



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

19 February 2002

Tuesday, 19 February 2002

Petition: St John Vianney Primary School—pedestrian crossing.....	309
Privilege.....	309
Planning and Environment—standing committee	311
Criminal Code Amendment Bill 2002.....	312
Appropriation Bill 2001-2002 (No 3)	313
Estimates 2001-02—select committee	316
Rehabilitation of Offenders (Interim) Amendment Bill 2002	320
Bushfire volunteers	321
Day and hour of meeting	339
Questions without notice:	
Gallop report.....	339
Canberra Hospital—services	342
Gallop report.....	343
ACTTAB	345
Gallop report.....	346
Downer jump track	350
Ministerial responses to constituents’ correspondence	351
Literacy and numeracy assessment reports	352
Bail reform.....	353
Freedom of Information Act.....	355
Consultancies	357
Convalescent facilities.....	359
Administration and Procedure—standing committee	360
Auditor-General’s Report No 12 of 2001.....	360
Papers	360
Board of inquiry into disability services	361
Legislation program—autumn 2002	365
Papers	370
Territory-owned corporations	371
Lease variations.....	371
Workers compensation	372
Papers	373
Papers	373
Legal Affairs—standing committee.....	374
Estimates 2001-02—select committee	375
Crimes Amendment Bill 2001 (No 2).....	375
Adjournment.....	378

Tuesday, 19 February 2002

MR SPEAKER (Mr Berry) took the chair at 10.30 am, made a formal recognition, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Petition

The following petition was lodged for presentation.

St John Vianney Primary School—pedestrian crossing

By Mrs Cross, from 169 residents:

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly:

The urgent need for a pedestrian crossing to be constructed outside the St John Vianney Primary School in Waramanga on Namatjira Drive. The large amount of traffic during school times makes this area extremely dangerous for the children and others wishing to cross the main road and we the undersigned believe there is concern that if nothing is done then a fatality could occur.

Your petitioners therefore request the Assembly to:

Instruct the Government to construct a pedestrian crossing that will insure the safety of school children and others as they cross Namatjira Drive in front of the St John Vianney School.

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister, the petition was received.

Privilege

MR SPEAKER: Members, as foreshadowed in my letter of 21 January 2002 to all members, I propose to make a statement to the Assembly concerning the privileges of the Assembly. The matter relates to certain orders made by the Supreme Court concerning the tabling of the report of the board of inquiry into disability services.

In early January I was advised that an order had been made by Justice Crispin in the Supreme Court of the Australian Capital Territory on 24 December 2001 restraining the Chief Minister from presenting certain documents to the Assembly. The order of the court was to the effect that, pending certain proceedings, the Chief Minister be restrained from laying the report into disability services, a copy of that report or any part thereof before the Legislative Assembly, or otherwise a copy of that report or any part of that report to the public.

19 February 2002

Insofar as the order related to the presentation of documents in the Assembly, the matter raised important issues concerning the privileges of the Assembly. I therefore instructed the Clerk that advice be sought on the matter, and this was done on 8 January 2002. The specific question asked was whether it was within the jurisdiction of the court to make an order in relation to the presentation of a document to the Assembly, particularly the document in question.

The legal advice sought was received on 18 January and concluded, in summary, that on its face the injunction involved a breach of the privilege of the Assembly in the sense that it obstructed the Assembly in the performance of its functions. In addition, the advice raised serious issues as to the enforceability of the injunction against the Chief Minister.

The self-government act provides that the Assembly and its members and committees have the same privileges and immunities as the House of Representatives and its members and committees. As outlined in the advice, this in turn means that the provisions of the Commonwealth's Parliamentary Privileges Act 1987 operate largely to define the operation of parliamentary privilege in relation to the Assembly, its members and committees.

The matter is somewhat unusual. As outlined in the advice, it does not easily fit within the provisions of the Parliamentary Privileges Act of the Commonwealth, but rather it is examined in the advice according to common law and parliamentary practice relating to parliamentary privilege. The advice states that, unlike most of the fact situations in which privilege issues tend to arise, the then situation was not one in which there was a possibility that proceedings in the Assembly might be impugned in a court or tribunal. Rather, it was seen as a situation in which a court had ordered that information not be presented to the Assembly until a further hearing took place or other order was made by the court. The advice views this as potentially a more fundamental interference with the work of the Assembly.

The advice considered that whether or not the report fitted within the definition of "proceedings in parliament" as being not necessarily relevant to the future progress of the matter. It considered that the interference with the working of the Assembly that the injunction involved as much more fundamental. The injunction denied to the Assembly information that was demonstrably relevant to the functions of the Assembly. As a result, it was seen as involving, on its face, a breach of privilege.

Members, I will not address in any more detail the matters raised in the advice. I propose to table the advice and copies will be made available to members.

As indicated in my letter to members of 21 January, I intended to ensure that the Assembly was represented by counsel and seek to intervene in proceedings set down in the Supreme Court for 8 February as *amicus curiae*, or friend of the court. The purpose of this action was to assist the court, subject to its agreement, by informing it of the issues relating to parliamentary privilege. In fact, this action was not necessary.

In the Supreme Court on 8 February, both the non-publication orders of the court of 24 December and a later one of 10 January were vacated by consent and there was no need to seek to intervene. As members will be aware, it is proposed that the report will be presented in the Assembly later today.

Members, the privileges this Assembly possesses are precious and fundamental to its ability to perform its functions. We must all be vigilant to ensure that no action, whether it be inadvertent or otherwise, is taken that could impede the Assembly, its members or its committees in the performance of their proper roles. It is for these reasons that, as Speaker, I took the action outlined and proposed to seek to intervene in the court proceedings on the matter. I table the advice received from Clayton Utz on the matter. I present the following paper:

Gallop Inquiry Report—Legal Advice from Clayton Utz—Potential breach of Parliamentary Privilege, dated 18 January 2002.

Planning and Environment—Standing Committee Report No 1

MRS DUNNE (10.38): Mr Speaker, I present the following report:

Planning and Environment—Standing Committee—Report No 1—Draft Variation No 176—Bruce Central Precinct, dated 18 February 2002, together with a copy of extracts from the relevant minutes of proceedings.

I ask for leave to move a motion authorising the electronic publication of the report.

Leave granted.

MRS DUNNE: I move:

That the report be authorised for electronic publication.

Question resolved in the affirmative.

MRS DUNNE: I move:

That the report be noted.

I would like to point out, Mr Speaker, that this is the first report of the current Standing Committee on Planning and Environment. The report relates to Bruce precinct and it is the first of what appears will be many reports of the standing committee relating to draft variations to the Territory Plan.

This report covers that part of the Bruce precinct known as Fern Hill. Briefly, Mr Speaker, the committee was generally in favour of the proposed changes that would allow the provision of a local centre near the entrance to the Fern Hill area; about 20 hectares of medium-density housing up to three storeys in height; expanding the use of the 30 hectares of commercial land previously designated as offices to include

19 February 2002

residential, clubs and hotels; and the provision of four hectares of open space on two hilltop parks.

We were particularly supportive of the concept of a local centre and the provision of mixed use, which would increase the appeal of the area generally, making existing enterprises more viable, entice other enterprises to the area and provide 24-hour security for the area. We were particularly pleased with the provision of urban open space in remnant woodland on the hilltops.

We did note, however, that there is uncertainty over the proposed route of the Gungahlin Drive extension. This draft variation was prepared on the premise that the eastern route of the Gungahlin Drive extension would go ahead. But since the preparation of this draft variation the government has changed and we are of the view that the government has a prerogative to implement its program.

By way of warning, we decided to place an R overlay over those areas of the Bruce precinct closest to where we presume the Gungahlin Drive extension will be sited. While we were assured by PALM that any possible realignment would be contained between Leverrier and Braybrooke Streets, we felt it incumbent upon us to alert those who had an interest in the area that there may be some encroachment into the Fern Hill precinct.

We further wish to point out that all developers would need to be aware of the encroachment of the western alignment of the Gungahlin Drive extension and be at particular pains to address noise attenuation. We particularly want to draw attention to the proximity of some future residential land to Gungahlin Drive and the particular needs of residents as a result of this encroachment. We have suggested that that land not be released until the Gungahlin Drive extension route is finally determined.

I commend the report to the Assembly.

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

Criminal Code Amendment Bill 2002

Mr Stanhope, by leave, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (10.43): I move:

That this bill be agreed to in principle.

Mr Speaker, the bill amends the Criminal Code 2002 to delay its commencement pending the incorporation of further principles of criminal responsibility into the code. At present, the code contains only some of the principles of criminal responsibility and cannot operate effectively until the remaining principles have been included, which will occur later this autumn.

When the code was enacted last year the Assembly acknowledged that the bill it was enacting was only the first step towards codification of the ACT's criminal law and that the remaining principles of criminal responsibility would need to be considered at a later date. It had been hoped that there would be an opportunity to do this before the code commenced, but that has not been possible. The amendment to the code in part 3 of the bill will delay the code's commencement from 10 March 2002 until 1 January 2003. Between now and then the remaining principles of criminal responsibility will be incorporated and many existing offences will be redrafted in "code friendly" language.

Mr Speaker, my government remains committed to the criminal code project, and I can assure members that we will be working hard to see it through to completion as soon as possible. When finalised, the code will greatly enhance the transparency and accessibility of our criminal law, by ensuring that the elements of each defence and any applicable defences are clearly articulated in the legislation.

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

Appropriation Bill 2001-2002 (No 3)

Mr Quinlan, by leave, presented the bill, its explanatory memorandum and supplementary budget paper.

Title read by Clerk.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (10.45): I move:

That this bill be agreed to in principle.

The bill provides for an increase in appropriation of \$19.495 million dollars. Funding of \$184,000 is provided for the establishment of an Office of Sustainability, to develop a sustainability policy framework which will identify sustainability criteria and parameters for the government.

Extra funding of \$702,000 will be provided to the Chief Minister's Department to assist in meeting additional costs associated with the independent inquiry into disability services in the ACT and the extension of the length of this inquiry.

Funding has also been allocated to alleviate urgent budget pressures inherited from the budget brought down last year by the previous government.

Mr Speaker, \$3.38 million will be allocated to the Canberra Tourism and Events Corporation. This funding is required as a result of:

- prior year losses caused by events such as the 2001 GMC400 V8 car race and the Subaru Rally of Canberra; and

19 February 2002

- budget pressures for this financial year, identified under the previous government and acknowledged and released on 2 October 2001.

Mr Speaker, the bill will provide for urgent pressures within the Department of Urban Services. These include:

- \$540,000 for ACTION to assist in the management of long-term staff absences;
- the commencement of the ACTION bus door safety project to protect passengers and to remedy a dangerous situation, especially for children alighting from buses, a situation I think that should have been addressed previously;
- assistance to the community sector, particularly the housing and environment sectors, in meeting increases in the costs associated with recent SACS award decisions by the Australian Industrial Relations Commission, and I think some of the agencies were overlooked in the last allocation;
- \$850,000 to assist the additional cost for the current financial year to ensure that recycling services are maintained to approximately 130,000 households that currently exist throughout the ACT. This will be an extension of the existing contract.

Mr Speaker, \$300,000 will be provided to ACT Forests. ACT Forests has sought to bring forward their budget from 2002-03 due to the change in the numbers who took redundancy and the timing of these redundancies.

As a consequence of the bushfire emergency experience in the Canberra region in December, funding of \$1.958 million is required to address this unforeseen emergency. This includes:

- fire suppression costs, including additional labour and associated costs of the Department of Urban Services and the Emergency Services Bureau;
- the cost of remediating damage to areas such as tree and fence replacement; and
- future prevention costs, such as priority hazard reduction works to mitigate the risk of additional damage being caused to public and private property.

The Appropriation Bill provides for three other items. These are:

- the engagement of counsel for the Director of Public Prosecutions in four significant cases that will cost above the funding provided in the 2001-02 budget for the DPP, and I think they have received reasonable publicity already;
- provision for additional staffing costs associated with providing safe and secure management of overcrowding at the Belconnen Remand Centre and overnight overflow accommodation for remandees to the Magistrates Court cells; and

- continuation of a logistics support capability commenced by the previous government in respect of the anthrax scare. The capability will incorporate one specifically trained firefighter per shift, with an enhanced response vehicle and specialist equipment to assist in managing biological, radioactive, chemical and hazardous material incidents.

Mr Speaker, the bill appropriates an additional \$4.11 million to the Department of Education and Community Services. This funding will allow:

- additional ACT per capita funding of non-government schools of \$2.6 million for increases in student numbers since the February 1999 census; and
- the meeting of increasing costs in substitute care of \$1.5 million arising from increased demand for care, increased complexity of client needs and increased costs of court-ordered care plans. I think we need to stress that these are court-ordered care plans. And I should point out that other states and territories are experiencing similar increases in substitute care.

Mr Speaker, the final appropriation in this bill is for \$5.587 million to the Department of Treasury. Issues addressed in this funding enable:

- an increase in the low-alcohol subsidy, reflecting an expected increased demand in the subsidy this year;
- a GST refund to clubs—that is, small clubs—as a consequence of timing differences; and
- additional funding for the first home owner grant. An anticipated increased demand for the remaining six months of 2001-2002 is partly the result of the election commitment of the Commonwealth government. This expense is budget neutral due to the corresponding increase in Commonwealth grants and has no bottom line impact for the territory.

While this appropriation seeks funding of \$19.495 million, the bill's operating impact is limited to \$12.081 million due to the inclusion of budget neutral items and items of a capital nature.

Mr Speaker, to accompany the bill I have also tabled a supplementary budget paper which contains details of variations to the budget for each department proposed by the bill, including the impact on appropriations, financial statements and output classes.

At this time, the supplementary budget papers do not include revised financial statements for departments, as several transfers as a result of the administrative arrangements orders announced on 14 November 2001 are yet to be finalised. Revised financial statements will be made available to this Assembly as soon as practicable.

19 February 2002

Mr Speaker, members will see that expenditure items in this bill are, at this stage of the current financial year, mostly unavoidable. The exception is the funding of the Office of Sustainability, which was a firm election commitment and is viewed as being needed immediately in the interests of responsible government.

Forward estimates for the current financial year have not been included and have not been upgraded because we have a commission of audit working on those things with Treasury support. That job will be done once and not twice in three weeks. I expect an interim report from that commission around about the end of this month, and that will give the estimated position for the current financial year.

I commend the bill to the house.

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

Estimates 2001-02—Select Committee Appointment

MR HUMPHRIES (Leader of the Opposition) (10.53): Mr Speaker, I seek leave to move a motion for the establishment of a Select Committee on Estimates to inquire into and report on the Appropriation Bill 2001-2002 (No 3).

Leave granted.

MR HUMPHRIES: I move:

That

- (1) A Select Committee on Estimates be appointed to inquire into and report on the Appropriation Bill 2001-2002 (No 3);
- (2) The Committee to be composed of:
 - (a) two members to be nominated by the Government;
 - (b) two members to be nominated by the Opposition; and
 - (c) two members to be nominated by the ACT Greens and Australian Democrats;to be notified in writing to the Speaker by 4.00 pm today;
- (3) the Committee report by Tuesday, 9 April 2002;
- (4) the Committee to 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, circulation and publication;
- (5) 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; and
- (6) on the Committee presenting its report to the Assembly resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting.

Mr Speaker, there have been a variety of practices in this place with respect to the appointment of estimates committees. The Assembly, of course, has always seen fit to establish an estimates committee for scrutiny of the main appropriation bill of any given year, and that has occurred without fail. That, of course, is the main exercise of scrutiny in a given year.

But in recent years there has been a tendency to introduce additional appropriation bills. We are into our third appropriation bill for 2001-02, and it may be that we will have a fourth appropriation bill because there are still some four months of the financial year to run.

So the question is whether that process of additional appropriation should be subject to scrutiny through an estimates committee. In previous Assemblies it was the practice on occasions not to establish additional estimates committees, and generally that decision was made when the bills were urgent or maybe only one or two matters of substance needed to be considered. In such cases the Assembly considered that it was not necessary for the bills to attract an estimates process.

In other cases, matters which have been the subject on public interest have been subject to an estimates process. I would submit, Mr Speaker, that the Appropriation Bill 2001-2002 (No 3) is such a case. A number of items are referred to in this government bill introduced by the government. There is, of course, the establishment of the Office of Sustainability. That was an election commitment. There is some information on this matter in the attached papers, but more information no doubt would be available to an estimates committee.

A number of other items have been flagged for additional expenditure across, it appears, a large proportion of government—in fact, everywhere except the Department of Health and Community Care. I think that members, particularly members who are interested in the direction of the budget, would be interested in seeing what those new items entail—whether they entail significant expenditure and whether the expenditure is appropriate and justified.

Mr Speaker, I hope we can accept that there is a need for reasonable scrutiny. The motion which I have moved is in the same form as previous motions concerning committees. It makes provision for representation by two members of the government, two members of the opposition and each of the members of the crossbenches.

I understood that originally the government proposed that there should be debate on this bill in the March sitting of the Assembly, which is set down to commence on 5 March. I would hope that if there is any urgency involved in the matters which have been put before the house today in this bill, the Treasurer will indicate to the Assembly what that urgency might be, in which case there might be a question of whether we should proceed with such a motion. But I am not aware of any urgency. In the absence of any urgency, I would submit that it is appropriate for this bill to be scrutinised by an estimates process. I commend this motion to the house.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (10.57): The government has no objection to a select committee on estimates being appointed to look at this appropriation bill. I think that it might tease out some of the reasons why the expenditure is necessary and we are very happy to be involved and associated with that process.

19 February 2002

Can I just give notice that I expect my colleague Mr Hargreaves to move an amendment to Mr Humphries' motion to reduce the membership of the estimates committee to three members. I rather think that six is a little over the top for a bill which has a \$12 million impact on the bottom line. Obviously we will leave that to the house to decide at the end of the day.

I believe that there are a number of matters in this bill that probably could do with public airing and understanding. It is likely that most of the hearings of the estimates committee will take place with the added illumination of at least the preliminary findings of the Commission of Audit that I have implemented. I would be quite happy for this committee to be appointed and go through all of the items that are contained within this appropriation bill.

MR HARGREAVES (10.59): I move:

- (1) Omit 2 (a), (b) and (c), substitute the following
 - (a) one member to be nominated by the Government;
 - (b) one member to be nominated by the Opposition; and
 - (c) one member to be nominated by the ACT Greens and Australian Democrats;

Essentially, we do not have an objection to this matter being referred to an estimates committee. There is a history of having appropriation bills considered by estimates committees. We could have sent the bill off to the Public Accounts Committee for the same sort of consideration, but it is fine if the Assembly wishes to create a select committee to carry out this process. It is the government's view, however, that the membership of the committee as set out in the motion could be changed. It is our view that the membership ought to comprise one member from the government, one member from the opposition and one member from either the Greens or the Democrats.

The Appropriation Bill 2001-2002 (No 3) is not a very large document. It is not as if the whole budget process needs to be scrutinised. I do not foresee that there would need to be the number of public hearings which normally are part of an estimates process. We know the practicalities of that process. They are that members of either side receive their instructions from their generals. So, in a funny kind of sense, the process is not as open as we would all prefer.

The question is whether or not we wish to tie up so many members of the Assembly in such a process. Mr Speaker, any member is entitled to participate in the discussions at the hearings and see the submissions made to any committee of the Assembly. So there is no barrier to everybody in the Assembly, if they so desire, attending any session of a hearing. However, the report of the committee will be compiled by only three people during the deliberative process.

We need to be mindful of the size of the workload that we place upon members in their committee work. For example, I know that the committees which I am involved with have something like five inquiries running at the moment. Two inquiries that I am involved in deal with the budget process. I think that having another estimates process whacked on the top of that might be a little bit much for the mind.

I am mindful that we should try to have as much balance as we can in respect of the membership of every committee. We like the delightful members of the opposition and members of the government to be equally represented. We also try to make sure that the crossbench, such as it is, has a chance to be involved. Given that the crossbench has shrunk by 50 per cent in this new Assembly, perhaps we need to be a bit more mindful of just how much work we are asking the crossbench to do. We should bear in mind that we can encourage members of the crossbench to attend the hearings but unless they are members of the committee they cannot attend the deliberative sessions.

Mr Speaker, it is the government's preference, particularly in view of the workload on members, to concur with the opposition's view that we ought to maintain the convention that has applied in respect of estimates committees. We also know that right now members are receiving budget submissions from all over the place. I received two this morning that I intend to forward on to our committee secretary. So a lot of attention needs to be given to financial matters. I recommend to the Assembly that we adopt this amendment purely on the basis of the workload that members are being asked to carry.

MR HUMPHRIES (Leader of the Opposition) (11.04): Mr Speaker, the opposition will not oppose this amendment. However, let me make a few observations about it. I cannot recall a previous occasion where an estimates committee has been convened with fewer than six members. I think there has always been a practice of having six members.

Mr Quinlan: We sent the little ones to the PAC.

MR HUMPHRIES: I don't know if we did. I will take your word for that; I cannot recall having done that. Mr Speaker, the concern for other members, including members on the crossbenches, who have got heavy workloads for the committees is a laudable one. I am pleased to see that this concern is being acted upon, although in previous Assemblies during our term of government there were similar complaints, particularly from government backbenchers, about the workload of committees, and that concern was not heeded at the time. That is perhaps a little bit of sour grapes so I won't pursue that line.

Mr Quinlan: The ones on the Estimates Committee didn't do any work.

MR HUMPHRIES: Well, that is your version of events, Mr Quinlan. But they were certainly on a large number of committees. Backbenchers of the former government were on a very large number of committees and their workload was of a consequence when it came to establishing new committees. However, I am pleased to see a corner has been turned and that you will now have concern for the workload and no longer burden people in this unconscionable way.

Mr Speaker, obviously it is still possible for other members of the Assembly to sit in on committees, including this committee and to ask questions. So the size of the membership does not seem to me to be a matter of great consequence. But I sincerely hope that the establishment of this committee with just three members will not preclude the estimates committee for the annual budget, the Appropriation Bill of 2002-03, being of the usual size.

19 February 2002

MS TUCKER (11.07): I will be supporting Mr Hargreaves' amendment. This matter could have been handled by the Public Accounts Committee. However, I understand the process that is occurring and I think it is quite appropriate that either Roslyn Dundas or I should be able to nominate for a position on the committee. We will work together on keeping in touch with what is going on. Clearly, if we have a different view then that would be expressed in the Assembly and whoever of us is on this committee would take on that role. So I think this is a reasonable response.

Mr Hargreaves' amendment agreed to.

Motion, as amended, agreed to.

Rehabilitation of Offenders (Interim) Amendment Bill 2002

Mr Quinlan, by leave, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (11.08): I move:

That this bill be agreed to in principle.

Mr Speaker, in August of 2001 the Assembly passed the Rehabilitation of Offenders (Interim) Act 2001. This act made a number of changes to the administration of parole in the ACT. Amongst other things, it established the Sentence Administration Board to administer the ACT's parole system and empowered the board to issue warrants to commit a person to imprisonment upon revocation of that person's parole.

In addition, the act intended to allow the Sentence Administration Board to issue warrants under the Removal of Prisoners Act 1968 to provide for the removal of ACT prisoners to New South Wales for detention, and for the return of those prisoners to the ACT.

In order to do this it was necessary to amend the definition of "authorised person" in the Removal of Prisoners Act. However, the Rehabilitation of Offenders Act mistakenly referred to "authorised officer" instead of "authorised person" and therefore, strictly speaking, did not have the desired effect. This was only discovered in January of this year.

In the interim, a number of warrants have been issued by the board under the Removal of Prisoners Act. This incorrect definition meant that although the people affected by these warrants were rightfully imprisoned, their removal to and detention in New South Wales may not have been provided for.

Since discovering the problem, the government has worked in an accountable and prompt manner to remove any doubt as to the validity of the warrants in question. New warrants for the removal and detention of the prisoners concerned were issued in January, validating the prisoners' detention from that date onwards.

However, legislative amendments are required to ensure that the prisoners were lawfully detained in New South Wales between the dates of the original warrant and the dates of the new warrants. The amendments would also ensure that the time served during that period counts towards the total time that each prisoner is required to serve.

The bill achieves this by validating all warrants issued by the Sentence Administration Board since the commencement of the Rehabilitation of Offenders Act. It will also enable the board to issue valid warrants under the Removal of Prisoners Act in the future, thereby ensuring that this aspect of the ACT's parole system can work in the way that it was originally intended.

The bill also amends the definition of "authorised person" in the Removal of Prisoners Act to include the registrar and the deputy registrar of the Supreme Court, thereby allowing both these officers to issue warrants under the act. The amendment is logical, given that the registrar is responsible for managing the Supreme Court's criminal cases. It will also ensure consistency, given that registrars and deputy registrars of the Magistrates Court and of federal courts are already empowered to issue such warrants.

I commend the bill to the Assembly.

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

Bushfire volunteers

MR QUINLAN (Treasurer, Minister for Economic Development, Businesses and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (11.13): Mr Speaker, I ask for leave to move a motion of thanks to bushfire volunteers.

Leave granted.

MR QUINLAN: Mr Speaker, I move:

That the ACT Legislative Assembly places on record its appreciation of the dedication, professionalism and commitment of all those men and women, particularly the volunteers, who successfully protected the community from the Christmas 2001 bushfires, and records its thanks for the outstanding contribution they have made to the Canberra community and the territory.

Mr Speaker, at about 1.30 pm on 24 December, Christmas Eve, 2001 a number of bushfires started within minutes of each other in the Uriarra Road and Coppins Crossing area. Although the detection by Bushfire Service towers and the fire services response was very quick, the very dry conditions and the extremely strong winds being experienced on that day caused the fires to quickly develop into three major fires threatening rural properties, homesteads and the Stromlo pine plantation. Over a period of two hours on Christmas Eve following the initial fires, separate fires started in the Bruce Ridge area behind the AIS and also at the north-western base of Red Hill.

19 February 2002

Two of the initial fires joined to make one large bushfire front, which continued into the Stromlo pine forest, consuming significant standing pine plantation resources. It was necessary to close the Tuggeranong Parkway between Glenloch Interchange and the Hindmarsh Drive exit. Other roads closed were Lady Denman Drive, Cotter Road, Uriarra Road and the Coppins Crossing Road.

Our own emergency service volunteers were used to assist in roadblocks and then supported the SES volunteers from the New South Wales Southern Highlands district. The Australian Federal Police were also stretched through road closures and even precautionary broadcasts about the possible evacuation of areas where necessary.

The fires at Bruce Ridge spread quickly, threatening the Canberra Motor Village and the youth hostel near Dryandra Street. The Red Hill fire spread up the hill, forcing the evacuation and closure of Red Hill Carousel Restaurant for several days.

For the very first time in the ACT the standard emergency warning signal was broadcast on all radio stations for a two-hour period, giving an indication of the areas threatened and specific advice for people to assist in protecting their property.

The wind did not abate during the night, preventing any strong containment lines from being established.

At approximately 11 am on Christmas Day a fire started near the old Canberra Avenue near Harman and was quickly fanned towards Oaks Estate, burning into the old abattoir site. This brought potentially hazardous material involvement into the fire. The New South Wales Rural Fire Services took a significant suppression management role with this fire, although the ACT Fire Brigade had an ongoing involvement with a particular area near the abattoir.

On the afternoon of Christmas Day another fire started at Wanniasa Hills near Macarthur, which meant we then had five major fires being pushed by very strong winds in a fairly dispersed pattern around the ACT.

Smoke from these bushfires blanketed the city, activating dozens of automatic fire alarms that all needed response in the event that embers from the bushfires had started spot fires in or adjacent to buildings or that possibly there had been new structural fires.

In addition to the five major fires, the fire services responded to approximately 15 other fires, some small but others potentially threatening to residential areas. There were also a number of major vehicle accidents, which added to the already high workload of the ACT Fire Brigade and the Australian Federal Police. The picture is that of our services being severely stretched, and at the end of Christmas Day the executive director of the Emergency Services Bureau sought assistance from the Country Fire Authority in Victoria.

Mr Speaker, the cross-border assistance was fast, effective and very professional. By 9 am on the next day the Country Fire Authority had an advance incident management team working with our control team in Curtin, and by 3.30 pm that day, Boxing Day, some 56 volunteers with 10 large tankers were deployed to the Stromlo fire.

The Emergency Services Bureau communication centre received hundreds of 000 emergency calls from concerned people alarmed by the dense smoke, and the challenges for the control staff were to determine whether these reports were for new fires or smoke from the current fires.

Large-scale road closures were arranged at short notice and worked well in the circumstances, and although road closures were a major inconvenience, the understanding and patience of the Canberra community were quite evident.

Helicopters provided invaluable support in water bombing operations and as aerial observation platforms to keep pace with the spread of the bushfire. The aerial water bombing capacity of the Snowy Hydro SouthCare helicopter is four times that of other helicopters used and underlines the value of using large helicopters for this task.

The capability of helicopters in this type of bushfire event is clearly recognised, and the Chief Minister has passed on to me a letter he received from the then acting Prime Minister indicating the desire to look at options to nationally boost the aerial firefighting capacity. The Emergency Services Bureau will represent the ACT in discussions with fire services in other jurisdictions to look at enhancing mutual aid arrangements in this area.

Losses from all the bushfires were restricted to about 1,600 hectares of pine forest, open space parkland, other lands and Canberra Nature Park areas. There were also many kilometres of rural fences, rural grazing land and some heritage pine forest areas included in the total area burnt.

I have no doubt that there were personal losses for some small businesses, non-profit organisations and rural leaseholders who had assets in the path of the fire, but there were many instances and anecdotes of spectacular saves to major property in the area.

To give you some idea of the efforts, the ACT Fire Brigade fighters were able to save thatched animal enclosures inside the National Zoo and Aquarium directly in the shadow of the huge burnt pines. I understand, though, that the firefighters also had one eye on the big cats and the bear enclosures to ensure that the animals were not loose in the area. I heard that the big cats put in an application to share emergency accommodation with the wallabies and kangaroos.

The Governor-General was requested to turn on all his sprinkler systems in the grounds of Government House for two days running, and he personally visited the firefighters at change of shift on Boxing Day morning to thank them for their efforts.

On a more positive note, about 73 private homes directly under threat, significant community assets such as the Mint, the National Zoo and the Aquarium, the Defence Services Staff College, the RSPCA, the Canberra Motor Village, the cork-oak plantation, the Himalayan cedar plantation, the Yarralumla woolshed, the exhibition centre at Yarramundi Reach, the Two Sisters Motel, the Forest Park Riding School and many hectares of pine plantation were saved.

19 February 2002

There were no houses lost and no major injuries as a result of these bushfire events—in all, an outstanding effort when we consider the impacts that the New South Wales bushfires have inflicted on some communities during similar weather conditions.

Mr Speaker, the government is very concerned that these fires appear, on initial investigations, to have had no natural cause of ignition, which leads to a conclusion that they were deliberately lit or occurred through some careless act. The government has already announced the desire to look at arson offences and penalties, and the Attorney-General intends at a later time outlining to the Assembly some of the approaches we might take to reduce and combat the arson problem.

About 615 people from the ACT, New South Wales and Victoria were involved in fighting the bushfires. Of these, 397 were volunteers. They all gave up their Christmas with their families and went home at the end of each shift dirty and exhausted. Most worked in shifts of 12 hours on and 12 hours off over the critical period, which lasted for about five days. It is estimated that 24,000 person hours were committed by volunteers to these bushfires over the critical period.

I digress from my prepared speech to say that I visited the Emergency Services Bureau a number of times and got a sense of the work that was being done. Of course, there was that high-profile fighting of large walls of fire with some sort of romance or adventure attaching to it, but beyond that those workers came back for several days after fires were contained and did the mopping up. That is a dirty, filthy, monotonous, grinding job, but to their credit those volunteers did the whole job. They did not just appear on the first couple of days and start to fade away.

In all, 29 government and non-government agencies assisted to reduce the impact of the bushfires on the Canberra community.

Mr Speaker, I would like to table a document listing the individual agencies and organisations that were involved, so that members of the Assembly are aware of the total effort. I seek leave to incorporate it in *Hansard*.

Leave granted.

The document read as follows:

Agencies and Organisations Involved in the Christmas 2001 Bushfires in Canberra

Emergency Services Bureau

For overall emergency management and support functions, during the Bushfire operations.

Australian Federal Police

For the coordination of alerting potential evacuees, establishing road closures and other policing functions.

ACT Ambulance Service

For providing paramedical standby and treatment to emergency services personnel.

Environment ACT, Department of Urban Services

For coordinating all aspects of national park protection and wildlife recovery.

Canberra Urban Parks and Places, Department of Urban Services

For coordination of safety aspects of recreation areas.

Roads ACT, Department of Urban Services

For the prompt response in establishing the road closures and re-openings.

ActewAGL

For efforts in restoring power and replacing burnt poles in areas affected.

The InTACT Group, Department of Treasury

For emergency computer support in the bushfire control centre.

Public Relations Office, Chief Minister's Department

For coordination of media liaison across all agencies.

Snowy Hydro SouthCare

For waterbombing operations on a number of the fire fronts.

Venture Helicopters

For aerial reconnaissance and water bombing operations.

Salvation Army Emergency Services, ACT & South NSW Division

For providing catering support for all involved on a 24 hour basis, for the duration of the bushfire operations.

Southern Highlands Division of the NSW State Emergency Service

For providing valuable assistance to the ACT Emergency Service in staffing road blocks.

Aviation Rescue and Fire Fighting Service, Canberra Airport

For valuable assistance in fire fighting, using the airport's large tenders.

Royal Australian Air Force—28 Squadron

For the provision of a tanker resource from the RAAF.

Country Fire Authority (CFA) Victoria

For provision of staff, volunteers and firefighting equipment

Queanbeyan District of the NSW Fire Brigade

For fire fighting support on some of the fires, particularly the Oaks Estate fire.

Yass Rural Fire District of the NSW Rural Fire Service

For provision of units of volunteer fire fighters (45 volunteers)

Yarrowlumla Rural Fire District of the NSW Rural Fire Service

For provision of units of volunteer fire fighters (75 volunteers)

ACT Fire Brigade

For significant fire fighting efforts both in bushfire and structural property protection.

Forests Bushfire Brigade

For the provision of fire fighters across many of the fires.

Parks Bushfire Brigade

For the provision of fire fighters also across many of the fires.

Headquarters Volunteer Bushfire and Emergency Service Brigade

For assistance in support functions in the Bushfire control centre

Southern Districts Volunteer Bushfire Brigade

With the brigade located in Tharwa and an active membership of 40 we recognise the fire fighting efforts of the Southern Districts Brigade.

Tidbinbilla Volunteer Bushfire Brigade

With this brigade located on Paddy's River Road at Tidbinbilla and an active membership of 20 we recognise the fire fighting efforts of the Tidbinbilla Brigade.

Guises Creek Volunteer Bushfire and Emergency Service Brigade

With the brigade located at Royalla on the Monaro Highway and an active membership of 97, we recognise the fire fighting and emergency support efforts of the Guises Creek Brigade.

Gungahlin Volunteer Bushfire and Emergency Service Brigade

With this brigade located in Gungahlin and an active membership of 50, we recognise the fire fighting and emergency support efforts of the Gungahlin Brigade.

Jerrabomberra Volunteer Bushfire and Emergency Service Brigade

With this brigade located in Symonston and an active membership of 50 we recognise the fire fighting and emergency support efforts of the Jerrabomberra Brigade.

Molonglo Volunteer Bushfire and Emergency Service Brigade

With this brigade located in Higgins and an active membership of 51 we recognise the fire fighting and emergency support efforts of the Molonglo Brigade.

Rivers Volunteer Bushfire and Emergency Service Brigade

With this brigade located in Weston Creek and an active membership of 102 we recognise the fire fighting and emergency support efforts of the Rivers Brigade.

Hall Volunteer Bushfire and Emergency Service Brigade

With this brigade located in Hall and an active membership of 61, we recognise the fire fighting and emergency support efforts of the Hall Brigade.

MR QUINLAN: I do this with a trembling hand in case I have missed somebody. As I said earlier, during my visits to the bushfire operations centre at Curtin I was most impressed by the scale of activity and the cooperation between all involved. I was also kept fully briefed during the emergency, and when the critical period had passed I was provided with an aerial overview of the extent of the fires. It was no small area affected; it was quite a large event.

Even though we could rate the firefighting and support efforts as top class, the police and Emergency Services always seek to review their procedures, processes and plans after an emergency, and this time has been no different. There have been operations-level debriefings and strategic-level debriefings under the aegis of the ACT Emergency Management Committee. The services and various agencies will fine-tune some of their procedures and continue to work at improving coordination across the whole of government, to be more prepared for any future emergencies.

The bushfires of Christmas 2001 were the most dangerous and threatening to the Canberra community for many decades, and the courage, commitment and outstanding effort by all involved are a major credit to the professionalism, skill and community spirit of our bushfire fighters, be they professional or amateur.

Mr Speaker, I commend to the Assembly the efforts of all involved in this emergency, particularly our dedicated volunteers, and I commend the motion to the house.

MRS DUNNE (11.25): Mr Speaker, I rise in support of the minister's motion. It was indeed a dark day for Canberra. I was not here. I was sitting watching firefighters in the Woodburn state forests fight fires over the Christmas period. I was constantly aware but resisted the temptation to ring the Emergency Services Bureau to find out what was going on. I thought that was one phone call they could do without.

It is with pride that I stand in support of this motion to pay tribute to the bushfire volunteers and the bushfire fighters from across the ACT and southern region and to pay testament to their pluck and their valour and to the planning and professionalism of the ACT Emergency Services Bureau. I have taken particular time to talk to Emergency Services about what happened and to talk about the things they have learned from their debriefing. I have learned that we in the ACT are extremely fortunate to have an Emergency Services Bureau which is so professional and spends so much time planning and anticipating these things so that when these events, unwelcome as they are, come along they know how to immediately swing into action and make sure that everything happens in a timely fashion.

The main thing I would like to do today is to pay particular testament to the volunteers. We all know that in the ACT the firefighting task falls across a range of sectors. There are people in the ACT Fire Brigade and areas of Urban Services like ACT Forests and Urban Parks and Places who have in their duty statement the responsibility to fight bushfires. But most of the people on the fire ground were volunteers.

We were reminded last year, the International Year of Volunteers, that volunteering is about ordinary people doing extraordinary things. I ask you, Mr Speaker: what is more extraordinary than putting your life on the line on the fire ground for your community, with no other reward than the warm feeling that you are serving your neighbour? I think this is something people in the ACT need to embrace as we acknowledge the great strength we have in bushfire brigades from Hall to Guises Creek, from Tharwa to Molonglo, and ensure our continuing support for bushfire fighters everywhere.

I am pleased that the government has organised a tribute today which members on this side will warmly embrace and participate in, and also the foreshadowed Christmas in March celebrations which I understand will be taking place at Tidbinbilla for firefighters

19 February 2002

and their families. I think this is something that has come from the community, and I am glad to see that the government has embraced it.

I would also urge the government to embrace the notion I have written to the minister about: the possibility of instituting a campaign medal for volunteer bushfire fighters to mark particularly bad years of fire. I hope that the minister may take up that suggestion and use it as another way of paying tribute to volunteers who put their life on the line. Give them something more than just a warm feeling and a barbecued sausage.

While these people are volunteers and are not professional in the sense that they get paid for it, that does not mean they lack the skills to do the job which they do with extreme commitment and dedication because it is good for the community. What better example do we find of social capital at work than people training on the weekends, giving up time with their families, and on major festivals like Christmas giving up time with their families to fight fires and, as the minister said, do the dirty, thankless task of mopping up afterwards.

In addition, I would like to pay tribute to the staff of Urban Parks and Places, ACT Forests and the ACT Ambulance Service, to the great icon of Canberra, the SouthCare helicopter, whose participation was extremely important and to the interstate volunteers from Yass, the Southern Highlands and the Victorian Country Fire Authority who assisted.

Fire causes great loss and is a very frightening and threatening thing. I do not know that in my 22 years as a Canberran I have seen fires of the like. I took time to survey some of the fire grounds after my return. If you drive along the parkway or visit Black Mountain, you can see what a scar the fire has made. But we must be thankful that it is a scar of replaceable property; that no lives were lost. What was lost, in the most part, is replaceable.

In conclusion, I note that when the firefighters finished cleaning up here they went to the south coast and helped in the fires at Sussex Inlet, where SouthCare also played a pivotal role in evacuating and water bombing. I thank the staff of the Emergency Services Bureau—people like Mike Castle and Peter Lucas-Smith, who are always on the ground and show consummate professionalism—the Ambulance Service, the police service and particularly the volunteers. It might be romantic and it might be adventurous, but spare a thought for the people who allow their family members to go out and put their life on the line and who just sit and wait at home.

MR WOOD (Minister for Urban Services and Minister for the Arts) (11.31): With the perspective of workers in the Department of Urban Services who were much involved, I rise in support of Mr Quinlan's motion. I too thank the many dedicated firefighters, volunteers and professionals, and all those people who worked behind the scenes and so effectively went about their task over the fire period. It is a measure of the dedication of our firefighters that their festive season arrangements were put on hold, even bypassed, in order to serve the Canberra community.

In keeping with longstanding practice, Urban Services resource two brigades within the ACT bushfire service, with staff from Environment ACT, Canberra Urban Parks and Places, CityScape Services and ACT Forests. To these men and women I extend my

sincere gratitude and admiration for a job well done. In total, over 100 Urban Services staff—tasked with firefighting, logistics, administration, and communications control—joined with their volunteer colleagues in what was truly a well-coordinated team effort led by the Emergency Services Bureau.

As Mr Quinlan has mentioned, many of the Christmas fires burnt in areas managed by Urban Services, with the Stromlo pine plantation and the Canberra Nature Park reserves of Bruce Ridge and Red Hill particularly impacted. Bushfire behaviour in those areas was particularly extreme due largely to the dry, windy conditions. It is testimony to our firefighters that the large tracts of land burned did not include damage to homes, and thankfully no serious personal injury resulted.

In the Stromlo Forest, ACT Forests has almost completed work to salvage what pines they are able to, and work has commenced to identify the best way forward with regard to restocking the area. A suitable species replacement program for the Lake Burly Griffin foreshores is also being investigated.

It is gratifying to note that nature is already working to repair the fire damage in Canberra Nature Park. Much of the native vegetation in the ACT can regenerate after fire, and I am advised that after recent good rains dark ash beds have already given way to a carpet of green shoots, something we all see as we drive around those areas.

Nature will need a helping hand, however, particularly with the control of invasive weed species. To this end, Environment ACT has initiated a partnership with local residents to monitor the post-fire return of desirable flora and fauna and to assist with the control of weed species that could take hold in large numbers.

I should make mention of the ongoing program of fire fuel hazard reduction carried out by land managers. Under the fire fuel management plan, Urban Services is dedicated to removing and modifying fire fuels in priority areas over much of the ACT, with a view to reducing the adverse impacts of fires.

Property protection at the Bruce Ridge fire was greatly facilitated by hazard reduction work. Vegetation had been judiciously removed, according to the plan, from behind the Canberra Motor Village earlier in the year. As a result, the work of firefighters in protecting the motor village was made significantly easier. Work continues today in Bruce, Aranda, Kambah and Wanniasa to remove bushfire fuels in the nature reserve where it meets the suburban fringe.

Mr Speaker, with all Canberrans, I extend a vote of thanks to our firefighters and all the organisational and back-up staff, and I commend to the Assembly the efforts of our paid and volunteer firefighters and their support. I look forward in about an hour's time to joining the ceremony in Civic to honour those people.

MS DUNDAS (11.36): I also rise today to add my support to this motion. Here in Canberra we can become complacent in our apparent freedom from natural disasters. However, the recent months have clearly shown just how vulnerable we can be. The Christmas bushfires, followed by the recent quite severe storms, have clearly highlighted just how important our community of paid and unpaid personnel are for the continued protection and safety of Canberra.

While I think we cannot underestimate the hard work done by the paid members of our emergency services, I would like today to mention our volunteers. As Mrs Dunne has mentioned, last year was the International Year of Volunteers, and much was made of the role of volunteers in our community. But it can be easy for us to forget. Volunteers, without a doubt, often go unrecognised, and with bushfire fighters of all descriptions and support teams working to save property and livestock across Canberra and the region, we must not forget that among these teams were people who were unpaid; that they took time out to be away from their families and friends to work incredibly hard in trying and sometimes dangerous situations.

It is important to give extra recognition to the role of such volunteers as these, not just with nice words, passing on thanks to people, although that is of course important, but through recognition of the incredibly valuable role such people play. If that work were to be withdrawn, the economic and social impacts would be immense and, in the case of the recent fires, certainly devastating. The ACT Democrats recognise that volunteering sends an incredibly important message, because people who work voluntarily do it because they believe it is important to contribute to make society a better place and to assist others to improve their role in the community. This is such a fundamentally important thing.

I know that territorians will join with us today to show their thanks and support, as has been demonstrated already throughout New South Wales, and I join with the rest of this Assembly in expressing my gratitude and deep appreciation by adding my support to this motion.

MRS CROSS (11.39): I too wish to add my thanks to those who fought the bushfires in Canberra and surrounding regions over the Christmas-New Year period. I was here at the start of those bushfires and recall that going home from work on the day these fires commenced there was a calm over Canberra. Probably we were comforted by knowing that we had available not only volunteer bushfire fighters but also our wonderful men and women from Urban Services and other paid services in Canberra who are there to protect our interests and our personal safety.

I was concerned about the personal safety of one of my colleagues who had left this place much earlier, and remember calling him on my mobile phone on the way home, concerned for his safety.

I am also aware of those who, after the Canberra fires were under control, joined the efforts at Shoalhaven, Sydney and northern New South Wales for a number of weeks. As we learn only too well from time to time, tackling a bushfire is fraught with danger. Lives can easily be lost because of the stupidity or antisocial behaviour of others. We were fortunate in that regard—this time. However, a number of firefighters were injured, and the cost to the community was still severe. In the ACT a large number of both paid and volunteer firefighters were called on over the Christmas period. Members from the Rivers, Jerrabomberra and Gungahlin brigades were joined by volunteers who willingly gave up family celebrations to protect our fair city.

Large bushfires in central Canberra are unexpected at the best of times and certainly more so on Christmas Eve. I think the quick response shown by our brigades and volunteers says a lot for their commitment and professionalism. Their efforts, bravery, and sacrifice are recognised and applauded by our community. They deserve not only our highest admiration but ongoing recognition. I, as a member of this place, regard these people as heroes, typically unsung heroes. It is comforting for me and others close to me to know that we can all rest safely in our homes at night and in our places of work during the day knowing that these fine men and women are there to protect us, our homes and our families. God bless them all and keep them safe always.

MR HARGREAVES (11.41): I wish to add my voice to that of other members in congratulating those people who put themselves out so professionally during what I consider to be a fairly significant emergency which attacked our territory. I know that in past years, before coming here, I was trained in some emergency management procedures. We were always waiting and training in the “what if” department. I know that Mr Smyth is a member of Guises Creek brigade and that they do that sort of thing as well. We all train for the “what if” situation. It was not a “what if” this time; it was a big one. It was not just a grass fire that could be used as a fairly serious training exercise; it was full on. I can remember a time not too many years ago when a bushfire came over the hill towards O’Connor and Miller Street was threatened. But this latest spate of deliberately lit fires posed a significant threat to the ACT.

I note that the minister has provided us with a list of organisations which came together and operated as a team to fight this fire. I also would like to pay my tribute to those people who sat in the background—not at the forefront, not where the red stuff was, not chucking wet stuff on the red stuff to make brown stuff into black stuff, but the people who were behind it, the people who were preparing in case the emergency got out of hand, the people who were preparing evacuation centres and the people who were preparing for the disasters that could strike people in their everyday life.

If my memory is correct, Chris Healy was in charge of the evacuation process. People like Chris Healy developed plans to evacuate people and process them should disaster strike. They also need a mention, because they do their bit as well. Without taking anything away from those heroes and heroines who did such a great job, we need to understand that they are part of very wide team. It is a credit to those people who provide the service in the ACT.

Some history might be interesting for members. We know about the Bushfire Council, but members may not be aware that in 1984—on 22 November, to be exact—the inaugural meeting of the Volunteer Bushfire Brigades Association was held at Forestry House at Yarralumla. There were six brigades in those days. They represented Majura, Fairlight, Hall, Williamsdale, Tidbinbilla, Tharwa and Naas. Over the years, two of those brigades disbanded and the Tharwa and Naas brigades merged to become the southern districts volunteer brigade. In 1986 the Jerrabomberra brigade officially formed, and in 1988 the old Williamsdale brigade split in two to become the Williamsdale bushfire brigade and the Guises Creek volunteer bushfire brigade.

19 February 2002

I know a lot of the members of the Guises Creek bushfire brigade. They are a fine bunch of people. As a bit of a sideline, that brigade also operates a “stop, revive and don’t kill yourself” stop on the Monaro Highway during the snow season. So their actual work is not only when the hot stuff turns up but the cold stuff as well.

The history of bushfires in the ACT is interesting. There are not a lot of records about bushfires in the first quarter of the 20th century, but in 1903 the Limestone Plains bushfire brigade was formed. The last day of 1904, a year of training later—as a veteran firey, Mr Speaker, you will appreciate all of these things—was the hottest on record. On 1 January 1905 a bushfire swept through the Wallaroo and Ginninderra areas. I saw Mr Stefaniak’s eyes click forward and his ears prick up when he heard “Ginninderra”, but the electorate had not been formed by then.

After these fires, a public meeting was called to discuss bushfire prevention and suppression, and an executive committee was formed to decide the location of fire breaks and to call meetings as they were needed. That was a precursor to the Bushfire Council.

In 1927, a bushfire control organisation had its inaugural meeting. The chief fire controller then was Mr M R Jacobs, who was the chief forester at the time. When I moved to Tuggeranong, there was not a lot of forest out there. There was not a lot of bush there either. There was a lot of city.

The organisation then set up fire depots at MacDonald’s Camp near Weetangera, Weavers’ property near Stromlo, Maxwells’ property at the Rivers—one wonders which Maxwell that was—Gregorys’ property at Kambah and Horans’ property near Yarralumla. The equipment at those depots included fire carts, beaters, rakes and axes, with horses for the fire carts being supplied by various rural lessees. Haven’t we moved on since then?

The severe bushfires which caused widespread damage in the Australian Capital Territory in 1939 were subject to an inquiry by a bushfire committee which was appointed by the then Minister of State for the Interior, the Hon J McEwen MP, affectionately known as Black Jack McEwen. At least he did something right for the ACT. Among the recommendations was one favouring the appointment of a permanent bushfire council to organise the prevention and suppression of bushfires in the ACT. Its inaugural meeting was held on 18 August.

During the 1943-44 bushfire season, fire protection associations were formed under the aegis of the Bushfire Council, the first being the Mulligans Flat bushfire brigade and second the Weetangera bushfire brigade. Hall and Tuggeranong bushfire brigades were formed during the 1994-45 bushfire season, and Tidbinbilla bushfire brigade was formed at a meeting held on 25 February 1951.

I will not go on, but history is littered with bushfires. Almost every couple of years we have a bushfire of some size. An examination of history reveals the emergence of various brigades. The big thing for me is that we have—and I believe this very sincerely—the best urban fire service in the country and the best volunteer service as well. These people give of their time. They are particularly highly trained. They are sought after for interstate service. Our bushfire fighters, and urban firefighters too—I will stand corrected on this—went to Sydney in the bushfire before last, and they stood ready to go this time.

I experienced some of the fires first hand when travelling in part of New South Wales this year. It was pretty horrendous for those people driving cars through the smoke and red stuff on both sides of the road. You have to take your hat off to the people who go out and fight these things.

I am reminded of what one bloke said on the radio this morning when he was asked, "Don't you get scared?" He said, "You haven't got time to get scared. You've got a job to do. You're highly trained. You're around people who are doing it, and it doesn't actually enter your mind." Such is the stuff heroes are made of.

I add my voice to that of Mrs Dunne, who said congratulations need to go to the families of those people who supported these blokes and women while they were out there doing that stuff. They not only sacrificed their own Christmas celebrations and all that sort of stuff. We are talking about a very serious bushfire system here, a really bad disaster in the making, and these families saw their loved ones go off and fight it. They would have done so with some degree of fear, and I think that needs recognition. They still did it, and their families still encouraged them to go and protect the rest of us.

If I can add my voice to the congratulations of all of those people—the fighters, their families and those support organisations that sat back in the event that we were not as successful as we were—I will be very happy.

MR STEFANIAK (11.52): Mrs Dunne and Mr Hargreaves have referred to the potential danger and the real danger faced by the members of Emergency Services, the volunteers and everyone who fought these fires. As has already been said, thankfully no lives were lost here in the ACT or in our neighbouring state, New South Wales, during the horrendous December and January bushfires. That has not always been so.

Listening to the various speeches reminded me of Malcolm Allen, who died when he was a young man. I knew him through football. Malcolm played fullback for Easts. He lived in the Queanbeyan region and was a volunteer firefighter with the Yarrowlumla shire bushfire brigade. About 20 years ago, while fighting dreadful fires in the region, Malcolm died in an accident. He left a wife and three young children. I think that is a poignant reminder of the fact that fires occur in this region and in the past they have been fatal.

The men and women of the emergency services, the volunteer services and all the other services who helped fight these fires very much put their lives on the line. It is a tribute to their skill, their dedication and their absolute courage that no lives were lost, that probably thousands of stock were saved, that relatively very little property damage was done and that some quite spectacular achievements occurred. I single out the National Zoo and Aquarium. None of the animals there were injured. I think that was quite brilliant.

Some 73 private homes directly under threat were saved. Whilst tragically some property was burnt—and we still see the scar along Lady Denman Drive, where some irreplaceable trees have gone—a large number of other important assets in the territory like the cork-oak plantation, the Himalayan cedar plantation and the Yarralumla woolshed were saved due to the brilliance and dedication of volunteers.

19 February 2002

I was in town when the fires occurred. I remember seeing the smoke and the fires. There was a very strong wind on 24 December. An incredibly dangerous situation developed on that afternoon, as outlined by Mr Quinlan in his remarks. The fires were very difficult to contain because of the wind conditions. I think we all should take our hats off and most sincerely thank the brilliant efforts of so many hundreds of Canberrans and their colleagues who came from interstate to assist us, as we have assisted our colleagues interstate in times of trouble. It was a fantastic community effort not only by our people but by their colleagues from interstate.

On Thursday I understand the government is introducing legislation to crank up penalties and revise arson offences, bringing them back into the modern world and making them more relevant. It is essential that we have current and effective legislation so that we can bring home to people who would start fires the abhorrence of the community and the very serious nature of those actions. Those actions are life threatening. It is absolutely abhorrent that anyone can consider lighting fires. Yet tragically it seems most of the fires in the ACT were deliberately lit, as they were in New South Wales. It is most important that we as an Assembly do all we can to deter people from doing those criminal and obnoxious acts that put in danger the lives of so many decent citizens in this territory.

Numbers have been given for the people involved—615 or so from the ACT, New South Wales and Victoria, nearly 400 of whom were volunteers. Without taking anything away from the men and women of our Emergency Services and the persons whose full-time jobs put them in the line in fighting these fires, I suppose a special tribute needs to be paid to the volunteers who give up their time freely, who are on call and who gave up Christmas with their families to work to save their communities. I think it is most appropriate the Treasurer and Deputy Chief Minister is giving a big community thankyou to these hundreds of very brave, very dedicated and wonderful men and women. I join with everyone else in thanking them and congratulating them on a brilliant job well done, and I thank God that they all returned safely to their homes.

MR PRATT (11.57): Mr Speaker, I too wish to add my thanks to the bushfire services and the emergency services, and I concurrently wish to flag an issue of concern. I observed the work of the firefighters on Christmas Eve on Red Hill as the fires burnt down to the edges of Mugga Way. I can report that I and the residents lined up along back fences along Mugga Way spoke extremely positively of the men and women working up the steep inclines of the eastern slopes of Red Hill.

Following this, over the following couple of days, I was to observe the immediate aftermath of the fires that had raged through the eastern zones of the Brindabella Valley and wondered how in blazes, given the robust wind conditions, there was no serious damage caused in those areas. Of course the reason was, again, the professionalism and the clever tactical planning of the emergency services that had responded to tackle those blazes. It is a feather in their cap. We can be extremely proud of these services, both volunteer and full-time professional.

Mr Speaker, as an aside, I would like to mention the grave concern that I have that the lives of these brave firefighters and the residents they were protecting, particularly in Brindabella, may well have been put in jeopardy by people deliberately lighting bushfires. I would flag the need to tackle this deep concern that the community has

through seeking to create adequate measures and, in the case of our youth, preventative educational programs. I welcome the intention of the government to raise legislation on Thursday and hope that this legislation will meet all of those concerns.

Another concern I have is that in the Tharwa area there are also major questions about bushfire preventative measures and management procedures. These, I believe, need to be examined.

I therefore move to pay tribute to the volunteer firefighters of Brindabella, particularly the Southern brigade and the Guises Creek brigade, as well as the ACT fire services, police, ambulance and other emergency services. Thank God for the volunteer spirit, and thank God for the wonderful community collective spirit that we saw demonstrated over those days.

MR SPEAKER: Mr Pratt, is it your intention to amend the motion? I heard you say you “move”.

MR PRATT: No, it is not my intention to move a motion at this point.

MR SPEAKER: Thank you, Mr Pratt.

MR CORNWELL (12.01): Mr Speaker, if I may briefly join in this motion of thanks. I have a particular thankyou for whoever among the volunteers or urban people held back the fire in the Curtin horse paddocks, which was heading towards Yarralumla, where I am now living behind a brush fence. I do not think my hose would have done very much to stop it. I would like to pay tribute to the work that has been done.

I would also like to elaborate slightly on the comments of my colleague Mr Pratt about the need to control the behaviour of arsonists. I would like to extend that, however, Mr Pratt, to seeking assistance from the bureaucracy, who in a number of cases, in my opinion, have shown perhaps a purist approach.

Mr Pratt mentioned the fire on Red Hill. Those of us who have lived in that area for a long time lamented and regretted the removal of Charlie Russell’s cattle from that hill, for the simple reason that they at least kept the grass down. The last time I saw Red Hill before it went up, the grass was almost as high as my chest. The purists may say we should not have cattle up there; we must allow it to go back to its natural native state. Please, could I ask that a bit of commonsense be applied.

We had a similar situation just recently in Sydney, where councils decided that it was a no-no, it was naughty, to take down trees. They are now backing off very quickly as a result of the storm damage that has occurred within their council areas. I do not know whether they are liable, but what I seek is a little bit of commonsense in the approach to this type of thing. Then we will not oblige our volunteers and our urban firefighters, ambulance and police and other people to risk their lives on our behalf in activities such as this. My thanks to them. I hope we can ensure that commonsense prevails, not only in the penalties that are laid down for arson but also in the government approach to trying to reduce the risk of this type of conflagration.

19 February 2002

MS TUCKER (12.03): I also join with members here today to thank the firefighters who did such a very important job when there were fires in the ACT and in New South Wales. As everyone has stated quite clearly here today, their work is appreciated by the people in the community and by this Assembly, as we represent the community of Canberra.

As members have already said, fortunately lives of people in the ACT were not lost. Of course, there was loss of life of wildlife. In New South Wales and in the parks there was devastation that had a huge impact on wildlife. That is to be regretted.

I heard Mr Cornwell raise the issue of how we accommodate living in a natural environment. Obviously there are questions about where you draw the line in reducing risk. I do not want to go into that debate today. But it is one he has touched on, and I just want to acknowledge that of course it is a legitimate discussion. But we do have to respect the fact that we live in an environment which has an integrity of its own and we do take certain risks. We can never remove all risks. But we can have a fine and serious debate about at what point we think the risk is too great and about balancing ecological integrity and safety for people.

So many of the firefighters were volunteers. I support the statement that was made here today about the importance of their work. Many people working as volunteers in our community are not as visible perhaps as the volunteer firefighters in the fire season and when disasters occur. People volunteer in so many important areas in our community, caring for other people. They are not so visible but their work is equally important. I acknowledge that fact and thank volunteers generally.

I am very appreciative of the fact that Mr Quinlan has raised this debate today. I am glad that we are going to have a tribute to the firefighters in the city today to say thank you, because I think it is quite fitting to do that, and the community as a whole are very grateful.

MR SMYTH (12.06): Members, we are joined by one of the volunteers. John Belmont from the Salvation Army is with us. John cooks a very mean bacon and egg breakfast if you ever spend a long night out in the field. John, on his own, spent something like 18 hours out there on Christmas Day cooking breakfast for the volunteers and the others there. John, thanks for the good work the Salvos do. It is tremendous that you are here today and that you will be with us across the road at 12.30.

Men and women, young and old, were there on the day. It is very heartening to see more and more women joining the volunteer brigades and holding their own. They do as well as the men. They have stamina. It is a great indication of a society that has reached a certain level of maturity when we see out on the fire ground women involved and in positions of command. It is very important.

We seem to talk a lot about the Christmas Day event. That was a big event, but many of the faces you would have seen on the fire grounds had been out for days before. There were several fires at the Melrose pines, for instance, and there was a forestry crew whose faces were probably seen at the Melrose pines on the Sunday. They were out again on the Monday night, they were out on Christmas Day and they were still out on Boxing Day. That is the story of all the brigades.

Guises Creek, I know, had units out. In fact, one chap was out for nine days in a row, and he came back volunteering his own time at Christmas, time and time again. Those stories need to be told and made public, because most of the volunteers would not seek recognition. They do it for love, for fun, for excitement, because they care about their community, but they do come back time and time again.

The other thing that is never mentioned is the stand-up. The volunteers spent a lot of time stood up—we called it stand-up—in the expectation they might have to go to a fire but for large periods did not go anywhere. It is long and arduous, and you can imagine that the stories told get bigger and bigger. Stand-up is important. Always remember those who did not get to a fire. They serve a very important role. If there is another fire somewhere else, those units that are in reserve have to go.

On the day in question, Christmas Eve, I think every unit in the brigades, whether urbans or volunteers, was out on the ground and they were backed up very well by Emergency Services, the police and any number of other community groups that Mr Quinlan has kindly listed in his document. It is great to see the cross-section of the public service, the community and some small businesses offering services on a fee basis. It certainly says that the community cares and is willing to work together.

To the brigades—Guises, Southern, Jerra, Rivers, Molonglo, Hall, Gungahlin, and Tidbinbilla—I say well done. We know we are in trouble when you hear Commcen Tidbinbilla 10 standing up, because that means the Tidbinbilla brigade has dusted off their tanker and got it ready for use. I think everybody takes a deep breath when they hear that Tid 10 is standing up.

A lot of thanks has to go to those who came across the border. Sometime on Christmas Eve—it might even have been Christmas morning—a convoy of red units appeared on the Tuggeranong Parkway. Those red units that came over the border from the New South Wales volunteer brigades were very welcome at that time, because there were a number of fires burning in a number of locations. Without those units, things may well have gone somewhat differently. To the New South Wales folk who turned up on Christmas Eve and Christmas Day I say thank you. To the Victorians who turned up afterwards I say thanks very much as well.

It is important—I think most people have mentioned it—not to forget the spouses, the partners and the children. A lot of kids probably did not see dad or mum on Christmas Day because dad or mum had taken Christmas lunch and ducked out to a fire, which normally is not the way you would spend Christmas. There were several hundred volunteers and people from the various departmental organisations who spent their Christmas Day looking after us. They did a tremendous job, and it is important that we say thank you to the partners who make it happen and who allow us to go and to the kids who put up with a mum or a dad who just does not appear on a very important occasion.

One group that has not been mentioned and certainly needs to be are some of the bosses around the town who do a great job in letting their employees go. Volunteers who are members of the public service have a right to go, but small business men and women around the town have employees who are in a brigade. I am not aware of any occasion when too many volunteers have not been allowed to go to a fire. Bunnings in

19 February 2002

Tuggeranong has several key members of the Guises Creek brigade. Several of our field officers work for Bunnings, and they get all the time they need. Bunnings is one I can cite as an organisation that is very supportive of those people who fight fires.

Those who supported us on the day, particularly the communications room guys, do a tremendous job in a very difficult circumstance. Radios go all over the place. As Mr Berry would testify, radios do not always work as well as they should. They always go down or they go wrong on the day you need them most. Communications is a very important part of the whole effort to make sure that you are directing your resources to where they are needed the most and then shuffling them around the various locations. The communications guys did extraordinarily well.

The other people who need a particular mention are the field officers. The Oscars 1 through to 7 or 8 are the field officers. When they get to the fire ground, they control the fire ground. They are the men and women who are making the call. The field officers in the brigades—the captains, the deputy captains and the crew leaders—have gone beyond being ordinary volunteers, in that they have been willing to accept additional training and enormous responsibility. They are responsible for controlling other volunteers on the fire ground and directing men and women into a dangerous operation.

The Oscars and the field officers do an incredible job. First, they have put in the effort. Secondly, they have the training. Thirdly, more than often they have been in the brigades for a very long time. Fourthly, they carry a burden. Thankfully—and touch wood it will never happen—we have never lost a volunteer in the ACT, and we intend to keep that record intact.

I suspect on the day guys like Tony Graham who were controlling the operations did spectacularly well. The guy who backed him up, Dave Ingram, who made the machine run, did spectacularly well. Without singling anybody out, I commend that leadership band that have to exercise control in very difficult circumstances. They have to shift resources and explain to somebody, “We will come back and get to your house, your tree or your horse paddock in a minute. We have a more urgent need.” That is difficult, and I think they handled the job particularly well.

To Emergency Services, who backed us up on the day, and always do, I say thanks very much. The police did very well. To see police uniforms on the back of a tank is different. The police were there also and they need to be acknowledged.

These events come to us. As Ms Tucker and others have mentioned, we live in the bush capital. One of the perils of living in the bush is that the February dragon comes and visits every now and then. We have not seen the last of him or her, and we might not even have seen the last of him or her this year. It will dry out fast. Although we have had substantial rain, the recollection of the wise heads is that in the lead-up to Christmas Day we had something like 100 per cent curing. The grass could not get any drier. The conditions, when you add up fuel burden, temperature and wind, were the worst some people had seen. They were the worst in memory.

It does happen and we need to be ready. We need to learn the lessons from what happened on the day, and we can always improve what we do and make it better. We need to keep the volunteer brigades vital. I think that is the word. Guises Creek has

97 volunteers, Gungahlin has 50, Jerrabomberra has 50, Molonglo has 51, Rivers has 102, and Hall has 61. It is not a whole lot out of the population of the ACT. If you are interested in some fun and making some good friends, a volunteer bushfire brigade is the place to be.

Today it will be wonderful to acknowledge the volunteers and the work they do. Hopefully Mr Quinlan, in his time as the minister for police and emergency services, will get to hang some 15-year medals on some of the volunteers. That is a tremendous achievement. When we get people picking up their 25-year clasp and their 35-year clasp, we are really well endowed with people of great spirit who care for their city and are willing to look after it.

I add my thanks for the opportunity to say a few words about the volunteers. They did a great job on the night. They do a great job on every occasion. I am sure they will be out again. We should thank them continuously.

Question resolved in the affirmative.

Day and hour of meeting

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

That notwithstanding standing order 27, relating to the hour of meeting, the Assembly at its rising adjourn until 11.30 am on Wednesday, 20 February 2002.

Sitting suspended from 12.18 to 2.30 pm.

Questions without notice

Gallop report

MR HUMPHRIES: Mr Speaker, my question is to the Chief Minister, Mr Stanhope. This morning you, Mr Speaker, released advice confirming that the granting of the injunction against the tabling and/or publication of the Gallop report on 24 December last year involved “a breach of the privilege of the Assembly in the sense that it obstructs the Assembly in the performance of its functions”. Of course, the granting of that injunction was greatly assisted—in fact, you could say made inevitable—by the consent to it provided by your representative, Mr Stanhope, as Chief Minister. As a disciple of the Westminster system and a lawyer yourself, why did you instruct your representative to support the injunction when it so obviously involved a serious question of parliamentary privilege?

MR STANHOPE: I thank the Leader of the Opposition for the question. We need to put the issue into context. Of course, the situation was that the Gallop report was provided to me pursuant to the Inquiries Act, I presume, by the board of inquiry, I think, on 18 December. I, having received the report, referred it to the head of my department, Mr Tonkin.

19 February 2002

It was my intention at that stage to do two things. One was to take legal advice from the ACT Government Solicitor on whether or not there was any aspect of the report or any issues around or pertaining to the report that were relevant to its tabling or release. Having quickly perused the report myself, I asked Mr Tonkin, in addition to his advice and in addition to obtaining advice of the ACT Government Solicitor, to make copies of the report available to a number of ACT public servants and ACT statutory office holders who had been adversely commented on in the report.

I did that as a reflection of my commitment to fairness. I felt that it was appropriate that anyone who was adversely named in reports such as that be made be aware of the potential or the prospect of their being featured in the media as a consequence of the way in which they were dealt with in the report. I was also conscious that the people who were named in that way were senior members of the ACT public service—in fact, the Community Advocate, the head of Community Care, a person involved in the delivery of disability services, a significant middle-ranking to senior officer of the Office of the Community Advocate and two extremely senior members of the department of health. These were all people I had had close working relationships with, as one would imagine, one of them being the head of Community Care and another being the head of the department of health. I felt it appropriate, out of my respect for procedural fairness and out of my respect for fair play, that those officers be made aware of what the report said in relation to them. I did that.

Those officers, so aggrieved were they by some of the findings of the board of inquiry and indeed some of the recommendations of the board of inquiry, sought legal advice and took legal action. The ACT Government Solicitor did represent me in those hearings. The hearings were a few days later, on Christmas Eve. I did have meetings with the ACT Government Solicitor, I think, on the Friday, which would have been the 21st, three days after receiving the report. He told me of action that was proposed to be taken, namely, an action by those officers who suggested that they had been denied natural justice, that they had been denied procedural fairness, seeking appropriate orders to that effect. In the context of that discussion, it was indicated that it may be that those officers would seek to injunct temporarily the release of the report.

I did not consent to that order. In fact, my instruction was that the ACT Government Solicitor not object to the granting of a temporary injunction. That indeed was the instruction I gave to the ACT Government Solicitor in those circumstances—that there be allowed to the officers with the sense of grievance an opportunity to prepare a response to the particular findings of the board of inquiry.

In doing that, in the context of the timing, there was not much deep thought given, I will admit, to the deep and complex constitutional issues of the powers of the court vis-a-vis the powers of the parliament—very interesting constitutional propositions we have seen aired and debated since. They continue to be conceptually very interesting issues—the extent to which the inherent powers of the court, when they come into contact with or meet the inherent powers of a parliament, give sway.

Certainly I am an advocate of the Westminster system. I always have been and will continue to be so. I am jealous of the overarching powers of the parliament and the right and the need for parliaments to be untrammelled to the extent that they represent the interests of the people and the public interest. I think everybody in this place knows my

support for the Westminster system, my support for the paramountcy of the parliament and my support for open government. In relation to that, nothing has changed.

I am pleased, as members know, to be able to table the report this afternoon.

MR HUMPHRIES: I ask a supplementary question. Chief Minister, did you receive advice from the Government Solicitor on 21 December or at any other time after the report was provided to you that suggested or reflected on the possibility of such proceedings compromising parliamentary privilege? Do you consider that not objecting to the injunction being sought might, in hindsight, have been construed as acquiescence in the compromising of parliamentary privilege? How do you propose to remedy what is obviously a compromise of the privilege of parliament that is being affected by these events?

MR STANHOPE: I should just clarify. I believe my meeting with the ACT Government Solicitor was on the 21st. I did meet him on a couple of occasions at that time. It may have been that I met him on the 20th as well as the 21st. So for completeness sake, the meeting was on the 20th and perhaps the 21st. At the meeting of the 21st there was no discussion or suggestion from any member present at the meeting—namely, the ACT Government Solicitor or the head of the department of justice—that there were any issues for the parliament or impacting or potentially impacting on parliamentary privilege in the circumstance of my not objecting to the granting of a temporary injunction. The issue was not canvassed at that meeting or at that time.

Certainly during January there was a flurry of activity—much of which you were a part of, Mr Humphries—in relation to these very interesting issues around parliamentary privilege. My position then—and it remains my position—was that we were presented with a very interesting and intriguing hypothetical situation or possibility, one which we lawyers, Mr Humphries, dwell on and take some pleasure in contemplating, namely, the powers of privilege and the extent to which the Bill of Rights Act of 1688 of the United Kingdom, in its application to Australia and the federal parliament and the implications for the operations of the ACT Assembly as a result of the Parliamentary Privileges Act 1987 and the self-government act, applies and impinges here in the ACT. It is a very interesting issue and raises some hypothetical, potentially interesting possibilities for us.

I put the position in January. Of course, we are now talking purely hypothetically, because the privileges of the parliament have not been trammelled. The injunction has been lifted and I am tabling the report this afternoon for all the world to see. Of course, Mr Humphries, it is a report on your seven years of government and it is a very interesting report, because it is all about you. As I have said previously, it is part of the trifecta which follows on from the coroner's report on the hospital implosion and follows on from the Auditor-General's report on Bruce Stadium. It is the trifecta. It is the coroner's report on the hospital implosion, followed by the Auditor-General's report on Bruce Stadium, followed by the board of inquiry's report on your government's handling of disability services. So I am quite pleased to be releasing the report today.

I do not think it was worth our while considering the possibility of pursuing an appeal to the High Court to test the question of the hypothetical possibility of our privileges being compromised.

Canberra Hospital—services

MR HARGREAVES: Mr Speaker, my question is to the Chief Minister in his capacity as Minister for Health. Can the minister confirm that the Canberra Hospital is currently experiencing unexpected demand on its services? What impact is this having on the provision of those services?

MR STANHOPE: Yes, I can confirm that there has been, and we are currently in the midst of, an unseasonal surge in presentations to the emergency department of the hospital. That has been occurring for the last few weeks. The number of patients admitted through the emergency department over the past four weeks is just under 4 per cent higher than for the same period last year. That change is significant in itself, but of particular concern is that, of those patients presenting at the emergency department, the number assessed as category 1 or category 2—those with the most urgent and pressing issues—has increased by 30 per cent compared to the same period last year.

That is indeed putting significant pressure on the Canberra Hospital, and the impact of those changes on the provision of services is quite obvious. So far in February this year—that is, over the last three weeks—the increase in demand has resulted in the deferral of elective surgery for 16 patients, although all will be treated within clinically appropriate times.

MR HARGREAVES: I have a supplementary question. What is the government doing to address this situation, and what impact is the lack of vacancies in residential aged care facilities having?

MR STANHOPE: The government is continuing to use alternatives to hospital admission to reduce the impact of this unexpected demand. Notable initiatives include the hospital in the home program and Community Care support services via the LINK team. These services are also used to hasten discharge, thus freeing up resources.

There is no doubt that the number and length of stay of nursing home-type patients are contributing to the impact of the current increase in demand. We all acknowledge that this is one of our major concerns. Despite recent announcements by the Commonwealth government of increased allocations for ACT aged care facilities—and this is a matter of Commonwealth responsibility—the fact remains that the ACT is suffering a significant shortage.

At the moment Morling Lodge is providing care in its transitional care project for seven former aged care patients from the Canberra Hospital, which has helped to ease the situation somewhat. But the only long-term solution is for the Commonwealth to acknowledge and act on its responsibilities for aged care and to stop cost shifting to the territories and states.

MR SPEAKER: Before we proceed to further questions, I would like to inform members of the presence in the gallery of three visitors from the National Assembly of Bhutan, who are here on work placement. On behalf of members of the ACT Legislative Assembly I would like to extend to them a warm welcome and I hope they find their time with us rewarding.

Gallop report

MR SMYTH: My question is to the Chief Minister, Mr Stanhope. Chief Minister, having not opposed the injunction against the tabling and/or publication of the Gallop report sought by officers on 24 December last year, the government is reported to have begun negotiating with its public servants. When did those negotiations begin, and were you, your office, or any other member of the government party to those negotiations?

MR STANHOPE: Thank you, Mr Smyth, for the question. I regret I don't understand it. I have not been involved in any negotiations. I have had consultations with each of the officers who believe themselves to have been grievously—

Mr Smyth: Well that is negotiation.

Mr Humphries: That is negotiation.

MR STANHOPE: I don't negotiate with my senior officers. I talk and consult with them. What am I negotiating about? I am not negotiating. I meet with my departmental advisers daily. So the answer to your question is: if you mean by "negotiations" have I talked to or consulted with my senior officers, yes, yes, yes—probably every single day since I have been a minister. How appalling!

Mr Smyth: You called them "negotiations" in the media.

Mr Humphries: You referred to them as negotiations in the media.

MR STANHOPE: Which negotiations?

Mr Humphries: You used the word "negotiations".

MR STANHOPE: When?

Mr Humphries: In the media in January.

MR STANHOPE: I am not having negotiations with anybody about anything. I have had discussions and consultations with each of my officers.

I have to say in relation to the issues raised in the report that each of those officers who are aggrieved by certain findings and recommendations indeed approached me for meetings, even those for whom I do not have a direct responsibility—such as the head of Community Care and Ms Grayson, the other officer from Community Care, who of course are responsible directly to the board and are not responsible directly to me. They have no line of accountability directly to me; they are responsible to the board. Nevertheless, they sought, and of course I granted, meetings to discuss with them their concerns around these issues.

I met similarly with Dr Gregory and Glenys Beauchamp from the department of health. I met them in company with their legal adviser. But it was not for the purpose of negotiation—it was for the purpose of consultations around the issues. I also met with

19 February 2002

Ms Heather McGregor, the Community Advocate, and a member of her staff for discussions around their concerns in relation to the report.

So I don't know whether we want to quibble about the words "negotiations" or "consultations". But, yes, I did meet with each of the six named officers. Yes, I did discuss in detail their concerns. Yes, I did take on board the range of concerns that they had about the way in which they perceived they were denied procedural fairness and the way in which they perceived they were denied natural justice. They made fulsome cases to me about their concerns. As part of those discussions they, of course, put certain positions to me and I responded. I don't know whether you want to call those negotiations but, yes—

Mr Humphries: You called them negotiations.

MR STANHOPE: Did I?

Mr Humphries: Yes.

MR STANHOPE: "Discussions", "negotiations", "consultations"—I meet with my officers on an almost daily basis.

MR SMYTH: Mr Speaker, I ask a supplementary question. With the benefit of hindsight then, is it inappropriate to allow the principle of the Assembly's right to receive this report to be compromised by these negotiations or discussions with your own public servants?

MR STANHOPE: We know, and we have known for years, about the contempt of the Liberal Party and the previous Liberal government for public servants. I guess a feature of the hospital implosion and a feature of the Bruce Stadium debacle was the extent to which ministerial responsibility was denied by every minister whose fingerprints were all over those issues, and responsibility was sheeted home directly to public servants. We all know of the Liberal Party's contempt for the public service just as we all know of the Liberal Party's contempt for all workers and, of course, this is a fine expression of that contempt.

Mr Smyth: On a point of order, Mr Speaker: I raise the issue of relevance. I asked about his negotiations with his public servants, not the history of the Liberal Party. He might like to answer the question which I am sure he is struggling to come to grips with.

MR SPEAKER: I sense that he was just about to get to that issue.

MR STANHOPE: I was, Mr Speaker, but I of course was putting it in context. In answering this question from the Deputy Leader of the Liberal Party one needs to put in context the way in which this party in government refused to accept any responsibility for the hospital implosion; the way in which that government—

Mr Smyth: That is not true.

MR STANHOPE: Well, what did you discuss out at Bungendore? When you came back and made your mea culpa there was no apology for the hospital implosion, there was no apology for Bruce Stadium. We know why you lost the election. You lost the election because you refused to accept responsibility for the major disasters for which you were associated, namely Bruce Stadium and the hospital implosion, Hall-Kinlyside and the rest.

Mr Smyth: On a point of order, Mr Speaker: again, the Chief Minister, in avoiding answering the question about his negotiations with his public servants, is wandering all through the political history of the Assembly. You might direct him to answer the question.

MR SPEAKER: We would not want to wander through the political history of the Assembly. Chief Minister, would you come to the point.

MR STANHOPE: The question was why did I have regard for the interests of public servants, and the words “public servant” are spat out because we know of the contempt with which the Deputy Leader of the Opposition and the Liberal Party treat public servants. So the question indeed was: on what basis did I have the temerity to support the rights of public servants? How dare I assume that public servants are people; how dare I assume that public servants have rights. That was the question. Well, I do think that public servants have rights and I am prepared to defend their rights.

Mrs Dunne: Over the privilege of parliament.

MR STANHOPE: Oh, so the public servants are expendable, are they?

MR SPEAKER: You will get your chance in a minute, Mrs Dunne.

MR STANHOPE: That is right. We have got it all here now. Why don't you all join in? Why don't you all actually give us the chorus of your contempt for the ACT public service? I think there is probably not a public servant in the ACT, amongst those who survived your seven years, that has any respect or regard for you. But I think you are delivering the coup de grace here. I do support the rights of public servants and I will continue to do so.

ACTTAB

MS TUCKER: My question is directed to the Treasurer, Mr Quinlan. Treasurer, last December I asked you a question relating to the proposed move by ACTTAB to a new building that is yet to be constructed in Bruce. I asked you what contractual arrangement existed between ACTTAB and Hindmarsh, the developer, and whether ACTTAB could withdraw from that contract and move elsewhere. Unfortunately, your answer at the time was vague.

I assume that you have since had further discussions with ACTTAB about this matter and are aware of continuing concerns of Bruce residents and the current AAT appeal against the development approval. Can you now tell the Assembly the specific conditions under which ACTTAB can withdraw from that agreement and whether ACTTAB has

19 February 2002

actually spoken to the developer about withdrawing from the agreement, or do you intend just to let the residents battle it out with the developer in the AAT?

MR QUINLAN: The arrangements between ACTTAB and the Hindmarsh Group were signed prior to the election—very shortly prior to the election. At this stage there are certain conditions that ACTTAB have in place in terms of whether they would occupy a building at Fern Hill Park, which include car parking and the configuration of the building, which the Hindmarsh Group may not be able to meet because the Commissioner for Land Planning has virtually said that the particular configuration that was agreed between ACTTAB and the Hindmarsh Group would not receive approval at this stage; hence, the potential appeal to the AAT.

Given that the agreement was signed in the last days, maybe day, of the previous government, in strict terms of the law—and I am not a lawyer—I would assume that the parties still have rights under that agreement and that if, in fact, a lease is granted, and I think one has been, and the Hindmarsh Group can construct a facility that meets all the requirements of ACTTAB, there is some chance that the ACTTAB headquarters will go ahead at Fern Hill Park, because I do not think that we could, retrospectively, change agreements that were put in place during the rule of the previous government.

MS TUCKER: I have a supplementary question. Treasurer, I am still not clear whether you understand the terms of the agreement and have actually seen the agreement. If you are saying that you have seen it and there is no way possible that it can cease to take effect, my supplementary question would be: if, in fact, ACTTAB cannot withdraw from the agreement, would you consider a land swap whereby the government took over the Bruce block and gave Hindmarsh a block in Gungahlin where it could develop this facility?

MR QUINLAN: The answer to the first part of the question is that I have not read the agreement from top to bottom. I have just been given some of the major provisions of the agreement and, quite frankly, I have considered that to be sufficient at this time.

As to whether I would consider a land swap, obviously, if anybody comes to the government with any proposal, I will consider it. But at this point in time I have not actually made a judgment or seen a judgment made by the commissioner that the objections of the residents there are reasonable. This is about a technology park.

There is an expectation that there would be commercial-style accommodation within it as well as, more recently, residential-style accommodation and sites. I do think that that is something that needs to be worked through. I believe that the amenity and the peaceful enjoyment of the land that the residents there have purchased should be protected, but I do not know that they have full call over everything that happens at Fern Hill Park.

Gallop report

MR PRATT: My question is to the Chief Minister, Mr Stanhope. In June of last year you called for the release of the interim report of the Gallop inquiry on the basis that it was in the interests of the individual families to have that report released. In December, when you received the final Gallop report, you refused to release it immediately because you wanted officers to have a chance to consider the report. In June, the interests of the

families appeared to be paramount. Why was it that by December, by which time you were in government, the interests of the families were secondary to the interests of the officials referred to in the report?

MR STANHOPE: I thank Mr Pratt for continuing to develop this thesis. I did not consider that and I still do not think so. There were a range of propositions advanced in your question and a range of assumptions around what I did in June and what has happened since the report was presented to me on 18 December.

I do not resile from my call to the then Chief Minister to table the interim report. He, of course, had not been subjected to legal action. His situation was a little bit different. Indeed, I propose to table today the interim report that the then Chief Minister did not table last June. You will also be getting the interim report today, Mr Pratt. Despite the fact that the previous Chief Minister had it for months on end and refused to release it, I am now able to advise you that I will be releasing the interim report as well today, the one that Mr Humphries refused to release and the one that I called for him to release. Mr Pratt, I am doing today what your leader refused to do.

Not only are the interests of the families paramount, but also the interests of the clients that the disability program and Disability Services are there to serve are paramount. I think we all accept that. We all need to focus on that and not be distracted, and this is a real distraction. We need to focus on what this report is all about. The Gallop report, if you go back to the terms of reference, is all about the delivery of services to people within this community with a disability, the most vulnerable people within our community.

The first three questions we have had from the Liberal Party in relation to this fundamental issue—namely, how to ensure that we deliver the best possible services to people in our community—have been a distraction. The first three questions were designed to throw us off the fundamental issue of what we are going to do about the findings of the Gallop report and what we are going to do about ensuring the delivery of the best possible services to these most vulnerable members of our community.

What have the Liberal Party concentrated on? They have concentrated on a sideshow. Not a single question has been asked about the fundamental issue of people with a disability. It is about the sideshow; it is all about the distraction; it is all about playing politics: it is not about the fundamental issue.

Mr Pratt: I take a point of order, Mr Speaker. I am trying to find out why the interests of the public servants were paramount over the interests of the parliament and I am not getting an answer.

MR SPEAKER: That is hardly a point of order, Mr Pratt. You have asked a question and the Chief Minister is answering the question.

Mr Pratt: He is straying from the question, Mr Speaker, with due respect.

MR SPEAKER: The difficulty we have always had in this place is that one side cannot put words in the mouth of the other side. The question has been asked and you will have to let the Chief Minister answer it to the fullest.

19 February 2002

MR STANHOPE: I am just reflecting on that: it was a digression to the effect that you are just intent on playing politics with this incredibly difficult and sensitive issue, an issue around ensuring that we as a parliament and we as a community deliver the best possible services that we can deliver to the most vulnerable people within this community.

What have you done to date? You have just looked for any opportunity that you could find to make politics with the issue of disabilities. You just want to play politics. You want to cover up the fact that you have run the show for the last seven years and you are just about to receive a very critical report into your stewardship of the issue of the delivery of disability services; so you do not want to talk about disability services. You want to talk about any distraction that you can grasp, any distraction that you think you have, and the distraction you think that you have here is a hypothetical situation that if two plus two had not equalled four we might now find the Assembly in conflict with the courts.

What a pity it is not. What a pity it is that the storm that you are seeking to beat up dissipated weeks ago. What a pity it is that the injunction was lifted. What a pity it is that I will be tabling the report today. What a pity it is that the ACT Government Solicitor and, I believe, the Clerk of this place believed that in order to ensure that the report attracted fundamental privileges it had to be tabled in the Assembly—that it could not have been released outside the Assembly, otherwise it would not have attracted privilege. That is the position that the Clerk consistently puts in relation to the tabling of documents outside the sittings of this place. That is the position that the ACT Government Solicitor consistently puts.

Mr Humphries: That is another issue.

MR STANHOPE: Oh, it is another issue, but it is all hypothetical. I could not have tabled the report until today, in any event, because of the advice of the ACT Government Solicitor and because of the advice that the Clerk of this place consistently puts that it would not have attracted privilege. No matter what might have occurred, I would not have been tabling the report until today in any circumstance.

MR PRATT: I have a supplementary question. Chief Minister, flowing from all of that, did you at any time discuss the issue of the rights of the Assembly before deciding not to oppose the injunction on 24 December? Did you not discuss the rights of the families concerned and, indeed, the Assembly with the Speaker and the Clerk, given that there was legal advice on this matter provided by Clayton Utz in June of last year?

Mr Quinlan: How many times is that?

MR STANHOPE: I did answer that question.

Mr Pratt: Not entirely, no, you did not.

MR STANHOPE: It was the same as the question Mr Humphries just asked about whether I had discussion about the privileges of the parliament before agreeing not to oppose the injunction. I said that I did not have those discussions before instructing the ACT Government Solicitor not to object.

Mr Humphries: I rise to a point of order. My question to Mr Stanhope was about discussions with the Government Solicitor—

MR SPEAKER: Order! Your question has been answered and we will not be going back over it.

Mr Humphries: Mr Speaker, I am answering the point that was raised about relevance and the question already having been answered.

MR SPEAKER: You are defending Mr Pratt.

Mr Humphries: The standing orders provide that a question, once answered, cannot be asked again. I am pointing out that my question was different from that part of the question asked by Mr Pratt. I asked about discussions with the Government Solicitor. Mr Pratt has asked about discussions with you and the Clerk.

MR STANHOPE: No, I did not have discussions with either the Clerk or the Speaker between the 18th and the 24th on this subject. Yes, I did have discussions with others and, yes, the advice from the ACT Government Solicitor that was confirmed to me within a couple of weeks of that date was that I not table the report or release the report outside the Assembly. His advice to me was that it should be tabled in the Assembly in order to ensure that it attracted the appropriate level of privilege.

From that circumstance, from the time I received the report on 18 December and from the time that I received advice from the ACT Government Solicitor, I had not concluded a position on exactly when the report would be released; but, having received the advice of the ACT Government Solicitor in relation to privilege, I made the decision that I would not be releasing the report outside the Assembly. Under no circumstance was the report going to be released before today.

Isn't it good that it is being released today and isn't it good that after its release today, having regard to the work that my government has done and that my department of health has done and Community Care has done, we have in place a process that allows us as a parliament, as a government and as a community to take this issue forward and to concentrate on ensuring that we as a community deliver the best possible services that we can for the disabled people in the community? I genuinely hope, perhaps it is a forlorn hope, that when we get through question time today and I table the report the Liberal Party will find it within itself to stop playing politics with such a serious issue and that the opposition will find it within itself to accept that public servants do have rights and that in any issue around the balancing of rights there are complex and difficult matters that we have to face.

There are in almost any circumstance issues around balancing responses and balancing rights. There was a difficulty there. There always is a difficulty. I will address again in the tabling speech I make in relation to the Gallop report the difficulty of balancing, the

19 February 2002

balancing acts that we have sometimes to do, in order to ensure that we do seek to respect the rights of all, not just some. That is difficult.

One of the difficulties we have always had in public life in developing public policy and disbursing resources is with how best to achieve those balances. A real difficulty that this report presents to me, to my government, to this parliament and to each and every one of us is the need for us to ensure that we do get the balances right. The suggestion that Gallop makes is that perhaps we have not.

Downer jump track

MS GALLAGHER: My question is to the Treasurer, Mr Quinlan. Treasurer, this question relates to an issue of national importance, with serious local implications. The Downer jump track is a community facility managed by the Downer Community Association. The jump track is an outdoor BMX-style cycling venue, which attracts cyclists from all over Canberra. The Downer Community Association manage the site—they volunteer to do so—checking both morning and night that the site is free of hazards and is well maintained.

Towards the end of last year the public liability insurance for the jump track increased by \$8,000 per year. Despite the commendable efforts of the Downer Community Association and the assistance of this government, the Downer community is faced with the loss of an important public venue.

Minister, to what extent are the difficulties faced by the Downer Community Association in trying to keep the jump track open the result of the current crisis in liability insurance, and how does the government plan to resolve this issue?

MR QUINLAN: First, I must acknowledge the efforts of Ms Gallagher in relation to that facility at Downer and the efforts she has made on behalf of the community. They have worked hard to provide a facility that will entertain kids and keep them interested—and possibly preoccupied enough not to involve themselves in less social behaviour. I have visited the facility with Ms Gallagher at least once and made a small personal contribution to the fund, actually.

Across Australia and across the Western world there is a real crisis in insurance. It is not feasible for the government to readily cover all of the organisations that are now being impacted by rapidly escalating insurers' premiums—in public liability, professional liability, workers compensation and professional liability for the medicos. It is just not possible, within the financial constraints that we have, to increase the various levels of funding. This is leaving community organisations, sporting organisations and businesses in difficult situations.

Some propositions have been put forward. There are moves at the national level for an upcoming treasurers conference to address this situation. Commitments have been made by the Assistant Treasurer, Senator Helen Coonan, and the small business minister, Joe Hockey—words more about what the states might do, in a very difficult situation, than about what the Commonwealth might contribute.

The ACT government intends to involve itself heavily in that conference and to task the Commonwealth to some extent with what they see as a solution—what might be done at the Commonwealth level. The Commonwealth has a greater command over funds than do any of the states. This is likely to be a topic at the head of the list for the treasurers meeting, which is coming up on 21 and 22 March.

Some of the propositions put forward for remedying this situation do not have great appeal for this government. They place limits on court pay-outs or they are for fixed price settlements that are less than necessary to compensate people for their actual loss. It appears we may have double standards in relation to workers compensation, where a worker who suffers an injury ends up receiving far less payment than someone who suffers the exact same injury, through no fault of their own, in a motor vehicle accident—simply because it is an expedient solution. There is a lot more work to be done, and this government will take the issue to the treasurers conference.

As we see the last state or territory Liberal government fade away below the horizon in South Australia, I look forward to an interesting dynamic at the treasurers conference, where there will be a tory Liberal Treasurer and Labor treasurers from all the states and territories. We might actually be able to check the commitment of this federal conservative government to federalism.

Ministerial responses to constituents' correspondence

MRS CROSS: Mr Speaker, my question is to the Chief Minister. Mr Stanhope, we on this side have already started to get complaints from constituents that responses to correspondence are taking an inordinate amount of time. I seem to recall that this was also a major point of dissatisfaction last time the Labor Party was in government. Chief Minister, have you issued guidelines to your cabinet colleagues, with time limits on answering correspondence? If you have, will you table them today?

MR STANHOPE: I think we have been in government for three months, Mr Speaker, so none of the responses have taken longer than three months. I am so pleased that the opposition have really got their hand on the tiller. They have really taken the interests of the people of Canberra to heart. They are really grappling with the big issues here today.

I cannot remember, Mrs Cross—I am sorry—exactly what your shadow portfolio responsibilities are. I assume you have some. I guess the fact that you have not been able to make any impact in relation to them has reduced you to this, the first question of the year 2002. What are your portfolio responsibilities, by the way? None of us knows, because we have not seen anything from you. But I am pleased to see that you are grappling with the really big issues, the issues that go to the heart of government in the ACT.

Mr Stefaniak: I take a point of order, Mr Speaker, under standing order 118 (a). Get him to stick to the topic and also be concise.

MR SPEAKER: That was pretty concise.

19 February 2002

MRS CROSS: Not for me, Mr Speaker. I ask a supplementary question. It is interesting that the Chief Minister made comment earlier about best possible service. Hopefully that will be extended not only to disability services but to all the rest of responsibilities to Canberra constituents. You of all people should know what my responsibilities are, because as Chief Minister, if you do not, you should be embarrassed.

My supplementary question to you, Chief Minister, is this: why have such guidelines not been issued? Given that all of your ministers are already falling behind in responding to constituent correspondence, which I assume you do regard seriously, will you now do so and table the guidelines when they have been promulgated?

MR STANHOPE: I have enormous confidence in my ministerial colleagues. I think it is probably the best cabinet ever to adorn the place, and I expect enormous things from them. At this stage I have no doubt that they are responding appropriately and in a timely way to all correspondence, just as they are to all constituent inquiries and to all requests for consultation. This is a government that will genuinely consult. This is a government that will do what you promised to do when you came back from Bungendore. You promise to do now what you failed to do for the last six years—namely, consult with the community, talk to the community and understand what the community wants.

Mrs Cross: Mr Speaker, I take a point of order. I simply would like an answer to the supplementary question, given that we were elected by the citizens of Canberra and constituents. I want an answer to my question.

MR SPEAKER: Order, Mrs Cross! I thought I heard an answer. Do you wish to add anything further, Chief Minister?

MR STANHOPE: No, thank you, Mr Speaker.

Literacy and numeracy assessment reports

MS DUNDAS: On a totally different topic for today, my question is to the minister for education and relates to the reporting of results from ACT schools literacy and numeracy assessments. Minister, given that the results for 2001 have still not been provided to parents, can you give a commitment to the Assembly that the results will be reported in such a way that they cannot be collated into school league tables by maintaining the system of reporting used so far, which does not allow for the publication of school aggregated results?

MR CORBELL: Yes.

MS DUNDAS: I ask a supplementary question. Thank you for that very brief and concise answer. Minister, when can the schools community and the public expect these results to be tabled in such a way?

MR CORBELL: I thank Ms Dundas for the question. There have been delays in the preparation of the 2001 literacy and numeracy reports. These delays are the result of computing programming errors at the Educational Testing Centre, the centre contracted by the Department of Education and Community Services to compile the tests on literacy and numeracy. I am advised, Ms Dundas, that the reports should be available to schools

in early March and that schools have been kept informed of the issues surrounding the delay in the provision of the reports.

Bail reform

MR STEFANIAK: My question is to the Attorney-General. Mr Attorney, last year, while you were still in opposition, the ALP was opposed to the extension of bail reform when bail legislation was being amended to deal with accused who had reoffended whilst on VATACs and summonses. Will the government now concede that the bail amendments passed last year in May and August in the Assembly have resulted in major reductions in crime, particularly by taking repeat offenders off the streets?

MR STANHOPE: Thanks for the question, Mr Stefaniak. I do recall the amendments that were passed, and I do recall that I had some concerns with them. I will not concede that they are the basis of the claims you make, Mr Stefaniak. I do not know what evidence you have. I do not know what rigorous assessment of reductions in crime you have carried out or have available to you that indicate that you have the capacity or the potential to say there has been a reduction in crime because of those amendments.

It is a long bow, I think, Mr Stefaniak. It is one view, certainly, but there are a whole range of views around. I would think perhaps one of the other views around is the fact that we are in the middle of a heroin drought. I think that would be a very significant reason for a reduction in crime in the ACT.

One thing I do remember about that period, Mr Stefaniak, is that you and your then leader combined as successive Attorneys-General to turn Canberra into the car theft and burglary capital of Australia. I understand that we still suffer from inordinately high car theft rates, a legacy of your stewardship of the territory. Some of the statistics I remember from the time are that under you and Mr Humphries the ACT had the highest burglary rate per capita in Australia—another legacy of you and Mr Humphries. The ACT also had the highest car theft rate in Australia—another legacy of you and Mr Humphries.

Mr Stefaniak: I take a point of order, Mr Speaker. He is absolutely, blatantly wrong, which I suppose I can correct later.

MR SPEAKER: Mr Stefaniak, I know you are having difficulty hearing the answer to the question, because all of your colleagues are busy interjecting and you seem to be pretty content. Everybody should sit quietly and wait for the answer to be completed. Are you finished, Chief Minister?

MR STANHOPE: I summarise by saying that there are a whole range of reasons that have affected crime rates in the ACT. There are some who suggest that amendments to the Bail Act are part of the reason. There are some who insist that the major change in the criminal profile at the moment is a result of the nature of drugs and the fact that there is far less heroin around. Significant numbers of injecting heroin users who were committing crimes here may have left the town or are now using different drugs. The nature of the crime scene, particularly the drug injecting crime scene, has changed fairly significantly.

19 February 2002

There are a whole range of statistics around that change that have impacted on the nature and level of crime around town. The police have certainly adopted a whole range of other strategic approaches to crime detection. I think that is another reason.

There are a whole range of reasons to suggest that the view that with the amendment of the Bail Act crime has dropped through the floor is a little bit simplistic, Mr Stefaniak. It is the simplistic approach that you adopted in government. It is not the simplistic approach that we will adopt.

MR STEFANIAK: I ask a supplementary question. There was a bit of flip-flopping around there, Mr Attorney. I am unsure from your answer whether you agree with your colleague Mr Hargreaves, who was quoted in the *Canberra Times* in October in an article about the reduction in crime as saying, “The Bail Act has nothing to do with it.”

Mr Hargreaves: I take a point of order, Mr Speaker. I have listened to all of the questions so far, and there have been repeated preambles in supplementary questions. Mr Speaker, I would ask you to bring opposition members to order on the use of preambles in supplementary questions.

Mr Smyth: What standing order?

MR SPEAKER: It is well understood that we do not use preambles in supplementary questions. I do not think we have to dig around the standing orders to discover the real reason. I think you all understand it. Mr Stefaniak certainly does, don't you?

MR STEFANIAK: I will say it again. Do you agree or not agree with your colleague Mr Hargreaves, who was quoted in the *Canberra Times* last October—

MR SPEAKER: Mr Stefaniak!

MR STEFANIAK: It is a question, Mr Speaker. Do you agree with your colleague Mr Hargreaves, who was quoted by the *Canberra Times* in an article about the reduction of crime last October, I believe, as saying, “The Bail Act has nothing to do with it”? Will you now admit that he is wrong, particularly in light of statements by senior policemen that the bail amendments were a major factor in crime reduction?

MR STANHOPE: I think there are a whole range of factors in the reduction in crime. Let us hope we can maintain it. One of the major reasons, of course, was the success of Operation Anchorage. Unfortunately, it was a task force, and the task force no longer exists. It was a very significant determinant in the reduction of crime.

There are a whole range of reasons why crime has dipped. One of them would relate to changes to the law. Another one would potentially relate to the success of Operation Anchorage. Another one relates to the changing nature of the drug scene in the ACT. Another change is related to enhanced strategic policing. I think there are a whole range reasons. There are probably a few other reasons as well.

Freedom of Information Act

MS MacDONALD: My question to the Chief Minister concerns the recent Auditor-General's report in relation to the previous government's administration of the Freedom of Information Act. I ask this question because the FOI Act is a key part of open and accountable government, regardless of which party holds office. Chief Minister, does the Auditor-General's report raise any issues that are of concern to the government about the administration of this act?

MR STANHOPE: It certainly does—at least it does, I guess, in retrospect. The report, which was tabled just towards the end of last year, is very interesting. I am concerned, just as every member of the ACT community should be concerned, about that report and about the findings of the Auditor-General who conducted an exhaustive examination of FOI requests. Most of the requests examined were made in the period 1999-2000 and the report certainly does raise some very serious concerns.

On page 1 of the report the Auditor-General reports:

The Audit examined a number of instances where the administration of the FOI Act—

and we are talking here about 1999-2000 when the current Leader of the Opposition was the Attorney-General—

was satisfactory or even exemplary. The Audit's examination, however, also identified a significant number of instances where the administration of the Act was poorly handled. The extent of these instances has led the Audit to the opinion that:

- there was widespread failure by departments to comply with significant provisions of the Freedom of Information Act, and
- these failures were particularly noticeable in regard—

and this is the most damning finding that an Auditor-General could make in relation to the FOI Act—

Mr Humphries: Who is the friend of public servants now?

MR STANHOPE: You don't want to hear this, do you? I repeat:

- these failures were particularly noticeable in regard to politically sensitive requests handled by Chief Minister's and Treasury in 1999-2000.

Of course, this is what is contained just on page 1. It is interesting to go on. On page 2 the Auditor-General had this to say:

... Reasons' statements were often poor. The decisions of authorised officials were not monitored. Responses ... were incomplete. Exemption provisions were sometimes misused. Some responses were unnecessarily slow. The internal review process failed conspicuously in regard to some requests. Politically sensitive requests were handled poorly.

19 February 2002

On page 5 the Auditor refers to the lack of consultation with applicants about the scope and nature of requests, even when such consultation was clearly of benefit. In other words, Mr Speaker, requests were dealt with without consultation with applicants about what they actually wanted. No assistance was offered. This was actually worse than simply taking no action to assist.

Page 17 of the report relates to the time when Mr Humphries, was I think, Treasurer and Attorney-General, the first law officer and responsible for the administration of these things. The report states:

Taken together, the Bruce Stadium requests—

how about this condemnation from the Auditor-General about a government—

suggest a concerted effort to thwart the applicant in his efforts to gain information on a matter of significant public interest.

This is the attitude of the previous government to the administration of the FOI Act. I will repeat what the Auditor-General said:

Taken together, the Bruce Stadium requests suggest a concerted effort to thwart the applicant in his efforts to gain information on a matter of significant public interest.

While the actual decision-maker in those requests was a departmental officer, it was not in those officers' direct interests to make "a concerted effort to thwart" the applicant. The persons who had a direct interest were, of course—and this is not a quote—the ministers of the day. As always, the Auditor-General is circumspect in how he approaches the sensitive issue of laying blame, and so he does not point the finger but simply says the applicant was thwarted in his efforts to gain information on a matter of significant public interest.

When requests were answered, reasons statements were often cursory and unhelpful and in other ways inadequate. Internal reviews did not bring a better result, as shown in this quote from the Auditor-General:

All four reviews [ie internal reviews conducted by Treasury, apparently in relation to politically sensitive matters] had major flaws in process.

We are talking here about the time the other party was in government. They had major flaws in process. The quote continued:

In one case, if the Department's view is accepted that an internal review took place, then the review was conducted by the original decision maker. This would be contravention of the Act. In the other three, a reasons' statement was not provided, and the available documentation suggests that no serious review was undertaken by the decision maker. The two internal reviews in regard to the Bruce Stadium requests ... were ... cursory.

It goes on and on. Of course, we did have the situation of the two Liberal chief ministers who kept issuing assurances that they were open, that they did take responsibility, and we saw how much responsibility was taken over Bruce and the implosion. The Auditor criticised the then government in his report on Bruce Stadium. He repeats that criticism in this report where he says:

The Audit would note that the responsibilities of ministers and chief executives in regard to the Act are not adequately met simply by issuing written authorisations to decision makers. They must ensure that authorised officers are capable of administering the Act and that the decisions of authorised officers are monitored effectively.

Of course, that is the sorry history of that party's stewardship of the ACT. That is the contempt with which they administered this primary piece of legislation determined to ensure openness and accountability. That was the contempt with which the previous government treated the Freedom of Information Act. It was utter and complete contempt of the law—a law that was in the view of the Auditor-General in fact breached regularly.

Consultancies

MRS DUNNE: My question is to the Chief Minister. Mr Stanhope, in published Labor Party policy in the run-up to the election, the Labor Party undertook a review “of contracting procedures so that ACT firms were not disadvantaged in bidding for ACT Government contracts”. In light of that, I note that you have announced consultancies in the disability program, in education and in planning and land management and that most of these consultants that you have appointed to date have come from interstate. Are these appointments at odds with the stated Labor Party policy? Does the Stanhope Labor government have a policy of preferring interstate contractors for its work? Were local contractors given an opportunity to bid for such consultancies; and, so far, how much have these consultancies cost?

MR STANHOPE: I thank Mrs Dunne for the question. There are some aspects of that question that I will have to take on notice. But certainly I am happy to speak in principle about the appointments that have been made. Yes, it is true that the government has engaged Ms Anne Cross to assist the work of furthering the development of a draft government response to the Gallop report.

I think it is probably relevant that I outline the context in which Ms Cross will work. Ms Cross is, of course, a noted national expert in relation to the delivery of disability services, to the extent, indeed, that one of the Gallop recommendations is that the government look at employing Ms Cross in the very role in which she has been employed. It is actually a recommendation of the Gallop report, Mrs Dunne, which I think you will be seeing in half an hour or so.

So, to some extent, we are pursuing a position put to us by Justice Gallop in his report—that the government do look to the employment of Ms Cross. As I say, she is an acknowledged national expert in relation to disability service issues. As I say, it was Justice Gallop himself who recommended that the government look to a person such as Ms Cross.

19 February 2002

In relation to the process which I have already announced and which I will give some greater detail of: I have created an office of disability in the department of health. I have established a disability reform group.

Mrs Dunne: On a point of order, Mr Speaker: my question does not relate to the disability program; it relates to the employment of contractors to do consultancy work. My question is whether you have a preference for interstate contractors; it does not relate to disability services in particular.

MR STANHOPE: It does relate to disability services precisely. The two consultants that I have arranged to be engaged are, indeed, Ms Anne Cross and Mr Mick Reid. Mr Mick Reid, of course, a former director-general and head of the department of health in New South Wales, is eminently qualified and has been engaged by the government, once again, to further some of the recommendations of the Gallop report and to report to me on a matter that is of interest to me and has been of interest to me for some time—namely, governance, structural and administrative issues in relation to the delivery of health services generally in the ACT. We have employed two of the most, I think, knowledgeable and respected people possible in relation to those two tasks. I do not apologise for that.

Certainly, this government will continue to employ experts and consultants from time to time to assist in furthering our policies and our programs in order to ensure that we meet our agenda. We have never said that we wouldn't. And we won't. Of course, we will look to the best advice possible.

I referred earlier, Mr Speaker, to the fact that I had, as part of this arrangement, established a disability reform group to work with Ms Cross and the office of disability to take forward issues in relation to the Gallop report. I just seek the Assembly's indulgence to acknowledge the presence in the Assembly gallery of one of the co-chairs of the disability reform group, Mr Dennis Stabback.

MRS DUNNE: I have a supplementary question, Mr Speaker. It relates to consultancies contracted by the government—not in disability services. In fact, it relates to the love-in that the Labor ministers had at the Carrington Hotel, I understand, a couple of weeks ago.

Mr Hargreaves: Mr Speaker, I take a point of order.

MR SPEAKER: I know what your point of order is. I can read your mind. We won't have a preamble, will we.

MRS DUNNE: Were local facilitators given the opportunity to contract for that job? What was the cost of the consultants engaged as facilitators? Did they come from the ACT or interstate?

MR STANHOPE: I will have to take aspects of that on notice too, Mr Speaker. I have to say, in relation to the arrangements for the meeting that was held by the government, that I simply delegated all aspects of the facilitating of that process to the head of my department, Mr Rob Tonkin. So I will take advice from him. I am not one of those

ministers who actually want to be a public servant, Mr Speaker; I would prefer to be the minister and allow the public servants to do what they are paid to do.

Convalescent facilities

MR CORNWELL: My question is to the Chief Minister as Minister for Health. In your reply to my question on notice No 4, Mr Stanhope, concerning nursing home beds, you advised me that there were 254 residential places that are dementia specific. In reply to my question on notice No 5, you advised me that individual facilities may hold dementia specific waiting lists and that, in fact, the aged care assessment team itself did not hold a consolidated list of dementia sufferers requiring places. Why doesn't ACAT hold such a list? Why is it left to individual facilities who may—your word, “may”—hold such a list? Why doesn't ACAT do so?

MR STANHOPE: Thank you, Mr Cornwell, for the question. It is a very good question. Of course, it goes to issues around the divergent responsibilities between the Commonwealth and the ACT. When I go back to my department to get the fine detail in answer to your question, Mr Cornwell, I will ask them why the previous government didn't bother to do that over the last seven years. I will start the answer in that sort of contextual way so that we will actually get some understanding of why you didn't bother to do anything over the last seven years in relation to the issue of aged care in the ACT. It would probably be a good starting point—to actually work out why it is in relation to aged care, along with just about everything else, we have had to pick up the mess that you left us.

Of course, there are a whole range of issues in relation to which we are picking up the mess. My colleague Mr Quinlan, in the appropriation bill that he introduced this morning, actually gave notice of some of the other legacies of yours that we have been left to try to clear up. What was that CTEC bill you were left with?

Mr Quinlan: \$3 ½million.

MR STANHOPE: \$3 ½million from CTEC we were left with.

I will take some aspects of the question on notice, but it was a very fulsome answer I gave to your question, Mr Cornwell; you will admit, a very fulsome answer. Certainly in regard to the assessment teams, I think you actually need to have some understanding of the relative responsibilities of both the Commonwealth and the ACT and the overall responsibility of ACAT. ACAT does not take bookings; ACAT assesses individual's needs and requirements. It is not a booking agency; it is not appropriate that assessment teams actually maintain a list of vacancies.

I take the point. It is a serious issue that you raise—the issue of the ageing population that we have in the ACT and the fact that, despite the fact that we are the youngest population in Australia, we have a significant, emerging problem in relation to available beds for aged care. We have a significant problem, that each of us knows, in relation to appropriate care for people with psycho-geriatric issues. We have a range of very concerning issues in relation to aged care. And of course it is not getting easier.

19 February 2002

I met just a couple of weeks ago with one of the nursing homes in Belconnen. It is interesting that the level of unmet need here, the extent to which people are waiting, is exacerbated to some extent by people returning to the ACT from, in particular, the South Coast. I was advised, for instance—and this might be of interest to members—that the waiting list at one nursing home in Belconnen is over 12 months and over 60 per cent of the people on the waiting list do not reside in the ACT. So, we have some significant issues that we as a community have to face in relation aged care. There is no doubt about it.

MR CORNWELL: Thank you, Mr Stanhope. My supplementary question is: if ACAT does not keep such records—and you indicated that it was not a booking agency and that individual facilities may hold these dementia specific waiting lists—would you please advise me why in reply to question on notice No 6 you stated that “there is no waiting list for dementia specific places”? How do you know? How do you know, if ACAT doesn’t keep any records but individual facilities may keep records? Where are your statistics to make that statement that there is no waiting list for dementia specific places? Perhaps you could ask your public servants that when they reply to that question.

MR STANHOPE: I am more than happy to seek clarification of the question, Mr Cornwell. I thank you for your interest in what is an emerging and serious issue for this community.

I ask that further questions be placed on the notice paper.

Administration and Procedure—Standing Committee Reference

MR SPEAKER: I wish to advise the Assembly that, on 19 February 2002, pursuant to standing order 246A, the Standing Committee on Administration and Procedure commenced an inquiry regarding the conditions of broadcasting proceedings and the delegation of powers to withdraw rights to broadcast, pursuant to the Legislative Assembly Broadcasting Act 2001.

Auditor-General’s Report No 12 of 2001

Mr Speaker presented the following report:

Auditor-General Act—Auditor General’s Report—No 12 of 2001—The Freedom of Information Act, dated 19 December 2001.

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

That this Assembly authorises for publication Auditor-General’s Report No 12.

Papers

Mr Speaker presented the following papers:

Legislative Assembly (Broadcasting of Proceedings) Act, pursuant to section 8—Authority to broadcast proceedings concerning:

Presentation of Gallop Report by the Chief Minister.

Question Time.

Schedule of relevant committees to be consulted pursuant to the *Statutory Appointments Act 1994* in relation to appointments made by Ministers to statutory offices.

Board of inquiry into disability services Papers

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (3.48): Mr Speaker, in accordance with section 14A of the Inquiries Act 1991, I present the following papers:

Inquiries Act—

Board of Inquiry into Disability Services' interim and final reports, dated 1 June 2001 and 18 December 2001; respectively.

Joint statement by Dr Penny Gregory, Chief Executive, Department of Health and Community Care and Ms Glenys Beauchamp, Executive Director, Community Health, relating to the Board of Inquiry into Disability Services Final Report, dated 16 February 2002

Response to the Board of Inquiry into Disability Services prepared by Michael Szwarcbord and Lynne Grayson, dated 19 February 2002

Office of the Community Advocate Response to aspects of the Gallop Report, dated 19 February 2002.

I ask for leave to move a motion authorising the publication of the interim and final reports and the three statements.

Leave granted.

MR STANHOPE: I move:

That the papers be authorised for publication

Question resolved in the affirmative.

MR STANHOPE: Mr Speaker, I move:

That the report be noted.

As members know, the process of establishing and conducting a government inquiry into disability services began on 31 August 2000, when a motion proposing an Assembly committee inquiry was put to the Assembly following the deaths of three clients in government run residential services in Canberra.

19 February 2002

A motion proposing a board of inquiry led by Professor Roger West was subsequently put to the Assembly and passed on 18 October 2000. On 5 December 2000 the then government appointed a board of inquiry under section 5 of the Inquiries Act 1991 to inquire into and report on the services for people with a disability in residential care in the ACT. The Hon. Justice John Gallop was appointed to conduct the inquiry. The terms of reference were amended on 20 December 2000 to better recognise the existence of the coroner's related inquiries and the need to ensure that those proceedings would not be affected.

Following a directions hearing in December 2000, public hearings were held between January 2001 and July 2001, involving 76 public hearing days, while 119 written submissions were received. The board of inquiry was initially required to report by 31 May 2001, but the range of issues identified by the inquiry and the extent of participation by interested parties meant that this deadline could not be met. The final report was made available to the government on 18 December 2001.

An interim report, focusing on the circumstances of the three deaths, was completed and presented by the board of inquiry to the previous government on 1 June 2001. The interim report was not released, pending the outcome of the coroner's concurrent investigations into these deaths. Following the release of the coroner's findings in relation to one of the deaths, the parts of the interim report relating to that case were released by the previous government. While the coroner's inquiries continue in relation to the other two deaths, the ACT Government Solicitor has advised that the release of the remaining parts of the interim report will not adversely impact upon the coroner's inquiries.

The last 16 months have been difficult for everyone involved with disabilities, not least the families of those who died, and other clients, their families, guardians and carers. I would like to acknowledge the substantial efforts of the people and organisations that contributed to the inquiry's deliberations. I would also like to acknowledge and thank Mr Gallop and his staff for their work in the preparation of the inquiry report.

The key questions now are how to best address the issues raised and, more importantly, how to make a genuine difference to the lives and aspirations of these more vulnerable members of our community as well as to their families and carers. These are questions not only for government, the Assembly and our public institutions but also for those in care, for the wider disability sector and for all Canberrans. The inquiry report presents a substantial argument for change in the way disability services are provided.

The government accepts the need for change and seeks to move forward on the recommendations for the reform of disability services. We have established a framework to work in partnership with the community and to consider and implement change jointly. To provide specific responses today to the inquiry's recommendations would be to pre-empt the extensive consultative and expert advice process that I have established. This process must be allowed to proceed in an open, accountable and consultative way. I will provide a comprehensive response to the Assembly in the September sittings. This response will detail the government's position on each finding and recommendation and provide a progress report on the implementation of reform.

As an initial step I have already asked the Health and Community Care Service Board to advise us on the actions it has taken or proposes to take to address the issues raised in the inquiry report, particularly with regard to ensuring the safety and wellbeing of disability program clients.

In its response the board advised me that actions have been and will be taken which will ensure that good governance is applied, that measures are in place to ensure clients' safety and that best practice is pursued in service delivery and in the management of the service. I believe the structure and processes that this government has now put in place will allow us to move forward with more trust and collaboration.

Broadly, the inquiry's findings and recommendations can be grouped along the following lines: recommendations relating to the achievement of the best standard of care for clients and include service options, system design and access arrangements; those relating to structural and government arrangements; those relating to complaints and advocacy; and those referring to the performance of government organisations and individual officers. I have put in place arrangements to address each category of recommendation.

The first category of recommendation, which is in relation to improvements in care and support, will be referred to the newly established Office of Disability and the Disability Reform Group for advice on what is achievable. The Disability Reform Group provides a mechanism through which people with a disability, carers, service providers and peak community organisations can contribute not only to developing responses to this report but also to the ongoing development of policies and services. Yesterday I announced the members of the reform group.

I am confident that the Disability Reform Group will be able to work with all interested parties and the Office of Disability to ensure that we do, in fact, develop best practice models of service and achieve a shared understanding of what improvements are required and what is achievable and by when. I also see this group drawing on the skills and expertise available throughout the sector and broader community. There has been an overwhelming response from individuals and organisations interested in and committed to participating in the reform process. I welcome this input.

To support the work of the office and the Disability Reform Group, the government has obtained the services of Ms Anne Cross, an independent expert in services for people with disabilities. Ms Cross has played a key role in the reform of services in Queensland, and she has a particular interest in consumer participation in the planning and delivery of services to people with disabilities. The engagement of Ms Cross is one of the recommendations of the board of inquiry.

The second group of findings and recommendations relates to structural and government issues. As I have previously announced, Mr Michael Reid, the former Director-General of the New South Wales health department and presently a professorial fellow, an adjunct professor at the university of Sydney, has been engaged to undertake an independent review of the health portfolio's organisational arrangements. Organisational and structural issues raised by the board of inquiry will be addressed as part of this review. I have asked Mr Reid, in carrying out his work, to meet with a range of

19 February 2002

participants, including service providers and consumers, and I understand that he has already commenced these discussions.

The third group of findings and recommendations relates to complaint procedures and advocacy arrangements, and will be referred to the Health Rights Advisory Council for advice. This council, established under the Community and Health Services Complaints Act 1993, provides advice to the Minister for Health on complaints matters. Several findings and recommendations in this category touch on the systemic responsibilities of the Community Advocate as well as the role of personal guardian for individuals. I have asked the chief executive of the Department of Justice and Community Safety to review these matters in consultation with stakeholders and the Office of Disability.

The final group of findings and recommendations relates to the performance of the Department of Health and Community Care, the ACT Health and Community Care Service Board and ACT Community Care itself.

In addition, there are certain specific findings and recommendations about individual senior officials. The findings and recommendations relating to the performance of organisations will be dealt with by using the processes and independent advice that I have already described.

The remaining matter that I need to address today concerns the officials about whom recommendations have been made. As members will be aware, these officers consider that the conduct of the inquiry failed to provide them with procedural fairness, and some of these officers are pursuing this matter in the courts. I do not propose to comment further on that particular matter other than to note that the government will be involved in the proceedings, in a neutral capacity, to assist the court where we can. My purpose today is to ensure that the government itself deals fairly with these officers.

To that end I asked each of these officers whether they wished to make available a statement for tabling in response to the specific inquiry findings and recommendations which relate to them. With the agreement of the Assembly I have tabled statements today from Dr Penny Gregory and Ms Glenys Beauchamp, from Ms Heather McGregor and from Mr Michael Szwarbord and Ms Lynne Grayson.

The officers' names fall into three groups. Firstly, there are the direct employees of the government, namely, the chief executive of the Department of Health and Community Care, Dr Penny Gregory, and the executive director of Community Health, Ms Glenys Beauchamp. I have sought and received advice from the chief executive of the Chief Minister's Department, Mr Robert Tonkin, on his assessment of the findings and recommendations relating to these officers.

Having considered these matters and, taking into account Mr Tonkin's assessment and advice, I am able to say that I have complete confidence in the ability of both Dr Gregory and Ms Beauchamp to undertake the full range of their current duties, including the provision of policy advice on disability services.

The second group is officials employed by the ACT Health and Community Care Service Board, namely Mr Michael Szwarbord, chief executive of ACT Community Care, and Ms Lynne Grayson, director of the Disability Program.

I have received advice from the chair of the board, Mr Peter McPhillips, in relation to these two officers. Mr McPhillips has advised that the board considers that both officers have worked assiduously to make sure that good services are developed and delivered to disabled people and their families and has commended their commitment and dedication.

Ms Grayson has voluntarily stood aside from her duties while current issues are addressed. Ms Grayson's approach is courageous and selfless and I believe that she should be commended for it. The board has advised that it has full confidence in Mr Szwarcbord continuing to undertake the full range of his present duties, including the management of the disability project.

The remaining named senior official is Ms Heather McGregor, who holds the statutory office of Community Advocate. Ms McGregor has been the ACT Community Advocate for 10 years. In addition to reading the inquiry report and Ms McGregor's response, I have taken advice from the chief executive of the Department of Justice and Community Safety, Mr Tim Keady. After consideration and having regard for Mr Keady's advice, I wish to inform the Assembly of my complete confidence in Ms McGregor's suitability to continue to serve as Community Advocate and to discharge the important responsibilities of her position.

In summary, the problems highlighted by this report occurred under previous governments. My government accepts its responsibility to move forward in a constructive and consultative manner to deal with the issues highlighted in the inquiry report. It is now time to start the healing process. The government has put in place a comprehensive process to achieve this objective.

I look forward to the Assembly and the many interested groups and individuals in the Canberra community joining us in this task. I have made a commitment on behalf of my government to move forward collaboratively with individuals with disabilities and their families, carers, guardians and service providers to improve services and improve the quality of life of people with disabilities. The board of inquiry report and the responses to it will inform this process of change.

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

Legislation program—autumn 2002

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.02): Mr Speaker, for the information of members I present the following paper:

2002 Autumn Legislation Program, dated 19 February 2002.

I seek leave to make a statement.

Leave granted.

19 February 2002

MR STANHOPE: I am pleased to present this government's first legislation program for the Fifth Assembly. The program foreshadows the legislation that the government intends to bring forward during the autumn 2002 sittings.

The focus of this program is on good and responsive government. It combines financial and business matters that require annual attention with initiatives and reforms for better responsible management of the territory and reforms to meet election promises. Time will not allow for comment on all proposed legislation. I therefore intend to comment on only a few items that are a priority for the government.

A key Labor election promise was good governance underpinned by sound and sustainable financial management. In line with this, the government will be proposing to introduce its first budget in June this year. Central to the operation of the territory, the Appropriation Bill 2002-2003 will outline the proposed appropriations that will be made available to departments for the 2002-03 financial year.

This morning the government introduced Appropriation Bill 2001-2002 (No 3). This bill is to address additional budget pressures and key election commitments not addressed in Appropriation Bill 2001-2002 (No 2), which was tabled and passed by the Assembly in the December 2001 sitting.

To strengthen this government's management of the territory's finances, it will introduce amendments to the Financial Management Act 1996. The amendments will enhance financial integrity by focusing on issues identified in the review of the act.

Concurrent with budget considerations, the government will seek to amend the Rates and Land Tax Act 1926 for the implementation of an interim rating system for 2002-03. By doing so the government will provide for a fairer system by capping rate increases to the forecast consumer price index for 2002-03.

Amendments I know will be particularly welcomed by first home buyers are proposed to the First Home Owner Grant Act 2000. It will give legislative effect to the Commonwealth's extension of a grant under the first home owners scheme to first home buyers. The Commonwealth has extended the grant scheme to 30 June 2002 but reduced the additional grants for new home constructions to \$3,000. Administrative arrangements have been in place pending the legislative amendments, which will have a retrospective start date of 9 October 2001.

Health was also a key election issue for Labor, and we have already started to implement a number of commitments. The government will be proposing new health legislation and also amendments to address deficiencies or to consolidate and rationalise several existing pieces of legislation.

A high government priority is a new proposed Community and Health Services Complaints Amendment Bill 2002. The bill will clarify policy issues within existing legislation and provide for an enhanced operational relationship between the commissioner and the Health Professions Board.

Reforms are also proposed with the introduction of the Health Professions Bill 2002 and the Veterinary Surgeons Amendment Bill 2002. Both bills will address recommendations of reviews undertaken in response to the ACT's commitment in respect of the national competition policy agreement.

A priority of the program is the Gene Technology Bill 2002. The bill reflects a national framework for overseeing gene technology activities and will supplant the Commonwealth Gene Technology Act 2000. Its objective is to protect the health and safety of the community and environment by identifying potential risks posed by gene technology.

This bill honours the ACT's commitment to introduce nationally consistent gene technology legislation. The application of the Commonwealth act to the ACT will cease when consistent legislation commences in the ACT. The bill seeks to promote an even playing field across Australia so that the community can have confidence that gene technology is adequately regulated.

The proposed Education Bill 2002 fulfils a Labor election commitment to reintroduce an amended education bill. The bill will consolidate existing legislation to provide for the governance and operation of government schools, the registration and re-registration of non-government schools and the registration of home schooling. It is intended that the legislation will be released as an exposure draft to ensure wide community and stakeholder input.

The government has already flagged its intention to put into place a strategic whole-of-government approach to planning. The program includes a bill to establish an independent planning and land management authority and to establish a planning appeals commission. To expedite the resolution of leasehold, development and building compliance matters, an amendment will also be proposed to the Land (Planning and Environment) Act 1991.

A prime government concern is community safety. This government will propose to put forward a range of amendments and new legislation. I am sure that everyone will remember the bushfire damage to the ACT last Christmas. The government intends to introduce the Crimes (Bushfires) Amendment Bill 2002 to insert a new offence of causing bushfires. The existing arson offences and the offences in the Bushfire Act 1936 are not appropriate for dealing with people who intentionally or recklessly cause bushfires. The maximum penalty for the new offence will be imprisonment for 15 years, which corresponds with the penalty for arson.

A bill will also be introduced to amend the ACT Criminal Code 2001. It will incorporate the principles of criminal responsibility from chapter 2 of the Model Criminal Code that were not included in the first stage of the ACT's codification process last year. A separate bill will amend the commencement provisions to delay the commencement of the code from March 2002 to 1 January 2003, so that users of the code can familiarise themselves with its provisions before it commences.

19 February 2002

In 1999 the Australian Law Reform Commission released its report on the Commonwealth's Proceeds of Crime Act 1987. As the territory's proceeds of crime legislation is based on the Commonwealth's act, many of the recommendations in the report are relevant to the territory.

The government will implement the majority of the Australian Law Reform Commission's recommendations through the Confiscation (Unlawful Proceeds) Bill 2002. Importantly, the bill adopts the commission's recommendation to establish a civil forfeiture scheme, which will enable the Director of Public Prosecutions to apply for an order to confiscate criminal assets from a person who has not been convicted of an offence. The court may make such an order if it is satisfied on the balance of probabilities that the assets concerned were derived from serious criminal activity.

To maintain the integrity of the national demerit points scheme, technical amendments will be proposed to the demerit points provision in the Road Transport (Driver Licensing) Act 1999 and the Road Transport (Driver Licensing) Regulations 2000. Amendments are also proposed to the road transport legislation to reduce identity fraud by allowing images of licensed drivers to be retained on the Road Transport Authority database. The amendments will also minimise the registration of "rebirthed" stolen vehicles.

While community safety is important, so is the consideration of civil liberties. The government proposes to introduce a package of amendments dealing with police powers. The government is concerned that a number of the amendments dealing with police powers passed under the previous government unduly infringe the civil liberties of territorians. While recognising that police must be given adequate powers with which to do their job, these powers must be balanced with the rights of territorians to go about their lawful business free of unwarranted interference. The government believes that these amendments will strike an appropriate balance between those two factors.

Finally, the technical amendments program will seek to tidy up minor inconsistencies in ACT laws and provide an avenue for minor and technical revisions.

These are but a few of the initiatives proposed in the Autumn 2002 Legislation Program. As I mentioned earlier, the program is an indication of the legislative items that the government considers are important. I seek the cooperation of all members in the timely consideration of these bills, and I commend the Autumn 2002 Legislation Program to the Assembly.

I move:

That the report be noted.

MR HUMPHRIES (Leader of the Opposition) (4.10): Mr Deputy Speaker, as one would expect in these circumstances, much of what is on this program is legislation that would have come forward no matter which government was elected to power last October. There are many things that I can recall seeing pushed up by departments and that were probably on earlier government legislation programs in previous periods. Plus ca change, plus c'est la meme chose.

I might draw some attention to the questions here of difference between what we would have put forward in the program and what is being put forward by the Labor Party. I note in particular the legislation concerning the so-called whole-of-government approach to planning. This opposition is deeply concerned about the direction which the government has flagged in planning, and we will see what that planning package evolves as. But we will all be conscious of the fact that much of what has been promised by this government in respect of planning is undeliverable.

I have no doubt that there will be many occasions in the coming months and years when we will come back to reflect on the differences between the legislation as presented and what was promised in the course of the campaign. I also note the reference to the package relating to civil liberties. It should have been no surprise that a winding back of legislation would occur in relation to the previous Assembly. More is the pity that there was no communication in the course of the election campaign to say that this winding back would occur.

After a campaign by Labor dominated by protestations to the government that it was in favour of the safety of the community—that making the community a safer place would be its paramount concern—to see an attempt to wind back a number of pieces of legislation that give the police powers comes as something of a surprise. For some of us on this side of the chamber, perhaps it does not.

Mr Deputy Speaker, I look forward to seeing such legislation come forward. Much of it is legislation that would have come forward under our government as well, but that which is not in that category will be watched with much interest on this side of the chamber.

MR STEFANIAK (4.13): I won't go over areas raised by the Leader of the Opposition, Mr Humphries, except the amendments to the Crimes Act 1900 in relation to police powers. Mr Stanhope, the Attorney, has said a prime government concern is community safety. As he indicates here in his draft legislation program, Mr Stanhope wants to modify various police powers—such as entry, arrest and search—and states that his government is concerned that a number of amendments dealing with police powers passed under the previous government unduly infringe the civil liberties of territorians. I quote:

Whilst recognising that police must be given adequate powers with which to do their job, these powers must be balanced with the rights of Territorians to go about their lawful business free from unwarranted interference.

That is exactly what those powers do. Territorians are also very concerned to have the right to go about their business without criminals unduly interfering with them. I think territorians are sick and tired of people and groups who push the civil liberties of the criminal above those of the ordinary, honest, average citizen in this territory. The powers that the previous government gave police brought us into line with other states. They enabled police to have powers of arrest, which are very important: reasonable suspicion as opposed to reasonable belief. Not only did that bring us into line with other states, especially our surrounding state of New South Wales; it enhanced the police's ability to get out there and catch criminals.

Earlier today Mr Stanhope indicated that there are a number of reasons why the rate of certain crimes has dropped. He even somewhat conceded, however ungraciously, that the Bail Act amendments, which I and the previous government introduced and the previous Assembly passed in May and August, had something to do with that—as did some other activities such as Operation Anchorage. Particularly nasty offences that really concern our community, such as burglary, car theft and armed robbery, have been reduced significantly, largely through changes to the law and through other police activities as well.

All the improvements that have been put in place in the last 12 months will be in jeopardy if this legislation does what I suspect it will do, which is to wind back sensible powers that the last Assembly gave to the police to go about their duty and do their job to the best of their ability without one arm being tied behind their back. I do not think Canberra citizens are going to be very impressed with what Mr Stanhope is bringing forward here.

I will just flag that that is certainly something the opposition will not abide by. I think we have quite a good balance now of the legitimate civil liberties of offenders, the right of the community to be protected and a legitimate means of giving police the reasonable powers they need to do their job properly.

Question resolved in the affirmative.

Papers

Mr Quinlan presented the following papers:

Financial Management Act—

Pursuant to section 14—Instrument directing a transfer of funds between appropriations, including a statement of reasons, dated 14 February 2002.

Pursuant to section 15—Instrument directing a reallocation of funds and a statement of reasons for the reallocation, dated 14 February 2002.

Pursuant to section 16—Instruments (2) directing a transfer of appropriations between departments and statements of reasons for the transfers, dated 14 February 2002.

Pursuant to section 17—Instrument varying appropriation related to Commonwealth funding and a statement of reasons, dated 14 February 2002.

Pursuant to section 18—Directions (2) for expenditure against the Treasurer's Advance, dated 7 and 12 February 2002, respectively.

Territory-owned corporations Papers and statement by minister

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): For the information of members, I present the following papers:

Financial Management Act—

Pursuant to section 26(4)—Consolidated Financial Management Report for the financial quarter and financial year to date ending 31 December 2001.

Territory Owned Corporations Act—

Pursuant to section 9(2)—Notification of transfer of voting shareholders, dated 18 January 2002.

I seek leave to make a brief statement.

Leave granted.

MR QUINLAN: All I wish to state is that the financial return does not include updated estimates for the current financial year. As I explained earlier in bringing down Appropriation Bill 2001-2002 (No 3), those figures will be available at the end of this month in an interim report from the commission of audit. Treasury is applying its arms and legs resources to the commission of audit and does not have the resources to do both two or three weeks apart.

Lease variations Papers and statement by minister

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations): For the information of members, I present the following papers:

Land (Planning and Environment) Act—

Schedules of Lease Variations and Change of use Charges for the periods 1 July 2001 to 30 September 2001.

Schedule of Leases Granted for the period 1 July 2001 to 30 September 2001.

I ask for leave to make a statement.

Leave granted.

MR CORBELL: Mr Deputy Speaker, section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled in the Legislative Assembly outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value and leases granted over public

19 February 2002

land. One of the schedules I have tabled covers leases granted for the period 1 July 2001 to 30 September 2001. I have also tabled two schedules relating to variations approved and change of use charges for the same period.

Mr Deputy Speaker, at a later date I will table for the benefit of members a copy of a lease granted under disallowable instrument No 228 of 1997 for the direct grant of land for any or all of commercial, residential, industrial and tourism purposes. I am informed that the lease was granted to Stewart Barlen Pty Ltd for block 26 section 37 Fyshwick to enable extension of the existing facilities on block 18 section 37 Fyshwick. The consolidated parcel is now known as block 33 section 37 Fyshwick.

Block 26 is part of an area of land with an electricity easement 45 metres wide. A number of leases back onto this land. The lines and poles have been removed and it is possible for the land to be sold for industrial purposes. The land is being sold at market value. The Australian Valuation Office has determined the value of the land at \$174,000.

Workers compensation Paper and statement by minister

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations): Mr Deputy Speaker, for the information of members, I present the following paper:

Workers Compensation Act—

Pursuant to section 80A—Actuarial report into the prospective cost of back, neck and pelvic injuries resulting in permanent impairment, under the new workers compensation scheme, dated 14 February 2002.

I ask for leave to make a statement.

Leave granted.

MR CORBELL: I am pleased to table the actuarial report into the prospective cost of back, neck and pelvic injuries resulting in a permanent impairment under the new workers compensation scheme. The new scheme is scheduled to begin on 1 July this year.

Last August, the Assembly passed the Workers Compensation Amendment Act 2001. The new schedule 1 of the act is a table of compensation rates for permanent injuries, which include a statutory payment for a permanent impairment resulting from an injury to a person's back, neck or pelvis. Section 80A of the act determined that back, neck and pelvis impairments, under schedule 1 of the new act, would be disallowable items.

Section 80A (2) required the government to commission a report from an actuary who has expertise in workers compensation insurance about the actuarial effect of including the disallowable items in schedule 1.

Papers

MR WOOD (Minister for Urban Services and Minister for the Arts): For the information of members, I present the following papers:

Financial Management Act—

Quarterly departmental performance reports for the December Quarter 2001-02 for the following departments or agencies:

ACT Workcover
Chief Minister's Department
Education, Youth and Family Services
Health and Community Care
Urban Services
Industrial Relations
Justice and Community Safety
Planning
Economic Development, Business and Tourism, and Sport
Treasury

Occupational Health and Safety Act—

Quarterly performance report for the period 1 July 2001 to 30 September 2001.

The quarterly reports were circulated to members when the Assembly was not sitting.

Papers

Mr Wood presented the following papers:

Subordinate Laws Act, pursuant to section 6—
Auditor-General Act—Acting Appointment 2001—Disallowable Instrument—
DI 2001 323 (LR, 15 October 2001).
Drugs of Dependence Act—Cannabis Handling, Destruction and Presentation
Protocol Determination 2001—Disallowable Instrument DI2001—No 328 (LR,
23 October 2001).
Health Regulation (Maternal Health Information) Act—Maternal Health
Information Regulations Repeal—Subordinate Law 2001 No 47 (LR, 27 November
2001).
Hotel School Act—Appointment of Chairperson to Board of Management of the
Australian International Hotel School—Disallowable Instrument DI2001—319 (LR,
8 October 2001).
Legislative Assembly (Members' Staff) Act—
Terms and Conditions of Employment of Staff of the Speaker—Disallowable
Instrument DI 333 of 2001 (LR, 6 December 2001).
Arrangements for the Employment of Staff and the Engagement of Consultants and
Contractors by the Speaker of the Legislative Assembly—Disallowable Instrument
No DI 338 of 2001 (LR, 6 December 2001).
Mediation Act—Variation of Declaration of Approved Agencies—Disallowable
Instrument No 340 of 2001 (LR, 10 December 2001).

National Exhibition Centre Trust Act—
National Exhibition Centre Trust Appointment 2001 (No 2)—Disallowable Instrument DI2001—330 (LR, 22 October 2001).
National Exhibition Centre Trust Appointment 2001 (No 3)—Disallowable Instrument DI2001—331 (LR, 22 October 2001).
Nature Conservation Act—Declaration of Species—Disallowable Instrument No 299 of 2001 (LR, 26 October 2001).
Public Place Names Act—
Street Nomenclature—Banks—Disallowable Instrument No 322 of 2001 (LR, 11 October 2001).
Street Nomenclature—Dunlop—Disallowable Instrument No 325 of 2001 (LR, 15 October 2001).
Street Nomenclature—Gungahlin—Disallowable Instrument No 329 of 2001 (LR, 22 October 2001).
Street Nomenclature—Nicholls—Disallowable Instrument No 332 of 2001 (LR, 25 October 2001).
Street Nomenclature—Banks—Disallowable Instrument No 337 of 2001 (LR, 10 December 2001).
Race and Sports Bookmaking Act—Sports Bookmaking venues—
Determination No 1—Disallowable Instrument DI2001-320 (LR, 9 October 2001).
Determination No 2—Disallowable Instrument DI2001-321 (LR, 9 October 2001).
Road Transport (General) Act—
Determination of Fees for Bus Accreditation—Disallowable Instrument No 327 of 2001 (LR, 22 October 2001).
Declaration that the Road Transport Legislation Does Not Apply to Certain Roads and Road Related Areas—Disallowable Instrument No 334 of 2001 (LR, 1 November 2001).
Declaration that the Road Transport Legislation Does Not Apply to Certain Roads and Road Related Areas—Disallowable Instrument DI2001 – 336 (LR, 6 December 2001).
Declaration that the Road Transport Legislation Does Not Apply to Certain Roads and Road Related Areas—Disallowable Instrument DI2001 – 339 (LR, 10 December 2001).
Tree Protection (Interim Scheme) Act—Appointment of Advisor to Conservator—
Disallowable Instrument No 324 of 2001 (LR, 5 October 2001).
University of Canberra Act—Courses and Awards Amendment Statute 2001—
Disallowable Instrument DI 2001 No 326 (LR, 18 October 2001).

Legal Affairs—Standing Committee Scrutiny Report No 2

MR STEFANIAK: I present the following report:

Legal Affairs—Standing Committee—Scrutiny Report No 2, dated 19 February 2002.

I ask for leave to make a statement.

Leave granted.

MR STEFANIAK: Scrutiny Report No 2 contains the committee's comments on five bills and 148 pieces of subordinate legislation and disallowable instruments and makes a number of comments in relation to some bills. For some bills there is no comment and

for other bills there is fairly extensive comment for the edification and, hopefully, assistance of members. The report also makes a number of comments in relation to some of the subordinate legislation and disallowable instruments. Whilst it makes no comment in relation to the majority of those items, there are comments in relation to some of those items and I draw them to the attention of the relevant ministers. I commend the report to the Assembly.

Estimates 2001-02—Select Committee Membership

MR DEPUTY SPEAKER (Mr Cornwell): The Speaker has been notified in writing of the nomination of Mr Humphries and Mr Hargreaves for membership of the Select Committee on Estimates 2001-02 on the Appropriation Bill 2001-2002 (No 3). A further nomination for membership of the committee was received after 4.00 pm. I seek leave of the Assembly to accept the nomination.

Leave granted.

MR DEPUTY SPEAKER: I have been notified in writing of the nomination of Ms Dundas.

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

That the members nominated be appointed.

Crimes Amendment Bill 2001 (No 2)

Debate resumed from 11 December 2001, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MR STEFANIAK (4.27): I thank the government and the Attorney-General's office for providing me with some comments from the DPP in relation to this bill and for making a departmental officer available to discuss it with her, which was quite helpful. The opposition will be supporting this bill, although I flag that when we come to the detail stage, which I understand will be on Thursday, I will be moving several amendments and have a bit more to say about those amendments.

As I indicated when I introduced the Crimes Amendment Bill 2001 (No 3), the events of September 11 certainly changed the world. Those horrific events in New York have had a significant effect on the way the whole world operates. Western countries especially are looking at their security and looking at which legislation needs changing as a result thereof.

Sadly, as a result of some of the fallout from the terrorist atrocities of September 11, there were some anthrax attacks in the United States. They led to copycat situations arising in other countries, including Australia. Sadly, Canberra was included. In fact, there was a spate of threats and hoaxes which caused quite a bit of angst to lots of citizens in our community and a lot of trouble to the police and the emergency services organisations that had to deal with them.

19 February 2002

Some of the hoaxes here were traumatic but less problematic than others in terms of the investigation of them, but I do recall hearing in October of things such as buildings at the CIT being evacuated because of a hoax, with all the disruption, fear and angst that that caused to students, staff and other workers there, not to mention the inconvenience and cost involved to the emergency services which had to go and attend to that.

There were about 10 incidents which turned out to be hoaxes. It took the police a number of days to investigate them. As yet, I understand, no-one has been caught, but that does not necessarily mean that that will not occur. That is something I will come to in the detail stage in speaking to one of the opposition's amendments.

On 16 October 2001, the federal attorney indicated that the federal government would be introducing legislation to cover these types of situations. We do not have anything similar in the territory. Indeed, that is the case for most states and territories. The federal government is now in the process of introducing legislation. Its legislation will be retrospective, as the federal attorney promised, running from 16 October.

On 17 October I, as the then Attorney, and my colleagues Mr Humphries and Mr Smyth indicated that the ACT would be following suit and would also introduce legislation to counter this problem. There are some provisions in relation to the contamination of food which are similar, but certainly would not cover this type of situation. Clearly, it was important that some steps be taken. I was pleased to see the then opposition indicating that they would support those measures and would do something if they got into government. Whilst the bill they have introduced is by no means perfect, it certainly does substantially address the problem.

Having had a chance to look through the bill, hold discussions with departmental officers and consider the DPP advice, it would seem to me that proposed sections 104A, 104B and 104C would tend to do the job and provide a certain degree of flexibility. Some questions were raised about that in the scrutiny report. No doubt the government will address them, hopefully by Thursday. It was put to me by the departmental officers that there is significant benefit in having such a flexible approach as it enables things that cannot be foreseen to be covered. In framing legislation, especially criminal legislation, it is almost impossible to pick up every conceivable circumstance, so I can appreciate that there is some benefit in having it there. I think the advice from the Attorney-General's Department and the DPP on that is sound.

I am pleased to see the territorial nexus for offences, proposed section 140D, which is exactly what we have put in our bill. The bill I have on the table is more specific than this bill. I intend to leave it there for the time being and seek to amend the government's bill, but the four sections proposed—140A, 140B, 140C and 140D—will do the job. Again, I thank the people who assisted me in looking at that.

I will flag now a number of issues on which I will speak at greater length in the detail stage. The first is about when the bill should commence. Clause 2 of the government's bill states that the act will commence on its day of notification. I note the government's reasons for that. I do not think the police have apprehended anyone. Given other pressing needs, they may not be actively investigating this matter. Thankfully, the copycat threats

that were made in October were not more serious than just threats, but they led to a spate of legislation being introduced both federally and in the states.

I think it is important to sent a message that if people are apprehended for them subsequently they can be charged with these substantive offences. That is something that the community would want. That is something that is happening federally and it is certainly something that we said in government we would do. I am a little disappointed with the government for not proceeding down that line and just allowing the act to commence on its day of notification.

I can well recall from my days as a prosecutor and as a defence counsel that quite often a witness would come forward some time after a serious offence had been committed with fresh information which will led to the arrest and charging of an individual. Indeed, sometimes crimes are solved by persons in the process of being interviewed for other crimes actually confessing to having committed crimes for which the trail has gone cold. That occurs quite regularly. If you talk to senior police and criminal lawyers about it, they will tell you that that does occur from time to time. That, I think, is a significant factor in terms of ensuring that the act commences basically when the previous government said that it should, 17 October. Perhaps the current government has overlooked that.

It is important to ensure that the maximum penalties under the bill are significant. Under the government's bill, the maximum term of imprisonment is 10 years, which is exactly what we said it would be and exactly what the federal government is imposing in its bill. I assume that that is occurring in the states. It is also important for the courts to have the option of imposing other penalties and punishment provisions. They should have a range of tools available to them.

In matters like this where there is considerable dislocation to the community and considerable expense to the various organs of government that have to investigate them, having the ability to impose a significant fine is very important. I note that the government's legislation brings itself within a provision further on in the Crimes Act. I forget the number of the section, but there is a provision which provides for a maximum fine of, I think, \$20,000 for an individual or \$100,000 for a corporation for this offence.

When I indicated that we would be introducing such legislation, the then government indicated that it would not impose a maximum fine of \$100,000 for an individual. I will speak more about that later, but I think that it is entirely appropriate in terms of serious offences like this one to give the courts a range of options to ensure that the punishment does fit the crime as the facts are different in each case. Again, I think that that is probably more preferable than what the government has put here. But that is for discussion in the detail stage. The opposition supports the government's bill in principle. We think it is important to enact it as soon as possible, given the announcements that were made in October, and we will be supporting this bill in principle.

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

19 February 2002

Adjournment

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

That the Assembly do now adjourn.

The Assembly adjourned at 4.37 pm.