that request help. This had been communicated

⁴⁹ *Proof Transcript of Evidence*, 18 May 2009, p 149

⁵⁰ ACTCOSS, 'ACT 2009–10 Budget Snapshot', 6 May 2009; ACTCOSS, *Prioritising People: A person-centred approach to today's challenges*, ACTCOSS submission to the ACT Budget 2009–10, February 2009

⁵¹ *Proof Transcript of Evidence*, 18 May 2009, p 148

to client groups through the Chief Minister's Department and ACTPLA.⁵²

***Land Rent / OwnPlace* scheme**

- 3.42 The *Land Rent / OwnPlace* scheme is discussed further in the Chief Minister's and Land Development Agency sections of the report. However, Treasury officials were asked about Treasury modelling in relation to the scheme. The Executive Director of Policy Coordination and Development, Mr Khalid Ahmed, advised that industry sectors and the Law Society had been consulted before the legislation was developed. The scheme had been externally reviewed by Professor Brian Roberts, and Associate Professor Vivienne Milligan and Professor Peter Phibbs of the Australian Housing and Urban Research Institute. The Committee noted that concerns raised by the reviewers included that 'homeowners are not likely to experience the same rise in the value of the housing, as the asset will depreciate over time.'⁵³
- 3.43 The Australian Prudential Regulation Authority had not been consulted as that organisation regulates financial institutions, not the property rights frameworks within which they operate.⁵⁴ The Law Society's concern about land value spikes had been taken into account in the design of the scheme.
- 3.44 Mr Ahmed noted that there were about 300 crown leases in existence already.⁵⁵ Mr Ahmed explained that their modelling indicated that house prices under the scheme were expected to appreciate (except during normal housing slump cycles). The depreciation of the value of private dwellings by the Australian Taxation Office was a different issue. Investors would usually expect to realise gains when selling their assets.

New Commonwealth arrangements

- 3.45 Mr Ahmed also advised the Committee that there is a new national affordable housing agreement under COAG. The former Commonwealth-state housing agreement and the supported accommodation assistance program were

⁵² *Proof Transcript of Evidence*, 18 May 2009, pp 149–151

⁵³ *Proof Transcript of Evidence*, 18 May 2009, pp 153–4

⁵⁴ *Proof Transcript of Evidence*, 18 May 2009, pp 153–4

⁵⁵ *Proof Transcript of Evidence*, 18 May 2009, p 154

combined, and 90 SPPs had been amalgamated into six large SPPs. The states and territories would receive allocations based on their populations, and there had been an increase in funding overall.⁵⁶

Procurement

- 3.46 Ms Gallagher advised the Committee that in recent years Procurement Solutions had implemented some changes to their practices to respond better to the needs of the business sector. About 18 months ago a call tender schedule of current and pipeline capital works projects and goods and services procurement was created on the Shared Services website, and updated as projects progress.⁵⁷

Superannuation and Principles of Responsible Investing

- 3.47 The use of ethical accountability indicators in reporting on superannuation investments was pursued during the questioning of the Treasurer and officials. ACT Government superannuation liabilities are now only funded to about 47 per cent, down from 65 per cent at 30 June 2008, but the ACT Government will continue to develop a superannuation investment strategy with a view to having superannuation fully funded by 30 June 2030.⁵⁸ Returns of an average of 7.5 per cent per year are expected.⁵⁹
- 3.48 Concern was expressed during the hearing that superannuation investments were not assessed against Principles of Responsible Investing (PRI) indicators, discussed below, and that superannuation investment had not been withdrawn from companies engaged in armaments industries.⁶⁰ The Under Treasurer advised that the ACT did not have its own superannuation fund, unlike other jurisdictions, and that ComSuper held the fund account.⁶¹

⁵⁶ *Proof Transcript of Evidence*, 18 May 2009, p 157–8

⁵⁷ *Proof Transcript of Evidence*, 18 May 2009, p 162

⁵⁸ *Proof Transcript of Evidence*, 18 May 2009, p 115

⁵⁹ *Proof Transcript of Evidence*, 18 May 2009, pp 119, 120

⁶⁰ *Proof Transcript of Evidence*, 18 May 2009, pp 116, 117

⁶¹ *Proof Transcript of Evidence*, 18 May 2009, p 118

ACTEW Corporation

Cotter Dam

- 3.49 The managing director of ACTEW Corporation, Mr Mark Sullivan, advised the Committee that whilst ACTEW's \$300 million capital works program was on track; its costs would nevertheless be higher than initially estimated.
- 3.50 Apparent inconsistencies in ACTEW evidence were discussed by the Committee. The Independent Competition and Regulatory Commission (ICRC) had approved that expenditure over a five year regulatory period 2008–2013. For 2008–09 the general capital works program totalled \$91.2 million.⁶² Information was provided on ACTEW's borrowings for capital works since 1999.⁶³
- 3.51 The cost of enlarging the Cotter Dam is uncertain. It was estimated at \$145 million in 2006–07 dollars. The ICRC expected this would rise by 30 per cent. However due to increases in the cost of labour and materials, increases in the order of 50–70 per cent were now expected.⁶⁴ That would make the cost of the enlargement approximately \$188 million.
- 3.52 Following the public hearings, an article in the 30 May 2009 edition of *The Canberra Times* reported Mr Sullivan as saying that 'the cost had increased by from 50 percent to 70 percent, making it now more than \$200 million.' A 50 per cent increase would take the cost to \$217 million, while a 70 per cent increase would take it to \$246 million.
- 3.53 Mr Sullivan advised that the cost of the Murrumbidgee to Googong steel pipeline had increased since costings in 2005 and 2007, largely due to a 120 per cent increase in the price of steel, labour and other inputs. The cost of transferring water from the Murrumbidgee to Googong Dam had been estimated at \$70 million in 2007. The ICRC had allowed \$96.5 million.⁶⁵ The

⁶² Answer to question taken on notice, E09–188

⁶³ Answer to question taken on notice, ACTEW–5

⁶⁴ Answer to question taken on notice, E09–186

⁶⁵ *Proof Transcript of Evidence*, 18 May 2009, p 176, Answer to question taken on notice, ACTEW–7, 27 May 2009

approved budget for the Googong Dam Spillway project is \$37 million.⁶⁶

- 3.54 No detail or plan was provided as to how this extra cost would or could be absorbed in the Budget.

RECOMMENDATION 22

- 3.55 **The Committee recommends that the Independent Competition and Regulatory Commission be asked to update its analysis of the cost of the major water security projects and to report to the Assembly.**
- 3.56 In relation to the abatement of greenhouse gas emissions, ACTEW Corporation advised that it had committed to a range of projects involving forestry, the use of biofuels, and hydroelectricity within the Murrumbidgee to Googong pipeline. Abatement would be delivered at a cost of about \$12.50 a tonne.⁶⁷
- 3.57 ACTEW has 12.5 gigalitres of water under general security water entitlement which is equivalent to about six gigalitres of high security water. ACTEW pays \$1200 to \$1400 per gigalitres as a one-off fee, and then pays additional management fees. This cost was up to \$6 million a year to store and manage 10 gigalitres of water at Tantangara for example. It aims to acquire 10 gigalitres of high security water, including another eight of general security. The approved budget for the Tantangara project was \$32.6 million. At 30 April 2009, \$19.99 million had been spent.⁶⁸
- 3.58 ACTEW's staffing numbers are detailed in its annual report, and were 35 in 2008.⁶⁹ In relation to the non-disclosure of the remuneration received by management level employees within ACTEW Corporation, the Treasurer and Mr Sullivan advised that the remuneration paid to ACTEW employees was a private matter between the company and its employees, and the *Privacy Act 1988* (Cth) precluded ACTEW from disclosing personal information without an employee's consent. The Australian Securities and Investment Corporation provided the reporting framework for unlisted public companies, and ACTEW

⁶⁶ Answer to question taken on notice, E09–186

⁶⁷ *Proof Transcript of Evidence*, 18 May 2009, p 177

⁶⁸ *Proof Transcript of Evidence*, 18 May 2009, p 185–6; Answer to question taken on notice, ACTEW–7, 27 May 2009

⁶⁹ Answer to question on notice, E09–002

complied with that as a commercial entity through its annual report.⁷⁰ The shareholders acting as a remuneration committee determine the salary of the directors and the Chair. The Remuneration Tribunal assists the shareholders. The salaries paid to senior staff are determined by the managing director in consultation with the board. The view was expressed that as the ACTEW shareholders were elected representatives, the electorate should be advised about issues within the corporation, including the remuneration payable.⁷¹

- 3.59 ACTEW Corporation also provided details of the financial support it has provided to tertiary education institutions, co-operative research centres and other research institutions.⁷²

RECOMMENDATION 23

- 3.60 **The Committee recommends that details of ACTEW expenditure, including the salaries of senior executives, be included in the corporation's annual report.**

Rhodium Assets Solutions

- 3.61 In May 2009 an updated statement of corporate intent for Rhodium Assets Solutions was tabled in the Legislative Assembly which reflected the wind-down of the company. As the ACT Government has found another provider for its vehicle fleet – sgfleet, Rhodium will cease providing fleet management services by the end of July. Vehicles for ACTEWAGL will be provided by Toyota Fleet Management. Rhodium aims to cease trading by the December 2009, prepare the completion accounts and have them audited, and prepare the final annual report by March 2010.⁷³

⁷⁰ See also Corporations Act Chapter 2M, Part 2M.3 (Financial Reporting) and Part 2M.5 (Accounting and Auditing Standards) and Australian Accounting Standard AASB124: Answer to question taken on notice, ACTEW-6

⁷¹ *Proof Transcript of Evidence*, 18 May 2009, pp 190–1; Answer to question taken on notice, ACTEW-8, 27 May 2009

⁷² Answer to question on notice E09-003

⁷³ *Proof Transcript of Evidence*, 18 May 2009, pp 194

ACT Gambling and Racing Commission

- 3.62 In relation to its community education work, the Chief Executive of the ACT Gambling and Racing Commission, Mr Greg Jones, advised the Committee that the Commission runs several education campaigns each year. In consultation with Lifeline, for example, it developed a range of brochures focussing on self-help. In May 2009 the Treasurer launched Responsible Gambling Awareness Week. Television commercials were also run advising people who gamble how they might control their behaviour and reduce their losses.⁷⁴
- 3.63 The ANU was working on an update of a 2001 prevalence of gambling study for the ACT. Mr Jones also advised that three national work parties were developing a national approach to gambling and problem gambling, and would report in to the Ministerial Council on Gambling in July 2009. Access to cash, gambling environments and the technical design of gambling machines were being looked at. The Productivity Commission was also conducting an inquiry into the prevalence of gambling and problem gambling.⁷⁵
- 3.64 The ACT Commission has a primary consultation group called the Gambling Advisory Reference Group which meets at least annually. Its membership includes ACTCOSS, Lifeline, multicultural groups, Council on the Ageing and the Churches Council. The Commission also engages more broadly with stakeholders, including the casino, Clubs ACT, and other lobby groups when undertaking major activities such as reviews of legislation. Over 2009–10 the Commission will be discussing with stakeholders a reallocation scheme for gaming machines and also a possible reduction in the cap to 5 000 machines.⁷⁶

ACTTAB Ltd

- 3.65 Mr Tony Curtis, the Chief Executive of ACTTAB Ltd, advised that the organisation was working to manage the harmful effects of problem gambling, including through the Clubcare program with Lifeline and ClubsACT. In

⁷⁴ *Proof Transcript of Evidence*, 18 May 2009, p 196

⁷⁵ *Proof Transcript of Evidence*, 18 May 2009, p 197

⁷⁶ *Proof Transcript of Evidence*, 18 May 2009, pp 198–9

relation to problem gambling, about 15 people had been excluded, and six to nine self-excluded from the organisation.⁷⁷ As at 30 April 2009, Lifeline had also conducted six ‘responsible gambling’ training sessions with ACTTAB staff during the 2008–09 financial year, at a cost to ACTTAB of \$6 050.⁷⁸

- 3.66 Mr Curtis also discussed pooling arrangements, partnerships and sponsorships, web design and management, product fees and the likely increase in gambling activity when financial stresses intensify in the community. Details of ACTTAB’s projected expenditure of \$604 000 for partnerships and sponsorships for 2009–10 were provided in response to a question taken on notice. The single largest sponsorship was \$375 000 for Celebrate in the Park – Canberra’s birthday.⁷⁹

ACT Insurance Authority

- 3.67 Mr Peter Matthews, General Manager of the ACT Insurance Authority discussed with the Committee how the Authority assists agencies to improve risk assessment and management. It was currently working closely with ACTION to improve their risk management and reduce the number of incidents experienced and the costs arising from those. Mr Matthews also explained some of the financial transactions reported in the Budget.⁸⁰

⁷⁷ *Proof Transcript of Evidence*, 18 May 2009, p 205

⁷⁸ Answer to question taken on notice, E09–193

⁷⁹ Answer to question taken on notice, E09–196

⁸⁰ *Proof Transcript of Evidence*, 18 May 2009, pp 203–4

4 CHIEF MINISTER'S DEPARTMENT

- 4.1 The Chief Minister's Department provides advice and other assistance to the Chief Minister and Cabinet, the administration of key projects for the Territory and guidance to the ACT Public Service.
- 4.2 The Committee heard from the Chief Minister and Minister for the Arts and Heritage, Mr Jon Stanhope MLA, on 20 May 2009 in regard to the following outputs or agencies:
- ACT Executive
 - Government policy and strategy
 - public sector management
 - coordinated communications and events
 - arts policy, advice and programs
 - project facilitation
 - the nation building and jobs plan taskforce.
 - business and industry development, and
 - the Cultural Facilities Corporation.
- 4.3 On 28 May 2009, the Chief Minister returned to discuss matters relating to the land release program administered by the Land Development Agency (LDA) and Indigenous affairs.
- 4.4 The Minister for Industrial Relations, Mr John Hargreaves MLA, also met with the Committee on 27 May 2009 in regard to industrial relations policy.

Sustainability assessment and triple-bottom line reporting

- 4.5 The Committee had been advised by Treasury officials that implementation of sustainability assessment and triple bottom line reporting now rests with the Chief Minister's Department⁸¹ and sought an update on the progress being made. The Chief Executive advised that some refinement of the framework was being made to accommodate both a reporting and an assessment tool and

⁸¹ *Proof Transcript of Evidence*, 20 May 2009, p 348

it was anticipated that it was unlikely that the framework would be provided to Government in less than four months.

- 4.6 Following questioning, the Committee was assured that the framework would be integrated into project assessment, budget performance and accountability reporting measures. It was envisaged by the Department that the framework would be integrated as a part of the overall review of the accountability framework currently underway.⁸²
- 4.7 The Department advised that the capacity of this framework to accommodate a climate change reporting analysis was not clear as it was yet to be established whether it would support ‘an ongoing, decision making reportage and evaluative processes.’⁸³ The Chief Executive advised that:
- We are initially looking at what is the framework. Each agency would then be responsible for its own activities but reporting in such a way that not only each agency would take on its own reportage through annual reports but also it will be whole-of-government reporting as well.⁸⁴
- 4.8 It was not clear whether this refinement process would be sufficiently established and robust enough to frame the next budget.

RECOMMENDATION 24

- 4.9 **The Committee recommends that section 11 (1) of the *Financial Management Act 1996* (ACT) be amended to require that the proposed budget for the Territory for a financial year presented to the Assembly under section 10 (a) include a statement about how the Budget has taken into account the object of ecologically sustainable development, including greenhouse gas emission reduction.**

RECOMMENDATION 25

- 4.10 **The Committee recommends that the Chief Minister’s Department ensure that executive performance contracts include, if they do not do so already, performance indicators concerning environmental**

⁸² *Proof Transcript of Evidence*, 20 May 2009, p 349

⁸³ *Proof Transcript of Evidence*, 20 May 2009, p 350

⁸⁴ *Proof Transcript of Evidence*, 20 May 2009, p 351

sustainability.

Territory-Commonwealth relationship

- 4.11 On-going negotiations with the Commonwealth regarding the land exchange on Constitution Avenue (agreed prior to the change of the Federal Government in 2007) and the costs associated with the Olympic torch relay were of concern to the Committee.
- 4.12 The Committee was informed that the land exchange on Constitution Avenue had still not been formally resolved. Most recent discussions with the Commonwealth Minister for Finance and Deregulation had provided an opportunity to reiterate the ACT Government's position. The Chief Minister advised that it was his view that 'if, at the end of the day, funding is not restored and the matter is not resolved, then the land will need to be returned.'⁸⁵
- 4.13 Questioned about the current status of the negotiations for reimbursement for the costs of hosting the Olympic Torch relay in 2008, the Chief Minister advised that he had restated the case in correspondence to the Prime Minister. The Chief Minister undertook to inform the Committee about the status of the correspondence on this matter.⁸⁶

Nation building projects

- 4.14 A priority project for the Chief Minister's Department is the coordination of the ACT's national building projects. The Committee was advised that a *Nation Building* taskforce had been established with membership from ACT Government departments. The administration was being delivered through the Chief Minister's Department at a cost of \$1.1 million with some additional resourcing through ACT Planning and Land Authority (ACTPLA) and the Department of Territory and Municipal Services (TAMS). Coordination was also being undertaken within the Department of Education and Training

⁸⁵ *Proof Transcript of Evidence*, 20 May 2009, p 353

⁸⁶ *Proof Transcript of Evidence*, 20 May 2009, p 354; Answer to question on notice, E09-485

(DET).⁸⁷

- 4.15 The projects to be delivered were broad in scope, including:
- education infrastructure – school pride, primary schools for the 21st Century and establishment of science and language laboratories
 - housing – energy efficiency
 - social housing – repairs and maintenance as well as construction 264 dwellings to house people experiencing homelessness, and
 - regional and local infrastructure.⁸⁸
- 4.16 The a/g Coordinator General of the project advised the Committee that all the timetables have been met thus far, and that the coordination was on track.

RECOMMENDATION 26

- 4.17 **The Committee recommends that the Coordinator General provides a quarterly report to the Assembly on progress of the Federal Nation Building stimulus package projects.**

Centenary of Canberra

- 4.18 An update on the progress being made towards the Centenary of Canberra celebrations in 2013 was provided and the Committee was told that a creative director was soon to be appointed to finalise and refine the program.⁸⁹ There had been ideas and interest from the community expressed and the appointment of the director would allow those ideas to be progressed within a coherent theme.⁹⁰
- 4.19 The Chief Minister advised that some progress had been made with an agreement with the Commonwealth and a joint taskforce established. However, the Chief Minister noted that he was concerned that the Commonwealth had not yet committed to provide resourcing for the celebration and there were some proposed events (for instance a test cricket match) that could not be progressed without Commonwealth support. This

⁸⁷ *Proof Transcript of Evidence*, 20 May 2009, p 358

⁸⁸ *Proof Transcript of Evidence*, 20 May 2009, p 357

⁸⁹ *Proof Transcript of Evidence*, 20 May 2009, p 373

⁹⁰ *Proof Transcript of Evidence*, 20 May 2009, p 377

had introduced a level of difficulty into the planning for the year.⁹¹

Community inclusion and engagement

- 4.20 The Committee was provided with an update on the Community Inclusion Fund and the Community Inclusion Board. The Fund is administered by the Department of Disability, Housing and Community Services (DHCS) and will cease operation from 30 June 2009. The Committee was informed that a number of the projects have gained alternative funding sources or are being supported to explore options by DHCS.⁹²
- 4.21 On the matter of the Community Inclusion Board, the Committee was told this was a time limited program which has not been connected to the Fund since mid-2006. Over the next year the Board will complete a substantial end of term report which will provide a foundation for the Government's inclusion policy. The Government has already agreed to develop inclusion goals and an action plan with a cabinet sub-committee to be established to oversee the process. The Chief Minister will also appoint three community inclusion advocates to provide community leadership on these issues.⁹³
- 4.22 The Committee was advised that 'the across-government community engagement function was transferred to the communications and engagement unit in the Chief Minister's Department late in 2008 and the existing engagement activities such as the website and cross-government leadership were continuing. The unit was also being funded for one year to look broadly at community engagement approaches and how to bring into the conversation a broader cross-section of ACT residents.⁹⁴

RECOMMENDATION 27

- 4.23 **The Committee recommends that where community inclusion programs have ceased and have been evaluated, the evaluation should be considered and formally responded to by the relevant ACT**

⁹¹ *Proof Transcript of Evidence*, 20 May 2009, pp 374–375

⁹² *Proof Transcript of Evidence*, 20 May 2009, p 366

⁹³ *Proof Transcript of Evidence*, 20 May 2009, p 367

⁹⁴ *Proof Transcript of Evidence*, 20 May 2009, pp 367–268

Government department or agency.

Business development

- 4.24 Concerns were noted about the apparent reduction in funding for business and industry development programs. The Budget papers show a reduction in funding for 2009–10 of almost \$3 million. The Committee was advised that this funding represented one-off contributions to the following co-investment programs: the Australian Plant Phenomics Facility (\$1.1 million) and the ANU Climate Change Adaptation Centre (\$2.5 million).⁹⁵
- 4.25 The Committee was informed that a significant activity for 2009 would be participation in the Shanghai World Expo.⁹⁶
- 4.26 The Committee is concerned at the lack of transparency about the provision of sufficiently detailed information on business and industry development programs. As presented, the information in *Budget Paper 4* does not disclose the complete picture with respect to funding for these programs. It is an unsatisfactory situation where, from the information set out in the Budget papers, an incorrect understanding of the funding of these programs is obtained.

RECOMMENDATION 28

- 4.27 **The Committee recommends that sufficient details be provided in the ACT Budget in relation to business and industry development programs to give a clear and unambiguous understanding of the funding for these programs.**
- 4.28 The Committee raised questions about two new environmental programs – OfficeSmart and BusinessSmart. The Committee was told that these programs had been developed without any involvement from the Business and Industry Development program area within the Chief Minister’s Department. This information surprised the Committee because of the direct link between the BusinessSmart program and the interests of the ACT business community.

⁹⁵ *Proof Transcript of Evidence*, 20 May 2009, p 392

⁹⁶ *Proof Transcript of Evidence*, 20 May 2009, p 391

RECOMMENDATION 29

- 4.29 **The Committee recommends that appropriate co-ordination take place when programs being developed and implemented by ACT Government departments and agencies have interests that cross administrative boundaries.**

RECOMMENDATION 30

- 4.30 **The Committee recommends that more meaningful indicators be developed for business development in the ACT.**

Canberra International Arboretum and Gardens

- 4.31 The Committee sought clarification on the allocations for the Arboretum noting that the total estimated cost indicated in the Budget papers was \$25.451 million.⁹⁷ The Chief Executive advised that the recurrent funding for the site was \$0.2 million in 2009–2010 rising to \$0.6 million in the following year.
- 4.32 The plantings at the Arboretum would be included in the count for the million trees initiative.⁹⁸ The Chief Minister agreed to advise the Committee as to whether any of the funds designated for the Arboretum would be accounted as funds contributing to the Government’s climate change strategy which is allocated \$40 million in the current budget.

RECOMMENDATION 31

- 4.33 **The Committee recommends that funding for the Canberra International Arboretum and Gardens not be counted as a climate change initiative until there is a cost benefit analysis on climate change outcomes from the Arboretum, including the carbon emissions generated and offset.**

Cultural Facilities Corporation and Arts Portfolio

⁹⁷ *Budget Paper 4*, p 41

⁹⁸ *Proof Transcript of Evidence*, 20 May 2009, p 396; see Question on notice EO9–484

Capital upgrades

- 4.34 The Committee noted a major allocation of funding for four years and commencing with this budget for the Corporation to undertake a range of conservation upgrades to three historic buildings and surrounds at Lanyon, Calthorpes' House and Mugga Mugga.⁹⁹

The Nolan Gallery

- 4.35 The ACT Government closed the Nolan Gallery at Lanyon in 2007, blaming high humidity levels and low visitor numbers. The art collection had been removed to the Canberra Museum and Gallery (CMAG) and \$260 000 was allocated in the 2008–2009 budget, and rolled over, to the 2009–10 budget, to create a suitable space in CMAG to house and display the works.
- 4.36 Lady Mary Nolan has not supported this proposed solution and has indicated that she may wish to have a number of paintings from the collection that are on loan returned.
- 4.37 The Minister for the Arts and Heritage has affirmed that the Nolan Gallery should not be returned to its intended purpose. He noted that Lady Nolan did not accept the ACT Government's position on the best location for the collection, and that the Commonwealth Government, as the owners of the collection, had been called on to resolve the situation. The Commonwealth has been very slow to take any action in relation to the future of the collection. To date, the Commonwealth Minister for Home Affairs has failed to respond to correspondence from both the Minister for the Arts and Heritage and Lady Nolan. Furthermore, the Corporation also advised that Lady Nolan did not want the collection to go to the National Gallery.¹⁰⁰
- 4.38 The Committee notes, that while considerable expenditure is planned for capital upgrades at Lanyon, including improvements to the access road, signage and visitor orientation, clearly to boost its attraction to visitors, no allocations have been included for the Nolan Gallery.

⁹⁹ *Proof Transcript of Evidence*, 20 May 2009, p 407

¹⁰⁰ *Proof Transcript of Evidence*, 20 May 2009, pp 409–410

- 4.39 The Nolan Gallery/Lanyon Feasibility Study¹⁰¹ recommended restoration of the Nolan Gallery and expansion of the building to include educational facilities, improved storage and upgraded climate control, as well as improved visitor orientation facilities. It is of concern to the Committee that the Government has not acted on these recommendations except for visitor orientation for Lanyon.

RECOMMENDATION 32

- 4.40 **The Committee recommends that the Minister for the Arts and Heritage, Mr Jon Stanhope MLA, reconsider the Government's stance on the future of the Nolan Gallery and the Nolan collection, and negotiate with the Commonwealth to implement the recommendations of the 2004 Nolan Gallery / Lanyon Feasibility Study.**

Bronze foundry

- 4.41 The Committee noted the allocation for the establishment of a shed to house a bronze foundry at Strathnairn Arts Association in Holt which would extend the opportunities for local artists who would otherwise need to go interstate to have their work cast.¹⁰²

Funding for arts

- 4.42 An increase in the overall fund for arts activity from \$4.4 million to \$4.9 million would allow artsACT to:

... do two strategically important things. The first is to offer five-year agreements with our key arts organisations. This provides them with much greater stability in terms of their long-term planning... It also links into national structures coming through the Australia Council. There is a particular initiative there, the visual art and craft strategy, which is four-year funding. Giving our organisations a five-year cycle means that they can link more closely with external sources of money.¹⁰³

¹⁰¹ *Report on community consultation Nolan Gallery/Lanyon feasibility study for the Cultural Facilities Corporation*, APP Corporation, 2004

¹⁰² *Proof Transcript of Evidence*, 20 May 2009, p 413

¹⁰³ *Proof Transcript of Evidence*, 20 May 2009, pp 413–414

4.43 The Committee sought details on the reasons for withdrawing funding from the Canberra Arts Marketing and was advised that the organisation lost confidence of the ACT Cultural Council and the Australia Council. Under an arrangement with the Australia Business Arts Foundation (ABAF), the arts community had been offered audience development workshops and a more collaborative approach to collective advertising is being developed.¹⁰⁴

Boards of arts organisations

4.44 The Committee was interested in the rationale behind a new governance policy which precluded membership on the governing board of an organisation by a financial member of that organisation who might also receive some form of remuneration. artsACT advised that the issue was about clarity in the governance model, but the Committee considered that other measures to avoid a conflict of interest would be possible.

4.45 The Committee believes there may be a view within the arts community that this restriction will extend to members who are active participants in the activities and programs of the organisation even if not in receipt of remuneration. Despite requesting clarification about the extent of this policy, the Committee had not received a response to this question on notice at the time of writing.

4.46 The Committee is concerned that this policy approach is causing unnecessary distress in the arts community, and compounding existing difficulties small organisations experience in recruiting board members. There is genuine concern that the current policy will impact negatively on board expertise and corporate knowledge within the membership of these organisations.

RECOMMENDATION 33

4.47 **The Committee recommends that artsACT review the policy regarding structures for arts organisations and assess whether less restrictive policies for minimising conflicts of interest in small community based organisational structures are more appropriate. The Minister for the**

¹⁰⁴ *Proof Transcript of Evidence*, 20 May 2009, p 415

Arts and Heritage should report to the Assembly on the findings of the review by the end of 2009.

Land Development Agency

***OwnPlace* Scheme**

- 4.48 Questions were asked about allegations that house prices offered under the *OwnPlace* scheme had been marked-up by one of the builders. The Chief Minister advised that the claim was without foundation and had been dealt with appropriately by the Land Development Agency (LDA).
- 4.49 The Chief Minister undertook to write to the builders involved in the *OwnPlace* scheme, raising with them the concerns raised by the Committee. The Committee noted that in doing so, the Chief Minister misrepresented the Committee, claiming the Committee had made accusations rather than seeking clarification. The Committee also noted that the Chief Minister misrepresented the Committee during hearings, claiming that ‘defamatory allegations’¹⁰⁵ had been made.
- 4.50 The Committee noted that at no time did Committee members claim that the building companies involved in the scheme were ‘price gouging’, and that this term was first used by Deputy Chief Executive of the Chief Minister’s Department, Mr David Dawes.¹⁰⁶
- 4.51 The Chief Executive of the LDA, Mr John Robertson advised that the capacity of each of the registered builders in the scheme to provide an affordable house had been vetted by the LDA, and it had been an important consideration that the homes built were more than a mere shell.¹⁰⁷ The scheme was designed as an affordable turn-key solution:
- ... when you go in there you do not have to get one of your sets of sheets and put them on the windows because you cannot yet afford the curtains. You do not have to shiver through your first winter which quite a number of people – certainly my generation did as they went into their first houses if they could not

¹⁰⁵ *Proof Transcript of Evidence*, 28 May 2009, p 1140

¹⁰⁶ *Proof Transcript of Evidence*, 20 May 2009, p 363

¹⁰⁷ *Proof Transcript of Evidence*, 28 May 2009, pp 1155–8

afford the ducted heating and the other matters.¹⁰⁸

4.52 The Committee was advised that the question from a *Canberra Times* reporter concerning price differentials was dealt with by the Chief Minister's office and the LDA. The reporter was briefed about the scheme and there had been no news articles subsequently.¹⁰⁹ The Chief Executive Officer for the LDA also assured the Committee that:

...there was correspondence between the particular builder and an individual where that individual had written back and this – this was all in March – March or early April, I think. Where, at the time, I was satisfied that they had been told there were all these other matters. The person said, thank you and they had not been heard from...¹¹⁰

4.53 Questions were raised about the allegation that the Office of Fair Trading had advised a consumer to opt out of the *OwnPlace* scheme after lodging a phone complaint. Mr Robertson explained that people were free to enter the scheme without obligation, however, noting that the LDA had a 'good service record' and was not aware of any customer mismanagement.¹¹¹

4.54 The Committee notes Mr Robertson undertook to consult with the Office of Fair Trading.

RECOMMENDATION 34

4.55 **The Committee recommends that the Chief Minister, Mr Jon Stanhope MLA, correct the record concerning his misrepresentation of the letter that the Committee wrote to the Deputy Chief Executive of Business and Projects, Mr Dawes, on 27 May 2009.**

RECOMMENDATION 35

4.56 **The Committee recommends that the Chief Minister, Mr Jon Stanhope MLA, write again to the builders involved in the *OwnPlace* scheme – those with whom he had previously corresponded and**

¹⁰⁸ *Proof Transcript of Evidence*, 28 May 2009, p 1158

¹⁰⁹ *Proof Transcript of Evidence*, 28 May 2009, pp 1155–6

¹¹⁰ *Proof Transcript of Evidence*, 28 May 2009, p 1156

¹¹¹ *Proof Transcript of Evidence*, 28 May 2009, pp 1162–3

misrepresented the Committee – and that the Chief Minister correct the record.

- 4.57 The Committee resolved as a result of Mr Stanhope’s misrepresentation of Committee proceedings to write to the companies and industry associations to correct the record.

Government advertising

- 4.58 The Chief Minister was asked to clarify his role in the placement of advertising in the *Canberra Times* following an article with a headline critical of the *OwnPlace* and Land Rent schemes. The Chief Minister informed the Committee that he was concerned the young homebuyers would be dissuaded by the article and that he had subsequently rung the editor to highlight the inappropriate headline used.¹¹²
- 4.59 The Committee notes the Chief Minister’s office also instructed several ACT Government departments to take action, including to produce the advertisement, a media release and a letter to the editor ‘attacking the reporting’.¹¹³ The Committee is concerned about the role of the public service in this matter and the resulting politicisation of the public service.
- 4.60 Asked whether he thought it appropriate for the placement of ads to be directed from the Chief Minister’s office, the Chief Minister replied:

The public service is not an entity of its own, you know. It has a head, and the head is the ACT Government. The head is the head of the ACT Government, the Chief Minister... If I had the time—but I probably do too much micromanaging as it is—I would be happy, Mr Smyth, to determine and oversight our entire advertising, but I realise that is a bit unreasonable. But it is a reasonable responsibility of a minister to have some input into the advertising which his agencies are doing. I would find it absolutely remarkable that we would advance the proposition that the public service determines a government’s advertising. No, the ACT Government, that is, the Executive, through this process, Mr Smyth, should accept full responsibility for the advertising that it

¹¹² *Proof Transcript of Evidence*, 20 May 2009, pp 370

¹¹³ *Proof Transcript of Evidence*, 20 May 2009, p 380

does.¹¹⁴

- 4.61 The Committee has concerns about the process used and believes that this example illustrates the need for clearer guidelines and greater scrutiny of ACT Government advertising practices.

RECOMMENDATION 36

- 4.62 **The Committee recommends that the Executive refrain from ordering ACT Government agencies to place advertisements, or write letters attacking reporting because they feel personally aggrieved.**

RECOMMENDATION 37

- 4.63 **The Committee recommends that guidelines be developed and adhered to, that provide a more accountable process for the use and placement of ACT Government advertising, as is being considered by the Select Committee on Government Advertising.**
- 4.64 The Committee has written to the Select Committee on Campaign Advertising enclosing a relevant extract of the Hansard transcripts and this report, for its consideration.

Land release

- 4.65 The Committee enquired about the current land release program and was advised by Mr Dawes, Deputy Chief Executive of Business and Projects in the Chief Minister's Department, that just over 3 000 blocks would be released for the year 2009–10. This is lower than previous years, but in line with demand.¹¹⁵ Mr Dawes stated that projections are measured by working:

...closely with the industry to monitor what is happening in the marketplace and we are also, as part and parcel of that, endeavouring to get what we call release-ready blocks, ready to increase supply if and when it is required.¹¹⁶

¹¹⁴ *Proof Transcript of Evidence*, 20 May 2009, pp 372

¹¹⁵ *Proof Transcript of Evidence*, 28 May 2009, pp 1163–4

¹¹⁶ *Proof Transcript of Evidence*, 28 May 2009, p 1164

- 4.66 The Committee was informed that ‘release-ready’ blocks are blocks of land that have been processed through ACTPLA so they conform to environmental and planning regulations. They are ‘kerbed and guttered’ blocks of varied size, shape and location that are consumer ready.¹¹⁷
- 4.67 The Committee also asked about the progress of the triple-bottom-line tendering for land release processes. Mr Robertson outlined the Government’s commitment to improving suburb design and balancing land release with affordability.¹¹⁸ Mr Dawes noted that the triple-bottom-line was a ‘work in progress’ and something ‘we will be engaging not only with the agencies but also with the broader community’.¹¹⁹ The Chief Minister also noted the Government’s commitment to ‘six-star ratings for all residences in the ACT’.¹²⁰
- 4.68 In response to the Committee’s enquiry into improving solar orientation capability (establishing more north facing blocks), Mr Robertson and Mr Dawes advised that while land topography was a factor to be considered when designing the layout of land releases, the Department would have to take this question on notice.¹²¹ However, Mr Robertson explained that the Government was committed to balancing land affordability with the cost increases associated with delivering greater environmental outcomes and perfect solar orientation. The Committee noted that potential cost savings, associated with improvements to environmental and social design, could offset the initial increase in capital expenditure.¹²²

RECOMMENDATION 38

- 4.69 **The Committee recommends that the Land Development Agency maximise solar orientation consistent with topographical orientation and yield requirements.**

¹¹⁷ *Proof Transcript of Evidence*, 28 May 2009, p 1165

¹¹⁸ *Proof Transcript of Evidence*, 28 May 2009, p 1166

¹¹⁹ *Proof Transcript of Evidence*, 28 May 2009, p 1171

¹²⁰ *Proof Transcript of Evidence*, 28 May 2009, p 1170

¹²¹ *Proof Transcript of Evidence*, 28 May 2009, p 1167

¹²² *Proof Transcript of Evidence*, 28 May 2009, pp 1168–9

The Land Rent scheme¹²³

- 4.70 The Chief Minister was asked a series of questions regarding an email originating in the Chief Minister's office which stated:

ABC News claim that the LDA met with lenders today to discuss the Land Rent scheme and based on concerns raised at the meeting they will be recommending the Chief Minister change the scheme, which is unworkable in its current form.¹²⁴

- 4.71 The Chief Minister informed the Committee that he would take on notice whether he received advice from the LDA advising him to change the Land Rent scheme following the meeting.¹²⁵ Mr Robertson advised that it was not LDA's role to meet with financiers,¹²⁶ and the Chief Minister stated:

As recently as in the last few weeks, officers within the Chief Minister's Department and Treasury, continuing negotiations with the sector, would be talking about adjustments and arrangements in relation to the scheme. Nothing is static.¹²⁷

- 4.72 Concerns were also raised that the nominated Land Rent staff member within the LDA had been advising a lending institution that she did not believe Land Rent was the way to go.¹²⁸

- 4.73 In response to questions on which financial providers are willing to provide funds for Land Rent, the Chief Minister stated

I am aware, as are each of you, that most of the existing lenders, or acknowledged lenders, are not offering a product at this stage for those wishing to enter the homeownership market through Land Rent.¹²⁹

- 4.74 Mr Robertson informed the Committee that the LDA have around 120 blocks in the Land Rent scheme. Of those, one has settled and contracts have been

¹²³ Ms Burch MLA advised during the Committee's deliberations that she would be preparing dissenting comments on the Land Rent scheme.

¹²⁴ *Proof Transcript of Evidence*, 28 May 2009, p 1173

¹²⁵ *Proof Transcript of Evidence*, 28 May 2009, pp 1173–5

¹²⁶ *Proof Transcript of Evidence*, 28 May 2009, pp 1173, Transcript of Evidence, 20 May 2009, p401

¹²⁷ *Proof Transcript of Evidence*, 28 May 2009, pp 1174

¹²⁸ *Proof Transcript of Evidence*, 28 May 2009, p 1177

¹²⁹ *Proof Transcript of Evidence*, 28 May 2009, pp 1172

exchanged for thirty-two blocks.¹³⁰ Another eighty-seven are on hold. The Chief Minister referred to the global financial crisis as having stalled the momentum of the scheme, but was optimistic that the scheme will be successful. He also emphasised that Land Rent was part of a broader ‘affordable housing plan’ aimed at providing accessible housing to the ACT community.¹³¹

- 4.75 Questions were raised about a briefing to the Chief Minister in February 2008 suggesting the Government pursue ‘further consultation with the financial institutions to ensure that they do not treat loans to households building on rental land as sub-prime lending’.¹³²
- 4.76 The Committee was advised that Treasury had conducted an assessment of the concerns raised by academics in relation to the Land Rent scheme, but no evidence was submitted to show that such an investigation had occurred, or what in the Land Rent scheme had changed as a result.
- 4.77 Mr Tomlins, Executive Director of Strategic Project Facilitation in CMD, explained that two independent reviews into Land Rent had been sought when the scheme was being developed—from the Australian Housing and Urban Research Institute and Professor Brian Roberts—stating:
- Overall, the direction and scope of the draft report provides a sound basis for the ACT Government to develop and implement a Land Rental scheme.¹³³
- 4.78 The Committee notes other comments made by Professor Brian Roberts including that ‘homeowners are not likely to experience the same rise in the value of the housing, as the asset will depreciate over time.’¹³⁴
- 4.79 The Committee was told that ‘Treasury then looked at their recommendations and supported more of their comments than they rejected’. Regarding negative equity concerns it was found that house value does not increase as much when

¹³⁰ *Proof Transcript of Evidence*, 28 May 2009, p 1177

¹³¹ *Proof Transcript of Evidence*, 28 May 2009, pp 1179–81

¹³² *Proof Transcript of Evidence*, 28 May 2009, p1182

¹³³ *Proof Transcript of Evidence*, 28 May 2009, p1183

¹³⁴ *Proof Transcript of Evidence*, 28 May 2009, p 1182

separate from the land value for example, 'when the land value went up by 20 per cent, the house value went up by 12 per cent'.¹³⁵ In all instances where they looked at for medium density housing, building values did increase.

- 4.80 Concerns were noted that 'cost of construction does not necessarily equal value, so from the outset there may be negative equity'.¹³⁶
- 4.81 Mr Tomlins further advised that people will enter into negative equity arrangements for a variety of reasons but the Land Rent scheme is not one of them because people will be cushioned against the greatest causes of negative equity – the land/house package. Treasury analysis indicates that house prices rise more slowly than land prices. The Chief Minister assured the Committee that this was not a factor in the conception of the scheme however.¹³⁷
- 4.82 The Committee was advised that the Government had never provided a list of financial companies willing to provide finance for this scheme. The Committee noted a document stating 'a list of financiers offering finance is now available on the website and will be updated as more become available'.¹³⁸ The Committee also noted the webpage has since been removed.
- 4.83 The Committee was advised the department was unaware of the list and its removal from the website.¹³⁹
- 4.84 The Committee was advised that anybody can access the Land Rent scheme, however:

it is understood, having regard most particularly to the first tranche of the building, that is the two per cent Land Rent component of the Land Rent scheme, that there certainly is an eligibility requirement and an income limit in order to attract Land Rent at two per cent. It is understood that the majority of those people have household incomes of less than 70 000.¹⁴⁰

¹³⁵ *Proof Transcript of Evidence*, 28 May 2009, p1183. *Transcript of Evidence*, 20 May 2009, pp399–400

¹³⁶ *Proof Transcript of Evidence*, 20 May 2009, p 399

¹³⁷ *Proof Transcript of Evidence*, 28 May 2009, p 1183

¹³⁸ *Proof Transcript of Evidence*, 20 May 2009, p 401

¹³⁹ *Proof Transcript of Evidence*, 20 May 2009, p 401

¹⁴⁰ *Proof Transcript of Evidence*, 28 May 2009, p 1171–2

- 4.85 The Committee notes the fact that the Scheme is not limited to low income families, with different rates of rental being applied.
- 4.86 Concerns were raised about the contradictions in the evidence provided to it and the facts on the record presented to the Committee. It was apparent that in several instances the documentary evidence trail was not consistent with testimony given in the Committee.
- 4.87 The Committee noted that the ACT Government is expected to report to the Assembly in June 2009.
- 4.88 The Committee wrote to the Chief Minister asking him to correct the record in relation to a discrepancy between correspondence received by the Chief Minister's department on 14 October 2008, and statements made to the Committee by the Chief Minister in relation to the global financial crisis and its effects on the Land Rent scheme. The Committee noted that as at the close of business, 12 June 2009, the Committee had not received a response.

RECOMMENDATION 39

- 4.89 **The Committee recommends that the Chief Minister prepare and table a full briefing for the Assembly, in the next sitting, on the progress of the Land Rent scheme, a timeline of what advice his office and department received, and a cross reference to information provided to the public, and to reveal the identity of lending institutions, if any, who have officially offered support for the scheme.**

RECOMMENDATION 40

- 4.90 **The Committee recommends that the Chief Minister provide an update to the community, informing those currently waiting for this scheme, about progress on the status of financial support and the likelihood of any potential purchase being completed prior to the expiration of the first home owners' grant.**

Community housing

- 4.91 Referring to *Budget Paper 4*, page 495, the Committee enquired about the Community Housing Canberra (CHC) project. Mr Robertson informed the

Committee that LDA supplies 120 dwellings per year to CHC, their most significant project to date being the Franklin project on Flemington Road. Of the 104 units made available (mostly under \$300 000), 94 sold off the plan within a few days. LDA also supplied additional land to the Crace joint venture, above the 120 for CHC.¹⁴¹

Direct sales

- 4.92 In the light of the announcement of recent direct sales by the LDA to three developers, questions were asked about the LDA's criteria for direct sales. The Committee was informed by Mr Robertson that direct sales are administered partly by the LDA—under the Planning and Development Act 2007—and partly on the advice of CMD and representatives from other departments, noting that public benefit needed to be established prior to a direct sale.¹⁴²
- 4.93 Mr Dawes, commenting on the process of establishing the public benefit, stated that, historically, 'community organisations were given direct land sales'. However, the criteria for approval now include the applicant's business case and their 'financial capacity to complete the particular project they are entering into'. Once the tests are met, the LDA makes a recommendation to the ACT Government.¹⁴³
- 4.94 In relation to price setting for direct sales, the Committee was informed that it was based upon three independent valuations, with the highest taken as the guiding price. Mr Robertson believed the valuations were accurate considering the configuration of auction sales—that is, the number that are passed in, sold in auction and sold at reserve.¹⁴⁴ Mr Dawes added that while 'the auction process is by far the fairest way of testing the market and the interest in acquiring the land', the main aim was getting the land out there to assist affordability.¹⁴⁵
- 4.95 Drawing the Department's attention to the \$20 million 'Borrowings Received'

¹⁴¹ *Proof Transcript of Evidence*, 28 May 2009, pp 1186–7

¹⁴² *Proof Transcript of Evidence*, 28 May 2009, p 1188

¹⁴³ *Proof Transcript of Evidence*, 28 May 2009, pp 1188–9

¹⁴⁴ *Proof Transcript of Evidence*, 28 May 2009, p 1190

¹⁴⁵ *Proof Transcript of Evidence*, 28 May 2009, p 1191

provision in *Budget Paper 4*, page 499, the Committee enquired as to its purpose. Mr Robertson explained that under the Financial Management Act 1996, with a notifiable instrument, the Government could borrow to cover project overheads. He noted the delay in cash turnover between capital investment and settlement. Currently, the ACT Government has drawn down \$5 million of the \$20 million for ongoing projects at Bonner, Molonglo and Epicentre. Mr Robertson took on notice the question of the interest rate charged by Treasury on the borrowed \$5 million.¹⁴⁶

- 4.96 Questions were asked about how the Federal Government first homebuyer's grant was factored into the ACT affordable housing scheme. The Chief Minister noted the 21.4 percent increase (compared to a national decline of 13.5 percent) in residential building approvals in the ACT in the twelve months to March 2009. Owner-occupiers increased 3.4 percent. Mr Stanhope acknowledged the increased land supply in the ACT as a contributing factor. The Chief Minister stated that the consecutive increases in first home owner finance commitments demonstrate the strength of the ACT market.¹⁴⁷

Industrial Relations

- 4.97 The Committee met with the Minister for Industrial Relations, Mr John Hargreaves MLA, on Friday 29 May 2009 to discuss industrial relations policy, the ACT Cleaning Long Service Leave Authority and the ACT Construction Industry Long Service Leave Authority.

Fireworks

- 4.98 The Committee enquired into the Minister's previously stated intent to ban fireworks. The Minister informed the Committee that while he had full intention of taking the cabinet submission forwards to Cabinet, there were a few other matters that were preceding this issue.¹⁴⁸ Nevertheless, the Minister emphasised the importance of introducing this Bill, observing:

...[as] directly attributed to fireworks—fires in 2004, there was one, 2005,

¹⁴⁶ *Proof Transcript of Evidence*, 28 May 2009, pp 1192–5

¹⁴⁷ *Proof Transcript of Evidence*, 28 May 2009, pp 1195–6

¹⁴⁸ *Proof Transcript of Evidence*, 29 May 2009, p 1346

there was one... in 2007 when the regulations were really strict, we had 14. In 2008 we had 17. Now, we had in 2004 one dog die as a result... four in 2005, one in 2006, four in 2007 and six in 2008, when the regulations were at their tightest.¹⁴⁹

The Minister stated that he believed that there was broad parliamentary support for the proposed Bill.

Family and Community Day public holiday

- 4.99 The Committee enquired about when the Government would make an announcement on the future of the Family and Community (F&C) Day public holiday. The Minister informed the Committee that community consultation ended at close of business on 29 May 2009; that there would need to be an analysis of the results; and that on glancing at the current results, there was strong support for an alternate day with ACT significance. He marked Floriade as a potential future F&C Day. The Minister also noted that the consultation process had, to date, brought in over 1 000 submissions from the ACT community, with roughly 90 percent in favour of keeping the day, but moving it from the second Tuesday in November.¹⁵⁰

Occupational health and safety

- 4.100 Alluding to a Government media release, the Committee enquired about occupational health and safety (OH&S) harmonisation. Mr Gotts, a/g Director for the Office of Industrial Relations in the Chief Minister's Department, noted the progress made at the 18 May 2009 Workplace Relations Ministerial Council meeting. A model was agreed upon by the Commonwealth, States and Territories and will now go to the newly created Safe Work Australia for drafting. Mr Gotts also noted that the newly enacted OH&S legislation in the ACT is very closely aligned with the proposed national model, and will thus not present any problems when harmonisation occurs.¹⁵¹

¹⁴⁹ *Proof Transcript of Evidence*, 29 May 2009, pp 1346–7

¹⁵⁰ *Proof Transcript of Evidence*, 29 May 2009, pp 1347–8

¹⁵¹ *Proof Transcript of Evidence*, 29 May 2009, pp 1348–9

Long service leave

- 4.101 The Committee, in enquiring about the proposed community sector portable long service leave scheme, was told of the Government's intention to incorporate many industry long service schemes. The Minister stated that the current proposal was not optimal, and the ACT Government was working on a better model. The Office of Industrial Relations cannot estimate an implementation time.¹⁵²
- 4.102 The Minister added that the proposed ACT-wide private sector portable long service leave scheme would be available for part-time and casual workers only: 'We are looking at those people who do not have a portable long service leave system...'.¹⁵³
- 4.103 The Committee enquired into the poor performance of the construction investment fund in this budget cycle. Mr Collins, Registrar for the ACT Construction Industry and ACT Cleaning Industry Long Service Leave Boards, informed the Committee that the fund had been invested in a Suncorp managed fund which, impacted by the global financial crisis (GFC), 'suffered in terms of its financial performance'.
- 4.104 In response to the GFC the construction fund has now been allocated to a conservative, diversified portfolio, while the cleaning fund had been placed in a passive managed conservative fund. The Committee was also informed that the investment returns did not affect the funds' ability to make payments to members:

...they do not affect our short-term liquidity or our short-term ability to make payments. We are still in a positive equity situation, and we certainly still have money to meet our day-to-day and short-term and long-term claims and our liabilities.¹⁵⁴

Workers compensation

- 4.105 With regard to the recommendations that came out of the review of the ACT

¹⁵² *Proof Transcript of Evidence*, 29 May 2009, pp 1349–50

¹⁵³ *Proof Transcript of Evidence*, 29 May 2009, p 1351

¹⁵⁴ *Proof Transcript of Evidence*, 29 May 2009, p 1353

workers compensation system, the Committee was informed that the Minister had not yet made a decision on withdrawing from the Comcare scheme.¹⁵⁵

¹⁵⁵ *Proof Transcript of Evidence*, 29 May 2009, pp 1353–4

5 DEPARTMENT OF ENVIRONMENT, CLIMATE CHANGE, ENERGY AND WATER

5.1 The new Department of the Environment, Climate Change, Energy and Water (DECCEW) is one of the central agencies of the ACT Government. It had been established to help the Territory deal with the challenges of climate change; to make Canberra more sustainable; to encourage innovation and investment in renewable energy; to protect the Territory's environment and water resources through policy development, and to help Canberra become the 'solar capital' of Australia. The two main policy frameworks guiding its work are *Weathering the Change*, the ACT's climate change strategy and associated *Action Plan 2007–11*, and *Think water, act water*. DECCEW's regulation and enforcement capacity is provided through the statutory functions of the Environment Protection Authority.¹⁵⁶

Strategic indicators

5.2 DECCEW reports against five strategic indicators, summarised as:

- maintain contemporary, best practice environmental standards
- progress towards a measurable target on greenhouse gas emissions
- raised community awareness of climate change
- secure, sustainable and equitable supply of energy, and
- maintain water security for the ACT.¹⁵⁷

5.3 The Committee noted that DECCEW has the least effective strategic indicators of all departments. In response to criticism about the generality of these strategic indicators, the Minister for the Environment, Climate Change and Water, and the Minister for Energy, Mr Simon Corbell MLA, invited the Committee to make recommendations for improvements. He also noted that

¹⁵⁶ DECCEW website and ACT Government, *2009–10 Budget Paper No. 4*, p 331

¹⁵⁷ ACT Government, *2009–10 Budget Paper No. 4*, p 333

there will be performance measures for the programs that DECCEW administers.¹⁵⁸

- 5.4 The Committee noted that on 13 May 2009, just after the ACT Budget was tabled, The Minister announced that the ACT Government had adopted a long-term goal of zero net greenhouse gas emissions for the Territory. This would involve reducing emissions to the greatest extent possible, and offsetting residual emissions by investing in carbon offset projects such as carbon sequestration. This long-term goal would be costly, but the costs of not acting would be higher.¹⁵⁹ This goal for the Territory, including the ACT Government, of becoming carbon neutral, is not reflected in DECCEW's strategic indicators.

RECOMMENDATION 41

- 5.5 **The Committee recommends that the Strategic Indicator 1 for the Department of the Environment, Climate Change Energy and Water be amended to provide an equivalent to:**

Integrate environmental sustainability into decision-making across the ACT Government sector, including through a pre-Cabinet environmental sustainability assessment and certification. All cabinet submissions will be reviewed by the Department to ensure that they explicitly support environmental sustainability outcomes, including reporting on greenhouse gas emissions, waste, water, biodiversity and resource efficiency issues.¹⁶⁰

RECOMMENDATION 42

- 5.6 **The Committee recommends that all of the strategic indicators for the Department of the Environment, Climate Change, Energy and Water be reviewed to ensure that they are measureable and relevant.**

¹⁵⁸ *Proof Transcript of Evidence*, 26 May 2009, pp 973–4

¹⁵⁹ Submission no 30, p 3; S. Corbell, 'Media release: MLA Labor Government Sets Zero Net Emissions Target for Canberra', 12 May 2009

¹⁶⁰ Drawing on the Victorian State of the Environment Report 2008, noted in: Commissioner Environmental Sustainability Victoria: *Summary: Strategic Audit of Victorian Government Agencies' Environmental Management Systems*, January 2009, accessed 5 June 2009 at <[http://www.ces.vic.gov.au/CA256F310024B628/0/1C8466B7AE30EEC5CA257571001144FD/\\$File/EM_S+audit+final+high+res.pdf](http://www.ces.vic.gov.au/CA256F310024B628/0/1C8466B7AE30EEC5CA257571001144FD/$File/EM_S+audit+final+high+res.pdf)>

- 5.7 In relation to the implementation of the *Weathering the Change* climate change strategy, The Minister advised that the development of the second action plan under that strategy would be brought forward to the end of 2009. The Government had abandoned targets set by the previous ACT Government under the *Greenhouse Strategy* in 2000, and had set a new target of making the operations of ACT Government agencies carbon neutral. Each agency had been directed to develop a resource management plan, and chief executives were being involved in discussions about successes achieved in other jurisdictions, to encourage them to improve the environmental sustainability of their operations.¹⁶¹
- 5.8 DECCEW advised that it would report annually against the *Weathering the Change* action plans, rather than quarterly as currently, because more frequent reporting was 'a fairly onerous requirement for relatively little meaningful gain'.¹⁶²
- 5.9 The Committee was most concerned about the relatively little meaningful gain that had been made through *Weathering the Change*.

RECOMMENDATION 43

- 5.10 **The Committee recommends that in the second Action Plan under *Weathering the Change* to be brought forward at the end of 2009, more meaningful and ambitious targets are set.**
- 5.11 Whilst DECCEW's staffing is relatively small at an estimated full-time equivalent (FTE) of 98 for 2009–10,¹⁶³ it aims to achieve its objectives by taking a leadership and advocacy role, and by encouraging, facilitating and harnessing the work of other agencies. It is almost fully staffed, having about 89.4 full-time equivalent (FTE) officers at the end of April 2009.¹⁶⁴ Staffing includes:

energy efficiency projects, two FTE; environment protection, 24.5 FTE;

¹⁶¹ *Proof Transcript of Evidence*, 26 May 2009, pp 947–9, 952

¹⁶² *Proof Transcript of Evidence*, 26 May 2009, p 958

¹⁶³ ACT Government, *2009–10 Budget Paper No. 4*, p 332. As at 1 July 2009 an estimated FTE92.2 would be employed in DECCEW: Answer to question taken on notice, E09–253

¹⁶⁴ *Proof Transcript of Evidence*, 26 May 2009, pp 942–4, 949

ministerial and corporate, 7.8; the chief executive's office and his executive assistant, two; sustainability programs branch 23.1; policy branch 16; and finance, two; ... then six at the commissioner's¹⁶⁵ office.¹⁶⁶

- 5.12 Although the Committee was told that DECCEW is already 'a very lean, small machine', it will be subject to a future annual efficiency dividend of 0.5 per cent.¹⁶⁷

Significant expenditure proposals

- 5.13 The Minister advised the Committee about some of the significant new projects allocated under the Appropriation Bill's new \$35 million in funding for departmental activities, including programs, infrastructure and policy development work. Allocations included:
- \$19.1 million over four years for the *Switch your thinking!* program which will consolidate and expand climate change rebate and incentive programs for householders. Its website will provide information on rebates, information and guidance on ways to reduce household carbon footprints and improve domestic energy and water efficiency, and waste management.
 - \$13.9 million over two years for the integrated urban waterways program for the construction of two new wetland ponds in Dickson and Lyneham. These ponds are designed to reduce the use of potable water for the irrigation of nearby ovals and sportsgrounds, and enhance the management of storm water and urban waterways
 - \$483 000 over two years for the development of a future waste strategy for the ACT, targeting the difficult issues of business, electronic and organic waste, and progressing the ACT's contribution to the re-negotiation of the National Packaging Covenant. A consultation will also be held on how to best reduce the use of plastic bags in the ACT. The 'no waste to landfill' objective will be maintained;
 - \$2 million for the Tune-up Canberra program for improving the efficiency of commercial office buildings
 - funding to purchase 30 per cent of all of the ACT Government's own electricity requirements from renewable energy resources; and
 - funding for organisations such as the Canberra Environment and Sustainability

¹⁶⁵ Office of the Commissioner for Sustainability and the Environment

¹⁶⁶ *Proof Transcript of Evidence*, 26 May 2009, p 944

¹⁶⁷ *Proof Transcript of Evidence*, 26 May 2009, pp 944, 945

Resources Centre, the Conversation Council of the South East Region and Canberra and SEE-Change ACT.¹⁶⁸

- 5.14 The Minister advised in response to a question on notice that the Government's objective is to promote a coordinated and enhanced partnership with the Centre and the Conservation Council. He said that while the Centre had previously received Government funding to contribute to its operational costs, SEE-Change ACT had not previously been provided with specifically appropriated funds and had relied on grant funding.¹⁶⁹ SEE-Change ACT had been allocated appropriation funding this year.
- 5.15 The Minister advised that \$686 000 indexed over 4 years had been allocated to the Property Group in TAMS, who administer electricity contracts on behalf of government agencies, to increase the ACT Government's uptake of GreenPower from 23 per cent to 30 per cent. DECCEW had driven that increased appropriation.¹⁷⁰
- 5.16 In responding to questions about the allocation of funding for climate change initiatives in the 2008–09 financial year, Mr Corbell undertook to provide further information. He also repeated earlier assurances that the Government intended to release the study commissioned by TAMS on carbon sequestration in the Territory.¹⁷¹
- 5.17 The Committee noted that the Minister undertook to provide the Standing Committee on Climate Change Environment and Water with a copy of the carbon sequestration report to assist its inquiry into greenhouse gas emission reduction targets in February 2009. An official had told that Committee on 5 February 2009 that the report was then about a week away from finalisation.¹⁷²

¹⁶⁸ *Proof Transcript of Evidence*, 26 May 2009, pp 926–9

¹⁶⁹ Answer to question taken on notice, E09–251

¹⁷⁰ *Proof Transcript of Evidence*, 26 May 2009, p 955

¹⁷¹ *Proof Transcript of Evidence*, 26 May 2009, p 970

¹⁷² Standing Committee on Climate Change Environment and Water, Reference: Annual and Financial Reports 2007–08, *Transcript of Evidence*, 5 February 2009, p 46

RECOMMENDATION 44

- 5.18 **The Committee recommends that the Minister for the Environment Climate Change and Water, Mr Simon Corbell MLA, provide the Standing Committee on Climate Change Environment and Water with a copy of the ACT carbon sequestration study during the June sitting, and explain to the Assembly why the report had not been provided to that Committee earlier.**

Solar farm and solar feed-in tariff

- 5.19 The Minister provided an update on the proposed 30 megawatt solar farm for the ACT, which is intended to provide equivalent power, through the national grid, for at least 10 000 homes. The ACT Government had identified two potential sites: one at the former Ingledene pine plantation south of Tharwa, and the other at Kowen forest.¹⁷³ The Minister also noted that proponents could propose alternative sites.
- 5.20 The ACT Government is prepared to provide assistance, in a form to be negotiated with the successful proponent, to the value of about \$30 million.¹⁷⁴ The Chief Minister's Department has primary carriage of the provision of government assistance to industry. The Government will consider the solar technologies proposed in the tender process, and not restrict the range. Depending on the form of assistance provided (funding, land, a contract to purchase electricity, or other assistance) a request for the necessary appropriation will be put to the Assembly in the 2009–10 financial year.¹⁷⁵
- 5.21 DECCEW was also leading an across-government group that was developing options for the second-stage of the ACT's feed-in tariff legislation. Discussions were being held with the Independent Competition and Regulatory Commission. A discussion paper may be released in late July 2009 and stage two would be developed in the latter half of the year.¹⁷⁶

¹⁷³ *Proof Transcript of Evidence*, 26 May 2009, p 957, 967

¹⁷⁴ *Proof Transcript of Evidence*, 26 May 2009, p 927, 957

¹⁷⁵ *Proof Transcript of Evidence*, 26 May 2009, pp 926–7, 976

¹⁷⁶ *Proof Transcript of Evidence*, 26 May 2009, p 975

- 5.22 In relation the uptake of solar panels at the domestic level, the Minister advised that there were about 700 installations in the ACT, up by 121 since 1 March 2009. The Committee was informed that the Australian Energy Regulator had accepted ActewAGL's distributions claims of about \$50 million over five years to cover the costs to ActewAGL of making the feed-in payment.¹⁷⁷

ACTNOWaste policy

- 5.23 The Minister informed the Committee that 'No waste remains the broad objective of the Territory'.¹⁷⁸ The Committee was advised that the 2008 Wright Review of the *ACTNOWaste* strategy,¹⁷⁹ commissioned by the Department of Territory and Municipal Services, would inform the development by DECCEW of a future waste strategy for the ACT. That review had examined a range of operational matters, many of which were and are directly relevant to the Department of Territory and Municipal Services. The new strategy would develop 'a policy collaboration with businesses and the waste recycling industry' to reduce the 110 000 tonnes of commercial waste currently going to landfill. Following consultation a business waste reduction strategy would be released. Food waste and e-waste would be addressed.¹⁸⁰
- 5.24 The Minister advised that the Office Smart and Business Smart programs, which were both designed to encourage recycling in the business and office sectors, had so far attracted interest from 21 separate offices and three major businesses.¹⁸¹ The Committee noted that the business development section of CMD was unaware of the Office Smart and Business Smart programs.

¹⁷⁷ *Proof Transcript of Evidence*, 26 May 2009, p 977

¹⁷⁸ *Proof Transcript of Evidence*, 26 May 2009, p 927

¹⁷⁹ Wright Corporate Strategy, *ACT NoWaste Strategy & Targets: Review & Assessment of Options, Revised Final Report*, Prepared for ACT NOWaste, July 2008, accessible at <http://www.environment.act.gov.au/__data/assets/pdf_file/0018/151083/ACT_No_Waste_Strategy_And_Review_of_Targets_July_2008.pdf>

¹⁸⁰ *Proof Transcript of Evidence*, 26 May 2009, pp 929–30

¹⁸¹ *Proof Transcript of Evidence*, 26 May 2009, pp 931

RECOMMENDATION 45

- 5.25 **The Committee recommends that the Department of the Environment, Climate Change, Energy and Water work with the Chief Minister’s Department to promote Office Smart and Business Smart programs.**
- 5.26 In relation to a proposed trial levy on plastic bags, the Minister advised that the ACT Government was currently considering whether the Territory was precluded from trialling a levy by virtue of the operation of section 90 of the Commonwealth Constitution as states and territories could not impose an excise on goods, which was a power exclusive to the Commonwealth. Further legal advice had been sought, and once that had been considered, a community consultation, in the form of a survey, would be undertaken to develop policy for reducing plastic bag use in the Territory.¹⁸²

RECOMMENDATION 46

- 5.27 **The Committee recommends that the ACT Government develops a new strategy, including indicators, timetables and targets to achieve the *ACTNOWaste* target, and tables that in the Assembly before the end of 2009.**

***Switch your thinking!* program**

- 5.28 The *Switch your thinking!* program was a continuation of a former program, but its marketing and promotion would be enhanced. The program and website domain had been developed in Western Australia, and the ACT licensed the address from the Western Australian Government.¹⁸³
- 5.29 The Minister advised that for 2009-10, \$4.6 million would be provided for the *Switch your thinking!* program. It had new funding of \$1.9 million, and \$2.6 million in existing funding that would otherwise have ceased at the end of this financial year. \$1.455 million had been allocated to maintain existing rebate programs.¹⁸⁴ Some of the allocations were still to be finalised, but the Minister advised that indicative allocations for the 2009–10 financial year

¹⁸² *Proof Transcript of Evidence*, 26 May 2009, pp 968–9

¹⁸³ *Proof Transcript of Evidence*, 26 May 2009, pp 926, 939

¹⁸⁴ *Proof Transcript of Evidence*, 26 May 2009, pp 933

included:

- \$565 000—for around 1 000 water audits and about 1 300 toilet rebates
- \$1.24 million for a residential energy efficiency program, which will provide for about 750 appliance rebates, 400 insulation rebates, and 250 solar hot water rebates
- \$465 000 in low income and renters water and energy assistance package or 800 rebates for the installation of energy saving additions in rental properties
- 650 rebates on energy efficient consumer goods
- \$250 000 for water tank rebates for achieving around 200 internal connections and another 150 rebates for tanks where there is no internal connection
- \$295 000 for the development of communications material, including some providing advice on composting
- \$30 000 for information and water audits, and management plan assistance for small businesses in terms of water use
- \$200 000 for the continuation of the garden smart program, and about 1 200 residential visits
- \$140 000 on an irrigation smart program, achieving about 400 residential visits
- \$20 000 for a schools audit program that will achieve about 20 school audits, and
- \$18 000 on staff development.¹⁸⁵

5.30 The Minister advised that rebates for hot water systems were being examined to see whether they could be issued more quickly and without the need for an energy efficiency audit first.¹⁸⁶

5.31 In relation to the ToiletSmart program, only Caroma brand toilets were available because Caroma was the only Australian manufacturer of bathroom fittings, and the Government has a preference for Australian-made.¹⁸⁷

5.32 The Committee understands that the intention of the program is to reduce energy and water use, and greenhouse gas emissions.

RECOMMENDATION 47

5.33 **The Committee recommends that accountability indicators for energy**

¹⁸⁵ *Proof Transcript of Evidence*, 26 May 2009, p 934

¹⁸⁶ *Proof Transcript of Evidence*, 26 May 2009, p 940

¹⁸⁷ *Proof Transcript of Evidence*, 26 May 2009, p 942

and water saved and greenhouse gas emissions reduced as a result of the *Switch your thinking!* program be developed and reported against.

- 5.34 The Committee is also of the view that community organisations may benefit from accessing program funds in the *Switch your thinking!* program.

RECOMMENDATION 48

- 5.35 **The Committee recommends that staff in the *Switch your thinking!* program team be asked to specifically liaise with and assist community sector organisations, their clients, recipients of income support payments, and other disadvantaged stakeholders, to apply for funding and other assistance from Commonwealth and Territory programs to enable them to achieve operational and cost-of-living savings from water and energy efficiency and sustainable transport use.**

Energy Efficiency Fund

- 5.36 The Commissioner for Sustainability and the Environment, and the Standing Committee on Climate Change, Environment and Water, have both noted the low uptake of loans from the ACT Government's \$1 million Energy Efficiency Fund.¹⁸⁸
- 5.37 This Committee was advised in public hearings that the structure of the fund would be examined to see if more incentives could be created to make it worthwhile for agencies to access funding to make energy efficiency improvements to their buildings. Currently loans were repayable in three instalments over three years, but the fund is undersubscribed.
- 5.38 The acting Executive Director, policy programs in DECCEW, Ms Penny Farnsworth, advised that \$128 000 had been allocated to three projects. The CIT borrowed \$33 000 for solar collection and hot water system, \$80 000 for a connection to a heating reticulation pipe for a co-generation plant, and

¹⁸⁸ Commissioner for Sustainability and the Environment, *Annual Report 2007–08*, Canberra, p16; ACT Legislative Assembly, Standing Committee on Climate Change, Environment and Water, *Report on Annual and Financial Reports 2007–2008: Report 1*, March 2009, pp 10–11; *Proof Transcript of Evidence*, 26 May 2009, p 982

Canberra Stadium accessed \$15 000 for an energy efficiency feasibility study. Energy audits had also been completed on Canberra Stadium and Manuka Oval.¹⁸⁹

Canberra Urban Waterways Project

- 5.39 Two major new urban wetlands are being or have been established on Sullivans Creek: near Hawdon Street in Dickson and near Wattle Street in Lyneham. The use by nearby schools and sports facilities of about 1.5 gegalitres of potable water for irrigation should be substitutable with wetland water by 2010; and 3 gegalitres should be substitutable by 2015.¹⁹⁰

National policy reforms

- 5.40 The Minister advised that the ACT was engaged in a number of national fora on energy and water reform through bodies such as the Ministerial Council on Energy, the Murray-Darling Basin Ministerial Council, the Ministerial Council on Energy, the Australian Building Codes Board, the Environment Protection and Heritage Council, as well as a range of officer-level fora. Each initiative has policy implications at a local level.¹⁹¹ The ACT was also engaged in an exotic weed removal program funded by the Commonwealth under the Caring for Our Country program.¹⁹²
- 5.41 In relation to work in the Ministerial Council on Energy, for example, the Committee was told that discussions were being held on a national framework for energy efficiency and upgrading of minimum energy performance standards for a range of domestic appliances. A national hot water strategy is being developed, which proposes that electric hot water systems would be replaced with solar and other forms of hot water system. The policy would be given effect through building and plumbing regulations as agreed by the Council of Australian Governments.¹⁹³

¹⁸⁹ *Proof Transcript of Evidence*, 26 May 2009, pp 936–7

¹⁹⁰ *Proof Transcript of Evidence*, 26 May 2009, pp 953–4

¹⁹¹ *Proof Transcript of Evidence*, 26 May 2009, p 960

¹⁹² *Proof Transcript of Evidence*, 26 May 2009, p 972

¹⁹³ *Proof Transcript of Evidence*, 26 May 2009, pp 978–9

Noise and dust complaints at Fairbairn Park

- 5.42 The issue of noise and dust complaints from a business adjacent to Fairbairn Park was pursued. Paintball Sports had agreed to relocate from the Fairbairn Pines plantation on Defence land, to land adjacent to the motorsports facility, but had made a complaint to the Environment Protection Authority (EPA) about the noise level at the site. A 2.5 metre soil mound had also been approved to ameliorate the noise impacts of adjacent activities. The EPA had measured the daily noise dose at the 'compliance site' near Ridgeway 'a few times' and had one instance when the permitted noise level may have been exceeded by activities at the motorsports track. When monitoring was complete, the EPA would consider a report and its recommendations. This may occur in June or July 2009.¹⁹⁴
- 5.43 The Committee raised a number of issues relating to the development and use of the Fairbairn Pines sport and recreation precinct. The original basis for raising these issues was a number of concerns that had been identified by the operator of the paintball facility in this precinct. It is clearly evident that, despite the operator making many complaints over a considerable period about activities undertaken on an adjoining lease, the complaints have not been resolved.
- 5.44 The significance of this issue goes beyond this precinct. The paintball operator had been frustrated through being unable to find any department or agency that will accept overall responsibility for matters related to the precinct. Some responsibility might be accepted for some aspects of the precinct but that appears to be the extent of the involvement.
- 5.45 The evidence accumulated by the Committee about this precinct reveals some serious, broader concerns relating to the administration of Territory functions. It appears that responsibility for this precinct is shared between ACTPLA, the Department of Territory and Municipal Services (including the Transport portfolio), the Department of Justice and Community Safety, the Chief

¹⁹⁴ *Proof Transcript of Evidence*, 26 May 2009, p 961

Minister's Department (including the Industrial Relations portfolio), the Department of Environment, Climate Change, Energy and Water and the Fairbairn Park Control Council.

- 5.46 The hearings of the Committee demonstrated how easy it is for an agency to deny responsibility for something by saying that 'someone else is responsible'. Situations such as that raised by the difficulties faced by the operators of the paintball facility are not isolated but they reveal an inability of a government to serve its community effectively.

RECOMMENDATION 49

- 5.47 **The Committee recommends that the ACT Government develop an approach to administration that facilitates dealing with cross-portfolio issues raised by the community about the development and management of community facilities.**

- 5.48 Questions put on notice in relation to this issue included:

- Have you had any consultations with Paintball Sports Pty Ltd about their complaints (b) if yes, what has been the outcome of these consultations; (c) if not, why not?
- If you have taken action, has this resolved the concerns of Paintball Sports Pty Ltd?

- 5.49 The Minister responded:

EPA Officers have met with representatives of Paintball Sports Pty Ltd both on site and at the offices of the EPA. (b)The outcome of the initial meeting, which included representatives from the motocross track and Parks, Conservation and Land within the Department of Territory and Municipal Services was that Paintball Sports Pty Ltd would engage an acoustic consultant to provide recommendations on noise attenuation measures for the site to minimise noise impacts from the motocross track. (c) See response to 5(b).

Paintball Sports Pty Ltd have yet to implement the recommendations detailed in the acoustic consultants report and have continued to lodge complaints with the EPA. The EPA are continuing to investigate these complaints, except where Paint Ball Sports Pty Ltd has lodged complaints with Canberra Connect and

requested no further action be taken.¹⁹⁵

Office of Commissioner for Sustainability and the Environment

5.50 The Commissioner for Sustainability and the Environment, Dr Maxine Cooper, provided the Committee with an overview of her first year in the position, and future activities. The ACT State of the Environment Report was discussed and the Commissioner noted the need for more whole-of-government reporting on sustainability in ACT Government operations.

5.51 In response to a question on reporting progress, Dr Cooper said:

What we are looking for ... is a whole-of-government framework to bring it together. There is reporting in various components in their annual reports, but in order to help us to understand the more macro level in terms of overall progress, there is a need for the reporting systems to be somewhat more streamlined. Because of the other work that we have done in terms of programming, we are actually looking at doing an assessment and an audit on what is being reported out there, to help us understand the data that is available. That will certainly be something that we would, as in all our work, be putting out broadly in terms of the information we get.¹⁹⁶

5.52 The Committee agrees with the need for a whole-of-government report on sustainability in ACT Government operations, particularly in view of the ACT Government's announced goal of working towards a carbon neutral Territory.

RECOMMENDATION 50

5.53 **The Committee recommends that the *Commissioner for the Environment Act 1993* (ACT) and the *Environment Protection Act 1997* (ACT) be amended to grant the Commissioner for Sustainability and the Environment the power to audit in relation to sections of annual reports prepared under section 158A of the *Environment Protection Act 1997*.**

¹⁹⁵ Answer to question taken on notice, E09–179

¹⁹⁶ *Proof Transcript of Evidence*, 26 May 2009, p 982

RECOMMENDATION 51

- 5.54 **The Committee recommends that each relevant section of each annual report under 158A of the *Environment Protection Act 1997* (ACT) be collated into a new whole-of-government report on the ACT Government’s sustainability performance, including greenhouse gas emissions, with a whole-of-government summary of performance.**

6 ACT HEALTH

- 6.1 The aim of ACT Health is to achieve good health for all ACT residents through the provision of ‘community based health services, hospital and extended services, managing public health risks, and promoting health and early care interventions’.¹⁹⁷
- 6.2 The Committee met with the Minister for Health, Ms Katy Gallagher MLA, and departmental officials, on 19 and 21 May 2009. During the course of the hearings a broad range of issues were discussed from Output Class 1 which includes:
- acute services
 - mental health services
 - community health services
 - public health services
 - cancer services
 - aged care and rehabilitation services, and
 - early intervention and prevention.

Efficiencies

- 6.3 The Minister advised the Committee that ACT Health was not exempt from the efficiency dividend being demanded of all departments and that ACT Health would need to find a way of returning approximately \$6 million to the Budget while protecting front-line services.¹⁹⁸ With the continued growth in demand for health services, the Committee questioned how savings would be made without impacting on front-line services.
- 6.4 Mr Cormack, Chief Executive of ACT Health advised the Committee that since the 2006–07 budget:
- ...there has been the requirement that Health achieve over a five-year period its

¹⁹⁷ 2009–10 Budget Paper No. 4, p 189

¹⁹⁸ Proof Transcript of Evidence, 19 May 2009, p 212

public hospital costs being down to within 110 per cent of the national benchmark cost structure.¹⁹⁹

- 6.5 Mr Cormack further advised that to meet the ACT Government's requirement of a one per cent efficiency saving the benchmarking work would continue. Other strategies would include managing staff leave and staff over-time (reducing the need to use expensive agency and locum staff) as well as building on procurement reforms to ensure the best price was obtained for all consumables used.²⁰⁰
- 6.6 The Committee queried whether ACT Health would be subjected to further cuts in the \$122 million unallocated savings that need to be made by the ACT Government. The Minister advised that no decisions had yet been made in regard to the unallocated savings and that the task over the next 12 months would be to work through where those savings could be made. The Minister did not rule out ACT Health being subjected to an allocation of those savings.²⁰¹
- 6.7 The Minister provided no further detail on the cost cutting measures that would be required. In response to questioning on user pays and cuts to services, she said:

For me, as health minister, watching the Budget grow, as it continues to grow — we have very good access to a public health system here, and that is shown in all of the national data about utilisation of our public health system. But the cost of providing health care continues to grow at a pretty rapid pace. If people want the same level of services that they are getting now, we have to look at what that means in terms of how we fund it. It is an honest discussion. I have not formed a view that we have to impose charges on services in the public health system here — outside the hospital in our community health system.

...I am not ruling it out as part of this discussion that I want the Health Council to have. Why would I rule stuff like that out when I want a discussion about expectations, services, growth and how we meet those costs as a community? The answer to this might come back that we do not want all those services — the community health services — and we should just focus on the hospital. I doubt it

¹⁹⁹ *Proof Transcript of Evidence*, 19 May 2009, p 219

²⁰⁰ *Proof Transcript of Evidence*, 19 May 2009, pp 219–20

²⁰¹ *Proof Transcript of Evidence*, 19 May 2009, p 215

very much, but it may come back like that. It may come back that people want to pay more for their health services. I do not know; I do not want to pre-empt it.²⁰²

RECOMMENDATION 52

- 6.8 **The Committee recommends that the ACT Government, in determining currently unallocated savings, avoid any unnecessary imposition on front-line health services, and report back to the Assembly with progress by the last sitting day of the 2009 calendar year.**
- 6.9 The Committee questioned whether the community would be consulted about where savings would be made. The Minister advised that while the one per cent efficiency dividend was an internal agency matter, she had engaged the Health Council, her peak advisory body on health to engage with the community about the delivery of health services:
- They are going to embark on a fairly aggressive community consultation process that might include things such as deliberative democracy, talking with people about what they expect from Health, what they are prepared to pay for health, what they currently pay for health, and really open this discussion up.²⁰³
- 6.10 Concern was raised about the impact of efficiencies on community groups, particularly those that are being asked to provide additional services in relation to the Alexander Maconochie Centre without receiving any additional funding. The Minister advised that she was not aware of any particular concerns in this area but noted that the 3.15 per cent indexation was less than what community organisations were expecting to receive. The Minister went on to say:
- ...we have to be considerate of our expectations of community organisations as we roll out this year the indexation arrangements.²⁰⁴

²⁰² *Proof Transcript of Evidence*, 19 May 2009, p 222

²⁰³ *Proof Transcript of Evidence*, 19 May 2009, p 214

²⁰⁴ *Proof Transcript of Evidence*, 19 May 2009, p 223

Staffing matters

- 6.11 Given the ACT Government's policy on wages the Committee was interested in the competitiveness of the ACT in relation to nurses and whether the wage restraint would be beneficial to ACT Health in recruiting more staff. Mr Cormack advised that as all states and territories are subjected to wage restraint the ACT remains competitive and will be 'able to weather any issues arising from wage restraint that sit within the Budget'.²⁰⁵
- 6.12 The Committee sought information on current areas of staff shortages in the health sector and was advised of shortages in allied health areas, consultant level specialist medical officers and some subspecialties within nursing, such as mental health and intensive care nurses. Mr Cormack further advised that while recruitment of staff remained a challenge, compared to other jurisdictions the ACT was 'doing okay'.²⁰⁶ The Committee noted the workforce initiatives in place within the 2009–10 budget.²⁰⁷
- 6.13 The Minister was asked about her view on the moral concerns of recruiting medical professionals from countries where there was a greater need. The Minister advised that the medical and nursing workforce is an international workforce and while the focus of ACT Health is to develop the local workforce there is still a need to operate in the international environment. The Minister also noted that doctors and medical graduates from developing countries can benefit from the experiences gained by working in the ACT if they return to their country of origin.²⁰⁸

Calvary Hospital

- 6.14 Questions were asked about the ACT Government's intention to purchase the Calvary Hospital. In particular the Committee questioned why this information was not publically disclosed prior to the 2008 election. The Minister advised that:

...initial discussions had started in August [2008] and they had not certainly

²⁰⁵ *Proof Transcript of Evidence*, 19 May 2009, p 227

²⁰⁶ *Proof Transcript of Evidence*, 19 May 2009, p 228

²⁰⁷ *Proof Transcript of Evidence*, 19 May 2009, pp 229–230

²⁰⁸ *Proof Transcript of Evidence*, 19 May 2009, pp 230–231

progressed to a point where there was any need or purpose to progress it in a public forum.²⁰⁹

- 6.15 The Minister further advised that the request to keep the discussion confidential at that stage had come from Mr Tom Brennan of the Little Company of Mary. In a letter provided by the Minister, Mr Brennan explains:

The reason for my request [for confidentiality] was that before I and my Board could decide whether to proceed from informal discussions to negotiation I needed to conduct a series of discussions with key stakeholders within the Catholic Church. It would have been very difficult for me to have done that, and very destabilising for people working at the hospital, if that had needed to be done with the full glare of publicity.²¹⁰

- 6.16 When questioned as to the Government's position on Calvary Hospital, the Minister stated, 'our position is that we would like to own and operate Calvary Public Hospital.'²¹¹ The Minister also stated that this became her position 'at the beginning of the discussion.'²¹²

- 6.17 In evidence to the Committee on Friday 15 May 2009, Dr Paul Jones, President of the AMA was less than supportive of the proposed purchase of Calvary Hospital and raised a number of concerns including: the cost of purchasing what is already a public asset; using efficiency as a reason for centralising services at the TCH; and the lack of long term assurance by the ACT Government that services will continue to be provided at Calvary. Dr Jones claimed:

It is also ... hard ... to understand why you take a service which currently runs to budget and has done for a number of years and hand it over to ... another service which regularly runs over budget....²¹³

- 6.18 The Minister claimed that Calvary Hospital regularly runs over budget and that additional payments are negotiated each year.²¹⁴ The Minister further advised that it is not about the quality of care provided but about regaining for

²⁰⁹ *Proof Transcript of Evidence*, 19 May 2009, p 232

²¹⁰ *Proof Transcript of Evidence*, 19 May 2009, p 234

²¹¹ *Proof Transcript of Evidence*, 19 May 2009, p 245

²¹² *Proof Transcript of Evidence*, 19 May 2009, p 245

²¹³ *Proof Transcript of Evidence*, 15 May 2009, p 28

²¹⁴ *Proof Transcript of Evidence*, 19 May 2009, p 236

the ACT community, full ownership of a public asset to enable appropriate investment into the hospital, thus enhancing hospital facilities on the north side of Canberra.²¹⁵

- 6.19 The Minister also pointed out that there are further benefits to be gained by having a one governance model.²¹⁶ The Committee noted that despite these claims of efficiencies by the Minister, the Minister was unable to quantify these as no modelling had been completed.

RECOMMENDATION 53

- 6.20 **The Committee recommends that the Minister for Health, Ms Katy Gallagher MLA, provide to the Assembly during the June sitting details of the Budgetary performance of Calvary Hospital and the Canberra Hospital over the past three financial years.**

- 6.21 Noting the comparison of outcomes between TCH and Calvary that show TCH marginally outperformed on unplanned hospital readmissions but Calvary performed better on hospital acquired infection rates,²¹⁷ the Committee questioned how the ACT Government would ensure those outcomes were maintained or improved if the sale was to go ahead.

- 6.22 Questions were asked about the differences in outcomes does not indicate superior service, but was because the targets for the two hospitals are set differently. TCH has a higher degree of risk as a major regional trauma centre, dealing with life-threatening conditions, major surgery or complex retrieval processes. Mr Cormack explained:

That higher degree of risk is recognised by the Australian Council on Healthcare Standards, which publish benchmark levels around their clinical indicators that differentiate between major tertiary hospitals and district hospitals such as Calvary.²¹⁸

- 6.23 The Minister assured the Committee that there would be no change to the level

²¹⁵ *Proof Transcript of Evidence*, 19 May, pp 236–237

²¹⁶ *Proof Transcript of Evidence*, 19 May, p 255

²¹⁷ *2009–10 Budget Paper No. 4*, pp 191–192

²¹⁸ *Proof Transcript of Evidence*, 19 May 2009, p 244

of services if the sale was to proceed.²¹⁹ However, the Committee noted that should negotiations and the sale not proceed, there are no concrete solutions or other options available to address the growing public health demands on the north side of Canberra.

- 6.24 The Committee is concerned that the sale might proceed without a specific reference in the Budget, and that such a major purchase is being considered without Estimates Committee scrutiny, and the implications of this for the integrity of the Budget, and Estimates process.

RECOMMENDATION 54

- 6.25 **The Committee recommends that the Minister for Health advise the Assembly, before the appropriation bill is debated, how the possible purchase of Calvary Hospital will be funded.**

RECOMMENDATION 55

- 6.26 **The Committee recommends that the ACT Government report to the Assembly the status of negotiations and plans for the purchase of Calvary Hospital moving forward, prior to the finalisation of any agreement about the purchase, and that ACT Health develop detailed plans should the sale not proceed.**

Growth in health services expenditure

- 6.27 The Committee questioned why the health budget forward estimates is based on 6.2 per cent per annum when the growth rate of delivering health services had been established at around 9 per cent. The Committee was concerned that overtime the gap between the cost of delivering health and what is provided for, would widen.
- 6.28 The Minister advised that 6.2 per cent was built into the ACT health budget year and for the first time since 2006, ACT Health had been guaranteed funding through the Budget process, allowing for future planning and staff recruitment. The Minister further advised that the ACT is unique in providing

²¹⁹ *Proof Transcript of Evidence*, 19 May 2009, p 242

the year on year provision and that keeping the overall costs of health will continue to be managed through efficiency targets.²²⁰

- 6.29 The Committee was also told that third party revenue assists in the management of the overall health budget which include: sales of medical, surgical and pharmaceuticals to private hospitals; special purpose payments from the Commonwealth; reimbursement of high cost drugs from the Commonwealth; and access to cross-border payments.²²¹
- 6.30 The Committee notes a significant difficulty in reconciling the stated intent to impose an efficiency dividend with the proposition that health expenditure would simultaneously grow. No detail was provided to explain this anomaly.

Australian Labor Party election advertising

- 6.31 Questions were asked about the process used for authorising the use of TCH by the Australian Labor Party for election advertising. In considering the request made by the Minister for Health, Mr Cormack advised that he used the ACT Government guidelines on the caretaker period as well as the requirements under the Public Sector Management Act, section 9.²²²
- 6.32 Surprise was expressed that there was no written documentation to support the approval of the request particularly in regard to the guidelines considered, the advice provided to the Minister, the arrangements that needed to be put in place and advice to staff about the filming. Mr Cormack advised that while not all requests for use of ACT Health facilities have written documentation:
- We have a very set instruction procedure to follow, and that is that I am the sole delegate and the arrangements go through our communications and marketing area.²²³
- 6.33 Questions were also asked about the appropriateness of the Minister, rather than a representative from Australian Labor Party, approaching Mr Cormack for the request. The Minister did not think it inappropriate stating:

²²⁰ *Proof Transcript of Evidence*, 19 May 2009, p 271

²²¹ *Proof Transcript of Evidence*, 19 May 2009 pp 270–271

²²² *Proof Transcript of Evidence*, 19 May 2009, p 273

²²³ *Proof Transcript of Evidence*, 19 May 2009, p 275

I always expect Mr Cormack and the quality of his advice to me to be honest and frank. I asked a question about whether a facility could be used. He indicated that, yes, it could. I do not think that compromised or put me in a conflict of interest situation at all.²²⁴

- 6.34 Concern was expressed about the lack of proper process by the Minister for Health in initiating a request to use a facility and staff of her own department for election advertising for her own party.
- 6.35 The Committee considers such actions, without due process, leaves open the conclusion that ACT Government agency resources have been improperly used for party political purposes, and the inclusion of staff in the advertisements may create an unnecessary appearance of conflict of interest.

RECOMMENDATION 56

- 6.36 **The Committee recommends that ACT Health undertake an immediate review of its internal approval processes for using health facilities and staff for party political purposes, and provides the Assembly with the results of that review, including an explanation as to how such a situation had occurred without due process or record keeping, and what steps will be taken to remove the possibility of recurrence.**

E–health

- 6.37 The Committee noted the Budget allocation of \$90.2 million for the development of e-health capacity and infrastructure²²⁵ and enquired how the funding would be spent.
- 6.38 The Committee was interested in how accurate the records would be, and how patients would access their records. Mr Ian Thompson advised that one of the features of the electronic system will enable individuals to not only access their own records but to review and request changes where appropriate.²²⁶
- 6.39 The Committee questioned the Minister about the reliability of e-systems

²²⁴ *Proof Transcript of Evidence*, 19 May 2009, p 277

²²⁵ *Investing in our Community, Budget Paper 2*, p 29

²²⁶ *Proof Transcript of Evidence*, 19 May 2009, p 285

implemented in other jurisdictions, particularly NSW. Discussion ensued about the reliability of such systems, uninterrupted power supply and the capacity of computer servers to cope with heavy demand.

6.40 Mr Smally, the Chief Information Officer, Information Services Branch, said:

Our position here is that when we build our systems, a couple of points to note: one, redundant infrastructure, where we have two data centres and two systems so that a failure of one data centre will not take out the whole system. We also try to avoid having common infrastructure, so a failure of one data centre will not take out the whole system. We also try to avoid having common infrastructure, so a failure of a piece of infrastructure does not cause the system to fail as well. In our industry we talk about things such as high availability, fault tolerant, business continuity and disaster planning. All those aspects must be balanced.²²⁷

6.41 The Committee was told of the potential benefits of the E-Health system including increased communication to general practitioners, improved discharge planning²²⁸ and enhanced administration ability. The system would allow a range of relevant information to be collated for an electronic discharge summary which could be accessed by GP's.

6.42 The Committee asked about how e-health records would be established, taking into account issues of consent and privacy for consumers. Mr Thompson explained that people will be assigned an individual health identifier (IHI), and that the e-health record would be activated, for example, upon a person presenting to hospital, providing their IHI and asking for record to be created. People will also have the option of not using their IHI and not having an e-health record established.²²⁹

6.43 The Committee also asked about what work had been done around maintaining the privacy of e-health records. Mr Thompson told the Committee that work had been done at a national level on privacy legislation and there had been a draft set of national privacy principles for health for around five years. The current ACT legislation is consistent with the privacy principles and

²²⁷ *Proof Transcript of Evidence*, 19 May 2009, p 286

²²⁸ *Proof Transcript of Evidence*, 19 May 2009, p 281

²²⁹ *Proof Transcript of Evidence*, 19 May 2009, p 282

had been embodied in the Health Privacy and Access Act.²³⁰

General practitioners

6.44 Noting the \$12.2 million over four years for general practitioner (GP) workforce initiatives,²³¹ the Committee sought information about how the funding would be used and what tangible outcomes the ACT Government expected. The Minister advised that the focus of this funding is on areas where the ACT Government has responsibility including both ‘training and developing our own workforce and supporting the existing workforce that is here’.²³² The Minister went on to describe a range of initiatives and strategies that included:

- bonded scholarships for ANU medical students
- continued support for the GP pre-vocational placement program aimed at getting students into general practice and offering rotations for junior doctors
- funding for an in-hours locum service in aged-care facilities
- supporting infrastructure within community and family-based general practices with the goal of increasing GP services, and
- GP incentives of \$300 per day to take on students to give more third year medical students clinical experience of general practice (this also works to reward GPs who already take on students as it does result in a reduction of income).²³³

6.45 The Committee was pleased to note the funding that was allocated towards addressing the GP numbers in the ACT but further questioned why it had taken the Government eight years to begin to address this issue. The Minister responded:

An enormous amount of work has been done across the ACT Government in cooperation with the AMA, in cooperation with the Division of General Practice, in cooperation with the GP workforce working group—significant amounts of effort.²³⁴

6.46 While noting the GP shortage in the ACT the Minister went on to say that it

²³⁰ *Proof Transcript of Evidence*, 19 May 2009, p 283

²³¹ *Investing in Our Community, Budget Paper 2*, p 28

²³² *Proof Transcript of Evidence*, 19 May 2009, p 296

²³³ *Proof Transcript of Evidence*, 19 May 2009, pp 297–298

²³⁴ *Proof Transcript of Evidence*, 19 May 2009, p 297

was not:

... a reflection on any lack of work or interest; it is a reflection on the complexities of solving this, and the fact that what led up to a shortage of doctors in Australia was a federal government decision to control the number of university places.²³⁵

6.47 With much of the control of GP numbers with the Commonwealth Government the Committee was interested in the expected outcomes of the GP taskforce. The Minister advised that the Taskforce is:

...about hearing from GPs exactly how we can improve. One of the main areas is how we can improve our efforts to work with them. These are areas within our control, so they are interfaced with the hospital, they are interfaced with legislation that we have carriage of, to look at the national agenda and see if there are opportunities there to feed into the work that we are doing here.²³⁶

6.48 The Committee was further advised that a discussion paper would be available in mid June with the final report being tabled in the Assembly in September.²³⁷

6.49 The Chair of the Committee noted that ACT is approximately 60 GPs short of the national average and has experienced a number of practice closures over the last 6 months. The Committee would like further information regarding how \$12.2 million over 4 years for GPs as part of the election campaign, will impact on GP numbers.

RECOMMENDATION 57

6.50 **The Committee recommends that the ACT Government provide the Assembly with the details of how the \$12.2 million, in addition to funding provided by the Federal Government, which has been allocated to general practitioner (GP) initiatives, will impact upon GP numbers in the community.**

²³⁵ *Proof Transcript of Evidence*, 19 May 2009, p 297

²³⁶ *Proof Transcript of Evidence*, 19 May 2009, p 300

²³⁷ *Proof Transcript of Evidence*, 19 May 2009, p 301

Mental health services

- 6.51 The Committee was interested in whether the Mental Health Training initiative²³⁸ would include targeted training for youth mental health. Dr Brown advised the Committee that the funding would be split between the Department of Educational and Training and the Department of Justice and Community Safety and that both would have a youth component.²³⁹
- 6.52 The Committee noted the inclusion of this in the parliamentary agreement between the Greens and ACT Labor, and questioned why the funding ceased after two years. The Minister advised that the funding would be reviewed after that period.
- 6.53 The Committee also noted the Greens-Labor agreement included a commitment to mental health funding reaching 12 per cent of overall health funding, and that by 2012, 30 per cent of that funding should be community-based. The Minister advised that the 12 per cent goal was a target set by the ALP in previous years. As the Minister noted:

...every time I have spoken about the 12 per cent, I have indicated, as the rest of the health budget grows, just how hard that task is. It is an aspirational goal. It is a goal to keep us focused on mental health and to keep increasing the mental health budget all the time. I am very proud of the achievements we have made to date and we will continue to build on those.²⁴⁰

Community mental health

- 6.54 Enquiring about the additional funding for the mental health community sector the Committee asked whether consideration had been given to calls from the sector for the provision for a community sector after-hours service. Seeking clarification on the allocation of the funds, the Executive Director of the Population Health Division, Mr O'Donoghue, advised the Committee that:

The funding has not been definitively allocated. The growth funds have been allocated. There is \$2 million in each of the Budget years, and approximately \$1 million of that is allocated towards the community sector. The department has

²³⁸ 2009–10 Budget Paper No. 3, p 79

²³⁹ Proof Transcript of Evidence, 19 May 2009, p 308

²⁴⁰ Proof Transcript of Evidence, 19 May 2009, p 309

some notional allocation that we have been working up, but we are looking forward to a process of discussion around the implementation of the mental health services plan for the establishment of a strategic oversight group for that plan to finalise the allocations.²⁴¹

- 6.55 Questioning how this oversight group would be funded the Committee was advised that while the department would provide secretariat support, sitting fees and other administrative expenses would come from the funding allocation.

We are talking about the notional allocation of about \$30,000 for the secretariat function out of a million dollars.²⁴²

- 6.56 It was considered that the oversight group should not be funded out of the community sector allocation and that \$30 000 was a significant amount of money for a community service organisation that could be better utilised in service delivery.

RECOMMENDATION 58

- 6.57 **The Committee recommends that funding allocated to the community mental health sector not be used to fund the ACT Government oversight group.**

Mental Health Young Persons Unit

- 6.58 The Committee enquired about the relocation of the Mental Health Young Persons Unit from Calvary to TCH and how the unit would operate from the TCH site. Dr Peggy Brown advised the Committee that work had commenced on developing the model of care and that consultations around the site selection were expected to take place in the next four to six weeks followed by public consultation around the model of care.²⁴³
- 6.59 The Committee further enquired as to why the construction of the Mental Health Young Persons Unit was not included in this budget. The Minister explained that it is not unusual to finalise the design stage before funding the

²⁴¹ *Proof Transcript of Evidence*, 19 May 2009, p 304

²⁴² *Proof Transcript of Evidence*, 19 May 2009, p 305

²⁴³ *Proof Transcript of Evidence*, 19 May 2009, pp 265–267

construction.²⁴⁴

RECOMMENDATION 59

- 6.60 **The Committee recommends that at the conclusion of the public consultation process for the location of the Mental Health Young Persons Unit and its model of care, the findings be tabled in the Assembly and put on the ACT Health website.**

The Canberra Hospital car park

- 6.61 Questioning the increase in the costs of new car park at the Canberra Hospital (TCH) from \$29 million to \$45 million, Mr Cormack advised that the principal issue related to the original appropriation preceding completion of the detailed planning requested by the Minister ‘in the lead-up to the development of the capital asset development program. When consideration is given to the longer term activity at TCH and Calvary Hospital the number of car parking spaces was revised upwards from 1400 to 1800.²⁴⁵
- 6.62 Clarification was sought as to why the additional 28 per cent of spaces increases the cost by an additional 55 per cent. Outside of the size increase Mr Cormack advised that additional considerations included creating an alignment with the proposed pedestrian street and addressing issues relating to the levels of proposed adjacent buildings.²⁴⁶ Mr Cormack went on to say:
- These were issues that were not known at the time of the development of the 2007–08 Budget that led to that appropriation. But on the completion of detailed planning we have a much more substantial requirement for car parking, a much more substantial car park and a greater articulation with the site master plan.²⁴⁷
- 6.63 In response to questions about where the additional funds would come from to pay for the increased costs of the car park the Minister advised that it would come out of the \$300 million appropriated for ‘Provisions for phase 1’.²⁴⁸

²⁴⁴ *Proof Transcript of Evidence*, 19 May 2009, p 269

²⁴⁵ *Proof Transcript of Evidence*, 19 May 2009, p 310

²⁴⁶ *Proof Transcript of Evidence*, 19 May 2009, p 311

²⁴⁷ *Proof Transcript of Evidence*, 19 May 2009, p 311

²⁴⁸ *Proof Transcript of Evidence*, 19 May 2009, p 311

- 6.64 The Committee had been advised that the development of the car park was central to the Capital Asset Development program. Given the Government's commitment to zero net CO2 emissions questions were asked how the provision of 1 800 car park places is consistent with this commitment. The Executive Director of Government Relations, Planning and Development, Ms Megan Cahill, advised the Committee that work is being done to reduce the number of people travelling to the TCH by car including: working with ACTION buses to develop a shuttle service from Woden interchange to TCH; developing car pooling arrangements with staff; and encouraging staff to use all alternate means of transport such as cycling. The decision as to whether a second car park was needed would be made in future.²⁴⁹
- 6.65 The Committee later became aware of a major change to the circumstances relating to this issue. Shortly after completing evidence, on 28 May 2009, the Minister for Planning, Mr Andrew Barr MLA, used his ministerial call-in powers to prevent any appeals relating to the development. The Committee considers that the withholding of this information may be seen to be an act of avoidance of scrutiny. Due to these concerns the Committee recalled the Minister for Planning and the Minister for Health to answer questions in relation to the use of the Ministerial call-in powers.
- 6.66 The Committee appreciated that the Minister for Health returned to the Estimates hearings to respond to questions. Unfortunately, the Minister for Planning refused the request the Committee's request to attend.

RECOMMENDATION 60

- 6.67 **The Committee recommends that the Assembly pursue the Minister for Planning, Mr Andrew Barr MLA, for his contempt of the Committee and accountability processes, in refusing to reappear to explain to the Committee his proposed use of Ministerial call-in powers in relation to the Canberra Hospital car park.**
- 6.68 During the re-call hearing, the Committee questioned the rationale of the Minister for Health in asking the Minister for Planning to use his call-in

²⁴⁹ *Proof Transcript of Evidence*, 21 May 2009, p 312

powers in relation to the redevelopment of the Canberra Hospital (TCH). This would shift authority for the approval of ACT Health's development applications (DA) from ACTPLA to the Minister for Planning. The DAs in question refer to a multi-story car park and two temporary car parks. The Minister informed the Committee that, on advice from her Department, any formal opposition to DAs could potentially delay the construction of the car parks for three to six months and subsequent TCH projects for longer.²⁵⁰

6.69 With regard to the process the Minister used in requesting the Minister for Planning to use his call-in powers, the Committee raised the issue of timing. The Committee noted with concern that the date Ms Gallagher chose to write to the Minister for Planning—21 May 2009—the final day of estimates hearings devoted to health, removed herself from scrutiny on this issue.²⁵¹ Ms Gallagher informed the Committee that she was compelled to make a decision around this time to prevent missing the call-in deadline of the end of May. Further to this, Ms Gallagher explained that she had only received the brief advising her of the call-in deadline on 18 May 2009,²⁵² the day before the first Estimates hearing devoted to health.

6.70 The Committee brought attention to comments made in a press release on 29 May 2009, by the Minister for Planning, the day after his appearance before the Committee:

The consideration of the applications must not be held up by politically motivated or frivolous objections, and for this reason I have decided to consider the applications myself.²⁵³

6.71 The Minister for Health was asked if she agreed with the statement made by Mr Barr,²⁵⁴ had she ever communicated these opinions to the Minister for Planning,²⁵⁵ and to what effect she thought the objections to be 'politically

²⁵⁰ *Proof Transcript of Evidence*, 9 June 2009, p 1388

²⁵¹ *Proof Transcript of Evidence*, 9 June 2009, pp 1389–91

²⁵² *Proof Transcript of Evidence*, 9 June 2009, p 1399

²⁵³ CMD Press Release: 'Canberra Hospital car park development called in for Ministerial decision' <http://www.chiefminister.act.gov.au/media.php?v=8069>, 29 May 2009

²⁵⁴ *Proof Transcript of Evidence*, 9 June 2009, p 1398

²⁵⁵ *Proof Transcript of Evidence*, 9 June 2009, p 1394

motivated or frivolous'.²⁵⁶ The Minister advised that she had not communicated these sentiments to Mr Barr.²⁵⁷

- 6.72 With regard to the impetus behind her decision to request the use of Ministerial call-in powers, Ms Gallagher stated that she made this judgement based on the facts that there had been only three community submissions, and that they raised 'issues that either could be addressed or were never going to be addressed', and further, that they were 'of a minor nature'.²⁵⁸ The Minister did not believe, based upon advice given by her Department, that this warranted the risk of delaying the ACT Health Capital Asset Development Plan.²⁵⁹

Swine flu

- 6.73 In the light of the recent 'swine flu' diagnoses in NSW and Victoria the Committee enquired about the ACT Government's preparedness to respond to an outbreak in the ACT. The Committee was advised by Dr Guest, Chief Health Officer that the ACT Influenza Pandemic Action Committee had met and was well prepared for a potential (and expected) case (or heightened threat) of swine flu in the ACT.²⁶⁰

Cost weighted separations

- 6.74 The Committee enquired into the validity of using various methodologies for calculating the estimated outcomes of 'cost weighted separations'.²⁶¹ Concern was raised by the Committee about the projected three percent growth on the estimated outcomes. The Chief Executive and Deputy Chief Executive of ACT Health assured the Committee of its validity, stating that any projected increases in capital expenditure are offset in reduced costs and reduced resource consumption.²⁶²

²⁵⁶ *Proof Transcript of Evidence*, 9 June 2009, p 1391

²⁵⁷ *Proof Transcript of Evidence*, 9 June 2009, pp 1394–5

²⁵⁸ *Proof Transcript of Evidence*, 9 June 2009, p 1394

²⁵⁹ *Proof Transcript of Evidence*, 9 June 2009, pp 1392–3

²⁶⁰ *Proof Transcript of Evidence*, 21 May 2009, pp 429–30

²⁶¹ *2009–10 Budget Paper No. 4*, p 207

²⁶² *Proof Transcript of Evidence*, 21 May 2009, pp 443–4

- 6.75 The Committee noted the discrepancy in the mental health indicators between the national benchmark (90 per cent) and the ACT target (75 per cent) when the actual outcome was 71 per cent of clients being seen by a clinical professional in the seven days post-discharge from an inpatient service. The Committee was informed that this was an aspirational target; that, furthermore, there were problems with reporting and data collections due to cross jurisdictional information barriers; and that while the introduction of e-health technology may improve data sharing, short of a national universal healthcare system, there will always be a shortfall in the collaboration of data.²⁶³
- 6.76 Following the Committee's enquiry into the Government's balancing of budgetary outlays to 'acute versus community health services', the Minister referred to the cost saving initiatives in place to reduce the burden on hospitals. The Minister noted the previously mentioned 'chronic disease management' initiative undertaken by the Government—attending to patients in their homes instead of in a hospital bed.²⁶⁴ The Minister also outlined the 'hospital in the home program' stating:
- In that initiative, there are 25 hospital bed equivalents being provided ... to care for people, if they are able to, more appropriately in their home rather than in the acute setting.²⁶⁵
- 6.77 The Committee was also told of the RADAR (rapid deteriorating, at risk older persons) service established in 2007. The Committee was told that the program has been successful in preventing around seventy percent of avoidable admissions to hospital.²⁶⁶

Indigenous Healing Farm

- 6.78 The Committee was interested in the process by which ACT Health came to purchase the block for the healing farm. Mr O'Donoghue advised that two potential sites identified in the 2005 feasibility study, Ingledene and

²⁶³ *Proof Transcript of Evidence*, 21 May 2009, pp 449–51

²⁶⁴ *Proof Transcript of Evidence*, 21 May 2009, p 446

²⁶⁵ *Proof Transcript of Evidence*, 21 May 2009, p 446

²⁶⁶ *Proof Transcript of Evidence*, 21 May 2009, p 448

Jidbinbilla, were deemed unsuitable in 2008 by a reference group consisting of United Ngunnawal Elders Council, ACT Health and consultants. Following this an environmental consultant on that reference group identified Miowera, as a potential site. In April 2008 the reference group visited Miowera and found that it met all the criteria including being culturally appropriate. Mr O'Donoghue advised that from this point on:

...ACT Health entered a process, including a procurement plan through Procurement Solutions, negotiations with the real estate agent, conveyancing by the Government Solicitor's Office, an independent valuation which was completed in June 2008, an offer of purchase and the completion of sale in August 2008.²⁶⁷

6.79 With regard to the proposed Indigenous Healing Farm, questions were asked about the Minister's knowledge of a potential 'conflict of interest' with regard to an email from Ms Gallagher's chief of staff. The query in question referred to a phrase in the email questioning the procurement of land for the Healing Farm. The email stated:

...that the purchase is not at arm's length given the vendor ... has a role to play in the future use, understood in the district to be a mental health facility.²⁶⁸

The Committee was informed by the Minister, that she was aware of some community concern that the Government was paying too much for the block of land.²⁶⁹

6.80 The Committee questioned what action the Minister took to investigate the possible conflict of interest and notes she 'did not see it as a potential conflict of interest.'²⁷⁰

6.81 The other issue the Minister claimed to be aware of was what she believed to be the general misconception that the Farm was to be a 'mental health facility'. On the revelation that the land was owned by an ANU academic who worked in the mental health field, Ms Gallagher stated this did not present a conflict of

²⁶⁷ *Proof Transcript of Evidence*, 19 May 2009, p 335

²⁶⁸ *Proof Transcript of Evidence*, 21 May 2009, p 454

²⁶⁹ *Proof Transcript of Evidence*, 21 May 2009, pp 458–9

²⁷⁰ *Proof Transcript of Evidence*, 21 May 2009, p 454

interest as there was no pre-existing relationship.²⁷¹

- 6.82 The Committee sought further clarification about the procurement of the land with regard to the purchase price. The Committee noted that:

The ACT department of health [sic] had offered \$1.4 million or \$1 555 per acre ... The last sale of a rural property in the area was a far superior property which sold for \$750 an acre in 2004.²⁷²

It was revealed to the Committee that the asking price and final sale price for the block was \$1.4 million, with the Committee noting no negotiation differential. The Committee was informed however, that the paid price was based on the independent valuation of a registered property valuer.²⁷³

- 6.83 The Committee enquired into the Minister's knowledge of correspondence to the ACT Government from a neighbouring land occupier at the time of the Government's process of procuring the land. The Committee, referring to the neighbour's interest in the future development of a 'cellar door', asked what impact this would have on the Government's decision making process.²⁷⁴
- 6.84 The Minister stated there were never any developmental applications of this nature lodged at the time of procurement.²⁷⁵ The Committee noted that despite the lack of development applications, the Minister and ACT Health were aware of plans for a cellar door.
- 6.85 The Committee enquired into the site selection criteria, particularly the 'removed from temptation' criterion. When the Committee put to the Minister that the Bush Healing Farm's location next to a future cellar door may not be classified as 'removed from temptation' the Minister replied 'so you are running the line that people will leave the bush healing farm and knock on the cellar door and buy a case of cleanskins.'²⁷⁶
- 6.86 Concerns were raised about information blacked out in documents provided

²⁷¹ *Proof Transcript of Evidence*, 21 May 2009, pp 453–57

²⁷² *Proof Transcript of Evidence*, 21 May 2009, p 458

²⁷³ *Proof Transcript of Evidence*, 21 May 2009, pp 458–60

²⁷⁴ *Proof Transcript of Evidence*, 21 May 2009, pp 461–3

²⁷⁵ *Proof Transcript of Evidence*, 21 May 2009, pp 460–466

²⁷⁶ *Proof Transcript of Evidence*, 21 May 2009, p 468

under FOI. The words 'cellar door' and 'vineyard' were blacked out of an email sent to the Minister by neighbours of Miowera. The Committee noted that the reason given in the covering letter to the FOI request indicated that the words were deleted under s41, purporting that the words related to personal identification details. As the words 'cellar door' and 'vineyard' do not fall into this category, the Committee questioned what justification existed for their deletion. Mr Cormack undertook to 'check the decision maker's justification against the legislation for deleting references.'²⁷⁷

RECOMMENDATION 61

- 6.87 **The Committee recommends that ACT Health undertake a rigorous and comprehensive review of its freedom of information processes to ensure that inappropriate exclusions are not claimed, and to report back to the Assembly by the first sitting day in September 2009.**
- 6.88 The Committee received a letter from Mr Hanson MLA outlining his concerns following his receipt of a letter from Mr Mark Cormack, Chief Executive ACT Health. The letter from Mr Cormack included not only his concerns about comments made by Mr Hanson, but also specified what action Mr Hanson should take.
- 6.89 The Committee is concerned about departmental interference and the effect this may have on a non-executive members' ability to perform their role. The Committee is also concerned by the directives given by the head of a department to a non-executive member.
- 6.90 The Committee also noted that while heads of department are able to contact non-executive members directly, with the full force of the ACT Government behind them, non-executive members must seek access to departments via the appropriate minister.
- 6.91 The Committee believes that the correspondence from the Chief Executive of ACT Health to Mr Hanson MLA may constitute a matter of privilege under Assembly Standing Orders.

²⁷⁷ *Proof Transcript of Evidence*, 21 May 2009, p 463

RECOMMENDATION 62

- 6.92 **The Committee recommends that if the Speaker agrees that the issues raised by Mr Hanson in his letter to the Committee dated 4 June 2009 concerning his interaction with the Chief Executive of ACT Health, have substance, and/or the Assembly agrees that a Select Committee on Privileges be established, that the Select Committee also investigate the broader issues of protection of communications made by Members of the Legislative Assembly in the course of their employment.**

RECOMMENDATION 63

- 6.93 **In the event that the Select Committee is not established, this Committee recommends**
- (a) that the *Handbook for ACT Government Officials on Participation in Assembly and Other Inquiries (2004)* be amended to provide guidelines for correspondence between staff in the ACT Public Service and Members of the Legislative Assembly, and**
- 6.94 **(b) that the Standing Committee on Administration and Procedure inquire into and report on the protections available to Members concerning protection of communications made by Members of the Legislative Assembly in the course of their employment.**

Emergency department timeliness

- 6.95 The Committee enquired into the lack of improvement in two of the five Strategic Indicator categories measuring the proportion of emergency department presentations that are treated within clinically appropriate timeframes.²⁷⁸ The triage categories in question are category three – urgent seen within thirty minutes and category four – semi-urgent seen within sixty minutes. The Committee was reminded of improvements in the three other indicator categories and of measures taken, and planned for, that would attend to the shortfalls. The Minister also emphasised an increase in demand in these two categories.²⁷⁹

²⁷⁸ 2009–10 Budget Paper No. 4, 201

²⁷⁹ Proof Transcript of Evidence, 21 May 2009, pp 477–80

6.96 The Committee enquired about the increase in waiting times for admittance to a ward from commencement of treatment in the Emergency Department, particularly the discrepancy between the general population and those over 75 years (eight hours being the ACT benchmark). Mr Cormack, Chief Executive of ACT Health, informed the Committee that over the last four years there had been an overall decrease.²⁸⁰ However, he also acknowledged the increase from 37 per cent in 2007–08 to 38 per cent in 2008–09, stating that it was due to a:

...14 per cent increase in admissions to hospital by ED for people aged 75 years or more in the first eight months of this year.²⁸¹

The Minister added that the primary reason for over 75s having longer waiting times was because of the complexity of older persons' health issues.²⁸²

6.97 The Committee noted that Western Australia (WA) had a benchmark of four hours admittance time compared with the ACT's eight hours. Mr Cormack explained that the ACT has only two hospitals to juggle demand between, while WA has more hospitals to 'move people around and sub-specialise certain sorts of services'.²⁸³ However, the Minister and Mr Cormack expressed their interest in following the progress of the WA system.

Home and Community Care (HACC) Program

6.98 The Committee enquired about the delay of payments to participating HACC organisations, with the Minister citing Commonwealth election issues as well as the ACT election as reasons for the delay.

6.99 The Committee enquired into the expression of interest (EOI) process used by HACC, noting that many organisations missed out on potential funding contracts due to their understanding that EOIs were for a one year basis only, not the actual two years or longer. On this matter, the Minister believed new funding arrangements would be made next year. However, on the details of these funding arrangements the Committee was informed that this

²⁸⁰ *Proof Transcript of Evidence*, 21 May 2009, pp 502–3

²⁸¹ *Proof Transcript of Evidence*, 21 May 2009, p 503

²⁸² *Proof Transcript of Evidence*, 21 May 2009, p 503

²⁸³ *Proof Transcript of Evidence*, 21 May 2009, p 505

information would follow.²⁸⁴

Elective surgery waiting lists

- 6.100 The Committee enquired about the actual number of people on the waiting lists for the different categories for elective surgery.²⁸⁵
- 6.101 Mr Cormack advised that as at 30 April 2009 the total number of people waiting for elective surgery in the ACT is 4 807 (category one – 144; category two – 2 656; category three – 2 007).
- 6.102 The Committee noted that the percentage of those who are waiting longer than the standard waiting times as at 30 April 2009, were zero per cent for category one, 50 per cent for category two, and 18 per cent for category three are waiting longer than the standard times.²⁸⁶
- 6.103 The Committee noted with concern the high proportion of category two and three patients waiting longer than recommended times.

RECOMMENDATION 64

- 6.104 **The Committee recommends that ACT Health put in place strategies to ensure that elective surgery patients are seen on time, consistent with the nationally established criteria.**

Adolescent preventative health program

- 6.105 The Committee enquired about funding allocated for a centre for adolescent health in the Preventative Health Program outlined in *Budget Paper 3*, p 79. The centre, aimed at providing support for young people with mental health as a focus is currently undergoing a feasibility study, but could look something like the 'Headspace' program currently operational Australia-wide. However, to date, it is unclear whether the centre will be largely an online service or an actual centre—this will be determined in the feasibility study.²⁸⁷

²⁸⁴ *Proof Transcript of Evidence*, 21 May 2009, pp 489–91

²⁸⁵ *Proof Transcript of Evidence*, 21 May 2009, p 487

²⁸⁶ *Proof Transcript of Evidence*, 21 May 2009, 519

²⁸⁷ *Proof Transcript of Evidence*, 21 May 2009, pp 512–3

Strategic indicators

- 6.106 The Committee discussed the usefulness of some of the strategic indicators used in the 2009–10 Budget papers noting particularly that strategic indicators 10, 11 and 12 for 2009–10 are exactly the same as for the 2008–09 year. The Committee also noted that some of the information is quite old, as in the strategic indicator for diabetes that cites National Health Survey results for 2004–2005.²⁸⁸ The Minister advised that it is hard for health as the national data sets often have a three-year delay.²⁸⁹
- 6.107 Dr Guest further advised the Committee that there is not much difference between the years as diabetes and circulatory disease are chronic conditions and that the most recent data is being presented.²⁹⁰
- 6.108 The Committee noted targets set for femur fractures are set at 5.4 per 1 000 people for the current and past budget year as well as the long term goal and questioned the usefulness of this type of target setting. The Committee would like to see more information about the goals that are being pursued rather than reporting on what has already been achieved.²⁹¹
- 6.109 The Committee noted that the ACT continues to fail to meet key performance indicators that give a picture of the state of the public hospital system. The ACT fails across a number of indicators including; emergency department timeliness, bed occupancy, elective surgery waiting times and access block. The long-term indicators in the Budget do not give a target year for achieving these national targets.

RECOMMENDATION 65

- 6.110 **The Committee recommends that ACT Health revise its strategic indicators for key performance areas to reflect a date for achieving performance targets as opposed to 'long-term' and aspirational targets, in particular those related to the waiting list times for elective surgeries.**

²⁸⁸ *Proof Transcript of Evidence*, 21 May 2009, p 507

²⁸⁹ *Proof Transcript of Evidence*, 21 May 2009, p 508

²⁹⁰ *Proof Transcript of Evidence*, 21 May 2009, p 509

²⁹¹ *Proof Transcript of Evidence*, 21 May 2009, p 509, *Budget Paper 4*, p 197

Smoking

- 6.111 The Committee noted the significant drop in youth smoking between 2002 and 2005 and enquired about the Government's tracking of recent statistics as well as reasons for the decrease. The Committee was informed of the regulatory, legislative and marketing campaigns implemented by the Government and that the most recent survey would be released 'soon'.²⁹²
- 6.112 In response to the Committee's interest in smoke-free arrangements in the public service, Mr Cormack informed the Committee, 'since 30 March, 94 staff have accessed the nicotine replacement therapy program'.²⁹³

Whooping cough

- 6.113 In response to increased cases of whooping cough reported in the ACT, the Committee was told that the ACT Government introduced a one-off campaign to immunise parents and grandparents as a way of reducing its transmission, particularly to babies. The Committee commends the ACT Government on this measure.²⁹⁴

Chronic disease

- 6.114 Chronic disease is an increasing burden in the ACT. The Committee was advised of the plan to implement telephone and web-based telephone coaching for people with chronic diseases. Mr O'Donoghue expressed that the introduction of an 'e-health' system would further improve the treatment of those with chronic diseases because of the ease of communication between service providers.²⁹⁵

Other issues

- 6.115 The Committee also discussed the following issues related to this portfolio's outputs, including:
- the increased need for cancer services and new initiatives proposed in the Budget

²⁹² *Proof Transcript of Evidence*, 21 May 2009, pp 498–9

²⁹³ *Proof Transcript of Evidence*, 21 May 2009, p 519

²⁹⁴ *Proof Transcript of Evidence*, 21 May 2009, p 436

²⁹⁵ *Proof Transcript of Evidence*, 21 May 2009, pp 439–40

- funding of paid maternity leave for ACT Health staff
- the progress of the ACT Government's investment in men's health
- adequacy of funding for after-hours mental health services, including staffing of the Crisis Assessment and Treatment Team (CATT) and the establishment of the Mental Health Assessment Unit (MHAU)
- the potential correlation between pollution and asthma, with particular attention placed on wood fire smoke
- dental health waiting lists
- the Government's initiative to broaden the scope of those eligible to access public diagnostic mammography services to diagnostic, symptomatic and at-risk women in the public sector, and
- the use of interpreters in the migrant health unit in community health.

7 DEPARTMENT OF TERRITORY AND MUNICIPAL SERVICES

- 7.1 The Department of Territory and Municipal Services (TAMS) delivers a range of services to the Canberra community, including public transport, transport infrastructure, libraries, ranger services, linen, plant nursery services, healthy living spaces, and Canberra tourism promotion.²⁹⁶
- 7.2 The Committee met with the Minister for Territory and Municipal Services, Mr Jon Stanhope MLA, on 26 and 27 May 2009 to discuss the following output classes and agency functions:
- information services
 - office of transport
 - waste and recycling
 - land management
 - environmental regulation (including heritage)
 - government services including ACT Property Group, the Yarralumla Nursery and Capital Linen Services
 - Shared Services Centre including Intact, procurement support services human resource services and finance services, and
 - ACTION

Reporting

- 7.3 Concerns were noted that the Budget did not provide a breakdown of the operating expenses and revenue of each business unit in TAMS, such as the Nursery and Capital Linen Services, making it more difficult to monitor their performance. The Committee acknowledged that appropriations are done at output class level, as are annual reports, and the appropriation bill would have to be changed to divide up the output classes. It was noted, however, that other agencies have provided breakdowns for business units within individual

²⁹⁶ *Budget Paper 4*, p 55

output classes.²⁹⁷ The Committee similarly requested the Minister for Tourism Sport and Recreation, Mr Andrew Barr MLA, to provide a breakdown of budget figures.²⁹⁸

RECOMMENDATION 66

- 7.4 **The Committee recommends that the Department of Territory and Municipal Services provide a breakdown of the operating expenses and revenue of each business unit within the output classes for the current budget and in future years.**

Inner south library

- 7.5 The Committee enquired about the proposed Kingston library including future services and the nature of the new facility compared to the old Griffith library.
- 7.6 The Committee was advised that the Kingston library will be established in the empty 'Essential Ingredient' shopfront on Giles Street and will be open for business before the end of the calendar year. The space is around 200 square meters. This is much smaller than other libraries and will therefore provide services on a smaller scale including five computer terminals, casual reading areas with newspapers and magazines, storey time and activities for seniors. The collection will be gradually expanded by staff.²⁹⁹
- 7.7 The Committee is concerned that the proposed Kingston space is around one fifth of the size of Dickson Library, and half the size of the Gungahlin library.
- 7.8 ACT Property Group acts as the Territory real estate agent for these types of requirements and undertakes all lease negotiations in consultation with the agency. An eight year lease is being negotiated with an option to extend for a further four years.³⁰⁰
- 7.9 The Committee was advised that increasing demand for users to be able to

²⁹⁷ *Proof Transcript of Evidence*, 27 May 2009, pp 1010–11

²⁹⁸ *Proof Transcript of Evidence*, 27 May 2009, pp 1125–26

²⁹⁹ *Proof Transcript of Evidence*, 26 May 2009, pp 857–8

³⁰⁰ *Proof Transcript of Evidence*, 27 May 2009, pp 1002–3

shop and use a library in a single trip was one reason for the selection of the Kingston site, which was considered along with Manuka as a major shopping hub.³⁰¹

- 7.10 The Committee is particularly concerned about parking facilities in Kingston and was advised that informal monitoring of parking availability had been undertaken by TAMS staff at different times of day. From that assessment, TAMS concluded that existing parking in Kingston would be adequate for library users. The option to establish some dedicated parking for library users is being considered but would not be substantial. Kingston traders have not been consulted on the proposed library location.³⁰²

RECOMMENDATION 67

- 7.11 **The Committee recommends that a formal and comprehensive assessment of parking availability at the Kingston local centre be undertaken with specific reference to the potential increase in parking demand from library users.**
- 7.12 The Committee was told that, compared to the \$890 000 cost to fit out the Kingston premises, the old Griffith library building would have cost \$3.4 million to renovate to meet the requirements of the Building Code of Australia. Griffith library's running costs, had it continued operations, were estimated at \$1 million a year for staffing and an additional \$1 million to upgrade the book stock. The Committee was advised that a lot of the stock was out of date at Griffith and the library ran at a much higher costs per capita than other ACT libraries.³⁰³ It was noted that the former Griffith Library building is still owned by the ACT Government.

³⁰¹ *Proof Transcript of Evidence*, 27 May 2009, p 1003

³⁰² *Proof Transcript of Evidence*, 27 May 2009, p 1004

³⁰³ *Proof Transcript of Evidence*, 26 May 2009, p 858

Capital works road upgrades

Gungahlin Drive Extension (GDE)

- 7.13 The Committee asked about the duplication of the GDE and was advised that it would be completed by June 2012 at the latest. The duplication is being undertaken in 5 stages beginning with the Glenloch interchange package, which will be completed in 18 months and three packages for bridge upgrades which will take around two months. The last package includes the road connections. The Committee was told that the bridge packages are chiefly for bridge decking as the foundations for all bridge duplications were included in the initial GDE construction.³⁰⁴
- 7.14 The Committee was concerned about the level of disruption from duplication work and was told that each package will cause a different level of disruption based on the nature of the work. For example, one section requires a new carriageway, and another requires widening the road into the median strip.
- 7.15 In response to the Committee's questions, Mr Gill, Director of Roads ACT advised that a saving of around 10 per cent, or \$20 million, could have been achieved if the GDE had been built as a dual carriageway in one go.³⁰⁵
- 7.16 The Chief Minister claimed that the additional cost of building the GDE as a dual carriage way up front would have significantly hindered the building of other roads in the Territory over the last three years.³⁰⁶
- 7.17 The Committee is concerned that the failure to duplicate the GDE initially has cost taxpayers at least \$20 million.

Lanyon Drive, Tharwa Drive and Tharwa Bridge

- 7.18 Questions were raised about the Lanyon Drive upgrade which is being developed jointly by the Roads and Traffic Authority of New South Wales and the ACT Government. The Committee was advised that Lanyon Drive stage 1 had been recently completed and Lanyon Drive stage 2, from the intersection

³⁰⁴ *Proof Transcript of Evidence*, 26 May 2009, pp 875–6

³⁰⁵ *Proof Transcript of Evidence*, 26 May 2009, p 877

³⁰⁶ *Proof Transcript of Evidence*, 26 May 2009, pp 879–86

of Sheppard Street to Tompsitt Drive in Queanbeyan, will go out to tender in July and will be an 18 month project.³⁰⁷ The Committee was told that Tharwa Drive is likely to be completed in September 2009.³⁰⁸

- 7.19 The Committee was told that the Tharwa bridge foundation repairs will be contracted in July and the project completed in eight months. Timber had been sourced and cut, and is currently curing in Wagga Wagga. The Government claimed that the \$26 million that Tharwa bridge restoration work will cost is comparable to the cost of heritage bridge restoration in other states.³⁰⁹ The Committee is concerned about the significant increases in both time and cost of the Tharwa Bridge in recent years.
- 7.20 The Committee notes there is no comprehensive approach to assessing the greenhouse impact of road capital works, and the question by the Committee that the growth in road capital works generally against public transport be identified, was taken on notice.

Waste and recycling

- 7.21 The Committee was told that TAMS remains responsible for collecting in terms of the waste and recyclables, waste processing and the operation of landfills and recycling centres; and was advised that TAMS worked closely with DECCEW in developing of the waste policy for the Territory.³¹⁰
- 7.22 TAMS anticipated a six per cent decrease per annum in waste to landfill from the initiatives in this budget, or 12 000 tonnes a year, mainly from additional recycling at the transfer station where recyclables are dropped off to be sorted out from the waste stream. Decreasing waste to landfill also extends the life of the current Mugga lane tip facility.³¹¹
- 7.23 Recent funding of \$850 000 to review options for new landfill site had chiefly been put towards a feasibility study on way to extend the life of the Mugga landfill, rather than for a new site. The Committee was told that, in terms of

³⁰⁷ *Proof Transcript of Evidence*, 26 May 2009, p 881

³⁰⁸ *Proof Transcript of Evidence*, 26 May 2009, p 882

³⁰⁹ *Proof Transcript of Evidence*, 26 May 2009, p 885

³¹⁰ *Proof Transcript of Evidence*, 26 May 2009, p 887

³¹¹ *Proof Transcript of Evidence*, 26 May 2009, p 888

reducing waste to landfill, the last 26 per cent of waste is the hardest to recoup.³¹²

- 7.24 The Committee enquired about the reason for the reduction in the target for the percentage of material recovered from the total waste stream from 77 per cent in 2007–08 (where 73 per cent was achieved) to 72 per cent in 2008–09.³¹³ The Minister advised that the change in target reflected what ‘the agency believes it can achieve on the basis of the funding available to it and the resources that have been made available to the ACT Government’.³¹⁴
- 7.25 The Minister also emphasised that the increase in waste resulting from an increase in population of around 1.3 and 1.5 per cent in the last few years is relevant to the targets because the funding provided to Waste ACT’s budget has not kept pace with that growth and the increasing amount of waste the community is producing.³¹⁵ The Committee noted that the ACT Budget as a whole has grown far quicker than the ACT population as a whole.
- 7.26 On the issue of cost of green waste processing per tonne, the Committee enquired about why the measure had been deleted and how it was measured without use of weighbridges. Mr Ware, Manager of ACTNoWaste, advised that the figures reported for 2008–09 were based on data supplied by the contractors, measured in cubic meters as an estimate and then converted back to a per tonne rate. Based on advice from the Audit office on the need independent verification of the numbers that are reported, that accountability measure had been removed.³¹⁶ The contractor will continue to report the cubic meter estimate to TAMS for the purposes of contract costs.³¹⁷
- 7.27 The Committee discussed managing asbestos waste earlier, in the section on the Department of Environment, Climate Change, Environment and Water.

³¹² *Proof Transcript of Evidence*, 26 May 2009, p 889

³¹³ *Proof Transcript of Evidence*, 26 May 2009, p 893

³¹⁴ *Proof Transcript of Evidence*, 26 May 2009, pp 893–4

³¹⁵ *Proof Transcript of Evidence*, 26 May 2009, p 894

³¹⁶ *Proof Transcript of Evidence*, 26 May 2009, pp 897–8

³¹⁷ *Proof Transcript of Evidence*, 26 May 2009, p 898

Land management

- 7.28 The Committee enquired about the breakdown of funding for land management purposes and was advised that programs were still being prioritised within TAMS.³¹⁸ The Committee questioned why such detail was not available.

Urban forest renewal program

- 7.29 The Committee enquired about the urban forest renewal program. The Executive Director, Environment and Recreation, Mr Russell Watkinson said:
- the ANU report has highlighted the fact that a large number of the urban trees are all maturing at the same time. ... There is—I would not call it a policy—a program on how to replace the urban forest over the next 25 years. That is currently under development with the assistance of the expert reference group.³¹⁹

RECOMMENDATION 68

- 7.30 **The Committee recommends that when developing its urban forest renewal program, the ACT Government consider environment and amenity, as well as cost and safety issues. In particular, the ACT Government should ensure solar access to buildings is maintained, or preferably enhanced.**

RECOMMENDATION 69

- 7.31 **The Committee recommends that if the urban forest renewal program is to be funded from the climate change program, the net greenhouse gas emission contribution must be independently measured, and must lead to reduced emissions.**

Parks – Green Square

- 7.32 The Committee enquired about the future of the grassed area in Kingston known as Green Square and was advised that the lawn takes around 500

³¹⁸ *Proof Transcript of Evidence*, 26 May 2009, p 910

³¹⁹ *Proof Transcript of Evidence*, 26 May 2009, p 922–3

kilolitres of water per annum to maintain. The Committee is concerned that the Government 'suggested to the traders that they can have lawn if they pay for it'³²⁰ and was advised that Green Square was not a priority in relation to the other 83 suburban shopping centres on which watering had been discontinued. Town and district parks were considered by the Government more useable and significant, and were given priority.³²¹

- 7.33 Following questioning, the Government revealed that grass was replaced approximately every 18 months due to excessive wear. The Committee was also advised of considerable problems with the compacting of the soil under the lawn. This high usage indicates the importance of the Square to the Community. The Committee was also advised that alternative plans to remodel the area into a use space, other than lawn, had been offered to the community.³²²

RECOMMENDATION 70

- 7.34 **The Committee recommends that the ACT Government maintain the grass in Green Square and take action to provide it with adequate protection.**

Weed and pest control

- 7.35 The Committee was told that specific funding is included in the Budget for rabbit control programs for Mt Majura and Mt Ainslie as these were identified as problem areas. A two year program of intensive control measures including poisoning, Calicivirus, ripping up burrows, as well as direct shooting were usually effective in reducing the rabbit population. The Committee was advised that once the population is down to about five per cent it is containable for around five years with less intensive control measures.³²³

³²⁰ *Proof Transcript of Evidence*, 26 May 2009, p 908

³²¹ *Proof Transcript of Evidence*, 26 May 2009, pp 908–9

³²² *Proof Transcript of Evidence*, 26 May 2009, p 909

³²³ *Proof Transcript of Evidence*, 26 May 2009, pp 911–2

Financial and asset management

7.36 The Committee enquired about the Ernst and Young review of TAMS' financial and asset management and was advised by the Minister that

The department commissioned Ernst & Young for advice in relation to financial management and strategic planning, but the report was not commissioned on the basis of making suggestions or finding savings and it does not provide that.³²⁴

7.37 The review was undertaken in light of increasing cost pressures, such as increases in water costs.

7.38 In regard to the TAMS asset management plan, the Committee was told that each business unit has individual asset management plans but that the department is 'in the process of looking at a whole-of-department strategy for asset management planning'.³²⁵

7.39 The Committee noted that while the Minister claimed the report is cabinet-in-confidence the Minister provided no reasons as to why the contents of the report required this classification.³²⁶

RECOMMENDATION 71

7.40 **The Committee recommends that the Ernst and Young review of the Department of Territory and Municipal Services financial and asset management be tabled during the June sitting.**

7.41 The Committee is concerned that the ACT Government may be assigning cabinet-in-confidence status to documents as a means for avoiding the release of documents.

RECOMMENDATION 72

7.42 **The Committee recommends that the Standing Committee on Justice and Community Safety consider, as part of their inquiry into freedom of information legislation, discussion of the issue of cabinet-in-**

³²⁴ *Proof Transcript of Evidence*, 26 May 2009, pp 913–4

³²⁵ *Proof Transcript of Evidence*, 26 May 2009, p 916

³²⁶ *Proof Transcript of Evidence*, 26 May 2009, pp 915–6

confidence designations for documents.

Property Group

Energy efficiency measures

- 7.43 Questions were raised about energy efficiency audits for ACT Government buildings, including those rented by community groups and was advised that ACT Property relies on a rolling program of condition audits and where work is identified it is included in the forward program for rectification.³²⁷
- 7.44 Work undertaken as a result of those audits included Woden library air-conditioning upgrade, which is anticipated to save around 75 per cent in energy usage.³²⁸

RECOMMENDATION 73

- 7.45 **The Committee recommends that the ACT Property Group prioritise energy and water savings as a contribution to achieving the efficiency dividend across ACT Government.**

Community hire rates

- 7.46 The Committee was told that community hire rates are undertaken on an agency by agency approach although former school sites will be hired out on a consistent rent of around \$120 a square metre which would apply for all long-term community subleases. Some tenants are on long term agreements that were put in place years ago which are on quite different rates. However as subleases or licences expire ACT Property are bringing the rent up to a common rental base. Rental rates are below market rates but are designed to recover costs and a consistent approach across agencies is under discussion.³²⁹

Capital Linen Services

- 7.47 The Committee enquired about the accreditation of Capital Linen Services and

³²⁷ *Proof Transcript of Evidence*, 26 May 2009, pp 945–8

³²⁸ *Proof Transcript of Evidence*, 27 May 2009, p 993

³²⁹ *Proof Transcript of Evidence*, 27 May 2009, pp 994–5

was advised that the service is accredited for its quality management system and is subject to six-monthly inspections as well as a recertification process every three years. The service underwent its recertification process this month and has held that certification since it was run under Totalcare.³³⁰

Yarralumla Nursery

- 7.48 The Committee was advised that the nursery is responsible for Hobday's Cottage, for which \$200 000 of restoration works will be undertaken. The works include a number of maintenance programs on the cottage and surrounding area including kitchen restoration works, fencing and enhancing security of the area as well as restoration of the English gardens. The lease on Hobday's cottage is currently being renewed and the lessee intends to upgrade the facility, replacing the temporary outdoor area with something more permanent. Input from the department will also 'assist with the redevelopment of the heritage components'.³³¹ The Committee was told that revenue from the lease of the cottage goes to Yarralumla Nursery.
- 7.49 The Committee was also told that the nursery is expecting marginal profits this year considering the drought conditions, however it has managed to adapt its business to suit the conditions including working with different plant types and reviewing their business model, particularly concentrating on cost reduction.³³²

Shared Services Centre

Cost savings from shared services model

- 7.50 The Committee enquired into the cost reductions achieved within Shared Services Centre and was advised that the creation of the shared services model achieved significant saving and therefore, by meeting its budget goals, the Shared Services Centre continued to achieve those savings. No specific details

³³⁰ *Proof Transcript of Evidence*, 27 May 2009, pp 1005–6

³³¹ *Proof Transcript of Evidence*, 27 May 2009, pp 1009–10

³³² *Proof Transcript of Evidence*, 27 May 2009, p 1010

were provided to quantify those savings.³³³

- 7.51 As a cost recovery organisation, the Shared Services Centre would consider ways to reduce charges to ACT Government agencies by at least one per cent in order to help them achieve the efficiency dividend.³³⁴

Shared Services Centre– InTACT

Open source

- 7.52 The Committee enquired about the use of open source software by the ACT Government and was advised that InTACT used open source capability and tender responses to InTACT were increasingly incorporating open source components.³³⁵
- 7.53 The Committee was told that InTACT assessed all software on the basis of total cost of ownership, including all costs beyond licence fees. On this basis, open source was often found to be equally or more expensive than proprietary software.³³⁶
- 7.54 The Committee was told that InTACT does not implement all requested open source products, such as Mozilla Firefox, because support requirements would be dramatically increased.³³⁷
- 7.55 Mr Chisnall, General Manager of InTACT, advised that enterprise agreements, such as that with Microsoft, were a good model for the ACT Government as it already has centralised IT services. He also advised that the investment in those supplier relationships, assurances and the cost of perpetual licences, which were already in place, needed to be considered thoroughly before changing to open source alternatives.³³⁸

³³³ *Proof Transcript of Evidence*, 27 May 2009, p 1017

³³⁴ *Proof Transcript of Evidence*, 27 May 2009, p 1022

³³⁵ *Proof Transcript of Evidence*, 27 May 2009, pp 1012–3

³³⁶ *Proof Transcript of Evidence*, 27 May 2009, pp 1014–5

³³⁷ *Proof Transcript of Evidence*, 27 May 2009, pp 1012–3

³³⁸ *Proof Transcript of Evidence*, 27 May 2009, pp 1014–5

RECOMMENDATION 74

- 7.56 **The Committee recommends that the ACT Government renews its commitment to open-source software, and that it uses open-source software where appropriate.**

Desktop computers

- 7.57 Mr Chisnall also outlined for the Committee how InTACT moved two years ago from a leasing arrangement for desktops to purchasing them. InTACT supplied around 9 000 desktops to the ACT agencies, up to 30 000 including CIT and education. PCs were now kept for four years rather than three to increase financial and environmental savings. The Committee also was told that desktop disposal was done in accordance with ISO1400 standard although the agency in the first instance tried to re-use a computer so that it had 'an external life beyond that life which it had in the ACT Government'.³³⁹

Shared Services Centre – Finance Services

- 7.58 Mr Vanderheide, Head of Shared Services, outlined the role of Finance Services for the Committee, explaining that the area was responsible for bill payments, financial statements and Fringe Benefit Tax returns (FBT).³⁴⁰
- 7.59 The Committee was told that Finance Services had some significant achievements, including being able to deliver model financial statements for agencies to review prior to the end of the financial year. The unit had also moved ACT Government departments onto a single instance of the Oracle Financials system in the last 12 months and FBT returns for all departments were now completed and sent to the Australian Tax Office (ATO) on time.³⁴¹

Shared Services Centre – Procurement Support Services**Whole-of-government contracts**

- 7.60 The Committee was advised that the shared services model had successfully

³³⁹ *Proof Transcript of Evidence*, 27 May 2009, pp 1023–4

³⁴⁰ *Proof Transcript of Evidence*, 27 May 2009, p 1021

³⁴¹ *Proof Transcript of Evidence*, 27 May 2009, pp 1021–2

enabled Procurement Services to identify common spend opportunities across ACT Government agencies such as travel, stationary and internal audit needs and achieve efficiencies by purchasing those services once. A majority of whole-of-government contracts were being managed centrally with exceptions for contracts like electricity and information technology.³⁴²

- 7.61 Procurement Solutions had set a target to increase whole-of-government contracts by 25 per cent per annum, although they recognised that there would be a limit to the number of common spend areas.³⁴³

Social tendering

- 7.62 The Committee enquired whether a social approach to tendering could be adopted similar to that of the Brisbane City Council where a percentage of products or services incorporate a social element or approach, for example, contracting employers that employ people with a disability. Ms Hardy, Executive Director of ACT Procurement Solutions, Shared Services, advised that agencies could include social policy requirements in their brief to Procurement Solutions but the introduction of a social purchasing principle would need to come from an ACT Government-wide policy.³⁴⁴
- 7.63 Mr Stanhope advised the Committee that he could review the Brisbane city Council measures to see if it could enhance current policies.³⁴⁵

RECOMMENDATION 75

- 7.64 **The Committee recommends that the Standing Committee on Public Accounts include social tendering as part of its inquiry into procurement.**

Environmental management plans

- 7.65 The Committee was told that all ACT Government construction contractors were required to have an environmental management plan and occupational

³⁴² *Proof Transcript of Evidence*, 27 May 2009, p 1025

³⁴³ *Proof Transcript of Evidence*, 27 May 2009, p 1025

³⁴⁴ *Proof Transcript of Evidence*, 27 May 2009, p 1026

³⁴⁵ *Proof Transcript of Evidence*, 27 May 2009, pp 1026–7

health and safety (OH&S) plan. In many cases a project specific waste management plan or OH&S plan may be required as part of the tender assessment process, particularly where the project is likely to have sensitivities such as asbestos waste or school site safety requirements. In all other cases, management plans were assessed as part of the ACT Government Prequalification process.³⁴⁶

RECOMMENDATION 76

- 7.66 **The Committee recommends that the ACT Government clarify in its response to this report, whether occupational health and safety and environmental management plans are required by ACT Government construction contractors.**

Industry concerns

- 7.67 The Committee was advised about the introduction of a ‘call tender schedule’ for upcoming ACT Government capital works projects to inform industry of upcoming works and estimated tender timing. This was introduced in response to industry concern about the timing and certainty of procurement processes.³⁴⁷
- 7.68 Ms Hardy noted that the higher level of probity required for government procurements was often seen as onerous by industry and Procurement Solutions was responding by trying to speed up the evaluation process, aiming for a benchmark of 15 days. That benchmark depended on the scale of the procurement and the potential for issues such as all tenders coming in over budget which would delay contracting if the scope of works is reduced or the project re-tendered. If delays occurred, Procurement Solutions endeavoured to keep industry informed.³⁴⁸
- 7.69 Ms Hardy indicated that a current revamp of the Procurement database system should enable more accurate information on tender evaluation timings

³⁴⁶ *Proof Transcript of Evidence*, 27 May 2009, pp 1028–9

³⁴⁷ *Proof Transcript of Evidence*, 27 May 2009, pp 1029–30

³⁴⁸ *Proof Transcript of Evidence*, 27 May 2009, p 1030

to be collected.³⁴⁹

School upgrades

- 7.70 The Committee was advised that Procurement Solutions had a role in implementing the school upgrades funded by the Commonwealth stimulus package grants and was working closely with the Department of Education and Training.³⁵⁰
- 7.71 The school upgrade projects faced some challenges with guidelines governing the use of that funding still in the process of being defined and the tight timelines set by the Federal Government for project completion. Ms Hardy believed the ACT was in a good position to meet those deadlines compared to larger jurisdictions.³⁵¹
- 7.72 The Committee also was told that changes to OH&S requirements for the school projects were recently agreed at the Council of Australian Governments (COAG). Ordinarily, Commonwealth funded projects were required to meet the OH&S accreditation set by the Federal Building and Safety Commissioner. For the purposes of the schools stimulus package, however, state and territory level OH&S accreditation would be accepted so that local contractors, who are unlikely to have Commonwealth OH&S accreditation, were not disadvantaged.³⁵²

ACTION

Accountability measures

- 7.73 The Committee enquired about the change in target from 99.8 per cent to 83 percent for accountability measure a) 'Timeliness of ACTION services' and was advised that the changed target was designed to reflect a change in the way that accountability was being measured. In previous years the timeliness

³⁴⁹ *Proof Transcript of Evidence*, 27 May 2009, p 1029

³⁵⁰ *Proof Transcript of Evidence*, 27 May 2009, pp 1032–3

³⁵¹ *Proof Transcript of Evidence*, 27 May 2009, pp 1032–3

³⁵² *Proof Transcript of Evidence*, 27 May 2009, pp 1033–4

- measure was assessed on whether a bus left the depot on time.³⁵³
- 7.74 The Committee was told that a review by the ACT Auditor-General in the annual financial audit identified that the manner in which service timeliness was being measured was inappropriate and recommended that a new method should be adopted. That new process, to be adopted this financial year, would measure the timeliness of a sample of buses reaching each stop on the bus route at the scheduled time.³⁵⁴
- 7.75 The Committee was also told that the new assessment method was, however, more subjective and based on sampling rather than entire fleet timeliness and therefore ACTION had reduced the target to 83 per cent as recommended by the Auditor-General.³⁵⁵
- 7.76 The Auditor-General wrote to the Committee on 3 June 2009, advising that the Audit Office had not provided the target figure of 83 per cent for the ACTION timeliness measure, nor had provided a methodology for its measurement.³⁵⁶ The Audit Office advised that it was not involved in any agency's budget process, nor the setting of performance indicators and targets.³⁵⁷
- 7.77 The Committee is concerned at this contradiction in evidence and sought clarification from the parties about the source of the figure stated and the reasoning behind its adoption by ACTION. Questions on notice were also asked about other indicators that ACTION used.³⁵⁸ As at the close business on 12 June 2009, clarification had not been received.

RECOMMENDATION 77

- 7.78 **The Committee recommends that the note for accountability measure a) 'Timeliness of ACTION Services' is revised to more clearly explain the way that the measure is assessed, and that the discrepancy**

³⁵³ *Proof Transcript of Evidence*, 27 May 2009, pp 1034–5

³⁵⁴ *Proof Transcript of Evidence*, 27 May 2009, pp 1036–7

³⁵⁵ *Proof Transcript of Evidence*, 27 May 2009, pp 1036–7

³⁵⁶ *Proof Transcript of Evidence*, 27 May 2009, p 1037

³⁵⁷ Letter to the Chair of the Committee, Mr Seselja MLA, from the Auditor-General, Ms Tu Pham, dated 3 June 2009, ref A09/12: Public hearings on Appropriation Bill 2009–10, ACTION–timeliness target.

³⁵⁸ Question on notice E09–242

concerning the source of the target figure be clarified.

RECOMMENDATION 78

- 7.79 **The Committee recommends that the next round of reporting should include a report for ‘Timeliness of ACTION Services’ against the new methodology (point to point sampling) as well as reporting against the previous measure (depot departure times) to enable cross year comparisons.**
- 7.80 The Committee enquired about how ACTION compared the timeliness of its services against other jurisdictions and was advised that no inter-jurisdictional benchmarking is undertaken on timeliness. The benchmarking that is done focuses around measures such as service costs and total cost per vehicle kilometre.³⁵⁹
- 7.81 The Committee was told that against these other benchmarks ACTION did not perform very well, despite benchmarks for the ACT being normalised by Indec Consulting because of the geographic and demographic spread. The Committee was told that in 2007–08 the ACT ranked ‘fourth of the five public sector operators and about second last or third last in terms of efficiency against private sector operators’.³⁶⁰
- 7.82 The Committee was advised:
- ... in a general sense, we are off the mark by about \$4 million or \$5 million across the board. You would say that, if someone else came in and ran the bus service here in a different way, you might get a \$5 million or so efficiency depending on how you wanted to apply. But there are areas of ACTION that are far better than some others; we do quite well on some benchmarks and not so well on others.³⁶¹

RECOMMENDATION 79

- 7.83 **The Committee recommends that the ACT Government investigate the claimed \$4 to \$5 million in efficiencies to be found in ACTION,**

³⁵⁹ *Proof Transcript of Evidence*, 27 May 2009, pp 1056–7

³⁶⁰ *Proof Transcript of Evidence*, 27 May 2009, p 1057

³⁶¹ *Proof Transcript of Evidence*, 27 May 2009, p 1057

prepare a plan identifying impediments to achieving those, and report back to the Assembly on progress by November 2009.

RECOMMENDATION 80

- 7.84 **The Committee recommends that the Minister for Territory and Municipal Services, Mr Jon Stanhope MLA, tables annually in the Assembly data comparing ACTION with other comparable services using nationally established benchmarks.**

Ticketing system

- 7.85 The Committee was further advised that the new ticketing system, when implemented, would provide much more accurate data on timeliness of services with the introduction of GPS technology.³⁶²

RECOMMENDATION 81

- 7.86 **The Committee recommends that once locational data is available from the new ACTION ticketing system that ACTION provide an overlap in reporting on timeliness of ACTION Services 'by including data from the point to point sampling system as well as the locational data to enable cross-year comparisons.**
- 7.87 The new ticketing system was targeted for implementation in June 2010 although that may be a partial implementation. ACTION had considered how to engage other agencies and user groups including the Department of Education, CIT and the universities to explore the idea of joint-use cards where student cards double as fare cards, which may see those groups become the first group targeted for implementation.³⁶³
- 7.88 The Committee was told that the new system was a smart card system which will enable more comprehensive data on passenger movement to be collected and enable bus routes to be optimised once that data exists. The card could facilitate cross border arrangements with Deans bus services to utilise the

³⁶² *Proof Transcript of Evidence*, 27 May 2009, p 1038

³⁶³ *Proof Transcript of Evidence*, 27 May 2009, pp 1042–3

same technology platform.³⁶⁴

Fare increases

- 7.89 The Committee was told that bus fares will increase on average by 11 per cent to 'offset the cost of running the service with a reasonable set of fares'³⁶⁵ and was advised that this increase included the three per cent CPI increase for the last year that had not previously been included.
- 7.90 The Committee noted that the increase had been applied differently across the fare types, with cash fares increasing by around 26 per cent to encourage the use of pre-purchased tickets and reduce service delays caused by people paying in cash.³⁶⁶
- 7.91 The Committee also noted that the fare increase structure would result in a financial burden on those users who pay cash, which may include those who do not have the ability to pre-pay for multiple tickets, and may therefore result in a penalty upon those least able to afford it.³⁶⁷

RECOMMENDATION 82

- 7.92 **The Committee recommend that the ACT Government reviews the impact of ACTION fare increases on students and low income earners, and other customers who cannot afford to buy pre-paid multiple tickets.**

Belconnen Interchange

- 7.93 The Committee enquired about the Belconnen interchange concept and was advised that the proposal had been well received by the community, particularly as it would provide better access to the bus stops.
- 7.94 The Committee was told that some concerns had been received about weather exposure from the temporary arrangement; however the access to Westfield would only be exposed until October 2010 when covered walkways would be

³⁶⁴ *Proof Transcript of Evidence*, 27 May 2009, pp 1043–4

³⁶⁵ *Proof Transcript of Evidence*, 27 May 2009, p 1035

³⁶⁶ *Proof Transcript of Evidence*, 27 May 2009, p 1035

³⁶⁷ *Proof Transcript of Evidence*, 27 May 2009, p 1047

provided. Car parking would also be affected temporarily on the Lathlain Street side. The changes would take some time to become familiar with, although maps will be provided at all stops to increase patron familiarity with the new temporary arrangements.³⁶⁸

- 7.95 The contract for demolition of the old interchange had been awarded and would commence shortly. A new bridge would also be provided to the Churches Centre before the old bridge was demolished. The 'red bridge' on the Lathlain side of Westfield would also be moved. The Committee was advised that the other major change is an extension of Cohen Street through to Emu Bank with the section from Benjamin Way to Emu Bank intended to operate as a 24 hour bus only road.³⁶⁹

Wheelchair accessibility

- 7.96 The Committee was told that ACTION worked with DHCS and bus users with a disability to determine which bus routes should be allocated one of the current fleet of accessible buses. The Commonwealth had set a target to have fully accessible fleets by 2022. The ACT was likely to exceed its own target to get 55 per cent of the fleet accessible by 2012. The new additions to the fleet due in October would take some of the pressure off the call on accessible bus services.³⁷⁰
- 7.97 ACTION had also supported the community transport scheme to supplement the accessible bus fleet and to provide an on demand service for cases where the public system did not suit with a disability. The Community transport providers and ACTION worked together to assist disabled bus users find the most appropriate service options.³⁷¹

Bikes on buses

- 7.98 The Committee was told that ACTION intended to install bike racks on all buses although it will be a gradual process. The Committee also was told that

³⁶⁸ *Proof Transcript of Evidence*, 27 May 2009, p 1046

³⁶⁹ *Proof Transcript of Evidence*, 27 May 2009, pp 1046–7

³⁷⁰ *Proof Transcript of Evidence*, 27 May 2009, pp 1049–50

³⁷¹ *Proof Transcript of Evidence*, 27 May 2009, p 1050

on average, 368 cyclists per day made use of bike racks on buses this month. The Committee enquired about the impact of reinstating bus fares for users of the 'bike 'n' ride' service.³⁷²

New services

- 7.99 In regard to the proposed Redex express services, the Committee was advised that the Redex services would supplement the current route system rather than changing it so the service would be trialled from October when additional new vehicles would be ready for use. Modelling was underway on where the Redex services may run, on a trial basis only. Mr Elliott, Executive Director of the Enterprise Services unit in TAMS, acknowledged that managing customers during the trial would be a challenge, particularly if the additional services did not proceed and users were moved back to regular route services.³⁷³
- 7.100 The service would make savings in travel time because of the limited number of stops. The service would also then be able to be redirected to avoid traffic congestion areas. Mr Elliott noted that ACTION could look at branding bus stops where the Redex service will stop to enhance awareness of the service.³⁷⁴

RECOMMENDATION 83

- 7.101 **The Committee recommends that if the Redex express service trial is successful, the service should continue without interruption.**

Other issues

- 7.102 Other issues discussed at the hearing included:
- whole-of-government accommodation strategy
 - shopping centre upgrades
 - Canberra CBD upgrades
 - Alexander Maconochie Centre contract – Procurement services role
 - point to point speed cameras
 - construction and demolition material waste recycling

³⁷² *Proof Transcript of Evidence*, 27 May 2009, pp 1050–1

³⁷³ *Proof Transcript of Evidence*, 27 May 2009, p 1053

³⁷⁴ *Proof Transcript of Evidence*, 27 May 2009, p 1053

- cycle paths – upcoming cycle path master plan reviews.
- bus lanes – Barry Drive and Flemington Rd bus lane extensions.
- bridge safety screens
- Horsepark Drive duplication
- ranger staffing levels
- Namadgi’s 25th birthday celebrations
- State of the Parks reporting
- replanting in the Lower Cotter Catchment
- Lake Ginninderra foreshore
- urban forest renewal program, and
- Steertag buses.

Sport and Recreation

7.103 The Committee met with the Minister for Tourism, Sport and Recreation, Mr Andrew Barr MLA, on 27 May 2009 to discuss the following output classes and agency functions:

- sport and recreation
- tourism and events
- Exhibition Park Corporation

Brumbies funding

7.104 The Committee was advised that funds from a Treasurer’s Advance had been allocated to assist the Brumbies when one of its major sponsors, ICS, went into administration, causing a ‘significant funding shortfall’.³⁷⁵ Treasury undertook an analysis, including of the cutbacks made by the organisation, and determined that the Brumbies ‘would be in significant financial difficulty if the ACT Government did not provide some assistance’.³⁷⁶ The agreed solution was an adjustment to their performance agreement to leverage some more tourism promotion for the ACT Government, payroll tax concessions and a repayable

³⁷⁵ *Proof Transcript of Evidence*, 27 May 2009, p 1103

³⁷⁶ *Proof Transcript of Evidence*, 27 May 2009, p 1103

loan of \$170 000.³⁷⁷

- 7.105 The ACT Government had been working with the Brumbies to help them secure their own asset base, and generate their own revenue sources.³⁷⁸
- 7.106 The Committee was interested to know why other organisations sponsored by the same company, ICS, were not also provided with assistance. The Minister responded that any funding assistance would be considered on a case by case basis.³⁷⁹
- 7.107 The Committee was told that assistance to the Brumbies included junior rugby development but there were no criteria in the performance agreement of the amount that goes directly to junior development.³⁸⁰

RECOMMENDATION 84

- 7.108 **The Committee recommends that the ACT Government requires, as part of its performance agreement with the Brumbies, that a prescribed minimum amount of ACT Government funding go to junior development, and that the Brumbies be required to report on compliance with this requirement in their acquittal of future grants.**

Stadium upgrades

- 7.109 The Committee enquired about the potential upgrades of Canberra Stadium and Manuka oval, including a proposal to redevelop the Bruce precinct with the construction of a second stadium, as publicised in the *Canberra Times* on Wednesday 27 May 2009.³⁸¹
- 7.110 The Minister advised that a five to six week round of community consultation on different options had commenced and anticipated that, following that feedback, a submission to cabinet would be ready by the end of 2009.³⁸²
- 7.111 The need for a 40 000 to 43 000-seat capacity stadium in Canberra would be

³⁷⁷ *Proof Transcript of Evidence*, 27 May 2009, p 1105

³⁷⁸ *Proof Transcript of Evidence*, 27 May 2009, pp1104–5

³⁷⁹ *Proof Transcript of Evidence*, 27 May 2009, pp 1103–4

³⁸⁰ *Proof Transcript of Evidence*, 27 May 2009, pp 1104–6

³⁸¹ *Proof Transcript of Evidence*, 27 May 2009, p 1107

³⁸² *Proof Transcript of Evidence*, 27 May 2009, p 1109

determined in part on the success of the Australian bid for the Football World Cup, which would be launched in June 2009. The ACT took part in 'the PricewaterhouseCoopers infrastructure audit, which identified a number of areas where the ACT would have to significantly upgrade facilities'³⁸³ if it wanted to be a part of the bid. Additional five-star hotels and improved public transport to the venues would also be required. Co-location of two stadiums was one of the possibilities.³⁸⁴

- 7.112 The Minister acknowledged that upgrades of this scale would be costly but would be offset by Commonwealth investment and a range of commercial opportunities if the Australian bid was successful. The ACT will know in October 2010 whether Australia had been successful for either the 2018 or 2022 football world cup.³⁸⁵
- 7.113 The Minister stressed that in the order of \$70 million would have to be spent over a number of years on the Bruce and Manuka facilities anyhow, due to their age and necessary maintenance and upgrades.³⁸⁶
- 7.114 The Committee noted that investigation was needed to ascertain the ACT Government's ability to deliver such a large scale project.

Sports facilities

- 7.115 Questions were raised as to why only an 87 per cent satisfaction level with ACT sportsgrounds and ovals was achieved, when the target was 92 per cent. Ms Marriage, Director of Sport and Recreation Services in TAMS, advised that the result was based on surveys across all TAMS grounds including parks, sports facilities and reserves. The survey did not identify the reason for the lower level of satisfaction although the timing of that survey was undertaken at the end of a particularly difficult summer which fell before a lot of the drought proofing work on ovals had been implemented. Ms Marriage was confident that the drought proofing work would lead to next year's target for satisfaction being achieved.

³⁸³ *Proof Transcript of Evidence*, 27 May 2009, p 1108

³⁸⁴ *Proof Transcript of Evidence*, 27 May 2009, pp 1108–9

³⁸⁵ *Proof Transcript of Evidence*, 27 May 2009, p 1108

³⁸⁶ *Proof Transcript of Evidence*, 27 May 2009, p 1109

7.116 As the survey was for all of TAMS, there was limited capacity to increase the number of specific sport and recreation questions. The survey assessed issues such as how regularly patrons and users made use of the sportsgrounds and if they were satisfied with all the services of the sportsgrounds in general.³⁸⁷

RECOMMENDATION 85

7.117 **The Committee recommends that specific data on which elements of sport and recreation facilities users are dissatisfied with be collected in future surveys.**

RECOMMENDATION 86

7.118 **The Committee recommends that the ACT Government conducts a facilities audit of all ACT sports venues and report to the Assembly by February 2010.**

7.119 The Committee also was told that TAMS does not manage any indoor sporting facilities so did not survey satisfaction of indoor facility users.

7.120 Many sports were facing difficulties with shortages of useable playing fields and the Minister highlighted a number of sports grounds, particularly in the Gungahlin area that were in the process of being developed that should ease the pressure for playing fields.

7.121 The Minister also recognised the need for greater shared use of school indoor and outdoor sporting facilities, for example using gymnasiums for basketball groups after hours.³⁸⁸

7.122 The Committee was advised that audits of all sports facilities in the ACT were undertaken, although such a static document was not necessarily a good reflection of changing needs. The department relied on anecdotal evidence from sports groups about their needs as well as through their strategic plans prepared as part of the grants programs. This information assisted TAMS to anticipate future needs in addition to working to the Australian-wide per

³⁸⁷ *Proof Transcript of Evidence*, 27 May 2009, pp 1112–3

³⁸⁸ *Proof Transcript of Evidence*, 27 May 2009, p 1113

capita standards as a baseline.³⁸⁹

- 7.123 The Committee was also interested in the level of customer satisfaction with pool facilities in the ACT and was advised that the shortage in pool facilities was being addressed. The Committee was told that the 2009–10 Budget included funding to commence forward design of the Gungahlin aquatic centre. Refurbishment work at the Erindale Active Leisure Centre was currently underway and work at Tuggeranong Lakeside Leisure Centre was complete. The Minister advised that Manuka pool had recent investments, and the Civic aquatic centre recently underwent a significant upgrade. The Minister indicated that the Molonglo region will also have a new facility, with feasibility and forward design commencing around 2011 or 2012.³⁹⁰
- 7.124 In relation to the winter months, the Committee enquired about a discrepancy between access to pool facilities in the North and South of Canberra. The Committee was advised that in response to the closing of the privately owned Deakin pool, discussion about enclosing Phillip pool were ongoing and work was continuing to identify possible sites in Woden for an enclosed facility.³⁹¹

Rollovers

- 7.125 The Committee enquired about the reasons for a number of funding rollovers from the 2008–09 budget including Harrison district playing fields, Philip oval, Gungahlin enclosed oval, ‘where will we play’ strategy, Stromlo forest park approaches and access upgrade, Manuka sealing, and the Sports facilities upgrade program.³⁹²
- 7.126 Harrison playing fields were delayed as ACT Cricket was assisting, via a grant from Cricket NSW, to enhance the pavilion which then required a modified design. A development application (DA) for the pavilion had been lodged. Design work had also been completed for the 300 seat Phillip Oval pavilion and a development application lodged.³⁹³

³⁸⁹ *Proof Transcript of Evidence*, 27 May 2009, p 1114

³⁹⁰ *Proof Transcript of Evidence*, 27 May 2009, pp 1115–6

³⁹¹ *Proof Transcript of Evidence*, 27 May 2009, pp 1116–7

³⁹² *Proof Transcript of Evidence*, 27 May 2009, pp 1117–9

³⁹³ *Proof Transcript of Evidence*, 27 May 2009, pp 1117–8

- 7.127 The Gungahlin enclosed oval development had been rolled over as it was in a procurement process for a consultant to identify the groups that would be affected including AFL, cricket and soccer groups. A development application for Gungahlin had not yet been lodged. Ms Marriage advised the Committee that ‘all of those projects will meet their projected completion dates’.³⁹⁴
- 7.128 Drought proofing for sportsgrounds under ‘where will we play’ strategy had also been rolled over whilst TAMS waited for the ‘final water management plan from Parsons Brinckerhoff’.³⁹⁵ The \$1.2 million rolled over from 2008–09 and the additional \$8 million in the 2009–10 Budget will be used for a range of minor projects such as irrigation as well as the major pond projects, estimated to cost around \$4 million each which would also require development approval.³⁹⁶
- 7.129 The Stromlo Forest Park approaches and access upgrade ‘accumulates three projects that are all currently contracted and in construction’. Similarly the Manuka Oval sealing project was contracted and moving through the heritage processes as well as waiting for warmer temperatures to undertake the work.³⁹⁷

Mountain Bike World Championships

- 7.130 With regard to the Mountain Bike World Championship, the Committee was told that management for the event had moved to Territory Venue and Events in TAMS, including the setting up of a management team, with support from Canberra off-road cyclists. The contractual arrangements to transfer the sanctioning agreement from the international cycling union were being finalised.
- 7.131 Another \$800 000 would be invested in the event this year, including a \$400 000 contingency fund to cover the ‘revenue side of the event budget’ as there was still a risk around securing four major revenue lines, particularly sponsorship. The Committee was advised that a lot of preparation for

³⁹⁴ *Proof Transcript of Evidence*, 27 May 2009, p 1118

³⁹⁵ *Proof Transcript of Evidence*, 27 May 2009, p 1119

³⁹⁶ *Proof Transcript of Evidence*, 27 May 2009, p 1119

³⁹⁷ *Proof Transcript of Evidence*, 27 May 2009, pp 1119–20

sponsorship proposals had been undertaken. Merchandise and trade sales were the other key revenue lines.

- 7.132 In total, \$2 986 million had been appropriated across three budget years, including the \$400 000 contingency for two events, the world championships and the world cup event held in 2008. The Minister was confident this was a good investment for Canberra.³⁹⁸

RECOMMENDATION 87

- 7.133 **The Committee recommends that the Minister for Sport and Recreation, Mr Andrew Barr MLA, provide to the Assembly a report providing a reconciled budget for the Mountain Bike World Championship, and which outline the benefits of that event.**

Wrapt in Winter

- 7.134 The Committee was told about the newly launched *Wrapt in Winter* campaign by Australian Capital Tourism, which was funded as part of the second appropriation with a contribution around \$450 000.³⁹⁹ The campaign involved a high level of industry partnership, being linked with the Vanity Fair exhibition at the National Portrait Gallery, and had focused on establishing an online presence.⁴⁰⁰

Floriade

- 7.135 With regard to Floriade, the Committee was advised that the 2008 event resulted in a \$25 million direct economic contribution to the Territory, including from the nightfest initiative.⁴⁰¹ This year TAMS was looking to enhance Floriade by day in response to feedback from consumer testing run by Ernst and Young, including trying to achieve a better aerial view with the use of a 35m Ferris wheel and a viewing platform in addition to better signage and programming. Consumer feedback had shown demand for more hands-on

³⁹⁸ *Proof Transcript of Evidence*, 27 May 2009, pp 1120–2

³⁹⁹ *Proof Transcript of Evidence*, 27 May 2009, p 1110

⁴⁰⁰ *Proof Transcript of Evidence*, 27 May 2009, p 1111

⁴⁰¹ *Proof Transcript of Evidence*, 27 May 2009, p 1122

activities.⁴⁰²

- 7.136 An extra \$1.8 million funding will be provided this year, partially to cover the costs of the Nightfest which ran at a loss last year.⁴⁰³

RECOMMENDATION 88

- 7.137 **The Committee recommends that the Minister for Territory and Municipal Services table in the Assembly the final Floriade statistics in the first sitting week after receiving them.**

Exhibition Park in Canberra (EPIC)

- 7.138 The Committee noted that Exhibition Park Corporation was listed in the Budget as a discontinued agency. Committee members were concerned that this reference in the Budget pre-empted the Assembly's deliberations. The Minister advised that there were changed circumstances in light of the decision of the Assembly taken on budget morning not to incorporate EPIC into Territory Venue and Events. He advised that TAMS is taking Treasury advice on how to best respond to those circumstances.⁴⁰⁴
- 7.139 The Committee was told that the Government's aim in absorbing EPIC into Territory Venue and Events was to streamline the administration in the same way as Manuka oval and Canberra Stadium, as well as saving the \$50 000 in board fees. The Minister advised that four board members would retire on 30 June 2009, and three would continue until 2010. The Committee was told that as the \$50 000 in board fees was not included in the 2009–10 Budget, the board would not be paid beyond 30 June 2009.⁴⁰⁵
- 7.140 The Minister also advised that some capital funding had been provided to enhance facilities and he would like to see on site accommodation expanded.⁴⁰⁶
- 7.141 The Committee noted that actions by the Minister in refusing to pay for board members at EPIC may be an attempt to produce by Ministerial action what

⁴⁰² *Proof Transcript of Evidence*, 27 May 2009, p 1126

⁴⁰³ *Proof Transcript of Evidence*, 27 May 2009, p 1127

⁴⁰⁴ *Proof Transcript of Evidence*, 27 May 2009, pp 1132–3

⁴⁰⁵ *Proof Transcript of Evidence*, 27 May 2009, p 1133

⁴⁰⁶ *Proof Transcript of Evidence*, 27 May 2009, p 1135

was specifically rejected by the decision of the Legislative Assembly.

7.142 The Exhibition Park Corporation has been managed very effectively by a board for a number of years.⁴⁰⁷ The board has comprised a number of eminent and committed people and had worked diligently to enhance the operations of Exhibition Park and seek opportunities to expand and diversify activities within the Park.

7.143 The Committee has received correspondence from the Minister indicating that he gave incorrect advice to the Committee regarding the payment of board fees, and that existing board members would continue to be paid.

Other issues

7.144 Other issues discussed at the hearing included:

- participatory sporting events such as Kanga Cup and futsal
- Australian Capital Tourism and funding for the Canberra Convention Bureau
- Government payment for outputs (GPO) increases
- Floriade sustainability initiatives – using non-potable water.
- tourism marketing and media buying
- tourism e-strategy and web development
- block 751 Gungahlin – possible uses, and
- low cost accommodation at Stromlo Forest Park, Belconnen and Bruce.

⁴⁰⁷ *Proof Transcript of Evidence*, 27 May 2009, p 1133

8 DEPARTMENT OF EDUCATION AND TRAINING

- 8.1 The Department of Education and Training provides early intervention education programs; public school education services at primary school, high school and senior secondary college levels; facilitates and oversees the registration of non-government schools and home education; and supports the planning and coordination of vocational education and training.
- 8.2 The Committee met with the Minister for Education and Training, Mr Andrew Barr MLA, and departmental officials on Friday 22 May 2009. On Wednesday 27 May 2009, the Committee again met with the Minister and officials from the Department, the Canberra Institute of Technology and the Construction Industry Training Fund Authority.

Class sizes and more teachers

- 8.3 During the hearing, questions were asked about the ACT Government's policy to reduce class sizes, and the subsequent need to recruit 70 additional teaching staff to support this policy.
- 8.4 Given the on-going pay negotiations and despite the Budget commitment of \$28 million to achieve this objective, the Committee was not convinced that the Minister would be able to meet this policy objective.

Class sizes

- 8.5 Questions were asked about the evidence base for the policy to reduce class sizes to an average of 21 students in primary and high schools and 19 in colleges, and about the outcomes in students' educational achievements that could be anticipated.
- 8.6 The Minister was questioned extensively about his commitment to smaller classes, given his previously stated opposition to similar policy proposals.
- 8.7 The Minister explained that the average class size policy was intended to give principals and individual schools some flexibility rather than set a maximum

class size. This policy was not intended to address the objective of improving educational outcomes directly by targeting particular schools or classes.⁴⁰⁸

- 8.8 The basic methodology for determining the allocation of resources to schools was based on a calculation of current average class size, which was reached by dividing the total number of mainstream students by the total number of mainstream classes. In total, there will be an additional 70 teachers required to meet the objective of the policy. The Chief Executive explained that:

we have determined that we need to direct 10 new teaching positions into the primary sector, 50 teaching positions into the high school years 7 to 10 sector and 10 teaching positions into the college sector...We resource our schools with a currency called staffing points. Each teacher equals 20 staffing points....We will allocate those additional staffing points to each school on the basis of their student enrolment data, and we will do that each year as a normal part of their staffing allocation.⁴⁰⁹

- 8.9 This methodology fitted in with the current system of resource allocation whereby the Department advises each school in August or September of the proposed allocation for the following year and this allocation is reviewed each February following the School Census.⁴¹⁰ The Committee was assured that the Department worked closely with school principals in establishing and reviewing their teaching needs, based on the number and needs of their students. The general allocation of staffing points to each school allowed for flexibility within the school to make decisions about the appropriate delivery of curriculum.

⁴⁰⁸ *Proof Transcript of Evidence*, 22 May 2009, pp 562–563

⁴⁰⁹ *Proof Transcript of Evidence*, 22 May 2009, p 563 See also government schools enrolment adjustment, *Budget Paper 4*, p 371

⁴¹⁰ *Proof Transcript of Evidence*, 22 May 2009, p 563

8.10 The Committee was provided the following data regarding average mainstream class sizes in the ACT public school system:

Mainstream class sizes – ACT public education system	Primary	Secondary	College
Average (mean)	22	24	20
Median	21	24	20
Number of schools with classes of more than 30 students at Feb 2009	9		
Range of class size	16 – 26		

8.11 In some cases, the Committee was informed, there will be a requirement for additional classes. The Minister indicated that there is surplus capacity within many schools and the Commonwealth Government’s funding in the primary school sector will allow for the provision of additional class room space. The Committee was advised that ‘with the exception of a couple of high schools there is surplus capacity.’⁴¹¹

8.12 The Committee sought clarification on what measures, within this process, were in place to ensure that the needs of individual students within these classes were being met and was advised that other, targeted programs will continue to provide specific support to individual students as needed.⁴¹² The Chief Executive advised that:

we are putting additional points into schools to again enable them to look at ways that they might want to take out a small cohort of five or six students who may have particular literacy or numeracy needs and allocate a teacher to them for a particular amount of time during a day or a week to support them.⁴¹³

8.13 The Committee observed that the Australian Education Union (AEU) has raised concerns about the nature of the average class size policy and that the implementation of the policy has not been what some people have expected. Some members of the public might have different expectations about what

⁴¹¹ *Proof Transcript of Evidence*, 22 May 2009, p 563

⁴¹² *Proof Transcript of Evidence*, 22 May 2009, p 566

⁴¹³ *Proof Transcript of Evidence*, 22 May 2009, p 566

'smaller class sizes' would entail.⁴¹⁴ The Minister noted this view but did not consider it a reasonable criticism of the policy.⁴¹⁵

- 8.14 The Committee noted with concern that the average class size program was intended to be utilised across the entire educational population, not within schools.
- 8.15 The Committee is concerned that this may result in an inequitable distribution, with some schools substantially carrying larger class sizes and being off set by schools in different areas with smaller class sizes, and notes doubts about the ability of this approach to achieve improved outcomes for school children across the ACT spectrum.

RECOMMENDATION 89

- 8.16 **The Committee recommends that the Minister for Education and Training, Mr Andrew Barr MLA, include in the School Census report clear and concise information outlining class sizes across the ACT Government education system, including the number of classes which exceed 21, 25 and 30 students.**

RECOMMENDATION 90

- 8.17 **The Committee recommends that the Department of Education and Training publish on its website the School Census data as soon as it is available.**

Recruitment of teaching staff

- 8.18 In implementing the average class size policy, the Committee noted the subsequent need to recruit additional teaching staff and questioned the Minister and the Department about the allocations that had been made in the Budget to cover the additional teacher numbers and the likely success of the recruitment process.
- 8.19 An allocation of \$3 million for the current financial year and allocations of over

⁴¹⁴ *Proof Transcript of Evidence*, 22 May 2009, p 593

⁴¹⁵ *Proof Transcript of Evidence*, 22 May 2009, p 593

\$6 million in the out-years has been provided for the additional 70 teaching staff required to implement the smaller class size policy.⁴¹⁶ The Committee was advised that this will result in around 3 000 teachers in total being employed at a recurrent additional cost of approximately \$22.7 million. The additional teachers will result in a slight increase in the overall cost per student.⁴¹⁷

- 8.20 Regarding the recruitment of teaching staff, the Committee noted a statement made by the Minister in the previous year about the difficulties associated with the recruitment and retention of teachers. Consequently, the basis for the Minister's optimism that the 70 places could be filled was queried by the Committee. The Minister highlighted that historically the number of applications for teaching positions had been fairly strong and that in the current year, there were 900 applicants for the 250 positions available. The Department conducts a broad national recruitment campaign annually. The Minister also advised of increased enrolments at the University of Canberra of between 17–40 per cent, depending on the nature of the specific course.⁴¹⁸
- 8.21 The Committee noted that the salaries were the principle issue in attracting and retaining teachers and that the AEU had indicated that ACT salary rates might be less attractive than elsewhere. The Department advised that the separation rate for teachers had declined from 10 per cent to 8.5 per cent and that 'we are probably retaining more of our teachers than we have in previous years and we are certainly retaining them in comparison with other jurisdictions.'⁴¹⁹
- 8.22 The Committee was told that graduate teachers received an annual salary of \$52 128, which places them ahead of their Tasmanian, South Australian and Queensland and very close to their Western Australian, New South Wales and Victorian counterparts. The top salary for a classroom teacher was current set at \$74 279. The Department also advised that the teaching conditions in the

⁴¹⁶ *Budget Paper 4*, p 371

⁴¹⁷ *Proof Transcript of Evidence*, 22 May 2009, p 574. The Minister advised later in the hearing that there were 2 480 permanent teachers (p 638)

⁴¹⁸ *Proof Transcript of Evidence*, 22 May 2009, p 578–579

⁴¹⁹ *Proof Transcript of Evidence*, 22 May 2009, p 579

- ACT were very competitive with other jurisdictions.⁴²⁰
- 8.23 The Minister informed the Committee that he was keen to see some of the barriers to merit based, rather than incremental, movement through the teaching profession salary range removed. He noted a fundamental problem had been that movement through the profession had generally required a movement away from the class room. He expressed the view that progression through the salary range should involve an application and interview threshold as is the case in public service selection process.⁴²¹
- 8.24 The Committee was advised that the Government will seek to restructure the professional salary structure for teachers, including the introduction of a top tier pay rate of around \$100 000, within 12 to 18 months and will be engaged in an enterprise bargaining process during the next financial year.
- 8.25 The Minister advised that reform to the salary structure would be undertaken as a part of a major reform process – commencing with a review of school based management. As an initial focus for this major reform, the Committee was advised that the review of school based management would look at ways to extend the opportunities for teachers to focus on class room teaching rather than school administration.⁴²²
- 8.26 Salaries account for approximately 70 to 75 per cent of the education budget.⁴²³ With 1 230 teachers currently on the top salary scale,⁴²⁴ the Committee was concerned that inadequate funds were available in the out-years to meet the probable future wage costs proposed by the Government's major reform agenda. With respect to the forthcoming enterprise bargaining agreement negotiations, the Minister agreed that it would be a 'difficult negotiation' and productivity savings may be an aspect of these negotiations.⁴²⁵
- 8.27 A one per cent pay increase would equal about \$3 million and incur \$700K in

⁴²⁰ *Proof Transcript of Evidence*, 22 May 2009, p 580

⁴²¹ *Proof Transcript of Evidence*, 22 May 2009, p 581

⁴²² *Proof Transcript of Evidence*, 22 May 2009, p 583

⁴²³ *Proof Transcript of Evidence*, 22 May 2009, p 595

⁴²⁴ *Proof Transcript of Evidence*, 22 May 2009, p 638

⁴²⁵ *Proof Transcript of Evidence*, 22 May 2009, pp 589–596

one-off on-costs to meet various liabilities.⁴²⁶ The Committee noted that the funds allocated in the out-years do not appear to provide much capacity wage cost increase of the type mooted. The Minister noted that productivity offsets would also be a component in the enterprise bargaining agreement (EBA) negotiations – for instance in the previous agreement, an additional hour of teaching time for school students was negotiated. The Minister, however, was not prepared to pre-empt the coming negotiations.

- 8.28 The Committee also noted the requirement anticipated by this year's budget for all ACT Government departments to achieve efficiencies. The Minister noted that these will be considered over the next twelve months but said:

I can certainly rule out that we will not be seeking efficiencies around the number of teaching staff; so we will not be seeking to affect the service delivery through the teaching profession. It would have been counterproductive to increase the number of teachers in this budget and then seek to reduce that in future budgets. Outside of that, everything else will need to be considered over the next 12 months.⁴²⁷

- 8.29 Advice provided to the Committee confirmed the annual increases in the out-years for the education function in the Budget are modest and would only be achievable if wage rises were closely controlled, or funds were allocated from elsewhere.⁴²⁸ The Committee was concerned about the capacity of the current budget to fund additional teaching places, to support an enterprise bargaining process conducted in good faith and to sustain the proposed review of professional teaching salary classifications.

RECOMMENDATION 91

- 8.30 **The Committee recommends that the ACT Government provide to the Assembly a detailed analysis of the impact that a major restructure of the education teaching workforce would have on budget outcomes over the forward years.**

⁴²⁶ *Proof Transcript of Evidence*, 22 May 2009, p 595

⁴²⁷ *Proof Transcript of Evidence*, 22 May 2009, p 673

⁴²⁸ Tony Harris, *Analysis of out-years Education funding*, p 2

Literacy and numeracy

- 8.31 The Chief Executive advised that almost \$6 million had been allocated in the 2009–2010 budget to literacy and numeracy programs. A part of this allocation would allow 14 specialist field officers to be recruited to provide support across the school system. In addition, there will be a position based at the National Literacy and Learning Centre at the University of Canberra to expand the program previously known as the ‘parents as tutors’ program. The ‘you can read’ program is intended to extend the capacity for parents to provide literacy support at home.⁴²⁹
- 8.32 Given the high levels of achievement shown on pages 355 to 358 of *Budget Paper 4*, the Committee was interested in the reasoning behind the prioritisation of literacy and numeracy issues. The Committee was advised that national agreements, particularly in the area of Indigenous literacy and numeracy, have established this as a focus for all jurisdictions. The Chief Executive also informed the Committee that, as educators, the Department understands the importance of literacy and numeracy as the core to the provision of education to the ACT community. The Department also recognises some improvement to be made in the area of writing.
- 8.33 The Committee asked about the impact of Territory-Commonwealth negotiations currently underway nationally. The Minister advised that the current arrangements involve encouragement and reward for reaching particular targets. The ACT has set challenging but achievable targets, as required by the Commonwealth.
- 8.34 The Committee queried what efforts the Department takes to account for the family environment of students as an important foundation for educational achievement. The Department informed the Committee that it is aware of the need to target schools with higher social support needs. In support of Indigenous students, for instance, the Department has dedicated ‘transitions officer who works the students and their families around supporting particularly the year 6 to year 7 transition phase into high school.’⁴³⁰

⁴²⁹ *Proof Transcript of Evidence*, 22 May 2009, p 570

⁴³⁰ *Proof Transcript of Evidence*, 22 May 2009, p 607

- 8.35 The Committee was also interested in options available for encouraging students to develop literacy and numeracy skills through other programs – where an alternative to mainstream educational practices do not engage students. This issue is understood by the Department as a facet of teacher quality and was a key element of pedagogical practice.⁴³¹
- 8.36 The Department was also involved in a partnership with the Commonwealth around low socio-economic status (SES) school communities where the key feature of the program was to engage with parents and the whole school community to enhance literacy and numeracy levels of students.⁴³²
- 8.37 Asked about the status of the Reading Recovery program in support this objective also, the Committee was advised that this was particularly resource intensive and continuance was a decision of individual schools.⁴³³
- 8.38 The Committee raised earlier evidence provided by Gugan Gulwan about a modestly funded and successful reading program (provided at an annual cost of \$35 000) and options for the funding arrangements to continue with the employment of a part-time teacher to continue this program. The Minister indicated that he had been made aware of this current situation and had undertaken to look at the options within the broader framework of the Department’s overall commitment to literacy and numeracy improvements.⁴³⁴ The Committee noted that the success of this program was partly due to the fact that it was Indigenous-specific and run in a community setting.

RECOMMENDATION 92

- 8.39 **The Committee recommends that the ACT Government pay particular attention to innovative and effective community-based programs, and that funding for Gugan Gulwan’s numeracy and literacy program be continued at the current rate.**

⁴³¹ *Proof Transcript of Evidence*, 22 May 2009, p 620

⁴³² *Proof Transcript of Evidence*, 22 May 2009, p 608

⁴³³ *Proof Transcript of Evidence*, 22 May 2009, p 608

⁴³⁴ *Proof Transcript of Evidence*, 22 May 2009, p 609

ACT Labor Party advertising

- 8.40 The Committee was interested to hear whether the Department of Education and Training allowed the use of facilities for any ALP advertising in the lead up to the 2008 election. The Chief Executive of the Department of Education and Training, Ms Janet Davy, stated that 'it is the department's view that we would have not given permission, because we would believe it is a potential conflict of interest.'⁴³⁵
- 8.41 Ms Davy later corrected the record, informing the Committee that the Department had been contacted on behalf of the ALP by the Minister's Chief of Staff. The Chief Executive had advised of the conditions under which such activity could occur.
- 8.42 The Minister indicated that the request was not made on his behalf and could provide no further details of the request. The Committee has concerns that his Ministerial staff made inquiries that should have been conducted by the Australian Labor Party. The Committee also notes the Minister's comment that was at odds with the behaviour of the Minister for Health, when he said:
- it would have been improper for me as Minister to have sought advantage for my political party in relation to such a request⁴³⁶
- 8.43 The Committee notes the advice of the then Chief Executive of the Department had been taken and an actor was engaged to appear in the commercial. The Minister and the Chief Executive for the Department of Education and Training agreed to seek clarification on the matter from the ACT Branch of the Labor Party and from Departmental records respectively.
- 8.44 However, the Committee noted that the approval from the Department of Education and Training to use the site was accompanied by detailed correspondence outlining the guidelines used in the decision making and the requirements of using the facility.⁴³⁷
- 8.45 As noted by the a/g Chief Executive of the Department of Education and

⁴³⁵ *Proof Transcript of Evidence*, 22 May 2009, p 622

⁴³⁶ *Proof Transcript of Evidence*, 22 May 2009, pp 639–640

⁴³⁷ Letter from Dr Michele Brunige responding to a request from Liz Lopa on behalf of the Australian Labor Party, tabled by Mr Barr, Hearing 22 May 2009, Transcript of Evidence, 22 May 2009, p 638

Training, Ms Janet Davy:

The letter clearly indicates that Dr Bruniges put some very clear caveats on the nature of the filming to occur at that time in terms of ensuring that no public servants were involved in the filming of the commercial, that the filming would occur before 9 o'clock and any evidence of such would be removed before the start of the school day, and the use of actors rather than any children or public servants or teachers as part of the ad.⁴³⁸

- 8.46 The Committee notes with concern the use of ACT Government facilities for political purposes and the involvement of both Ministers and Ministerial staff in the organisation of their use., and is very concerned with direct Ministerial influence on using facilities and staff in this way, and the misuse and conflict of interest this process inherently engenders.
- 8.47 The Committee discussed this issue in relation to several portfolios: see Recommendations 1 and 2.

Non-government school funding

- 8.48 The Committee observed that the Minister may have offended independent schools by using the term 'blazer' schools, when he observed that:

There is a funding formula that dates back prior to the Howard government. We have explicitly rejected the Howard government's funding model for schools and we have continued to operate on a model that pre-dates that. We recognise that there is a significant amount of work being undertaken by the Commonwealth over the course of this current funding agreement to look at this issue of equity and provision of funding to non-government schools, and we will look closely at that. But we are keen to see increased funding from the ACT Government go into the Catholic system and into low-fee independent schools rather than, shall I say, the blazer, high-fee independent schools, which, you could fairly argue perhaps, do not need additional financial support.⁴³⁹

- 8.49 The Committee raised concerns about a media statement made by the Treasurer:

The ACT's National Special Purpose Payments (SPPs) have also been revised down by about \$20 million, however, \$12.5 million of that reduction is in

⁴³⁸ *Transcript of Evidence*, 22 May 2009, p 639

⁴³⁹ *Transcript of Evidence*, 22 May 2009, p 660

funding to non-government schools and therefore has no impact on the Territory's Operating Balance.⁴⁴⁰

8.50 The Committee was of the view that this statement could be interpreted to mean that funds to the non-government education sector had been reduced. The Committee was advised that Commonwealth funding to non-government schools is simply administered through the ACT Government and the estimate used in the Budget papers is a figure provided by the Commonwealth.

8.51 The Minister advised that these estimates have been consistently overstated and since 2005–2006, variances in the estimate of between \$9.5 million and \$13.3 million less than actual funding had been received from the Commonwealth. The Committee was reassured by the Minister that there would be no impact on the Territory's operating balance and that in terms of actual funding to the non-government sector. The Minister said:

even if you remove the overestimation, the amount of funding for non-government schools increases significantly from both the Commonwealth and the Territory Government.⁴⁴¹

8.52 The net increase for this sector was in the order of \$33 million.⁴⁴²

8.53 In the current budget, Territory funding for non-government education is 18.7 per cent of the total ordinary cost of educating a student.⁴⁴³ The Committee was advised that the aspirational target for this funding at the Territory/state level was around 20 per cent.⁴⁴⁴

8.54 The Committee also noted two new initiative in this budget for non-government schools which the Minister explained included:

... an increase in the amount of funding that is available for students with a disability in non-government schools through the SCAN model. That increases the amount available up to \$7.2 million over the next four years—a \$1.6 million increase to a \$7.2 million fund... There will also be an additional \$2.4 million to non-government schools through the existing needs-based per capita funding

⁴⁴⁰ Katy Gallagher, *Treasurer issues ACT Budget update*, Media Release 18 May 2009

⁴⁴¹ *Proof Transcript of Evidence*, 22 May 2009, p 601 and see *Budget Paper 4*, p 363

⁴⁴² *Proof Transcript of Evidence*, 22 May 2009, p 602

⁴⁴³ *Proof Transcript of Evidence*, 22 May 2009, p 697

⁴⁴⁴ *Proof Transcript of Evidence*, 22 May 2009, p 698

model. That targets support to lower socioeconomic non-government schools.⁴⁴⁵

RECOMMENDATION 93

- 8.55 **The Committee recommends that the ACT Government budget gives a more detailed breakdown of funding to non-government education.**

Information and Communications Technology (ICT) initiatives

- 8.56 The Minister advised that the focus in ACT funding for ICT in this budget was for primary school investment having recognised the substantial investments being made by the Commonwealth Government. There is some flexibility in terms of the actual acquisitions that primary schools will be allowed to make with this funding.
- 8.57 Using the national ICT allocation methodology, the Department hoped to replace any computers over four years old and to achieve a ratio of one computer to every six primary school students. The target would also be to locate one interactive whiteboard for every two primary school classrooms and for each preschool. Special schools will be able to purchase software and adaptive technologies as appropriate.⁴⁴⁶ There would be some effort within this process to ensure a standard level of equipment with comparable school environments.⁴⁴⁷

Capital works funding

- 8.58 The Committee noted a number of rollovers of funding for capital works projects and was advised by the Department that these could be explained in terms of 'getting through the procurement process to get the project going'.⁴⁴⁸ The capacity within the Department had also been expanded over recent year to improve the progress of the internal planning phase for major infrastructure projects.
- 8.59 The Department advised that Gungahlin College delays, for instance, had been

⁴⁴⁵ *Proof Transcript of Evidence*, 22 May 2009, p 660

⁴⁴⁶ *Proof Transcript of Evidence*, 22 May 2009, p 627

⁴⁴⁷ *Proof Transcript of Evidence*, 22 May 2009, p 629

⁴⁴⁸ *Proof Transcript of Evidence*, 22 May 2009, p 667

due to design resolution but that the project was now on target for completion by the end of 2010.⁴⁴⁹ The Minister undertook to provide the Committee with a brief description of the delays affecting various projects.

- 8.60 Questioned about the difference in the allocation of funding for the completion of the Harrison School – from \$37 million in 2008–2009 to \$43.5 million in 2009–2010 – the Committee was advised that the design brief had changed as planning developed and adapted to a range of particular needs of the students, the community and the surrounding environment.⁴⁵⁰

Commonwealth infrastructure funding

- 8.61 The Committee was told details of the three components of the Commonwealth Government's infrastructure funding which includes:

- primary schools for the 21st Century for large scale infrastructure projects – \$131.5 million
- science and language centres for the 21st Century – approximately \$145 million, and
- national school pride for smaller infrastructure projects – \$13.7 million.⁴⁵¹

- 8.62 The Department indicated that the timeframes for these projects are on target and that these projects were not being undertaken at any cost to the Territory as the funding included a 1.5 per cent administration allowance and a four per cent project management allowance.⁴⁵²

RECOMMENDATION 94

- 8.63 **The Committee recommends that the ACT Government reports to the Assembly on the structural changes it will make to ensure more efficient delivery of infrastructure.**

⁴⁴⁹ *Proof Transcript of Evidence*, 22 May 2009, p 668

⁴⁵⁰ *Proof Transcript of Evidence*, 22 May 2009, p 637

⁴⁵¹ *Proof Transcript of Evidence*, 22 May 2009, p 648. The Department advised that more information is available at

<<http://www.deewr.gov.au/schooling/buildingtheeducationrevolution/Pages/default.aspx>>

⁴⁵² *Proof Transcript of Evidence*, 22 May 2009, p 652 (to be confirmed by the Department)

Environmental sustainability

- 8.64 The Committee was also advised that these Commonwealth funded project will extend the environmentally sustainable design (ESD) objectives already being pursued by the Department in building new schools. However, the Department advised that the five-star green rating was not possible for projects in older schools as the rating was applied to a whole site rather than a new building on that site. Other factors were considered also. For instance, the Department had decided not to include double glazing as this was expensive to install and replace if damage by vandalism.⁴⁵³
- 8.65 The Committee sought further detail on the implications of the Government's commitment to carbon neutrality by 2017 on the Department and was advised that the goal would be applied to all ACT schools – government and non-government. The Committee was interested to hear more detail on what would be covered in this policy; for instance, whether it included transporting students to school. The Department advised that the ACT Government was yet to take advice on the scope of the policy in this regard.⁴⁵⁴
- 8.66 The ACT system is also a part of the Australian sustainable schools initiative which supports the application of sustainability principles within the core activities of schools by facilitating practical initiatives such as energy auditing and recycling as well as providing curriculum materials for teachers to engage the students.⁴⁵⁵

School security

- 8.67 The Committee sought clarification on the options pursued by the Department to protect school resources and was advised that the approach adopted was to 'harden' the building by installing such things as security fencing, steel mesh on windows that can not be cut and film on glass that will prevent break through.
- 8.68 The Department was not pursuing an option of installing CCTVs despite some

⁴⁵³ *Proof Transcript of Evidence*, 22 May 2009, pp 650–652

⁴⁵⁴ *Proof Transcript of Evidence*, 22 May 2009, p 663

⁴⁵⁵ *Proof Transcript of Evidence*, 22 May 2009, p 576

requests from parent groups at two schools. The Minister advised that he would consider a range of other solutions before CCTV.⁴⁵⁶

RECOMMENDATION 95

- 8.69 **The Committee recommends that the ACT Government conduct an audit of school safety and security in all ACT schools and formulate a safety and security plan by 30 June 2010.**

Special needs students

- 8.70 The Committee sought details from the Minister about the special needs for students with a disability review that was underway and why the 411 students from the non-government sector (as distinct from the 1784 students in the ACT Government schools)⁴⁵⁷ were not included in the current review being undertaken by Professor Shaddock. The Minister advised that he did not want to expand this inquiry and that the non-government sector should be taken up in an inquiry he proposed the Standing Committee on Education, Training and Youth Affairs should adopt.⁴⁵⁸
- 8.71 The Minister persistently refused to acknowledge his failure to ensure that the review conducted was broad-based and equitable in its treatment of students across the spectrum school types. Rather, the Minister blamed members of the Education Committee for impeding his referral motions on special education and educational achievement gaps. The Minister reiterated his intention to exclude non-government schools from this government review.⁴⁵⁹ The Committee was not provided with any adequate reasons for excluding 20 per cent of the ACT special needs students from this expert review.
- 8.72 Asked about staffing in the area of special education, the Department advised that it was always difficult and that variables in individual student needs could change the allocation of staff required. It was anticipated that the Shaddock report would establish a base level comparison across jurisdictions.

⁴⁵⁶ *Proof Transcript of Evidence*, 22 May 2009, p 666

⁴⁵⁷ *Proof Transcript of Evidence*, 22 May 2009, p 693

⁴⁵⁸ *Proof Transcript of Evidence*, 22 May 2009, pp 681–698

⁴⁵⁹ *Proof Transcript of Evidence*, 22 May 2009, pp 681–698

- 8.73 The Committee was also advised of the difficulties associated with establishing appropriate post-education services for young people with special needs.⁴⁶⁰

RECOMMENDATION 96

- 8.74 **The Committee recommends that the Minister for Education and Training widen the scope of the special needs review to include non-government school students.**

Early learning and development programs

- 8.75 The Committee was advised of the innovative coordination between departments as a result of establishing an early childhood school model at Southern Cross, Narrabundah, Lyons and Isabella Plains schools. These schools can support a range of additional services or community activity such as playgroups and health services. A coordinator within each school liaises between various services as appropriate.⁴⁶¹

Mental health support services for primary school students

- 8.76 The Committee noted concerns raised in an earlier hearing by the AEU concerning mental health support services and the complications arising for the management of students in primary schools by teaching staff. The Department advised that they had discussed the situation with the AEU and were looking at possible options. They concurred that it was an area that required attention in primary schools but there was no data on the number of students who present with mental health issues.
- 8.77 The Department indicated that they would 'look at programs such as the achievement centres and the connect 10 programs that we have got running in the high school sector.'⁴⁶² At present, the Department runs Mind Matter in secondary, and Kids Matters in primary school settings, and would examine professional development opportunities for teachers to recognise issues in the

⁴⁶⁰ *Proof Transcript of Evidence*, 22 May 2009, p 691

⁴⁶¹ *Proof Transcript of Evidence*, 22 May 2009, pp 695–695

⁴⁶² *Proof Transcript of Evidence*, 22 May 2009, p 715

school environment.⁴⁶³

8.78 At present, there were no plans to provide alternative programs for primary school students.⁴⁶⁴

Participation of 17 year olds

8.79 The Minister noted the convergence of Territory and Commonwealth Government policy regarding the participation of 17 year olds in formal education, training or employment and characterised as ‘earn or learn’ in the public debate. He acknowledged that there were service and resource implications for the Territory, including in relation to:

- school-based apprenticeships
- trades training centres, and
- recommendations from the Skills Commission report.

These implications would primarily affect the vocational education and training (VET) sector through apprenticeships, CIT and private training organisations.⁴⁶⁵

8.80 Asked about the numbers of young people that might be directly affected by the obligation to participate in some form of education, training or employment,⁴⁶⁶ the Minister advised that the actual figure was relatively low taking into account the numbers already enrolled at the Canberra Institute of Technology or who were employed or engaged as apprentices. There are approximately 200 young people who would need to be supported to find work or training places and consequently, the Minister did not anticipate that the resource implications would be substantial.

School based apprenticeships

8.81 The Committee was told that the current budget had provided \$350 000, to be indexed in the out-years, to achieve a target of 500 Australian school-based

⁴⁶³ *Proof Transcript of Evidence*, 22 May 2009, pp 716–717

⁴⁶⁴ *Proof Transcript of Evidence*, 22 May 2009, p 718

⁴⁶⁵ *Proof Transcript of Evidence*, 27 May 2009, pp 1059–1060

⁴⁶⁶ *Proof Transcript of Evidence*, 27 May 2009, p 1064. See also *Pathways to the Future Report*, <http://www.det.act.gov.au/__data/assets/pdf_file/0007/30679/Pathways_to_the_Future.pdf>

apprenticeships (ABSAs). Including all those which had commenced in 2008, the Department has 340 apprenticeships listed.⁴⁶⁷ A total of 115 apprenticeships were funded by, and in some cases placements were within, the Department.⁴⁶⁸

Trade schools

- 8.82 The Minister advised that the best use of the Commonwealth's allocation of \$1.5 million for each trade school was being carefully considered and discussed with stakeholders. He anticipated that there would be a pooling of funds to establish regional trade schools at Tuggeranong and Gungahlin. Bids to the Commonwealth were likely to be made within the next 12 months. A third possibility would be to establish a trade school at the Bruce campus of CIT.⁴⁶⁹

Skills shortages

- 8.83 The Minister noted that there were a range of ongoing initiatives from previous budgets which responded to the Skills Commission report. Notwithstanding the fact that economic circumstances have change in the last six months the consensus in the community seemed to be that the situation has not substantially changed and there continue to be persistent areas of shortage in the construction industry, government services, IT, community services and health.
- 8.84 The Committee was advised that two additional officers were funded in the last budget to facilitate linkages between industry and the vocational education and training sector and support the work of the Department to bring together relevant data on the skills needed to establish VET priorities. The VET sector is increasingly moving towards a market-based allocation of resources with a user-choice approach ensuring that students needs and interests rather than government planning guide the provision of training

⁴⁶⁷ *Proof Transcript of Evidence*, 27 May 2009, p 1061

⁴⁶⁸ *Proof Transcript of Evidence*, 27 May 2009, p 1063

⁴⁶⁹ *Proof Transcript of Evidence*, 27 May 2009, p 1062

services.⁴⁷⁰

- 8.85 The Committee was interested to hear how sustainability factors were being introduced into the provision of training and was advised that this was a priority area particularly in the building industry.⁴⁷¹

Canberra Institute of Technology

Additional scholarships

- 8.86 The Minister informed that Committee that additional support for fee relief for CIT students had been provided in the Budget particularly in areas of skills shortage and scholarships for students from lower socioeconomic backgrounds. The Chief Executive advised that students who were eligible for the Commonwealth's Newstart, or similar, allowance were eligible for a 50 per cent reduction in fees. The scholarship program would allow the Institute to further reduce the fees by around \$300. The additional funding in the ACT Budget would allow the CIT to provide an additional 1 000 scholarships annually in addition to the 300 previously available.⁴⁷²
- 8.87 The CIT would now be in a position to publicise scholarship opportunities for intending students through Centrelink and community organisations.

Recognition of prior learning

- 8.88 The Committee was informed of the increased focus by CIT on providing recognition of prior learning (RPL) opportunities for people in the workforce without formal or with outdated qualifications. This activity was funded in last year's budget and allowed the CIT to engage two recognition officers. While the initial assessment is offered without fee, the formal recognition process or qualification gap training attracts full fees to cover the costs associated. Potentially, the gap training course may be eligible for fee relief.⁴⁷³

⁴⁷⁰ *Proof Transcript of Evidence*, 27 May 2009, p 1068

⁴⁷¹ *Proof Transcript of Evidence*, 27 May 2009, p 1069

⁴⁷² *Proof Transcript of Evidence*, 27 May 2009, pp 1078–1079

⁴⁷³ *Proof Transcript of Evidence*, 27 May 2009, p 1082

8.89 The Chief Executive advised that:

We are well ahead of target. We have set a target of delivering around 150 000 training hours of recognition, and our estimate is that we will be at that level or exceed it this year.⁴⁷⁴

8.90 The Institute has liaised with industry on these processes and the Chief Executive emphasised the importance of RPL in some areas where lack of formal qualifications can prevent otherwise skilled workers from supervising apprentices. The provision of RPL was an important measure in addressing skills shortages in some industries.⁴⁷⁵

Staffing matters

8.91 The Committee queried the estimated staffing level of 781 FTE (full-time equivalent) in the Budget which anticipated that current staff numbers would be maintained in the 2009–2010 financial year. Yet, the operating statement indicated that employee expenses would decrease by one per cent during the financial year.⁴⁷⁶ The Chief Executive explained that the figures reflected a conservative approach to estimating adopted by the Institute.

8.92 However, the Committee observed that the CIT was in the midst of EBA negotiations and the Chief Executive confirmed that somewhere between a two and three per cent increase was anticipated and that some of this cost would be off-set by a productivity component.⁴⁷⁷ The Committee pressed the Institute for further explanation and was advised that the revenue figures for user charges (ACT Government and non-government) were conservatively estimated and the staffing estimates reflected these figures. The variable in terms of determining actual staff costs would depend on the mix of employees and actual staff hours. The Chief Executive advised that:

... the additional numbers essentially are project staff that might be on for a set period of six months or they are casual staff that can be on for any length of time. If you have a look at our fluctuations in both expenses and staffing profiles, they vary significantly during both the course of the year and across

⁴⁷⁴ *Proof Transcript of Evidence*, 27 May 2009, p 1082

⁴⁷⁵ *Proof Transcript of Evidence*, 27 May 2009, p 1083

⁴⁷⁶ *Budget Paper 4*, p 453 and p 459

⁴⁷⁷ *Proof Transcript of Evidence*, 27 May 2009, pp 1084–1085

years.⁴⁷⁸

- 8.93 Notwithstanding these budgeting practices, the Committee observed that the target for teaching hours had been increased for the coming financial year.⁴⁷⁹ The Committee was advised that these figures were for the hours delivered as a part of the ACT Government payment, or ‘profile hours’.⁴⁸⁰ The Chief Executive advised that ‘the employee expenses relate to the full suite of delivery, not just the delivery associated with the profile training.’⁴⁸¹

Non-government funded activity

- 8.94 The Minister observed that:

... as more and more VET funding becomes contestable, these sorts of issues are going to continue in terms of how the CIT can present to this Committee. It is obviously funded for a range, the ACT Government profile, but the Territory taxpayer pays for them. But when you look at it you are talking about a nearly \$100 million business of which \$64 million comes from the taxpayer and the rest is generated through a variety of other activities. Over time, the amount of non-government funded income is going to increase.⁴⁸²

- 8.95 The Committee agrees that this will present on-going reporting challenges and considered that additional efforts to disaggregate the figures may be warranted to prevent such complication in the reading of budget and other public documents providing public accountability.
- 8.96 Asked about the commercial activity undertaken by CIT, including those activities undertaken by CIT Solutions, the Committee was advised that any surplus funds and any profits made were automatically reinvested back into the institution according to the decisions taken by the CIT Board.⁴⁸³

Workforce profile

- 8.97 The Committee was interested to hear that considerable efforts were being

⁴⁷⁸ *Proof Transcript of Evidence*, 27 May 2009, p 1087

⁴⁷⁹ *Proof Transcript of Evidence*, 27 May 2009, p 1089

⁴⁸⁰ *Proof Transcript of Evidence*, 27 May 2009, p 1089

⁴⁸¹ *Proof Transcript of Evidence*, 27 May 2009, p 1089

⁴⁸² *Proof Transcript of Evidence*, 27 May 2009, p 1090

⁴⁸³ *Proof Transcript of Evidence*, 27 May 2009, p 1091

made to meet the workforce demands of the CIT including meeting the challenges associated with, among other things, an ageing workforce. There are a number of strategies in place to ensure organisational capability and renewal of the workforce. The Committee was informed that:

... the average age of our teachers in the March quarter was 48.8; for general staff, 42.7. The overall average is 46.2. So this reflects the historic situation where course teachers are expected to have industrial experience before they come here to teach. They will, as a result, be older; they will be an older group than the general staff. Also, in regard to the last few years, we have seen the overall average age of our staff drop. It was as high as 48 four years ago, and there have been some retirements at the older end of our workforce.⁴⁸⁴

Gungahlin flexible learning centre

8.98 The Committee was provided details about the development of the Gungahlin secondary college, library and CIT Flexible Learning Centre which is due to commence in 2011. The Flexible Learning Centre will operate in collaboration but separately from the College and some full-time staff will be located on site to support student learning. The experiences gained from the Tuggeranong Flexible Learning Centre and other sites will help establish the service at Gungahlin in the first instance and adaption to suit the needs of that community can follow. An assessment of the learning needs of the community will be conducted in the future.⁴⁸⁵

Master plan and capital works

8.99 The Committee sought some details on the status of the CIT Master Plan and was advised that the \$400 000 budgeted in the 2008–2009 year had enabled the CIT to look at a range of options, particularly for the Reid Campus. The Chief Executive also advised that there are some significant Commonwealth infrastructure funds available which the CIT may pursue to implement aspects of the plan.

8.100 The Committee was advised that there would be no roll-over of funds for the current year.

⁴⁸⁴ *Proof Transcript of Evidence*, 27 May 2009, pp 1095–1096

⁴⁸⁵ *Proof Transcript of Evidence*, 27 May 2009, p 1091

9 DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY

- 9.1 The Department of Justice and Community is responsible for the provision of the Territory justice system (including commercial law matters, civil dispute resolution and criminal justice); maintaining the integrity and independence of the courts; policing services; corrective services; a democratic system of ACT Government; and the management of emergencies, development of counter disaster plans, and provision of a range of emergency services.
- 9.2 Two Ministers are responsible for departmental activities and portfolio legislation: the Attorney General and Minister for Police and Emergency Services, Mr Simon Corbell MLA; and the Minister for Corrections, Mr John Hargreaves MLA.

Corrective services

- 9.3 On Wednesday 20 May 2009, the Minister for Corrections and departmental officers appeared before the Committee. Questions focused on the Alexander Maconochie Centre (AMC), particularly the delay in commencement of operations, human rights compliance, and facilities and programs for detainees.

Delays in the commencement of operation of the AMC

- 9.4 The Committee questioned the Minister on the delay in commencement of operations, particularly the costs associated with the delay. The Minister reported that he had quantified the cost of the delay to be \$2.174 million, minus liquidated damages.⁴⁸⁶ A view was put to the Minister that this figure contradicted the amount quoted by the Minister to the Standing Committee on Justice and Community Safety in February 2009, which was \$3.383 million in

⁴⁸⁶ Mr Hargreaves, *Proof Transcript of Evidence*, 20 May 2009, p 365

total.⁴⁸⁷ In response, the Minister agreed to provide the Committee with a reconciliation between the two figures.⁴⁸⁸

- 9.5 The Committee debated the costs and benefits of the AMC, including alternative corrections policies such as refurbishing or replacing the Belconnen Remand Centre, and the relatively high cost per prisoner per day relative to other jurisdictions.
- 9.6 There were questions from the Committee regarding faults with certain systems in the AMC, including the heating system, delay in installation of the Radio Frequency Identification (RFID) system and unresolved faults in the security system.⁴⁸⁹ Many of these questions were unable to be answered.

RECOMMENDATION 97

- 9.7 **The Committee recommends that the official opening of an ACT Government facility not be held until the facility is complete and ready to operate.**

Human rights compliance

- 9.8 The Committee asked a number of questions with respect to the human rights compliance of the AMC. The Minister gave advice to the Committee about the design principles of the AMC, which minimise harsh overt signs of incarceration with a campus-style design, and include four cottages ‘designed to give prisoners a high degree of autonomy over their day-to-day decisions, therefore improving their prospects of rehabilitation.’⁴⁹⁰ The AMC’s through-care model of prisoner management and rehabilitation, and the support available to families was discussed. The Minister tabled a letter from the Human Rights Commissioner reporting on her visit to the AMC. The Minister read extracts from the letter, including:

⁴⁸⁷ *Proof Transcript of Evidence*, 27 February 2009, p 54

⁴⁸⁸ *Proof Transcript of Evidence*, 20 May 2009, p 372.

⁴⁸⁹ The discussion regarding the security system faults (specifically defect 2.6) follows from evidence given to the Standing Committee on Justice and Community Safety’s inquiry into delays in commencement of operations of the AMC in February and March 2009.

⁴⁹⁰ *Proof Transcript of Evidence*, 20 May 2009, p 376

My overall impressions of AMC were that it was an excellent physical environment, and... functioning well. I wish to congratulate CS –

Corrective Services –

management and staff on their hard work in achieving this vast movement exercise, which has meant a huge improvement in human rights compliance... The iris scanning and security systems appeared to be functioning well... Detainees I spoke to were generally happy with conditions... the food was excellent...⁴⁹¹

- 9.9 The Committee raised the concerns of some prisoner rights groups with respect to the design and programs of the prison, and concerns regarding the safety of prisoners in the secure unit. Mr Ryan responded that ‘the design of the management unit is appropriate and equivalent to similar places around the country. I believe it does not breach any human right, and I do not think that there should be any concern about the design of such a place’.⁴⁹² Some Committee members expressed concern that the AMC would conduct strip-searching on detainees, and asked whether the ACT Government would be investing in alternative technologies. The Minister confirmed that the ACT Government is looking at alternative technologies to identify contraband, and that a review of policies and procedures would be conducted.⁴⁹³

Facilities and programs at the AMC

- 9.10 The Committee asked the Minister about the facilities available to detainees, and was particularly interested in the proposed construction of a chapel/quiet place, health centre and gymnasium. The Minister advised that he plans to make a budget bid in 2010–11 for funding to construct a gymnasium.⁴⁹⁴ Discussion ensued regarding the type of fitness equipment which should be available to detainees.
- 9.11 The Minister also provided information about the vocational education and training programs available to detainees. The Minister reported a 100 per cent

⁴⁹¹ *Proof Transcript of Evidence*

⁴⁹² *Proof Transcript of Evidence*, 20 May 2009, p 404

⁴⁹³ *Proof Transcript of Evidence*, 20 May 2009, pp 352–3

⁴⁹⁴ *Proof Transcript of Evidence*, p 382–3

participation rate in vocational education programs, and advised that all prisoners suitable for employment are currently engaged in work.⁴⁹⁵ The Minister described the planned post-release job-placement program for prisoners and provided details of rehabilitation programs, including anger management, cognitive self-change and substance abuse treatment.

RECOMMENDATION 98

- 9.12 **The Committee recommends that the ACT Government facilitate the involvement of community organisations in the provision of through-care and after-care in relation to the Alexander Maconochie Centre as a matter of urgency.**

RECOMMENDATION 99

- 9.13 **The Committee recommends that the Minister for Corrections, Mr John Hargreaves MLA, report all security breaches at all ACT correctional facilities to the Assembly quarterly.**

Attorney-General and Minister for Police and Emergency Services

- 9.14 The Attorney-General and Minister for Police and Emergency Services, Mr Simon Corbell MLA, met with the Committee on 25 May 2009 to discuss the following output classes:
- policy advice and justice programs
 - legal services to government
 - legislative drafting and publishing services
 - public prosecutions
 - protection of rights, Public Advocate, victim support, and the Public Trustee
 - electoral services
 - regulatory services
 - courts and tribunals

⁴⁹⁵ *Proof Transcript of Evidence*, p 350

- legal aid services including the Women’s Legal Centre
- Independent Competition and Regulatory Commission
- emergency services, and
- ACT policing.

9.15 The following were some of the issues canvassed during the hearing:

- the installation, operation and monitoring of CCTV cameras in various parts of the ACT
- the new police stations in Belconnen and Gungahlin and suburban policing consultative Committees
- funding for the Office of Director of Public Prosecutions, the courts and the Women’s Legal Centre
- the review of the Liquor Act
- restorative justice and a new Aboriginal Justice Agreement
- the appointment of new magistrates to replace retiring magistrates
- the rising costs of the provision of legal services to Government
- the discharge of fines through community service
- proposed amendments to the Legal Aid Act
- the Homeless and Elder Law project
- electronic voting in the ACT, and
- electricity pricing.

Installation, operation and monitoring of CCTV cameras

9.16 The closed circuit television network (CCTV) in the City Centre and other entertainment precincts and places of mass gathering continues to expand. Peak period monitoring will begin in 2009 in Civic, Manuka and Kingston. Six new cameras will be deployed in Manuka and five at Kingston. They will be installed and connected by the end of August, with some cameras online by the end of June this year. There are already CCTVs at the Canberra Stadium and the Jolimont bus terminus. By July this year there will be 12 new cameras in west Civic and in the Civic CBD. Cameras will be installed at Manuka Oval and planning should be complete for the Exhibition Park cameras by the end of June this year.

9.17 A real-time CCTV monitoring facility is being constructed at the Winchester

Police Centre in Belconnen. Monitoring for Civic Manuka and Kingston will occur, in the first instance, during Thursday, Friday and Saturday nights/early mornings. The reliability of the network is over 90–95 per cent.⁴⁹⁶

Restorative justice

- 9.18 Restorative justice is currently only provided to juvenile offenders. Satisfaction rates for both victims and offenders of more than 90 per cent satisfaction are being reported in surveys of the effectiveness of the program.⁴⁹⁷

Community consultation for suburban policing

- 9.19 Construction of a new Belconnen police station on the Winchester Police Centre site is scheduled for 2010–11.
- 9.20 It was noted in a public hearing that the ACT Government had made an election commitment to spend \$300 000 on a trial for two Community Consultative Committees to assist ACT Policing, and further build a relationship with the community. However, it has emerged that the \$300 000 will be found from within the Budget of ACT Policing, through reprioritisation.
- 9.21 The Minister advised the Committee:
- The government has not provided specific budget funding in the current budget, due to just the limited number of commitments that can be funded at any one time. However, as Mr Phelan has indicated, he is looking at options to implement that measure in the coming financial year to provide for a trial of consultative Committees, one north side one south side, to engage with the community on setting priorities for policing in those neighbourhoods.⁴⁹⁸
- 9.22 The Chief Police Officer, ACT Policing, Mr Phelan, also advised the Committee:
- We have increased the staff in our crime prevention portfolio by 14 coming in next year. What I intend to do is use some of those staff to run this trial. We will internally fund that particular process. We will be looking at what we can do in terms of programs that we currently do and see if we can fund the whole

⁴⁹⁶ *Proof Transcript of Evidence*, 25 June 2009, pp 733–5

⁴⁹⁷ *Proof Transcript of Evidence*, 25 June 2009, pp 733–5

⁴⁹⁸ *Proof Transcript of Evidence*, 25 May 2009, p 823

process then. But in this instance, it is mainly about the actual numbers of the individuals that will be doing it; I intend to take two people to do that.⁴⁹⁹

RECOMMENDATION 100

- 9.23 **The Committee recommends that the ACT Government provide details to the Assembly of the impact on services as a result of the decision to fund the ACT Policing Consultative Committee trial from existing funding and that the ACT Government report to the Assembly with the result of the trial in November 2009.**

Protection of rights, Public Advocate, victim support, and Public Trustee

- 9.24 The Committee received evidence about satisfaction rates for the clients of several public offices:
- the Public Advocate surveys people associated with clients of its services because usually those clients are unable to respond directly. Ten people who support that client may respond to an annual or six-monthly survey, which is then counted as one response.⁵⁰⁰
 - Victim Support ACT achieved a 90 per cent success rate for its target of giving clients an intake appointment within 10 working days of reception. The target was only 80 per cent for 2008–09. The target for 2009–10 remained at 80 per cent. The acting chief executive officer of JACS, Mr Stephen Goggs, explained that additional and focussed support had been provided to Victim Support ACT in 2008–9 and it was hoped that its success rate could be maintained during a relocation and refit of service's premises.⁵⁰¹

Legal aid services including the Women's Legal Centre

- 9.25 The Attorney General advised the Committee that the ACT Government will provide funding of \$50 000 for 2009–10 for the Indigenous women's project run by the Women's Legal Centre. That funding was previously provided through the former Community Inclusion grant scheme. The Centre's primary

⁴⁹⁹ *Proof Transcript of Evidence*, 25 May 2009, pp 823–4

⁵⁰⁰ *Proof Transcript of Evidence*, 25 May 2009, p 740

⁵⁰¹ *Proof Transcript of Evidence*, 25 May 2009, p741

funding is provided by the Commonwealth Attorney General's Department. Additional funding may be accessed through grants programs. The Legal Aid Commission may on occasion also devolve some of its funding to community legal centres.⁵⁰² The Women's Legal Centre has written to Committee members and advised that at no stage have they received funding from Legal Aid.

RECOMMENDATION 101

- 9.26 **The Committee recommends that the ACT Government review the funding arrangements for all community legal centres prior to the 2010–11 ACT Budget.**

Office of Director of Public Prosecutions

- 9.27 The ACT Government has responded to requests from the Director of Public Prosecutions (DPP) for increases in staff funding, enabling the appointment of five prosecutors, two paralegals and a support staff.⁵⁰³ The Director of Public Prosecutions, Mr Jon White, commented on the pressures experienced by prosecutors who worked to court-imposed deadlines with very limited resources. On salary-parity with prosecutors in other jurisdictions, and other lawyers, Mr White said that that was most appropriately dealt with through the wage bargaining process.⁵⁰⁴
- 9.28 Mr White noted that the sexual assault unit, the family violence unit and witness assistants would be co-located in a loose confederation of services. If, following discussion with JACS, there was an expectation that DPP provide additional services, that would have to be the subject of an additional resourcing bid.⁵⁰⁵ The Committee expects that this co-location will be of benefit to clients.
- 9.29 Mr White explained that a difficulty that has arisen with accessing criminal histories for weekend courts was being worked through with the Australian

⁵⁰² *Proof Transcript of Evidence*, 25 May 2009, p742

⁵⁰³ *Proof Transcript of Evidence*, 25 May 2009, pp 743, 760, 761

⁵⁰⁴ *Proof Transcript of Evidence*, 25 May 2009, p 762

⁵⁰⁵ *Proof Transcript of Evidence*, 25 May 2009, p 764

Federal Police.⁵⁰⁶

ACT Civil and Administrative Tribunal

- 9.30 The ACT Civil and Administrative Tribunal (ACAT) commenced on 2 February 2009. Its concept, to bring together a number of boards and tribunals under one roof, was sound. However, the Committee noted that to date there have been a number of issues, including premises not ready on time, forms and procedures not properly developed, and a range of inefficiencies, including increased costs, emerging.
- 9.31 The Committee also noted that there were no accountability indicators for the ACAT.
- 9.32 In giving evidence before the Committee, the Attorney and departmental officials were unable to answer almost all of the questions put to them. The Attorney could not even recall that one user of ACAT, previously the highest user of the ACT Small Claims Court, had written to him in March 2009 concerning the obstacles he was now confronting.⁵⁰⁷

RECOMMENDATION 102

- 9.33 **The Committee recommends that the Attorney-General commission an independent review of the ACT Civil and Administrative Tribunal after twelve months of its operation, including the activities undertaken during the transition period.**

RECOMMENDATION 103

- 9.34 **The Committee recommends that accountability indicators be developed for ACT Civil and Administrative Tribunal and be reported upon in the Department of Justice and Community Safety's 2009–10 annual report.**

⁵⁰⁶ *Proof Transcript of Evidence*, 25 May 2009, p 764

⁵⁰⁷ *Proof Transcript of Evidence*, 25 May 2009, p 738

Appointment of magistrates

- 9.35 The Attorney General advised the Committee that as Chief Magistrate Cahill and Magistrate Madden were retiring this year, replacement appointments will need to be made. The positions will be advertised and applicants will be assessed against selection criteria. The Law Society and the Bar Association will be consulted about proposed appointments. The Chief Magistrate may be consulted in relation to the Magistrate's appointment. The ACT Cabinet should have considered the proposed appointments by the end of 2009.⁵⁰⁸
- 9.36 In responding to a question relating to whether the Legislative Assembly's Standing Committee on Justice and Community Safety would be involved in any way in the process of the impending appointments of new magistrates, the Attorney said:
- There is not a role for the standing Committees of the Assembly in relation to the appointments of judges or magistrates. That has been the case ever since we took responsibility for the courts.⁵⁰⁹
- 9.37 The question was raised previously in the context of the appointments of Supreme Court judges, to ensure more independence in the appointment process.

Government Solicitor and provision of legal services to government

- 9.38 Funding to cover the cost of the provision of legal advice to the ACT Government has been increased by about 9 per cent, largely in anticipation of the need for legal advice in relation to very large capital projects and procurements, including for health infrastructure that the ACT Government is entering into over the next 12 months. This is a prudent and necessary risk management strategy. The ACT will continue to use standard form contracts developed by the NSW Government for large procurements, but the Government Solicitor's Office will provide a greater level of scrutiny of contractual terms than they may have previously, in liaison with Procurement

⁵⁰⁸ *Proof Transcript of Evidence*, 25 May 2009, p 744–5

⁵⁰⁹ *Proof Transcript of Evidence*, 25 May 2009, p 749

Solutions.⁵¹⁰

- 9.39 The ACT's Chief Solicitor, Mr Peter Garrison, advised that his office had provided extensive advice in relation to legal issues that have arisen with the contracts for the Alexander McConachie Centre (AMC). The Attorney General declined to provide the advice he had received on the issue of the ACT's prospects for recovery of damages arising from the AMC contract because some of the matters were yet to be resolved and it would be imprudent to disclose the Territory's position in relation to those.⁵¹¹
- 9.40 The Committee was told that the Government Solicitor was not engaged to provide legal advice to government on the Emergency Services Authority (ESA) airport lease and AMC construction contracts, and a number of other large-scale infrastructure contracts.
- 9.41 Budget funding was provided to boost the Government Solicitor's capacity to be able to provide such advice on contracts.
- 9.42 When asked why the ACT Government did not seek advice from the Government Solicitor on the AMC contracts, he responded that, 'Generally speaking, the Territory has relied on standard contracts that have been developed for projects of the magnitude of some of those projects such as the AMC.'

RECOMMENDATION 104

- 9.43 **The Committee recommends that the ACT Government review its policy in relation to the criteria for seeking the advice of the Government Solicitor on contracts with the Territory.**

Aboriginal Justice Agreement

- 9.44 The ACT Government is proposing to enter into an Aboriginal Justice Agreement with the ACT Government-funded Aboriginal Justice Centre. The agreement will set out broad strategic directions and agreed objectives in relation to the provision of justice services to members of the ACT Indigenous

⁵¹⁰ *Proof Transcript of Evidence*, 25 May 2009, p 746–8

⁵¹¹ *Proof Transcript of Evidence*, 25 May 2009, pp 751–2

community. Those objectives will then be reflected in service-level agreements with relevant organisations. Discussions are involving ACT Policing, the courts, Corrective Services and other agencies. The aim is for the agreement to commence in the middle of 2010.⁵¹²

- 9.45 The Committee's discussion of the Homeless and Elder Law project which is a joint project involving the Aboriginal Legal Service and Legal Aid Commission is discussed below.

ACT Electoral Commission

- 9.46 The Committee discussed the need for clarity in the accountability measures for electoral services, the integrity of the ACT electoral roll and the benefits of electronic voting. The ACT Electoral Commission, Mr Phillip Green, discussed the ACT and national trend of increasing numbers of pre-poll votes being lodged. He attributed this to lives becoming busier and not that Saturdays were unsuitable election days.⁵¹³

Office of Regulatory Services

- 9.47 The Committee discussed proposals for 'enhanced fine enforcement'. This will involve the development of a new legislative regime to provide the courts with a greater range of options for providing for fine enforcement. The reforms will allow for voluntary work to be undertaken as an alternative to imprisonment if they are unable to pay their fines. Additional funding is being provided to the courts for more staff to pursue fine defaulters. Funding will also be provided to Volunteering ACT to fund them to develop the voluntary work component of the proposal. Projections for revenue collection from fines remain conservative.⁵¹⁴
- 9.48 The Committee was told evidence about a 'love boat' offering adult entertainment on Lake Burley Griffin. The Office of Regulatory Services had secured the operator's withdrawal of misleading advertising, and although other legal issues had been raised in discussion with the operator, it was likely

⁵¹² *Proof Transcript of Evidence*, 25 May 2009, p 754

⁵¹³ *Proof Transcript of Evidence*, 25 May 2009, p 768

⁵¹⁴ *Proof Transcript of Evidence*, 25 May 2009, p 769–70, 774

that his activities were a matter for Commonwealth regulation.⁵¹⁵

Legal Aid Commission

- 9.49 The Committee's discussion with the Attorney-General and the Chief Executive Officer of the Legal Aid Commission focussed on proposed amendments to the Legal Aid Act that would enable the Commission to remove some lawyers from the open panel of practitioners to whom legal aid work is allocated. The proposed amendments will enable the Commission to attach requirements or conditions to panel membership, like practice standards and other criteria, and to establish specialist panels such as a family law panel and a crime panel. The amendments will also enable practitioners to be removed from the panel if their competence is not satisfactory.⁵¹⁶
- 9.50 The Committee also discussed the Homeless and Elder Law project which is a two-year project between the Commission and the Aboriginal Legal Service. The project is designed to develop a cost-effective model for enabling homeless people and older people to access legal aid services. The project will involve liaison with and coordination with the agencies that work with homeless people and older people, and with lawyers who can service those agencies' disadvantaged clients' needs. Discussion had already been held with the Council for the Ageing (COTA) and ACT Shelter.⁵¹⁷

Emergency Services Authority

Ambulance services

- 9.51 The Commissioner of the Emergency Services Authority, Mr Gregor Manson, advised the Committee that following staff recruitment (16 staff and four new ambulances), the ambulance service would return to its full budgeted complement of 156 staff. Mr Manson cautioned against relying on a *Canberra Times* article which reported that the ACT ambulance service was being

⁵¹⁵ *Proof Transcript of Evidence*, 25 May 2009, p 769

⁵¹⁶ *Proof Transcript of Evidence*, 25 May 2009, p 777–8

⁵¹⁷ *Proof Transcript of Evidence*, 25 May 2009, p 780

pushed to disaster.⁵¹⁸ The service had instituted a demand modelling roster which enabled more ambulance officers to be in front-line ambulances during peak periods. Demand for ambulance services continued to increase at a rate of about 10 per cent per year.⁵¹⁹

- 9.52 The Minister advised that an additional two ambulances had been put in place during peak times, with less staff rostered for quieter times. Meal breaks had become more attainable. Additional ambulance paramedics were also being trained.

Emergency Services Authority headquarters

- 9.53 The Minister advised that the new Emergency Services headquarters was progressing. A new heads of agreement between the Canberra Airport Group and the ACT had been signed in December 2008. Under that agreement the airport will begin construction on a new two-storey headquarters building and a new four-bay workshop (with secure vehicle compound) in June 2009, and will refurbish building no. 183 at Fairbairn into a resource and logistics centre. The refurbishment is due to be completed in December 2009, and the headquarters to be completed by December 2010. Twenty staff are currently located at the headquarters.
- 9.54 The rent payable has been \$183 283 per month since 2005, pursuant to the original heads of agreement.⁵²⁰ The Committee is concerned at the significant cost to the taxpayer as a result of the ongoing delay in this process.
- 9.55 The Minister advised that a decision had been made to relocate the helicopter base for rural fire responses to Hume, to co-locate with the SouthCare helicopter base there. New helipads and hangar space will be constructed in Hume. This decision was made because the costs of parking aircraft at the airport are very high, and it is easier to respond to incidents from the Monaro Highway location in Hume. A specialist training facility for all ACT emergency services is also being built at Hume.⁵²¹

⁵¹⁸ *Proof Transcript of Evidence*, 25 May 2009, p 792–4

⁵¹⁹ *Proof Transcript of Evidence*, 25 May 2009, p 795

⁵²⁰ *Proof Transcript of Evidence*, 25 May 2009, pp 795–6

⁵²¹ *Proof Transcript of Evidence*, 25 May 2009, pp 797–8

- 9.56 The Committee notes media reports that the lease at Fairbairn will only be for 15 years.

RECOMMENDATION 105

- 9.57 **The Committee recommends that the Minister for Police and Emergency Services, Mr Simon Corbell MLA, report quarterly on the progress of the Emergency Services Authority headquarters being constructed at the Canberra Airport.**

RECOMMENDATION 106

- 9.58 **The Committee recommends that the Minister for Police and Emergency Services provide a full budget acquittal for the emergency services headquarters to date.**

Tidbinbilla Rural Fire Service facility

- 9.59 There has been evidence available for a number of years that the Tidbinbilla Rural Fire Service (RFS) facility has been run down and is in a poor location. This was discussed in evidence to the recent hearings into Appropriation Bill 2008–09 (No. 3), which revealed the extent of unsatisfactory nature of the Tidbinbilla Rural Fire Service facility. The Minister said

Obviously some of the larger issues, such as a potential relocation of a facility, are a much larger budget issue and it is most unlikely that it would be able to be commenced with expenditure occurring before the Budget itself was brought down in May. In those circumstances, there are a number of stations where, on the advice of the ESA, I took the decision that it was appropriate to allow those matters to be dealt with in the Budget context and not through this special appropriation.⁵²²

- 9.60 There is no doubt that the intention of the Minister's comments was that funding for this facility would be provided in the 2009–10 Budget. The Minister is now saying that this facility would be refurbished in a later budget and not necessarily in the 2009–10 Budget.

⁵²² ACT Legislative Assembly, Standing Committee on Public Accounts, Reference: Appropriation Bill 2008–2009 (No 3), *Transcript of Evidence*, 11 March 2009, p 52

RECOMMENDATION 107

- 9.61 **The Committee recommends that the ACT Government implement, as a matter of urgency, action to develop a new facility for the Tidbinbilla Rural Fire Service.**

ACT Policing

- 9.62 The Committee's discussions with the Chief Police Office for the ACT, Mr Michael Phelan, focussed on perceptions of the incidence of crime in the ACT, community engagement and drink-driving.
- 9.63 Mr Phelan advised that when benchmarked against the national average, the ACT was a safer place to live as we have less assaults, sexual assaults and violent crimes. However, ACT residents experienced more housebreaking and motor vehicle theft, and fear of being a victim of those crimes. But the ACT also had more police on patrol than in other parts of the country.⁵²³

Accountability indicators

- 9.64 The budget papers do not provide any significant detail for ACT Policing and how the Purchase Agreement relates to the Budget beyond a monetary figure.

RECOMMENDATION 108

- 9.65 **The Committee recommends that the ACT Government incorporate detailed accountability indicators relating to ACT Policing as part of its Justice and Community Safety budget statement to provide a correlation between the ACT Policing Purchase Agreement and performance.**

ACT Policing personnel

- 9.66 Details of personnel involved in ACT Policing are not readily available and make it difficult to determine the appropriate number of police required as part of our purchase agreement with the Australian Federal Police (AFP).

⁵²³ *Proof Transcript of Evidence*, 25 May 2009, p 802

RECOMMENDATION 109

- 9.67 **The Committee recommends that the ACT Government provide the Assembly with specific details of ACT Policing personnel by location, rank and duties, and incorporate this information in future Justice and Community Safety budget statements.**
- 9.68 Mr Phelan advised that he was expanding the police service's engagement with the community, beyond Neighbourhood Watch and Community Councils. Suburban policing consultative Committees would be trialled – one on the north side of Canberra and one on the south side.⁵²⁴
- 9.69 Mr Phelan expressed exasperation at the failure of many ACT residents to change their attitudes towards drink-driving. He said that alcohol abuse is contributing to an increase in violent crime, and jeopardises the safety of members of the community and ACT police. The average number of drivers caught driving over the limit in random breath testing used to be about one in 61. In 2009 it had been one in 54. On one Friday night in May, 45 offenders were caught during 500 tests: a one in 11 ratio. So far this year there had been a 50 per cent increase in the number of drink-drivers being caught. Police will continue to target this crime.⁵²⁵
- 9.70 The Committee agrees that driving under the influence (DUI) has emerged in recent weeks as a serious issue and had been on the increase, despite ACT Police campaigns. The Chief Minister has suggested a 'name and shame' strategy to deal with the problem.

RECOMMENDATION 110

- 9.71 **The Committee recommends that the ACT Government, in conjunction with ACT Policing, develop strategies to target the alarming increase in the number of people driving under the influence, and that the ACT Government report back to the Assembly with progress in November 2009.**

⁵²⁴ *Proof Transcript of Evidence*, 25 May 2009, pp 803, 805

⁵²⁵ *Proof Transcript of Evidence*, 25 May 2009, p 804

- 9.72 In relation to a discussion about a story and photograph in the *Canberra Times* on 6 August 2009, the Minister advised that the function was not during the caretaker period, and that as host of the function, the ACT Government was at liberty to invite whomsoever it pleased.
- 9.73 The Committee noted that the Minister admitted that ALP candidates were invited to the event but that neither Greens nor Liberal Party candidates were invited. The Minister also stated that the coordination of the event was conducted predominantly through his office.⁵²⁶
- 9.74 The event was organised for an announcement of the ACT Government's decision to provide additional funding to enable the Gungahlin police station to operate on a 24/7 basis. Mr Phelan was emphatic that had the event been organised during the caretaker period, no ACT Policing assets would have been made available.⁵²⁷
- 9.75 Mr Phelan was unaware that unelected political candidates would be in attendance at the event, where photographs of the candidates were taken and subsequently published in media reports.⁵²⁸
- 9.76 Concerns were expressed about the use of public assets, namely the Gungahlin Police Station and the Chief Police Officer, for political purposes by the Minister.

New police station

- 9.77 Mr Phelan also advised the Committee about the new Belconnen Police Station which will be built on the current Winchester site on the corner of Benjamin Way and Lathlain Street. The station will be occupied at the end of 2010 or 2011, and will be a state-of-the-art 24/7 police station.⁵²⁹

⁵²⁶ *Proof Transcript of Evidence*, 25 May 2009, p 807

⁵²⁷ *Proof Transcript of Evidence*, 25 May 2009, p 809

⁵²⁸ *Proof Transcript of Evidence*, 25 May 2009, p 827

⁵²⁹ *Proof Transcript of Evidence*, 25 May 2009, p 812

10 DEPARTMENT OF DISABILITY HOUSING AND COMMUNITY SERVICES

10.1 The Department of Disability, Housing and Community Services covers a broad range of human services delivery programs that is overseen by the following Ministers: Minister for Disability and Housing; Mr John Hargreaves MLA, the Minister for Children and Young People, Mr Andrew Barr MLA; the Minister for Community Services Ms Katy Gallagher MLA; and the Minister for Ageing, Mr John Hargreaves MLA.

Disability

10.2 The Committee met with the Minister for Disability and Housing and departmental officials on Friday 29 May 2009 and discussed the following key issues.

Accreditation of disability services

10.3 Noting that non-government service providers are required to meet the national disability service standards, queries were raised about whether services provided by Disability ACT were also subject to the same requirement. The Minister noted that it would be inappropriate to require others to meet a standard that Disability ACT did not achieve, and Ms Ford, Executive Director, of Disability ACT assured the Committee that services provided by the Disability ACT meet the national standards.⁵³⁰

10.4 Apart from the Auditor-General conducting an audit of respite services the Committee sought clarification about how accreditation and/ audits are currently conducted and was advised that it is based on a method of self-assessment.⁵³¹ However, Ms Ford explained that:

...under our new service funding agreement with the Commonwealth Government, providers will be required to have a pre-requisite or accreditation.

⁵³⁰ *Proof Transcript of Evidence*, 29 May 2009, p 1290

⁵³¹ *Proof Transcript of Evidence*, 28 May 2009, pp 1289–90

That is not going to be nationally determined. It will be determined by each state and territory as to what that framework will look like.⁵³²

- 10.5 The Committee was further advised that Disability ACT was developing a pre-qualification framework to cover accreditation for community providers and services provided by Disability ACT.⁵³³

Human rights compliance

- 10.6 Enquiring about what work had been undertaken to ensure that disability services are Human Rights Act compliant, Ms Ford advised that a human rights lawyer had been employed in the policy area to ensure all disability servicers were human rights compliant.
- 10.7 The Committee noted the respite care audit conducted by the Auditor-General and enquired whether future audits would be dependent on the time and resources of the Auditor-General's Office. Ms Lois Ford advised that Disability ACT funds five random audits annually, which includes services operated by Disability ACT.⁵³⁴
- 10.8 The Chair of the Committee raised concerns that Ministers and officials failed to address the possibility of implications from the report in relation to similar problems associated with overall service delivery.

Equipment loan service and Independent Living Centre

- 10.9 The moving of the Independent Living Centre (ILC) from Weston Creek to Village Creek, Kambah, was also raised. The Minister stated that he was not aware of any plan to move the ILC.⁵³⁵
- 10.10 The Committee discussed the relocation of the equipment loan service from TCH to the former Village Creek primary school premises. While this was a matter for the Minister for Health there was concern about the inconvenience this would cause for people with a disability who accessed the service. The Minister advised that he considered the current premises at TCH to be

⁵³² *Proof Transcript of Evidence*, 29 May 2009, p 1290

⁵³³ *Proof Transcript of Evidence*, 29 May 2009, p 1290

⁵³⁴ *Proof Transcript of Evidence*, 29 May 2009, p 1290

⁵³⁵ *Proof Transcript of Evidence*, 28 May 2009, pp 1294–5

inappropriate and difficult to access given the types of equipment on loan. The Minister further advised that he fully supported the new location, but would be happy to look at any complaints that had been made.⁵³⁶

RECOMMENDATION 111

- 10.11 **The Committee recommends that ACT Health conduct a full consultation process with users of both the equipment loan service and the Independent Living Centre to determine the best location for these services before the relocation occurs.**

Transition of individuals from hospital to the community

- 10.12 The Committee was interested in the transition of individuals from hospital to the community program – ‘ensuring people ready for discharge receive appropriate community based support for ongoing care needs’.⁵³⁷ The Minister advised that there are eight people currently in hospital that require support to live in the community. The Minister further advised that this program will require cooperation between ACT Health and Disability ACT.⁵³⁸
- 10.13 Through the Committee, clarification was sought on a briefing a Member had received from the department regarding a patient awaiting transition from TCH to the community. The Minister told the Member and the Committee that he was concerned that the Member had not received a full briefing. When questioned further on what was not contained in the original briefing the Minister advised:
- ... pieces of information that we were not able to provide you were not within the jurisdiction of me or the officers that were there. They were Health-related matters which we were asked by the CEO of the department of health not to divulge.⁵³⁹
- 10.14 Further questions were asked about why the Chief Executive of Health would not provide that information. Mr Hehir, Chief Executive DHCS, explained:

⁵³⁶ *Proof Transcript of Evidence*, 29 May 2009, pp 1293–4

⁵³⁷ 2009–10 *Budget Paper* No. 3, 82

⁵³⁸ *Proof Transcript of Evidence*, 29 May 2009, p 1295

⁵³⁹ *Proof Transcript of Evidence*, 29 May 2009, p 1298

The Minister had actually initially asked whether Health could attend the briefing, and when I discussed that with Mr Cormack, he said no, Health would not discuss—would not attend the briefing. His view was that the medical records and the medical information for the individual were completely confidential.⁵⁴⁰

- 10.15 The Committee is concerned about the lack of coordination between departments on this issue.

Young people with disability in residential aged care

- 10.16 The Committee was interested in why the funding for this program was being rolled over. Mr Hehir explained that this is a capital item that is the building of the actual accommodation for the package from the Commonwealth. The Committee was further advised that the approval process took longer than expected but the completion date is on track for December 2009.⁵⁴¹

Government partnerships

- 10.17 The Committee was interested in the cooperative work that cuts across departments to assist people with disabilities. The Minister advised of a range of partnerships that exist – including a joint program between ACT Mental Health and Disability ACT. Ms Ford further advised of arrangements in place with the Department of Education and Training, Department of Justice and Community Care, Housing ACT and ACT Health.⁵⁴²

Unmet need

- 10.18 Noting information on the DHCS website indicating that \$74.5 million is required to meet the demand in Disability Services and that the current allocation is \$68.5 million the Committee enquired about shortfall.⁵⁴³ Ms Ford advised that since the funding plan of 2004–2006 that Disability ACT had:

...broadened the scope of disability over the last three to four years, so we now have as priority areas, which we had not included in our funding plan

⁵⁴⁰ *Proof Transcript of Evidence*, 29 May 2009, p 1299

⁵⁴¹ *Proof Transcript of Evidence*, 29 May 2009, p 1305

⁵⁴² *Proof Transcript of Evidence*, 29 May 2009, pp 1296–7

⁵⁴³ *Proof Transcript of Evidence*, 28 May 2009, p 1306

previously, children and young people with a disability and then people who are neurological and degenerative disorders. So we are currently in the process now of updating that funding plan, redoing it to include that broader base.⁵⁴⁴

10.19 Mr Hehir further advised that the \$8 million shortfall would be picked up with the new Commonwealth funding to be received under the new national disability agreement.⁵⁴⁵

Other issues

10.20 Other issues canvassed in the Disability portfolio included:

- the maximum level of funding for individual support packages
- the process used by the department for the withdrawal of an individual support package
- an update on the recommendations agreed to from the Gallop Report, and
- whether the policy framework for disability currently being developed is intended to work within the framework of the UN Convention on Disability and the National Disability Agreement.

Office of Multicultural Affairs

10.21 The Committee met with the Minister for Multicultural Affairs, Mr John Hargreaves MLA, and departmental officials on Friday 29 May 2009 and discussed the following key issues:

Multicultural Festival

10.22 The Committee was interested in the indicators used to measure the success of the Multicultural Festival. Noting Strategic Indicator Six that measures 'participation in community life by Canberrans',⁵⁴⁶ the Committee was not convinced that this was the best method of measuring success. The Minister agreed with the Committee that quantitative performance indicators do not give a true picture but are provided to show growth in participation.⁵⁴⁷

⁵⁴⁴ *Proof Transcript of Evidence*, 29 May 2009, pp 1306–7

⁵⁴⁵ *Proof Transcript of Evidence*, 29 May 2009, p 1307

⁵⁴⁶ *2009–10 Budget Paper No. 4*, p 231

⁵⁴⁷ *Proof Transcript of Evidence*, 29 May 2009, pp 1359–60

10.23 Stating that the Festival is about promoting a sense of multicultural harmony the Minister advised that ‘subjective feedback’ is also considered. In relation to signature events the Minister advised that one of the measures used:

...is the degree to which the conversation about our Festival resounds around the embassy circuit, around our communities as I go around some of the community events that it is known.⁵⁴⁸

10.24 The Committee was interested in how decisions were made regarding what performances would be included at the Festival. The Minister advised that the Office of Multicultural Affairs puts together the concept for the Festival but the final decision on which performances will be included in the program rests with the Minister.⁵⁴⁹ The Minister acknowledged community dissatisfaction with this process, but until his vision for the Multicultural Festival to be community-owned and run is achieved, the ACT Government carries the whole risk.⁵⁵⁰

RECOMMENDATION 112

10.25 **The Committee recommends that in relation to the Multicultural Festival, the ACT Government develop formal monitoring and evaluation processes, including key accountability indicators, and provide a full annual report measuring the success of the Festival.**

Multicultural strategy

10.26 The Committee enquired about the multicultural strategy and when it would be finalised. Mr Manikis, Director, Office of Multicultural, Aboriginal and Torres Strait Islander Affairs, told the Committee that he expected a second draft of the strategy to be available by August/September 2009. Mr Manikis also advised that 26 submissions had been received in response to the first consultation.⁵⁵¹ The Minister further advised that he intended to issue a ministerial statement outlining the process, showing the views and tabling the draft strategy before it is made available for the community for further

⁵⁴⁸ *Proof Transcript of Evidence*, 29 May 2009, p 1360

⁵⁴⁹ *Proof Transcript of Evidence*, 29 May 2009, p 1361

⁵⁵⁰ *Proof Transcript of Evidence*, 29 May 2009, pp 1360–1

⁵⁵¹ *Proof Transcript of Evidence*, 29 May 2009, p 1366

comment.⁵⁵²

- 10.27 Noting the limited accountability indicators relating to community affairs⁵⁵³ it was suggested that some of the indicators from output 3.1 community services were relevant to multicultural affairs, and that they be considered for inclusion in future Budget reports. The Minister agreed with the suggestion and advised that he would take it on board.⁵⁵⁴
- 10.28 The Committee noted that some community groups believe that the Theo Notaras Centre is being used to house departmental staff not community groups, as was the intention of the building. Enquiring about the current tenancy/department ratio of occupancy the Minister was not able to provide a direct response but undertook to provide a current list of tenancies including the amount of space occupied.⁵⁵⁵

Multicultural Youth Service

- 10.29 With the Community Inclusion Fund (CIF) ceasing on 30 June 2009 the Committee enquired about funding for the multicultural youth service and in particular, the drop in-centre. The Minister advised that he was aware of some confusion around the CIF funding, but as he explained, the CIF funding was for a one-off program called Bridge to Empowerment, not the drop-in as some people thought. The Minister further advised that the drop-in centre is funded through the Commonwealth and that the drop-in centre has never been considered for recurrent funding from the ACT Government.⁵⁵⁶
- 10.30 Further information was sought about what was being done for young refugee people given that young people have been identified as a priority in the multicultural strategy. The Minister told the Committee that the) is not the only way of connecting with young people from diverse cultural backgrounds.⁵⁵⁷

⁵⁵² *Proof Transcript of Evidence*, 29 May 2009, p 1366

⁵⁵³ *2009–10 Budget Paper No.4*, p 242

⁵⁵⁴ *Proof Transcript of Evidence*, 29 May 2009, p 1367

⁵⁵⁵ *Proof Transcript of Evidence*, 29 May 2009, p 1367

⁵⁵⁶ *Proof Transcript of Evidence*, 29 May 2009, pp 1368–70

⁵⁵⁷ *Proof Transcript of Evidence*, 29 May 2009, p 1370

- 10.31 Mr Hehir advised that the MYS was not meeting its objective and is a bit isolated and not well connected to other services and as a result the drop-in centre is turning into a case management centre. Mr Hehir further advised that DHCS is talking with MYS about the best ways of delivering services to the target group.⁵⁵⁸
- 10.32 The Committee noted that there was no funding for multicultural youth services in this year's budget but questioned when one could be expected. The Minister was not able to provide any guarantees and informed the Committee that the amount of funds available to implement the multicultural strategy was \$79 000 plus indexation.⁵⁵⁹
- 10.33 The Committee noted that this funding serves the purpose for small one-off grants in the multicultural community, however, despite not seeing the final multicultural strategy, the Committee considers these funds to be inadequate for the expected initiatives contained in the strategy.

RECOMMENDATION 113

- 10.34 **The Committee recommends that the ACT Government conduct an independent assessment of the costs associated with funding the initiatives in the multicultural strategy (when it is finalised) and increase the allocated funding as required.**

Office of Aboriginal and Torres Strait Islander Affairs

- 10.35 The Committee enquired about the end of funding of some projects attached to the Gugan Gulwan Youth Centre, citing concerns about the literacy and numeracy program affecting young Indigenous people as a key area of concern. The Committee was informed that, through the Community Inclusion Board, there were many temporary programs established and funded that were never intended to be continued into subsequent budget cycles. The projects were designed to leverage community support and enhance participation.⁵⁶⁰ The Committee has made comments on Gugan Gulwan in the

⁵⁵⁸ *Proof Transcript of Evidence*, 29 May 2009, p 1370

⁵⁵⁹ *Proof Transcript of Evidence*, 29 May 2009, pp 1373–4

⁵⁶⁰ *Proof Transcript of Evidence*, 28 May 2009, pp 1145–7

education section of the report and refers readers to that.

- 10.36 In noting the importance of literacy and numeracy for Indigenous children, the Committee enquired further as to whether the Government would continue this particular funding. Mr Hehir believed his department had consulted with the Department of Education and Training about this but would need to clarify the outcome.⁵⁶¹
- 10.37 The Committee brought attention to the Government's election commitments to fund the following projects: the Indigenous Grandparents initiative, the Ngunnawal Genealogy project and Leadership Training. The Committee asked why they were not included in the current budget.
- 10.38 The Committee was informed that the Indigenous Grandparents initiative had been rolled into general grandparents program funding within the Office of Children, Youth and Family Support. The Genealogy Program is not funded in this year's budget but is expected to be re-established in the future. Mr Stanhope, Chief Minister, noted sensitivities in the Indigenous community surrounding this project that need to be further facilitated prior to re-instatement. Leadership Training will also have to be brought in at a later date.⁵⁶²

RECOMMENDATION 114

- 10.39 **The Committee recommends that the ACT Government consults further with the United Ngunnawal Elders Council and the Indigenous Elected Body in relation to its plans to fund a Ngunnawal Genealogy Study and report back to the Assembly by the last sitting week in 2009.**
- 10.40 The Committee enquired into the progress of the proposed Indigenous elected body. Mr Stanhope explained that the body is in interesting times and making progress, while making the point that:

...we are essentially still finding our way in relation to the nature of the relationship that needs to develop between the Indigenous elected

⁵⁶¹ *Proof Transcript of Evidence*, 28 May 2009, p 1147

⁵⁶² *Proof Transcript of Evidence*, 28 May 2009, pp 1148–50

representatives, Ministers, the ACT Government as a whole, departmental heads and agencies.

- 10.41 Mr Stanhope also posited the idea of an ‘Estimates style approach to Indigenous issues’. That is, executive heads and other colleagues would be required to attend similar pre- and post-budget processes such as occurs in the Assembly. On this theme the Committee suggested an ‘aggregated Indigenous budget statement’ like the ‘women’s statement’ that would be published for public scrutiny. The Chief Minister, in acknowledging the broad spread of Indigenous programs across varied departments and between Territory and Commonwealth funded initiatives, supported the idea for an aggregation of Indigenous-specific funding.⁵⁶³

RECOMMENDATION 115

- 10.42 **The Committee recommends that in future budgets, the ACT Government provide the total annual spending on initiatives and programs specific to the Indigenous community across all ACT Government departments, agencies and administrative units.**
- 10.43 The Committee sought more information on the Government’s funding arrangements for Indigenous Traineeships. The Committee was informed that there will be funding for fifteen positions each year. Mr Hehir commented on the highly successful results of the pilot program, established two years ago, resulting in eleven of the sixteen young Indigenous participants becoming permanently employed in the ACT public service. The Minister also noted that some have already been promoted.⁵⁶⁴

Office for Ageing

- 10.44 The Committee met with the Minister for Ageing, Mr John Hargreaves MLA, and departmental officials on Friday 29 May 2009.
- 10.45 The Committee was interested in the Elder Abuse program and queried the rationale behind ceasing the funding. Ms Whitten advised that it was a one-off

⁵⁶³ *Proof Transcript of Evidence*, 28 May 2009, pp 1150–1

⁵⁶⁴ *Proof Transcript of Evidence*, 28 May 2009, pp 1153–4

grant of \$90 000 the A.C.T. Disability, Aged and Carer Advocacy Service (ADACAS) and that the program goes until 30 June 2009. She further advised that a six monthly report had been received from ADACAS and they are waiting for the final report. A further review of the elder abuse prevention program is available on the website.⁵⁶⁵

10.46 Concerned that there would no organisation to assist elder people suffering from abuse from 30 June 2009, Ms Whitten advised the Committee:

There are a number of support services that already exist within our community and we have clear pathways for people to be referred to.⁵⁶⁶

10.47 The Committee enquired about the new location for the Over 55 Centre in Tuggeranong and was advised that the feasibility study is still going and that three possible sites were being considered.⁵⁶⁷

RECOMMENDATION 116

10.48 **The Committee recommends that funding to the ACT Disability, Aged and Carer Advocacy Service be continued for the Elder Abuse program, until a review of the program is undertaken.**

Other issues

10.49 The following issues were also discussed with the Minister for Ageing:

- progress of the development of the positive ageing strategy
- the extent of federal lobbying to ensure adequate aged-care places and funding for the increasing ageing population
- strategies for assisting older Canberrans into affordable housing
- community engagement with older people, and
- expansion of the seniors grant program.

⁵⁶⁵ *Proof Transcript of Evidence*, 29 May 2009, p 1376

⁵⁶⁶ *Proof Transcript of Evidence*, 29 May 2009, p 1378

⁵⁶⁷ *Proof Transcript of Evidence*, 29 May 2009, pp 1380–1

Community services

- 10.50 The Committee met with the Minister for Community Services, Ms Katy Gallagher MLA, and departmental officials, on Thursday 21 May 2009. The Minister's responsibilities in this portfolio include Therapy Services, Community Services and Office for Women.
- 10.51 In response to the Committee's enquiry about excessive red-tape for carers, Ms Gallagher MLA, Minister for Community Services, identified that 'constancy of filling out forms' is a significant area to commence working on. The Committee was referred to the Minister for Disability and Housing for further information on this matter.⁵⁶⁸
- 10.52 The Committee enquired into the Minister's editorial role in the newsletter, *Our City, our Community*, produced by the Chief Minister's Department. The Minister initially claimed to have no editorial role. The Committee drew attention to handwritten notes alleged to belong to the Minister that outline the inclusion and/or omission of 'election commitments' to be included in the newsletter. The Minister informed the Committee that it was the Government's duty to report back to the community on the progress of election commitments, and that 'balance across the portfolios' was sought in its reporting.⁵⁶⁹
- 10.53 As discussed earlier in the report, considering the recent increases in bus fares and parking and taking into account the current economic climate, the Committee asked whether the Government would reassess the availability of concessions to the community. The Minister informed the Committee of the Government's pending review into the costs of expansion. Ms Whitten, Executive Director of Policy and Organisational Services in DHCS highlighted that people can currently access the DHCS website to establish concession eligibility. Ms Whitten also drew attention to the Department's intention to revamp the DHCS portal 'so that it makes it easier for people to find particular

⁵⁶⁸ *Proof Transcript of Evidence*, 21 May 2009, pp 537–8

⁵⁶⁹ *Proof Transcript of Evidence*, 21 May 2009, pp 540–1

concessions', following the findings of the review from last year.⁵⁷⁰ The Committee has made a recommendation in relation to bus fare concessions above.

- 10.54 In response to the recent news that ACTCOSS would receive a smaller than expected indexation, of 3.15 percent (previously expected to be 4 percent), the Committee expressed concern that the already strained community sector would be further disadvantaged. The Minister acknowledged that 3.15 percent was 'all that the Budget could support this year' and that nothing could be ruled out in terms of further cuts or adjustments.⁵⁷¹
- 10.55 Following the line of enquiry into support for community groups, the Committee referred to the use of former school sites by Government agencies. The Committee asked about potential increases in rent for organisations moving premises and what purpose it served to fund an organisation and then charge it rent. The Minister informed the Committee that agencies were funded for rent in their grants and was most likely a continuation of an 'historic arrangement'. The Minister stated that this component of funding was something that could be removed or adjusted.⁵⁷²
- 10.56 Further to advice provided to the Committee on Monday 18 May 2009, the Minister outlined the spending breakdown from the \$3.5 million one-off funding arrangement for volunteers and carers. The funding was allocated to regional community services, emergency support agencies, individual assistance payments, Carers ACT, Anglicare, the CYCLOPS program, Tandem and Mental Health Foundation, and Volunteering ACT.

Therapy services

Speech therapy

- 10.57 The Committee enquired about shortfalls in staffing and service delivery in the speech pathology sector. The Chief Executive of Disability, Housing and Community Services, Mr Hehir, informed the Committee that staffing levels in

⁵⁷⁰ *Proof Transcript of Evidence*, 21 May 2009, pp 543–4

⁵⁷¹ *Proof Transcript of Evidence*, 21 May 2009, pp 544–6

⁵⁷² *Proof Transcript of Evidence*, 21 May 2009, pp 548–9

Therapy ACT had been stable. The Minister acknowledges, however, significantly low numbers in private practice relative to Sydney.⁵⁷³

- 10.58 Mr Seselja, the Chair, noted a curious anomaly which had been brought to his attention by one of his constituents – that only after capturing the Chief Minister’s attention on talkback radio had their child been able to be seen very quickly by a speech pathologist. The Minister could not explain this, inviting the Chair to consult her in writing.⁵⁷⁴

Play therapy

- 10.59 The Committee was interested in the funding for the play therapy services for young children and was advised that this was additional funding for Therapy ACT, set at \$2.279 million over four years. Ms Whitten told the Committee that this was an election commitment around ‘play therapy for children in the early years in terms of autism spectrum disorder and any other developmental delays’.⁵⁷⁵
- 10.60 The Committee was interested in the involvement of Therapy ACT in the Shaddock inquiry into special education and the interaction between Therapy ACT and the Department of Education and Training. Ms Hayes advised that she is on the reference Committee for the special education review and that Dr Shaddock visited Therapy ACT and met with the management team. Ms Hayes also told the Committee that Therapy ACT interacts regularly with the Department of Education and Training stating:

We provide a fair bit of professional training and development for teachers as a regular part of their training calendar, particularly on speech and language but also on fine motor skill development, which is particularly relevant for learning to write.⁵⁷⁶

Office for Women

- 10.61 The Committee queried the Minister as to why the ‘grants to Women’ scheme

⁵⁷³ *Proof Transcript of Evidence*, 21 May 2009, pp 527–30

⁵⁷⁴ *Proof Transcript of Evidence*, 21 May 2009, p 529

⁵⁷⁵ *Proof Transcript of Evidence*, 21 May 2009, p 525

⁵⁷⁶ *Proof Transcript of Evidence*, 21 May 2009, p 530

had not had a better take-up rate. The Minister informed the Committee that, to date, she had approved 68 out of the available 200 grants. The Minister stated that grants are promoted in the housing newsletter and in child and family centres.⁵⁷⁷

- 10.62 In response to the Committee's enquiry about the Government's election commitment to micro finance small business initiatives for women, the Minister proposed reallocating unused 'grants to women' funding to meet the under-application of funding in this area.⁵⁷⁸
- 10.63 The Committee enquired into the Department's funding for Indigenous women and women from multicultural groups. Ms Whitten, Executive Director of Policy and Organisational Services, DHCS, noted current budgetary allocations: \$13 000 for the Gugan Gulwan young mums program; and \$13 000 for Multicultural Youth Services, who also have a young mums program.⁵⁷⁹

Housing ACT

- 10.64 On 29 May 2009, the Minister for Housing met with the Committee to discuss social housing services.
- 10.65 In regard to the \$84 000 efficiency dividend required for this portfolio as indicated in the Budget,⁵⁸⁰ the Committee was advised that possible savings would be investigated over the next 12 months. The Minister believes this efficiency is not greater than required by any other agency or line area and would not affect the general public at all.⁵⁸¹
- 10.66 The second stage of the implementation process for the ACT's \$102 million share of the Commonwealth Government's Social Housing Initiative stimulus funding was outlined to the Committee. This is a competitive tender process with the Commonwealth requiring that all proposed projects be delivered by

⁵⁷⁷ *Proof Transcript of Evidence*, 21 May 2009, pp 550–1

⁵⁷⁸ *Proof Transcript of Evidence*, 21 May 2009, pp 551–2

⁵⁷⁹ *Proof Transcript of Evidence*, 21 May 2009, p 555

⁵⁸⁰ 2009–10 *Budget Paper 3*, p.100

⁵⁸¹ *Proof Transcript of Evidence*, 29 May 2009, p 1317

December 2010.⁵⁸²

- 10.67 The Committee was advised that the Government consulted with builders, developers and the community housing sector regarding this second stage. It encouraged and assisted organisations with applications where needed. The Committee was also advised that proponents were responsible for site identification.⁵⁸³
- 10.68 While the ACT Government will submit its assessment of the wide range of proposals to the Federal Government – including its preferred options – the Commonwealth will make the final decision on each submission. In regard to consultation with broader community services, the Committee was advised that this did not occur. The Committee was also advised that applications included in-fill and greenfield proposals.⁵⁸⁴
- 10.69 In relation to questioning on this stimulus funding, the Committee was advised of the situation regarding the capacity for a particular community housing provider to deliver such projects in this restricted timeframe.⁵⁸⁵
- 10.70 Notwithstanding this evidence, the Committee is concerned that the Government does not utilise community housing providers to their full potential in the ACT, and funding received by the ACT Government under the Commonwealth's Nation Building and Jobs Plan. The Committee noted that performance indicators showed that tenant overall satisfaction with community housing was 73 per cent compared to 71 per cent for public housing.⁵⁸⁶
- 10.71 The Committee asked for details regarding the expansion of the Transitional Housing Program and Housing and Accommodation Support Initiative (HASI). The Transitional Housing Program expansion involves increasing the number of properties under the program from 22 to 32 to aid in-crisis and supported accommodation services. The HASI program provides 10 places for high end clinical mental health support. This program is further enhanced

⁵⁸² further information can be accessed at <<http://www.cmd.act.gov.au/stimulus>>

⁵⁸³ *Proof Transcript of Evidence*, 29 May 2009, pp 1318, 1320–1321, 1328–29

⁵⁸⁴ *Proof Transcript of Evidence*, 29 May 2009, pp 1318, 1320–1321, 1328–30

⁵⁸⁵ *Proof Transcript of Evidence*, 29 May 2009, pp 1322–26

⁵⁸⁶ *Proof Transcript of Evidence*, 29 May 2009, p 1337

through the Personal Health and Mentoring Scheme (PHAMS) for 55 places. While not aimed at providing high end clinical services it will provide holistic ‘wrap around’ mental health support. The overall number of crisis accommodation places will also increase by 10 places from 300.⁵⁸⁷

- 10.72 The Committee was advised of the new centralised intake service the Government hopes to have operational after December 2009, to be funded under the National Affordable Housing Agreement. This service was a recommendation of the Chief Minister’s Affordable Housing Taskforce and suggested by homelessness providers to ensure people requiring in-crisis accommodation do not encounter numerous services. While scoping is not yet fully finalised and a model not yet in place, a sub-committee had been formed and project discussions are well advanced. It is envisaged the service will co-locate with Housing ACT at Nature Conservation House.⁵⁸⁸
- 10.73 In regard to homelessness, the Minister believes there is not enough exit planning in the ACT and there should be more through-put in services. The Minister advised that as the ACT has demand for 486 crisis accommodation places out of 500 available, in any one night, some people should be moving on to sustained tenancies. Funding for Alexander Maconochie Centre exit strategies as well as HASI and PHAMS should go some way to addressing homelessness from these areas.⁵⁸⁹
- 10.74 The Committee noted that it was difficult to identify what funding was from the Commonwealth or the ACT, and what funding had been provided for homelessness, and what was existing, recurrent or new funding.
- 10.75 The Minister advised the Committee there were no new initiatives to combat anti-social behaviour in public housing and is satisfied with those currently in place.⁵⁹⁰ There has been substantial concern raised with members of the Committee about the number of complaints to Housing ACT and dissatisfaction with the way Housing ACT handles anti-social behaviour by tenants.

⁵⁸⁷ *Proof Transcript of Evidence*, 29 May 2009, pp 1331–33

⁵⁸⁸ *Proof Transcript of Evidence*, 29 May 2009, pp 1333–35

⁵⁸⁹ *Proof Transcript of Evidence*, 29 May 2009, pp 1339–40

⁵⁹⁰ *Proof Transcript of Evidence*, 29 May 2009, pp 1342–43

- 10.76 The ACT Government advised it is moving away from high concentrations of public housing properties as evidenced in the closure and disposal of Burnie and Fraser Courts. However, the Minister assured this would not be at the expense of moving people away from services and town centres and would plan properly to guarantee this.⁵⁹¹

RECOMMENDATION 117

- 10.77 **The Committee recommends that the ACT Government engage with the community housing sector to ensure that they can build their capacity in order to play a more active part in the social harmony initiative and in meeting the social housing needs of the Territory.**
- 10.78 The discussion over the federal stimulus funding investment in social housing made reference to public, community and affordable housing. The definition of social, affordable and community housing were a matter of ongoing discussion.

RECOMMENDATION 118

- 10.79 **The Committee recommends that definitions of community housing, affordable housing, public housing and social housing be agreed with housing service providers.**

Office of Children, Youth and Family Support

- 10.80 On Thursday 28 May 2009, the Minister for Children and Young People, Mr Andrew Barr MLA, and officials from the Office of Children, Youth and Family Support (the Office) within the Department of Disability, Housing and Community services met with the Committee.

Child and family centre and Indigenous services

- 10.81 The third child and family centre proposal involves collaboration with the Commonwealth Government, to provide a broad range of services to Indigenous families. While not exclusively focused on Indigenous service provision, the proposed centre in West Belconnen is 'an area which has some

⁵⁹¹ *Proof Transcript of Evidence*, 29 May 2009, pp 1343–44

identified markers of disadvantage, and it also has a reasonable Indigenous population'.⁵⁹²

- 10.82 The model builds on the success in the other centres, particularly with Indigenous families. The Committee was advised that the number of Indigenous families serviced in the two existing centres had increased from four families about 18 months ago to about 80.⁵⁹³

Overseas recruitment

- 10.83 The Committee was advised that over \$1.1 million had been spent to recruit 68 workers from overseas to staff the Care and Protection Unit in the Department in two campaigns in 2004 and 2008. The Committee raised concerns about the effectiveness of this strategy in noting that this amounted to \$19 000 per recruitment. The key issue in terms of the cost of overseas recruitment is the \$12 000 relocation allowance available to each new recruit (regardless of origin).
- 10.84 The Committee was further advised that only half of those recruited during 2004 remained, leaving 13 staff still working in the unit and two working elsewhere in the Department.⁵⁹⁴ The Office recruited 36 staff in 2008 and 34 have commenced with two additional officers due to arrive in June.⁵⁹⁵
- 10.85 The Office highlighted the difficulties in recruiting locally and the low number of successful recruitments achieved through local or national recruitment campaigns. A strategy of offering to pay final year university fees for graduate social workers was not successful.⁵⁹⁶
- 10.86 However, the Committee noted that one of the key reasons proffered by the Office for the recruitment difficulties is the nature of the work and they advised the Committee that:

we could not attract them because their offers of employment are significantly better. The offers to social work students in this jurisdiction are high, but when

⁵⁹² *Proof Transcript of Evidence*, 28 May 2009, p. 1257

⁵⁹³ *Proof Transcript of Evidence*, 28 May 2009, p. 1257

⁵⁹⁴ *Proof Transcript of Evidence*, 28 May 2009, p. 1265

⁵⁹⁵ *Proof Transcript of Evidence*, 28 May 2009, p. 1266

⁵⁹⁶ *Proof Transcript of Evidence*, 28 May 2009, p. 1263

you think of the industries we are competing with—health, corrective services et cetera—they do attract people all the time. It is a different type of work. Current protection work is very hard work for social workers. It is a very hard business to be in. It is not for the want of competing; we are in there vigorously.⁵⁹⁷

RECOMMENDATION 119

- 10.87 **The Committee recommends that the ACT Government review the employment conditions in the child and protection area to ensure that the ACT can attract and retain sufficient numbers of skilled professionals.**

Out of home care

- 10.88 The Committee noted that the Budget indicated a reduction of overall funding in the out-years for out of home care. The Minister advised that this reflected the Office's planning for success in the provision of early intervention services which would offset the need for out of home care.⁵⁹⁸
- 10.89 The Committee was also advised that despite anecdotal suggestions that there are not enough foster carers, the Office had increased its pool of carers and anticipated undertaking another recruitment campaign later in the year to focus on ensure a diverse range of carers, especially those which skill levels to support children with high needs.⁵⁹⁹
- 10.90 Asked about the adequacy of the subsidy provided to foster carers, the Office advised that they are in the process of renegotiating foster carers contracts and anticipated that they will be in line with NSW levels.⁶⁰⁰

Bimberi Youth Justice Centre

- 10.91 The Committee sought confirmation that the systems and processes had been effective during the first six month of operation of the new centre. The Office advised that there had been one significant incident when two detainees

⁵⁹⁷ *Proof Transcript of Evidence*, 28 May 2009, p 1263

⁵⁹⁸ *Proof Transcript of Evidence*, 28 May 2009, p 1269

⁵⁹⁹ *Proof Transcript of Evidence*, 28 May 2009, p 1261

⁶⁰⁰ *Proof Transcript of Evidence*, 28 May 2009, p 1262

gained access to the roof of the admissions building. While this was an internal building and all security systems worked, the Office acknowledged that some minor modification of access (climbing) points was required. Being a key issue in any detention facility, roof access was a design considerations identified prior to construction.

- 10.92 The Committee was concerned that this recently completed facility still offered the potential for a Belconnen Remand Centre type roof protest incident to occur.

RECOMMENDATION 120

- 10.93 **The Committee recommends that the Minister for Children and Young People, Mr Andrew Barr MLA, reports all security breaches at the Bimberi Youth Justice Centre to the Assembly quarterly.**

11 ACT PLANNING AND LAND AUTHORITY

- 11.1 The main objective of the ACT Planning and Land Authority (ACTPLA) is to deliver a planning and land system that ‘contributes to the orderly and sustainable development of the ACT in accordance with the Planning and Development Act 2007.’⁶⁰¹
- 11.2 The Committee met with the Minister for Planning, Mr Andrew Barr MLA, on 28 May 2009 to discuss the operations of the ACT Planning and Land Authority.

Development applications

- 11.3 The Committee was told about the fluctuations in development application (DA) numbers and the average time for those applications to be processed. Between 1 January 2009 and 31 March 2009, including time for notification, DA processing took an average of 43 days due to the spike of DAs received around Christmas. This compares to the six months preceding which averaged at 37.5 days.
- 11.4 The Committee was advised that there are currently no applications in the code assessment track, and 249 in the merit track.
- 11.5 The Committee noted that Mr Savery initially disputed the accuracy of the numbers in relation to DAs. These numbers were provided in answer to a question on notice by the Planning Minister.
- 11.6 The Minister highlighted that the total number of applications processed between Christmas 2008 and 8 May 2009 was 700 in the merit track ‘with an estimated value of 508 million’. Total DA numbers are levelling out at around 250.⁶⁰²

⁶⁰¹ *Budget Paper 4*, p 393

⁶⁰² *Proof Transcript of Evidence*, 28 May 2009, pp 1198–1200

- 11.7 Mr Savery, the Chief Planning Executive also advised that,
- ...with the increase in the number of exempt development proposals, there is an increasing number of DAs in the system that are complex. So whereas in the past if you like the easy DAs, the relatively straightforward and low impact DAs were going through the system relatively quickly, you have now got more complex DAs.⁶⁰³
- 11.8 Notwithstanding advice provided at the hearing that ACTPLA is continuing to provide additional staffing resources, in addition to its e-development system, in order to streamline and speed up the DA processes, the Committee remains concerned that the time to process DAs is not optimal.
- 11.9 The Committee is also concerned that further delays and backlogs in processing DAs will develop once the one-off \$1.73 million allocation for 'effective delivery of services'⁶⁰⁴ is no longer available to assist processing DAs and once the Government's efficiency dividends are sought from 2010.

RECOMMENDATION 121

- 11.10 **The Committee recommends that the ACTPLA website include regular updates of the number of development applications in the system, and the estimated time it will take to process each application.**

RECOMMENDATION 122

- 11.11 **The Committee recommends that ACTPLA create an archive section on their website, and that it provides access to all processed development applications from the commencement of the new planning system.**

Staffing matters

- 11.12 The Committee noted that, despite an increase in staff numbers, superannuation expenses as outlined in the operating statement for ACTPLA have not changed from the previous financial year and was advised that superannuation arrangements are funded through Treasury on a round-robin

⁶⁰³ *Proof Transcript of Evidence*, 28 May 2009, p 1201

⁶⁰⁴ *Proof Transcript of Evidence*, 28 May 2009, p 1202

arrangement. That arrangement results in agencies only receiving appropriation to the extent that they spend it and superannuation expenses are expected to decline as more new employees are on a 9 per cent 'fund of choice' arrangement compared to the CSS and PSS rates of around 15 per cent.

- 11.13 The reduction is indicative of staff turnover which is around eight to 10 per cent.⁶⁰⁵
- 11.14 The Committee also questioned the 86 per cent variation from \$364 000 to \$51 000 of 'other revenue' in the operating statement and was advised that the 'other revenue' category fluctuates based on projects that are occurring from year to year, such as a one off capital improvement fund of \$157 000.⁶⁰⁶
- 11.15 The majority of additional staff have become a part of a fourth branch of ACTPLA providing construction services consisting of around 12 people such as inspectors, administrative support as well as an additional manager and director position.⁶⁰⁷ The Committee was told that the branch will take over responsibility for functions that ACTPLA already have, but increases ACTPLA's service capability. Mr Savery advised that this will be achieved:
- ... through an inspection fee that will be applied to electrical and gas and an increase in the fee to plumbing that will have a money-back guarantee in terms of service delivery, so that we can better ensure that projects or development that has gone through the development assessment process, has been approved, has been constructed, actually can receive timely inspections so that there is no hold up with certificate of occupancy, any of the necessary electrical, gas, plumbing inspections, which can add considerably to holding costs.⁶⁰⁸
- 11.16 Two or three temporary staff will also be assigned to the Development Applications area and staff formerly processing code applications have been redirected.
- 11.17 The Committee was told that despite previous difficulties recruiting, recent recruitment campaigns and the global financial situation have improved recruitment and retention figures for ACTPLA. A small number of staff also

⁶⁰⁵ *Proof Transcript of Evidence*, 28 May 2009, pp 1205–6

⁶⁰⁶ *Proof Transcript of Evidence*, 28 May 2009, p 1206

⁶⁰⁷ *Proof Transcript of Evidence*, 28 May 2009, p 1207

⁶⁰⁸ *Proof Transcript of Evidence*, 28 May 2009, p 1208

transferred from the National Capital Authority after the initial impact of NCA cutbacks although only three former NCA staff remain.⁶⁰⁹

ACTPLAN

- 11.18 The Committee was advised about the ACTPLAN initiative which was launched in December 2008 and consists of five elements including an Industry Monitoring Group, the Territory Plan review, Construction Services Branch creation and e-development⁶¹⁰
- 11.19 Industry Monitoring Group involves industry organisations like the HIA and the MBA, Property Council and others – forum for quite detailed industry issues in relation to their interaction with the new planning system.⁶¹¹
- 11.20 The Territory Plan review includes working codes such as residential multi-unit sub-division and community facilities and identify more code rules that may allow more development to be added to the codes and be exempt from approvals process.
- 11.21 The e-development system has been piloted recently with 30 applications received of the last month. The system enables customers to directly lodge development applications electronically via a smart form that adjusts to suit the project. The second stage to be implemented around February 2010 will enable the building applications to be lodged by April 2010 the system will be an ‘end-to-end processing system which will handle effectively from your development application right through to the issue of the final certificate of occupancy and use’.⁶¹²
- 11.22 The Committee was advised that the system has strong reporting capabilities as well as being a mechanism to monitor staff work progress, including where applications are awaiting further client information. The e-development system also interfaces seamlessly with the electronic document management

⁶⁰⁹ *Proof Transcript of Evidence*, 28 May 2009, p 1210

⁶¹⁰ *Proof Transcript of Evidence*, 28 May 2009, p 1211

⁶¹¹ *Proof Transcript of Evidence*, 28 May 2009, p 1211

⁶¹² *Proof Transcript of Evidence*, 28 May 2009, p 1213

system 'Objective'.⁶¹³

Certifiers

- 11.23 The Committee was told that ACTPLA will be implementing a system to audit energy efficiency assessors once the program for licensing assessors is in place, although certifiers are being audited to some extent now via the building application process. Where a private certifier is not involved, ACTPLA undertakes the certification.⁶¹⁴

RECOMMENDATION 123

- 11.24 **The Committee recommends that ACTPLA include as an accountability indicator the average energy efficiency rating of domestic and commercial buildings constructed each year.**

Section 63 in Civic

- 11.25 The Committee was told that negotiations between the ACT Government and the developer of Section 63 in Civic were ongoing, and ACTPLA is confident that the deed will be rectified before the pending court case goes forward.
- 11.26 The Committee was also advised that the National Capital Authority is the body that will issue works approval (DA) for the site and works approval for buildings 1 and 2 had been approved. A works approval has also been lodged for buildings 3 and 4. Construction works are unlikely to start until the proponent has tenants, although they would like to commence before the end of this calendar year. Additional issues relating to the Territory's approval processes such as off site works and subdivision are still being resolved.⁶¹⁵
- 11.27 The Committee notes the lack of supporting documents to assure the Assembly that the issue will be resolved as asserted by ACTPLA.

⁶¹³ *Proof Transcript of Evidence*, 28 May 2009, p 1214

⁶¹⁴ *Proof Transcript of Evidence*, 28 May 2009, p 1215

⁶¹⁵ *Proof Transcript of Evidence*, 28 May 2009, p9 1217–8

RECOMMENDATION 124

- 11.28 **The Committee recommends that the Minister for Planning, Mr Andrew Barr MLA, provide the Assembly, in the June sitting, with a report on how the issues concerning Section 63 in Civic have been addressed.**

Sustainable design

- 11.29 Mr Savery provided the Committee with an overview of strategic sustainable planning and design and how it relates to the sustainable futures initiative. The three outputs of that initiative include the review of the residential, multi-unit and subdivision development codes which will pick up on energy, water and transport requirements. Secondly a review of the Canberra spatial plan is anticipated as well as a second round of policy review. The Committee was advised that ACTPLA will be implementing the *Weathering the Change* policies for the built environment via the sustainable futures work.
- 11.30 The tune up program will also be reviewed shortly to determine how to best structure it.⁶¹⁶
- 11.31 In regard to stormwater management, the Committee was told that ACTPLA is involved at a strategic level in concept planning, including assessing stormwater flows and pond options before estate development plans are prepared by developers. Estate development plans are then assessed against those early concept plans. In some cases where the ACT Government has responsibility for construction of stormwater network, forward designs may also be prepared by ACTPLA.⁶¹⁷

RECOMMENDATION 125

- 11.32 **The Committee recommends that ACTPLA ensure that solar orientation is a key criterion in estate plans.**

⁶¹⁶ *Proof Transcript of Evidence*, 28 May 2009, p 1223

⁶¹⁷ *Proof Transcript of Evidence*, 28 May 2009, pp 1223–4

Master planning

- 11.33 The Committee enquired about the criteria for prioritising local centre and town centre upgrades and about the difference in cost between the Dickson and Kingston upgrades. The Committee was told that work on Dickson was more advanced than Kingston because Dickson neighbourhood planning had already been completed and the additional funding was chiefly to supplement the traffic analysis.⁶¹⁸
- 11.34 Current master planning priorities are the completion of Gungahlin, Dickson and Kingston followed by Tuggeranong town centre. The Minister advised that ACTPLA has prioritised the master planning work according to government priorities, taking into consideration the age of infrastructure in the area, development pressure in that area and how recently planning policy in an area had been updated and community pressure.⁶¹⁹

Holding leases

- 11.35 The Committee was told about the process for granting holding leases and Mr Savery advised that 'It is not unusual for the larger development sites to seek extensions of time and it is not unusual for [ACTPLA] to grant those extensions of time'.⁶²⁰
- 11.36 Mr Savery highlighted that ACTPLA introduced a fee in the last few years, or increased the fee payable, for holding lease extensions to act as an incentive for development to be completed 'in a more timely manner' by developers and discourage land banking practices.⁶²¹
- 11.37 In the case of the QIC site in Civic, the Committee was told that the initial lease extensions preceded the fee introduction and additional extensions were granted in light of the extensive master planning work undertaken for that site, an acknowledgement that development would occur in stages, and the level of work already undertaken. The extension of time allows QIC to

⁶¹⁸ *Proof Transcript of Evidence*, 28 May 2009, pp 1229–30

⁶¹⁹ *Proof Transcript of Evidence*, 28 May 2009, p 1234

⁶²⁰ *Proof Transcript of Evidence*, 28 May 2009, pp 1236–7

⁶²¹ *Proof Transcript of Evidence*, 28 May 2009, p 1238

complete the final stage of development by 2011.⁶²²

Molonglo

- 11.38 The Committee enquired about the ‘planning and environmental delays’⁶²³ that have been encountered in releasing the first blocks for sale in Molonglo and was advised that delays were chiefly attributable to the Commonwealth’s assessment under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) (the EPBC Act).⁶²⁴ Due to the scale of the Molonglo project, a strategic assessment is being done under the EPBC Act. The ACT is the first jurisdiction in Australia to undergo this level of assessment for an urban area so the process is to some extent one of a learning and is running parallel to the ACT Environmental Impact Assessment process.⁶²⁵
- 11.39 The Committee was told that the LDA will release around 200 blocks of land in north Weston this financial year. The additional 800 to 1 000 blocks are expected to be ready in Coombs and Wright around the end of the 2009 calendar year, to be sold in early 2010, following completion of the Coombs and Wright section of the Commonwealth’s EPBC Act assessment expected around August 2009.⁶²⁶

Industrial land supply

- 11.40 In relation to the remaining supply of industrial land, the Committee was told that the ACT has a three and five year supply, but longer term availability was limited. Mitchell has no real remaining capacity for more land supply and Fyshwick is reaching its limits, with a limited area of around 50 hectares available, mostly near the river corridor. The Committee was advised that Hume industrial estate offers the greatest opportunity for increasing supply as there is land already available, or that can be made available which is

⁶²² *Proof Transcript of Evidence*, 28 May 2009, pp 1235–6

⁶²³ *Proof Transcript of Evidence*, 28 May 2009, p 1241

⁶²⁴ *Proof Transcript of Evidence*, 28 May 2009, pp 1241–2

⁶²⁵ *Proof Transcript of Evidence*, 28 May 2009, p 1242

⁶²⁶ *Proof Transcript of Evidence*, 28 May 2009, pp 1242–3

approximately double the size of the currently developed area.⁶²⁷

Horse paddocks

- 11.41 The Committee raised concerns about the impacts on the equestrian industry from the loss of that broad acre zoned land currently used as horse paddocks which is flagged for potential industrial uses. Mr Savery advised that broadacre land is set aside for future urban development as reflected in the nature of the leases. When rezoning decisions are made, alternative venues will be explored on a case by case basis in conjunction with an assessment of the adequacy of existing facilities provisions.⁶²⁸
- 11.42 The industry is concerned with the arrangements for the management of horse paddocks. The Committee understands that the basis on which a management contract is put in place can be changed at relatively short notice, jeopardising the commercial management of those paddocks.⁶²⁹
- 11.43 The Committee believes that the equestrian industry provides a valuable form of recreation in the ACT. To this end, more appropriate consideration needs to be given to the provision of facilities for this industry and to the maintenance of these facilities once they have been established.⁶³⁰

RECOMMENDATION 126

- 11.44 **The Committee recommends that new areas of suitable land be identified for use as horse paddocks and that the contract management of horse paddocks is reviewed.**

Kowen

- 11.45 The Committee was told that Kowen had been identified under the Canberra Spatial Plan as a future residential development, potentially with a town centre. Kowen could potentially accommodate over 80 000 people, compared to Gungahlin which will reach 90 000 or 100 000 and Molonglo which looks to

⁶²⁷ *Proof Transcript of Evidence*, 28 May 2009, pp 1246–7

⁶²⁸ *Proof Transcript of Evidence*, 28 May 2009, pp 1249–50

⁶²⁹ See submission no 2, ACT Equestrian Association Inc

⁶³⁰ *Proof Transcript of Evidence*, 28 May 2009, pp 1248–9

accommodate a population of 55 000. Some preliminary work on Kowen will commence in the next five years although Territory plan variations are not likely to be needed for around 10 to 15 years.

- 11.46 A solar farm had been proposed for the Kowen region and ACTPLA is 'working with DECCEW and any prospective interested party on the precise location where a solar farm would go if they chose Kowen'.⁶³¹

Other issues

- 11.47 Other issues discussed at the hearing included:

- eastern broadacre planning study
- the reason for a number of changes to appropriation
- appeals on development applications
- ACTPLA internal audit Committee
- resources received free of charge – land titles and instrument searches
- City West infrastructure – stage 3 to complete connections from the park at the end of Childers Street down to the School of Art and the School of Music
- relocation of the RSPCA – ACTPLA assisting to identify potential sites for Chief Minister's Department to consider, and
- retail model assessment – undertaken every two years to provide gross and net floor areas by geographic area and project potential for additional capacity – not an impact analysis.

⁶³¹ *Proof Transcript of Evidence*, 28 May 2009, p 1253

12 STAKEHOLDERS ' VIEWS

12.1 The Committee met with 13 peak organisations, community service groups and other interest groups and organisations in a public hearing on 15 May 2009. A summary of the key points of concern raised by the individual groups appears below.

Gugan Gulwan

12.2 Gugan Gulwan is concerned about the future of its programs following the cessation of the Community Inclusion Fund (CIF). Funding for its literacy and numeracy program and young women's and men's groups therefore ceases 30 June 2009. Funding for its Family Support Worker ends on 30 December 2009.⁶³² Gugan Gulwan is concerned for the youths currently accessing these services as many 'are on the verge of probably getting themselves into situations where they are dragged into the juvenile justice system.'⁶³³

12.3 Gugan Gulwan noted its strong relationship with the Indigenous Education Unit (the Unit) within the Department of Education and Training which it believes is also under-resourced. The Unit continues to refer students to Gugan Gulwan because there is not always a mainstream solution and is unable to cater for them.⁶³⁴ Gugan Gulwan also advised that while some clients attend mainstream schools, a lot don't because they can't survive the system.⁶³⁵

12.4 Gugan Gulwan advised that its literacy and numeracy program is not currently meeting an identified need because the need requires funding for a teacher three days per week, not two. Gugan Gulwan also noted that in the ACT, only this program addresses literacy and numeracy while focusing on early intervention and whole of life issues in a community setting, rather than

⁶³² *Proof Transcript of Evidence*, 15 May 2009, pp 2–3

⁶³³ *Proof Transcript of Evidence*, 15 May 2009, p 2

⁶³⁴ *Proof Transcript of Evidence*, 15 May 2009, pp 3, 6

⁶³⁵ *Proof Transcript of Evidence*, 15 May 2009, p 2

solely focusing on closing educational gaps.⁶³⁶

ACT Division of General Practice

- 12.5 The ACT Division of General Practice (ACTDGP) supports the Government's proposed GP workforce initiatives to address the GP shortage, however it believes the challenge will be prioritising the areas of greatest need.⁶³⁷
- 12.6 The ACTDGP recommends that the proposed changes should be made in the context of connectivity and undertaken in team based care arrangements through co-location, and/or the new e-health initiative. In regard to e-health the ACTDGP wants to see real action not just planning as it believes the initiative will reduce bureaucracy and aid in the transportability of records.⁶³⁸
- 12.7 The ACTDGP also:
- believes prevention programs should be designed to relieve pressure on GPs rather than be just another promotional opportunity
 - believes initiatives to help staff and support aged care are imperative
 - advised of its current work with ACTPLA to map GP locations with transport, population density, and population disadvantage.⁶³⁹

Council on the Ageing (ACT)

- 12.8 The Council on the Ageing (COTA) welcomes the Commonwealth's prioritisation of dental health and its Housing Initiative but wants more information from the ACT Government on how both will be implemented here. In regard to mobile dental health, COTA also called for information from the Government on whether a service could be provided for people in their home in addition to aged care facilities.⁶⁴⁰
- 12.9 COTA advised that the older people it considers to be vulnerable in regard to housing are those who have privately rented throughout their employment, have since left the workforce, can not afford increasing rent and their assets

⁶³⁶ *Proof Transcript of Evidence*, 15 May 2009, p 2 & p 6

⁶³⁷ *Proof Transcript of Evidence*, 15 May 2009, p 8–9

⁶³⁸ *Proof Transcript of Evidence*, 15 May 2009, p 8

⁶³⁹ *Proof Transcript of Evidence*, 15 May 2009, pp 9–12

⁶⁴⁰ *Proof Transcript of Evidence*, 15 May 2009, pp 15–16

exclude them from ACT Housing. Therefore, schemes such as the Housing Initiative and the First Home Owner's Grant should have a 'reasonable component of accessible housing' for the aged.⁶⁴¹

12.10 Other issues COTA briefly discussed included:

- the Elder Abuse program
- consumer price indexation and community sector sustainability
- the increase in demand for its services
- allied health assistance, and
- flexible workplaces for older people.⁶⁴²

ACTSPORT

12.11 ACTSPORT welcomed the ACT Government's investment in drought-proofing sportsgrounds, the development of some major facilities, sport and recreation ASBAs, and the development of a strategic planning framework for the sport and recreation industry.⁶⁴³

12.12 ACTSPORT believes the link between the tourism and sport sectors could be better fostered and more investment made in bringing participant based sporting events to Canberra rather than the current focus on entertainment based events such as the Brumbies and Raiders.⁶⁴⁴

12.13 ACTSPORT advised the Committee that indoor sport facilities are at a premium and this is affecting the growth of many sports that are not catered for by existing facilities or future developments. ACTSPORT believes more should be done in this area, including an audit of facilities.⁶⁴⁵

12.14 ACTSPORT also:

- discussed links with other community and health sector organisations
- suggested the outcomes of the 2008 Sport and Recreation Summit be implemented, and

⁶⁴¹ *Proof Transcript of Evidence*, 15 May 2009, pp 16–17

⁶⁴² *Proof Transcript of Evidence*, 15 May 2009, pp 18–20

⁶⁴³ *Proof Transcript of Evidence*, 15 May 2009, pp 21–22

⁶⁴⁴ *Proof Transcript of Evidence*, 15 May 2009, p22,24

⁶⁴⁵ *Proof Transcript of Evidence*, 15 May 2009, pp23,25

- discussed the capacity for sports to maintain links established through the Children's Physical Activity Foundation.⁶⁴⁶

Australian Medical Association (ACT Branch)

- 12.15 The ACT Branch of the Australian Medical Association (AMA) believes the Territory wide rostering and funding of information technology in the Budget is evidence the sale of Calvary Hospital will go ahead.⁶⁴⁷
- 12.16 It advised that its members are concerned about the possible sale, fearing the hospital will be downgraded to a sub acute care and rehabilitation service, and question whether the expenditure of \$100 million to buy back a public asset is the best use of public funds.⁶⁴⁸
- 12.17 The AMA welcomed the increased funding for public acute beds which it believes just meets demand and advised the Committee it would like to see the trial of other innovations to best utilise the beds, such as the four hour rule – where a decision is made within four hours to send a patient home or to an acute bed.⁶⁴⁹

RECOMMENDATION 127

- 12.18 **The Committee recommends that the ACT Government provides a detailed response to the Assembly regarding the concerns raised by the Australian Medical Association during the Estimates inquiry about the sale of Calvary Hospital and other matters.**
- 12.19 The AMA also discussed:
- mental health
 - training and recruitment
 - aged care
 - procurement for the locum service, and
 - e-health.⁶⁵⁰

⁶⁴⁶ *Proof Transcript of Evidence*, 15 May 2009, pp24–25

⁶⁴⁷ *Proof Transcript of Evidence*, 15 May 2009, p 27

⁶⁴⁸ *Proof Transcript of Evidence*, 15 May 2009, p 27–28

⁶⁴⁹ *Proof Transcript of Evidence*, 15 May 2009, p 29

⁶⁵⁰ *Proof Transcript of Evidence*, 15 May 2009, pp 29–35

Canberra Business Council

- 12.20 The Council is concerned about measures to reduce the deficit beyond 2010 particularly if they occur at the same time as the Commonwealth's measures. It believes this would create a 'perfect storm' and a worse case scenario akin to a 2006 Stanhope Government budget occurring at the same time as a 1996 Howard budget. The Council therefore advised there be a close relationship between the ACT and the Commonwealth, and that the ACT Government outlines to Canberra business how it hopes to reduce the deficit by 2015–2016.⁶⁵¹
- 12.21 The Council believes ACT Government procurement requires insurance that is not linked with project risks and 'ridiculous' paperwork that is punitive for small business.
- 12.22 The Council also believes this a significant issue particularly considering federal stimulus projects and the many companies ready to take up that work.⁶⁵²
- 12.23 The Council regularly hears from business that the ACT is difficult to do business in compared with other jurisdictions, stating it had heard from members that the ACT was the most difficult jurisdiction in the country, and that the ACT was harder to deal with than Defence in Washington.⁶⁵³
- 12.24 The Council stated it believes the ACT Government is starting to listen.⁶⁵⁴ However, it is also concerned about the significant gap left by the 2006 termination of the Knowledge Fund.⁶⁵⁵
- 12.25 Other issues it discussed:
- a competitive ACT taxation/business regime
 - an ACT Government business development strategy
 - the fact the ACT did not receive any of the Commonwealth's \$22 billion infrastructure spending, and

⁶⁵¹ *Proof Transcript of Evidence*, 15 May 2009, p 37, p 40

⁶⁵² *Proof Transcript of Evidence*, 15 May 2009, p 37–38

⁶⁵³ *Proof Transcript of Evidence*, 15 May 2009, p 38

⁶⁵⁴ *Proof Transcript of Evidence*, 15 May 2009, p 37

⁶⁵⁵ *Proof Transcript of Evidence*, 15 May 2009, pp 39

- tourism.⁶⁵⁶

- 12.26 The Business Council and the Property Council had sought discussions about tax reforms but the Treasurer's view was that replacement revenue would have to be found.⁶⁵⁷ The Tune Up Canberra initiative was the Government's preferred initial response, rather than agreeing to the waiver of taxes and charges.⁶⁵⁸ Chief financial officers would be providing advice to the cabinet budget Committee about implementing their capital works programs.⁶⁵⁹
- 12.27 A document was put in evidence from the Business Council that expressed concern over the magnitude of the forecast ACT Budget deficits and the inadequacy of measures to return to a balanced budget by 2015–16.⁶⁶⁰

RECOMMENDATION 128

- 12.28 **That the ACT Government review bureaucratic processes and communication with business, and prepare a detailed plan to redress the concerns of the business sector in the ACT.**

NRMA

- 12.29 On the whole, the NRMA is pleased with the ACT Budget and the addressing of many issues it submitted to the Government, such as a Park and Ride review and the duplication of the Gungahlin Drive Extension.⁶⁶¹
- 12.30 The NRMA believes that when the Government is making decisions in regard to roads, driver safety, and/or public transport it should look holistically at how to best meet the needs of the entire transport network.⁶⁶² It also believes many cycle lanes in Canberra endanger safety as there is insufficient separation for cyclists from motorists – for example – the cycle lanes on Adelaide and Northbourne Avenues. The NRMA would prefer no cycle lane

⁶⁵⁶ *Proof Transcript of Evidence*, 15 May 2009, pp 39–42

⁶⁵⁷ *Proof Transcript of Evidence*, 18 May 2009, p 143

⁶⁵⁸ *Proof Transcript of Evidence*, 18 May 2009, p 143

⁶⁵⁹ *Proof Transcript of Evidence*, 18 May 2009, p 129

⁶⁶⁰ *Proof Transcript of Evidence*, 18 May 2009, p 137

⁶⁶¹ *Proof Transcript of Evidence*, 15 May 2009, p 43

⁶⁶² *Proof Transcript of Evidence*, 15 May 2009, p 44

be built in an area where there is insufficient space.⁶⁶³

12.31 The NRMA also discussed:

- better planning for new developments such as Molonglo to avoid ‘bottlenecks’ on roads such as Hindmarsh Drive
- the lack of correlation between an increase in speed cameras and improvement in crash statistics
- higher visible police presence for road safety, and
- the Majura Valley duplication.⁶⁶⁴

Property Council of Australia (ACT Division)

12.32 The Property Council of Australia (the Property Council) believes the ACT Government’s increasing dependence on a narrow revenue base – through Commonwealth GST revenue and ACT property taxes – is unsustainable, and a major concern, and that the Budget failed to address this problem. It also believes this reliance will result in fewer publicly funded services, a loss of investment in the sector, and a reduction in the capacity to pay taxes.⁶⁶⁵

12.33 Given this reliance, the Council envisages more taxes being imposed on the property sector over the next seven years, in order to remedy the Government’s underestimated expenditure estimates and the size of the deficit. It recommends more roundtable discussions and a tax reform program.⁶⁶⁶

12.34 The Council also:

- discussed the lack of a long term infrastructure plan and the possible impact on the ACT’s ability to share in the Commonwealth’s \$22 billion infrastructure spending
- recommends transferring the Tune Up program to TAMS from ACTPLA, and
- recommended the permanent removal of the change of use of charge.⁶⁶⁷

⁶⁶³ *Proof Transcript of Evidence*, 15 May 2009, pp 44–45

⁶⁶⁴ *Proof Transcript of Evidence*, 15 May 2009, pp 45–50

⁶⁶⁵ *Proof Transcript of Evidence*, 15 May 2009, pp 53–54

⁶⁶⁶ *Proof Transcript of Evidence*, 15 May 2009, pp 54–55

⁶⁶⁷ *Proof Transcript of Evidence*, 15 May 2009, pp 54, 56, 58

RECOMMENDATION 129

- 12.35 **The Committee recommends that the Treasurer provides a detailed response to the Assembly regarding the concerns raised by the Property Council about the ACT's narrow revenue base and other matters.**

ACTCOSS

- 12.36 ACTCOSS is concerned that the community sector is already experiencing an increase in demand for their services, and therefore believes that the ACT Government missed an opportunity to stabilise the community sector before the predicted hard times hit.⁶⁶⁸
- 12.37 The Director of ACTCOSS, Ms Roslyn Dundas, expressed her organisation's view that in tough economic times, government support for the community sector should be increased because public demand on community services will increase. She cited examples of 60 per cent and 35 per cent increases. She noted that government funding for the community sector was falling short of the need.
- 12.38 While ACTCOSS welcomed the indexation used by the Government, it was lower than expected and will result in a shortfall of around \$400 000 for the sector.⁶⁶⁹ Ms Dundas noted that indexation funding had been cut from 4 per cent in 2008–09 to 3.15 per cent for 2009–10. Ms Dundas wondered whether the cuts to the community sector in 2009–10 were partly to assist the Department to find its required efficiency dividend for 2010–11.
- 12.39 Other organisations, such as Carers ACT, have been similarly critical of the 2009–10 Budget.
- 12.40 Other community groups also advised the Committee that they were experiencing significantly increased demand for their services from new clients. The Treasurer responded that there may be some underspend in the funding available for emergency relief for families under stress. DHCS had also been asked to look at whether more support could be provided to some

⁶⁶⁸ *Proof Transcript of Evidence*, 15 May 2009, p 62

⁶⁶⁹ *Proof Transcript of Evidence*, 15 May 2009, p 64

organisations experiencing stress, such as the Rape Crisis Centre.⁶⁷⁰

- 12.41 While services have not been cut, programs such as the CIF will end and affect a wide range of areas including mental health, multicultural youth services, and literacy programs.⁶⁷¹ ACTCOSS believes that even if these programs were absorbed into departments they will not adequately address identified needs and will merely shift demand.⁶⁷²
- 12.42 ACTCOSS was also concerned at the lack of resources in the 2009–10 Budget for community projects the Government has committed to, such as the multicultural strategy, Alexander Maconochie Centre aftercare and the changes resulting from the increased ACT school leaving age.⁶⁷³

RECOMMENDATION 130

- 12.43 **The Committee recommends that the Standing Committee on Health, Community and Social Services inquire into the impact of the global financial crisis on the non-government community services sector in the ACT and the ACT Government funding it receives.**

Australian Education Union (ACT Branch)

- 12.44 In regard to the Government's class size initiative, the Australian Education Union's (AEU) concerns included:
- preschool classes remaining at a maximum of 25 students, and
 - the community expects to not see classes of 30 students.⁶⁷⁴
- 12.45 The AEU also expressed its concern at the provision of Treasury funding for teacher salary increases and the figure falling below the 3 percent figure it had earlier reached in negotiations with the Government.⁶⁷⁵
- 12.46 The Committee noted that the AEU said:

Certainly the AEU supports initiatives that will reduce class sizes. There is good

⁶⁷⁰ *Proof Transcript of Evidence*, 18 May 2009, p 151

⁶⁷¹ *Proof Transcript of Evidence*, 15 May 2009 pp 62, 64, 66

⁶⁷² *Proof Transcript of Evidence*, 15 May 2009, pp 65–66

⁶⁷³ *Proof Transcript of Evidence*, 15 May 2009, p 66

⁶⁷⁴ *Proof Transcript of Evidence*, 15 May 2009, p 68–69

⁶⁷⁵ *Proof Transcript of Evidence*, 15 May 2009, p 70

research evidence that shows that, if you can have a class size around 21, you can do significantly better things with students. That is in the early years of schooling, and we currently do have class sizes of a maximum of 21 from kindergarten to year 3.⁶⁷⁶

Youth Coalition of the ACT

12.47 Like ACTCOSS, the Youth Coalition of the ACT (the Coalition) is concerned at the impact a lower than expected indexation will have on the community sector.⁶⁷⁷ It noted that should a recession occur, services already at capacity will not be able to cater for young people, especially for those accessing services once unemployed.⁶⁷⁸

The Coalition too is concerned about the programs under threat following the conclusion of the CIF and specifically mentioned two, the Gugan Gulwan youth literacy program and the Multicultural Youth Centre drop-in service. While it acknowledges the significant budget allocation for Indigenous literacy and numeracy, the Coalition believes Gugan Gulwan is already successful in disengaged youths. It also advised that the Multicultural Youth Service will look to close the drop-in centre which is currently accessed by around 40–60 newly arrived and refugee young people daily.⁶⁷⁹

12.48 The Coalition said:

We certainly welcome the fact that there a number of key initiatives in the Budget that were funded. So we think there are some promising gains for young people, particularly the focus on infrastructure.⁶⁸⁰

12.49 The Coalition also:

- called for more information from the ACT Government on the \$11 million allocated for out of home care over the next four years
- welcomes the Government's commitment to public housing, however, recommends more investment in support services
- believes the increases in ACTION fares will mostly impact young people, and

⁶⁷⁶ *Proof Transcript of Evidence*, 15 May 2009, p 68

⁶⁷⁷ *Proof Transcript of Evidence*, 15 May 2009, p 77

⁶⁷⁸ *Proof Transcript of Evidence*, 15 May 2009, p 81

⁶⁷⁹ *Proof Transcript of Evidence*, 15 May 2009, pp 77–79

⁶⁸⁰ *Proof Transcript of Evidence*, 15 May 2009, p 75

- discussed the foyer model.⁶⁸¹

The Conservation Council

12.50 The Conservation Council discussed the following aspects of the Budget it was pleased to see included:

- the Switch your thinking! program
- urban wetlands
- improvements in waste management/water recycling
- nature reserve program
- urban forest renewal (although it would like to see more investment in rangers), and
- Enviro-grants program.⁶⁸²

The Canberra Environment and Sustainability Resource Centre

12.51 The projects of the Canberra Environment and Sustainability Resource Centre (the Centre) are mainly aimed at a sector of the community unable to self-fund sustainability projects such as vegetable gardens for community organisations in disadvantaged areas.⁶⁸³

12.52 The Centre is concerned that it can no longer deliver the outreach projects it planned on the expectation of increased funding. It advised that it had not received an increase in funding since 2000 other than at CPI and noted that its library catalogue is in need of a significant update.⁶⁸⁴

12.53 The Centre noted that as a result of less than expected funding, it was unable to do various things, including:

- reduce its operational deficit over a period of years
- serve the community as well as previously, with outreach activities having to be reduced, and

⁶⁸¹ *Proof Transcript of Evidence*, 15 May 2009, pp 75, 76, 78, 79

⁶⁸² *Proof Transcript of Evidence*, 15 May 2009, pp 83–84

⁶⁸³ *Proof Transcript of Evidence*, 15 May 2009, p 91

⁶⁸⁴ *Proof Transcript of Evidence*, 15 May 2009, pp 91-93

- access its library catalogue because of software compatibility problems with a new computer system.⁶⁸⁵

12.54 The Centre advised the Committee of a range of programs that would not be able to proceed due to the less than expected funding. These included:

- the Green Technology Studio which would have demonstrated and showcased alternative energy systems, will now be on hold;
- Food for Life, a collection of projects in collaboration with other community groups aimed at increasing both the production and consumption of locally-grown food, will now wait on other funding before going ahead, and will get little or no administrative support.
- the Sustainable and Affordable Housing project will be shelved.
- the Waste-to-Soil project, which would have diverted organic waste from landfill for composting, will not now go ahead without a separate grant (e.g. through ACTNoWaste).
- the Solar Power Co-op, which would have put community-owned solar arrays onto large roof spaces, will also now await other funding before going ahead, and will go without previously-planned levels of administrative support.

Zed Seselja MLA

Chair

15 June 2009

⁶⁸⁵ *Proof Transcript of Evidence*, 15 May 2009, p 91

APPENDIX A: Public hearings and witness list

Friday 15 May 2009 – Community Groups

Gugan Gulwan

- Ms Kim Davison, Director
- Mr Fred Monaghan, Coordinator of Drug and Alcohol and member of elected body

ACT Division of General Practice

- Mr Phil Lowen, Chief Executive Officer

Council on the Ageing

- Mr Paul Flint, Executive Director

ACT Sport

- Mr Gavin Macdonald, Chief Executive Officer

Australian Medical Association ACT

- Dr Paul Jones, President

Canberra Business Council

- Ms Chris Faulks, Chief Executive Officer

NRMA

- Mr Allan Evans, Director
- Mr Ron Collins, ACT and Regional Policy Specialist

Property Council of Australia ACT Division

- Ms Catherine Carter Catherine Carter, ACT Executive Director
- Mr Tony Hedley, ACT Division President
- Mr Chris Wheeler, ACT Division Council Member

ACTCOSS

- Ms Roslyn Dundas, Director

Australian Education Union ACT Branch

- Ms Penny Gilmour, Branch Secretary
- Mr Peter Malone, Assistant to the Secretary

Youth Coalition

- Ms Emma Robertson, Director
- Ms Erin Barry, Policy and Development Officer

Conservation Council ACT Region

- Ms Robyn Vance, a/g Executive Director
- Mr Ian Falconer, a/g President

Canberra Environment and Sustainability Resource Centre

- Dr Robin Tennant-Wood, Director
- Mr Greg Carman, Treasurer

Monday 18 May 2009**Ms Katy Gallagher MLA, Treasurer****Department of Treasury**

- Ms Megan Smithies, Under Treasurer
- Mr Neil Bulless, Executive Director, Finance and Budget Division
- Mr Khalid Ahmed, Executive Director, Policy Coordination and Development
- Mr Roger Broughton, Executive Director, Investment and Economics Division
- Mr Patrick McAuliffe, Director, Investment and Economics Division, Investments Branch
- Mr Tom McDonald, Director, Investment and Economics
- Mr Graeme Dowell, Revenue Management Division, Commissioner, ACT Revenue

Rhodium Assets Solutions Limited [discontinued agency]

- Mr Ken Moore, a/g Chief Executive Officer

ACTEW Corporation

- Mr Mark Sullivan, Managing Director
- Mr Kerry KcIlwraith, Chief Finance Officer
- Mr Simon Wallace, Chief Accounting Officer

ACT Gambling & Racing Commission

- Mr Greg Jones, Chief Executive

ACT Insurance Authority

- Mr Peter Matthews, General Manager

ACTTAB Ltd

- Mr Tony Curtis, Chief Executive
- Mr Simon Wheeler, Executive Manager, Wagering and Sports Betting
- Ms Kayelene Snowden, Executive Manager, Finance and Business Services

Tuesday 19 May 2009**Ms Katy Gallagher MLA, Minister for Health****ACT Health**

- Mr Mark Cormack, Chief Executive
- Mr Ian Thompson Deputy, Chief Executive Clinical Operations
- Dr Peggy Brown, Director and Chief Psychiatrist, Mental Health ACT
- Ms Megan Cahill, Executive Director Government Relations, Planning and Development
- Dr Charles Guest, Chief Health Officer, Population Health Division
- Mr Ron Foster, Chief Finance Officer, Financial Management Branch
- Ms Jenelle Reading, General Manager, Community Health
- Mr Owen Smalley, Chief Information Officer, Information Services Branch
- Ms Rosemary Kennedy, Executive Director Business and Infrastructure
- Mr Ross O'Donoghue, Executive Director, Population Health Division
- Ms Brenda Ainsworth, Director, Access Improvement Program, Health Performance Improvement Innovation and Redesign

Wednesday 20 May 2009**Mr Jon Stanhope MLA, Chief Minister, Minister for Business and Economic Development, Minister for Arts and Heritage****Chief Minister's Department**

- Mr Andrew Cappie-Wood, Chief Executive
- Mr David Dawes, Deputy Chief Executive
- Mr George Tomlins, Deputy Chief Executive Strategic Projects Facilitation, Business and Projects
- Ms Sandra Lambert, Coordinator General, ACT National Building and Jobs Plan Taskforce
- Ms Bronwen Overton-Clarke, Coordinator, ACT Nation Building and Jobs Plan Taskforce
- Ms Carol Cartwright Executive Director, Arts, Communications, Events and Protocol
- Ms Karen Stewart-Moore, Senior Manager, Arts Communications, Events and Protocol
- Mr Ian Cox, Director, Business and Industry Development, Business and Projects
- Ms Harriet Elvin, Chief Executive, Cultural Facilities Corporation

- Mr David Whitney, Director, artsACT

Minister for Corrections Mr John Hargreaves

Department of Justice and Community Safety

- Mr James Ryan, Executive Director, ACT Corrective Services
- Ms Sandra Kennedy, Group Finance Manager, Strategic Finance

Thursday 21 May 2009

Ms Katy Gallagher MLA, Minister for Health

ACT Health

- Mr Mark Cormack, Chief Executive
- Mr Ian Thompson Deputy, Chief Executive Clinical Operations
- Dr Peggy Brown, Director and Chief Psychiatrist, Mental Health ACT
- Ms Megan Cahill, Executive Director Government Relations, Planning and Development
- Dr Charles Guest, Chief Health Officer, Population Health Division
- Ms Jenelle Reading, General Manager, Community Health
- Mr Owen Smalley, Chief Information Officer, Information Services Branch
- Mr Grant Carey-Ide, Executive Director, Aged Care and Rehabilitation Services
- Professor Mark Bassett, Principal Medical Adviser
- Ms Lisa McGlynn, Executive Director Capital Region Cancer Service
- Mr Bill Stone General, Manager, Canberra Hospital
- Mr Ross O'Donoghue, Executive Director, Population Health Division

Ms Katy Gallagher MLA, Minister for Community Services and Minister for Women

Department of Disability, Housing and Community Services

- Mr Martin Hehir, Chief Executive, Executives
- Ms Meredith Whitten, Executive Director, Policy and Organisational Services
- Ms Roslyn Hayes, Senior Manager, Therapy ACT
- Mr Ian Hubbard, Director Finance and Budget
- Mr David Collett, Director, Asset Management

Friday 22 May 2009

Mr Andrew Barr MLA, Minister for Education and Training**Department of Education and Training**

- Ms Janet Davy, a/g Chief Executive
- Mr Phil Tardif, a/g Deputy Chief Executive
- Ms Trish Wilks, a/g Executive Director, Business Improvement Services
- Mr Mark Whybrow, Director, Finance and Facilities
- Dr Mark Collis, Director, Student Services and International Education
- Mr Rodney Bray, Director, School Capital Works
- Ms Kathy Melsom, Director, Indigenous Education and Early Learning,
- Ms Lorraine Nicol, Director, Education ICT

Monday 25 May 2009**Mr Simon Corbell MLA, Attorney General, Minister for Police & Emergency Services****Department of Justice and Community Safety**

- Mr Stephen Goggs, a/g Chief Executive
- Ms Mary Durkin, a/g Deputy Chief Executive
- Ms Sandra Kennedy, Strategic Finance
- Ms Sarah Byrne, Executive Director, Legislation and Policy Branch
- Mr Peter Garrison, Chief Solicitor, Government Solicitor's Office
- Mr Jon White, Director of Public Prosecutions, Office of the Director of Public Prosecutions
- Dr Helen Watchirs, Human Rights and Discrimination Commissioner, ACT Human Rights Commission
- Mr Alasdair Roy, Children & Young People Commissioner, ACT Human Rights Commission
- Mr Phillip Green, Electoral Commissioner, ACT Electoral Commission
- Ms Danielle Krajina, a/g Executive Director, Office of Regulatory Services
- Mr Jon Quiggin, Senior Director, Office of Regulatory Services
- Mr Andrew Crockett, Chief Executive, Officer Legal Aid Commission of the ACT
- Mr Paul Baxter, Senior Commissioner, Independent Competition and Regulatory Commission
- Mr Gregor Manson, Commissioner, ACT Emergency Services Agency
- Mr Michael Phelan Chief Police Officer ACT Policing

Mr Shane Rattenbury MLA, Speaker of the ACT Legislative Assembly**ACT Legislative Assembly**

- Mr Tom Duncan, Clerk
- Mr Max Kiermaier, Deputy Clerk
- Mr Ian Duckworth, Manager, Corporate Services
- Ms Val Barrett, Manager, Hansard and Communications
- Mr David Skinner, Manager, Strategy and Parliamentary Education

Ms Tu Pham, ACT Auditor-General**Auditor-General**

- Mr Rod Nicholas, Director, Performance Audits and Corporate Services
- Mr Burnie Sheville, Director, Financial Audits

Tuesday 26 May 2009**Mr Jon Stanhope MLA, Minister for Territory and Municipal Services****Department of Territory and Municipal Services****Municipal Services**

- Mr Hamish McNulty, a/g Chief Executive
- Mr Russell Watkinson, Executive Director, Environment and Recreation
- Mr Steve Ryan, Executive Director, Community and Infrastructure Services
- Mr Nick Kalogeropoulos, Director, Strategic Finance, Office of the Chief Executive
- Mr Chris Ware, Manager, NoWaste, Environment and Recreation
- Mr, Tony Gill, Director, Roads ACT, Community & Infrastructure
- Ms Karen Greenland, General Manager, Transport Regulation and Planning, Community and Infrastructure Services
- Ms Jane Carder, a/g Director, Parks, Conservation and Lands, Environment and Recreation
- Ms Vanessa Little, Director, Libraries, Community and Infrastructure Services
- Ms Diana Gertzel, Strategic Coordination, Office of the Chief Executive (not on the original list)

**Mr Simon Corbell MLA, Minister for Environment, Water & Climate Change,
Minister for Energy**

Department of the Environment, Climate Change, Energy and Water

Environment, Climate Change Energy and Water

- Mr David Papps, Chief Executive
- Ms Penny Farnsworth, a/g Executive Director, Policy Programs
- Ms Anita Hargreaves, Chief Finance Officer, Strategic Finance
- Mr David Butt , Director, Policy
- Mr Bob Neil, Director , Environment Protection
- Mr Geoffrey Rutledge, Director, Ministerial and Corporate

Office of the Commissioner for Sustainability and the Environment

- Dr Maxine Cooper, ACT Commissioner for Sustainability and the Environment

Wednesday 27 May 2009

**Mr Jon Stanhope MLA, Minister for Territory and Municipal Services, Minister
for Transport**

Department of Territory and Municipal Services

Municipal Services (continues from Tuesday 26 May)

- Mr Tom Elliott, Executive Director, Enterprise Services
- Mr Steve Ryan, Executive Director, Community and Infrastructure Services
- Mr Michael Vanderheide, Executive Director, Shared Services
- Mr Nick Kalogeropoulos, Director, Strategic Finance, Office of the Chief Executive
- Mr Tim Swift, General Manager ACTION, Enterprise Services
- Ms Robyn Hardy, Executive Director, Procurement Solutions, Shared Services
- Mr Michael Chisnall, Director, InTACT, Shared Services
- Mr John Bissell, a/g Director, ACT Property Group, Community and Infrastructure Services
- Mr Sue Dever, General Manager, Capital Linen Service, Enterprise Services
- Mr Tony Gill, Director, Roads ACT, Community and Infrasrtucture

Mr Andrew Barr MLA, Minister for Education & Training

Department of Education and Training

- Ms Janet Davy, a/g Chief Executive

- Ms Carol Harris, Director, Schools Southern Canberra
- Ms Jocelyn Vasey, Director, Training and Tertiary Education

Canberra Institute of Technology

- Dr Colin Adrian, Chief Executive
- Mr Peter Kowald, Deputy Chief Executive, Operations
- Ms Kaye O'Hara, Deputy Chief Executive, Academic (check)
- Ms Leanne Cover, Executive Director, Corporate Governance and Organisational Capability

Building and Construction Industry Training Fund Authority

- Mr Gary Guy, Chief Executive Officer of the Building and Construction Industry Training Fund Board

Mr Andrew Barr MLA, Minister for Tourism, Sport & Recreation

Department of Territory and Municipal Services

- Mr Neale Guthrie, General Manager, Enterprise Services/Territory Venues and Events
- Ms Sue Marriage, Director, Environment and Recreation/Sport and Recreation Services
- Ms Simonne Shepherd, General Manager, Enterprise Services, Tourism
- Mr Tony Sadler, General Manager, EPIC

Thursday 28 May 2009

Mr Jon Stanhope MLA, Chief Minister, Minister for Indigenous Affairs

Department of Disability, Housing & Community Services

Indigenous Affairs

- Mr Martin Hehir, Chief Executive
- Ms Maureen Sheehan, Executive Director, Housing and Community Services, Indigenous Affairs

Land Development Agency

- Mr David Dawes, Deputy Chief Executive, Business & Projects, Chief Minister's Department
- Mr George Tomlins, Executive Director, Strategic Project Facilitation, Business & Projects, Chief Minister's Department
- Mr John Robertson, Chief Executive Officer

Mr Andrew Barr MLA, Minister for Planning, Minister for Children and Young People

ACT Planning and Land Authority

- Mr Neil Savery, Chief Planning Executive
- Mr John Meyer, Chief Operating Officer
- Mr Peter Wurfel, Chief Financial Officer, Client Service
- Mr Adrian Walsh, Manager, Corporate and Human Services
- Mr Jim Corrigan, Manager, Merit Assessment Unit

Department of Disability, Housing & Community Services

Children and Young People

- Mr Martin Hehir, Chief Executive
- Ms Megan Mitchell, Executive Director, Office for Children, Youth and Family Support
- Mr Frank Duggan, Senior Director, Strategic Support. Office for Children, Youth and Family Support
- Mr Michael Reid, Director, Youth Directorate
- Ms Helen Pappas, Senior Manager, Early Intervention and Prevention Services

Friday 29 May 2009

Mr John Hargreaves MLA, Minister for Disability and Housing

Department of Disability, Housing and Community Services

Disability and Housing

- Mr Martin Hehir, Chief Executive
- Ms Maureen Sheehan, Executive Director, Housing and Community Services, Indigenous Affairs
- Mr David Matthews, Director, Housing ACT
- Ms Lois Ford, Executive Director, Disability ACT
- Mr Andrew Whale, Director, Disability ACT
- Ms Meredith Whitten, Executive Director, Policy and Organisational Services
- Mr Ian Hubbard, Director, Finance and Budget
- Mr David Collett, Director, Asset Management
- Mr Nic Manikis, Director, Multicultural Aboriginal and Torres Strait Islander Affairs

Mr John Hargreaves, Minister for Industrial Relation, Chief Minister's Department

- Ms Catherine Hudson, Deputy Chief Executive, & Commissioner for Public Administration, Governance, Chief Minister's Department
- Mr Robert Gotts, a/g Director, Office of Industrial Relations, Office of Industrial Relations, Chief Minister's Department

ACT Cleaning Industry Long Service Leave Authority

ACT Construction Industry Long Service Leave Authority

- Mr Phil Collins, Registrar, ACT Construction Industry and ACT Contract Cleaning Industry Long Service Leave Boards

Mr John Hargreaves, Minister for Multicultural Affairs, Minister for Ageing Department of Disability, Housing and Community Services

Multicultural Affairs & Ageing

- Mr Martin Hehir, Chief Executive
- Ms Meredith Whitten, Executive Director, Policy and Organisational Services
- Mr Nic Manikis, Director, Multicultural Aboriginal and Torres Strait Islander Affairs

APPENDIX B: Tabled documents

Friday 15 May 2009

- Ms Roslyn Dundas – ACTCOSS ACT 2009–10 *Budget Snapshot*, 6 May 2009
- Ms Roslyn Dundas – ACTCOSS ACT Budget Submission 2009–2010

Monday 18 May 2009

- Ms Katy Gallagher – 2009–2010 Budget Update
- Ms Katy Gallagher – General Government Sector Investments (Revised Budget Table 5.1.1)

Wednesday 20 May 2009

- Mr John Hargreaves MLA – Treasury Summary of Liberal Election Commitments
- Mr John Hargreaves MLA – Speaking Notes for Minister John Hargreaves – Opening Statement to the Standing Committee on Estimates
- Mr John Hargreaves MLA – Listing of current Memorandums of Understanding (MOUs) and list of MOUs currently being drafted or MOUs being re-negotiated
- Mr Jeremy Hanson MLA – Extract from Hansard, Standing Committee on Justice and Community Safety – public hearing – Inquiry into the Delay in the Commencement of Operation of the Alexander Maconochie Centre, pp 54 – 55
- Mr John Hargreaves MLA – Correspondence from Dr Helen Watchirs, Human Rights Commissioner regarding her inspection of the Alexander Maconochie Centre, 5 May 2009

Thursday 21 May 2009

- Ms Gallagher – Department of Disability, Housing and Community Services – 2009–2010 Budget Estimates (Output Class Programs)
- Mr Seselja – ‘Extra Hospital Funding to Reduce Waiting Times: Gallagher’ ABC News, Monday 1 December 2008
- Ms Whitten – Community Inclusion Fund
- Ms Whitten – 2008/09 ACT Women's Grants Program

Friday 22 May 2009

- Ms Davy – Letter responding to request seeking advice about the use of a school by the Australian Labor Party (ACT Branch) to be screened during the election campaign
- Mr Barr – *What you will see in the new report* document produced by the Australian Curriculum Assessment and Reporting Authority

Monday 25 May 2009

- Ms Tu Pham – Possible Performance Audits as at 25/05/2009
- Ms Tu Pham – proposed Performance Audit Program 2009–10 (and Forward Audit Program 2010–11) May 2009

Wednesday 27 May 2009

- *Wrapt in Winter* brochure, June – Aug 2009
- Newspaper lift out – *Wrapt in Winter*

Friday 29 May 2009

- Mr Hargreaves – opening statement, Housing and Disability
- Mr Hargreaves – opening statement, Industrial Relations
- Mr Hargreaves – Speaking notes for the Minister for Ageing and Multicultural Affairs – ACT Budget Estimates 2009–10