

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

SELECT COMMITTEE ON ESTIMATES

(Reference: Appropriation Bill 2003-2004)

Members:

**MR B SMYTH (The Chair)
MRS H CROSS (The Deputy Chair)
MRS V DUNNE
MR J HARGREAVES
MS K MacDONALD**

TRANSCRIPT OF EVIDENCE

CANBERRA

MONDAY, 2 JUNE 2003

**Secretary to the committee:
Ms Judith Henderson (Ph: 6205 0199)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry which have been authorised for publication by the committee may be obtained from the committee office of the Legislative Assembly (Ph: 6205 0127).

The committee met at 9.08 am.

Appearances:

Mr J Stanhope, Chief Minister, Attorney-General, Minister for Community Affairs and Minister for the Environment

Department of Disability, Housing and Community Services

Ms S Lambert, Chief Executive

Department of Justice and Community Safety

Mr T Keady, Chief Executive

Mr J Ryan, Director, ACT Corrective Services

Ms E Kelly, Executive Director, Policy and Regulatory Division

Mr B Kelly, Courts Administrator

Mr B Lenihan, Director, Resource Management

Mr D Jory, Policy and Regulatory Division

Director of Public Prosecutions

Mr R Refshauge, Director of Public Prosecutions

Parliamentary Counsel's Office, ACT

Mr J Leahy, Parliamentary Counsel.

ACT Human Rights Office

Ms R Follett, ACT Discrimination Commissioner

ACT Electoral Commission

Mr P Green, Electoral Commissioner

Legal Aid Office (ACT)

Mr C Staniforth, Chief Executive Officer

Office of the Commissioner for the Environment

Dr J Baker, Commissioner

Department of Urban Services

Mr G Davidson, acting Chief Executive

Ms E Fowler, Director, Environment Protection

Dr M Cooper, Executive Director, Environment and Heritage, Environment

ACT

Mr G Wells, Manager, Parks and Conservation Service

THE CHAIR: Good morning, Chief Minister, and welcome to what will be, hopefully, the last day of public hearings of the Estimates Committee, the eleventh day. There are a few housekeeping things I need to do before we commence.

You should understand that these hearings are legal proceedings of the Legislative Assembly, protected by parliamentary privilege. That gives you certain protections, but also certain responsibilities. It means that you are protected from certain legal actions, such as being sued for defamation, for what you say at this public hearing. It also means that you have a responsibility to tell the committee the truth. Giving false or misleading evidence will be treated by the Assembly as a serious matter.

Minister and departmental witnesses, your evidence today is being recorded by Hansard to prepare the committee's transcript of proceedings. It is therefore necessary for you to speak clearly into a microphone when you answer questions. Officers who are seated at the back of the room should come to the main witness table if called on to respond to questions. Please do not speak from the back of the room.

It will assist the committee staff and departmental officers if witnesses could also state clearly when a question is being taken on notice.

Chief Minister, thanks for attending. I understand that we are going to go very quickly to the review of the complaints mechanisms across the territory and Ms Tucker has a question.

MS TUCKER: I did ask this question when you were here earlier, but you thought or someone else thought that Bill Wood would be doing it. My question is initially in regard to process and involvement. It is basically about the involvement of the community in the process for the review of statutory oversight and community advocacy agencies. Can you confirm that you have stated that it was not appropriate for community agencies to be involved because there would be a conflict of interest?

Mr Stanhope: I think the initial expression of interest in community involvement was that there be a member of the community, a non-ACT employee, as part of the tender selection panel for the selection of a consultant to undertake work in relation to the inquiry. I received advice—indeed, a formal brief signed by three ACT chief executive officers, two of whom are here. I don't have it in front of me and I don't want to misstate it. I'll ask Mr Keady to confirm the nature of the advice to me, and Ms Lambert.

The nature of the advice to me was to the effect that it was the view of the chief executives of the department of justice, the department of disability and housing and the department of health that there were issues in relation to our procurement processes in the first instances, but there were certainly issues in terms of the government's accountability in having on a tender selection panel a person who was not answerable to or accountable to the government of the day.

I accept that advice. I believe there are certainly issues there in terms of straight-out governmental accountability for decision making and particularly procurement where part of the process in relation to the selection of tenderers to undertake work on behalf of government are not people answerable or accountable to the government, particularly when they're responding and operating to a set of procurement guidelines. I can confirm that but, as I say, I haven't looked at that piece of advice since the day I accepted it, so I hope I haven't misstated the essential position. But yes, I've received that advice.

Regarding the point you have made about conflict of interest, an argument has been made that there is, in some way, a conflict of interest in the government's undertaking a review into the efficacy of certain of its processes and procedures. If that were to be accepted, one could say that about just about everything that governments undertake or every review they undertake or every review mechanism they're involved in—that there's a conflict of interest.

I have trouble grasping the suggestion that there's a conflict of interest inherent in the government's facilitating a review of anything, otherwise every time we sought to do something the suggestion would be that we are, in sense, looking at our own processes and our own procedures, so there is an inherent conflict of interest.

That was the suggestion that was being made about the government's position in relation to this. I have said that, if that argument has strength, and I don't believe it does, you could make exactly the same argument in relation to community involvement. In any process that involves the community, the community has an interest in a certain outcome and, therefore, it has a conflict of interest.

It seems to me a circuitous argument that gets us nowhere. I don't believe it applies to the government in the reviewing of its processes, just as I don't believe it applies to the community. I don't accept the argument in either case. But if you accept it for the government, I suggest that you have to accept it for the community as well.

MS TUCKER: So you're saying that only came up in response to an initial concern expressed that the government has a conflict of interest.

Mr Stanhope: Yes.

MS TUCKER: And you said that therefore the community sector has—

Mr Stanhope: I don't know whether I've ever said that, but that is my thinking. If anybody is to maintain an argument that the government has a conflict of interest in the arrangement, I believe—

MS TUCKER: But it goes the other way, too, obviously.

Mr Stanhope: That is my position. I don't accept that the government has a conflict of interest and I don't believe that the community has. We have interests, but I don't necessarily consider them to be conflicts of interest.

MS TUCKER: So you're saying that that is how that statement came out.

Mr Stanhope: Yes.

MS TUCKER: It came out because someone said that the government couldn't do this and you said, therefore, that the community couldn't. It didn't come out as an initial reason why you wouldn't have community people on the selection panel.

Mr Stanhope: Absolutely not. My concerns around community involvement arose initially in relation to suggestions that the community should be part of the tender selection panel, and I do have an issue with that. That was the advice I received from Mr Keady, Ms Lambert and Dr Gregory at the time and I accepted the advice that I received from those three CEOs.

MS TUCKER: Is it such a precedent? You've done things in partnership with the community before; for example, the poverty task force whereby you were in partnership with the community in a way that had very important implications.

MRS DUNNE: No, we did that.

MS TUCKER: The previous government did that; Mrs Dunne corrects me. The point is that there is a precedent there. I don't quite understand why it is such a—

Mr Stanhope: I don't have an inherent difficulty; for instance, the Disability Reform Group. We have partnerships in a number of areas and I don't have a difficulty with that. I'll ask Ms Lambert to respond. Ms Lambert has central oversight. There are three ministers involved in this process; it does cover three portfolios. I'm the minister who has accepted some responsibility for it and Ms Lambert is the chief executive officer who has accepted responsibility for its administration.

In relation to this matter, the position that I've taken was based on advice that I received at the outset in relation to the probity of the tender process. I accepted that advice and I believe that advice is sound. Perhaps there's a whole range of models. I'm comfortable with the model. Perhaps Ms Lambert could—

MS TUCKER: If I could just continue before Ms Lambert replies. I'm interested in further explanation of that, but why have you not allowed the community to be involved in the evaluation of the management team that the FEMAG group, I think it is, will be working to? I'm sure you are aware that this is of concern, again, to the community sector because they feel as though it's very much controlled by government.

The argument you made before, I would have thought, would have meant you would be very careful to make sure the community was involved because the CEOs who are now in charge of this evaluation and management panel obviously are major providers of services which are subject to complaint, and people want to have faith and confidence in this process. I don't understand why you are reluctant at this stage to bring in the community.

Mr Stanhope: I'll ask Ms Lambert to respond to that in terms of the processes that, from this point on, will be followed. Certainly, Ms Tucker, I'm aware of the views of ACTCOSS. I have to tell you that I have not been swamped with letters or complaints from the community in relation to this process. I think I have had a single representation from ACTCOSS on the matter.

MS TUCKER: There are other people. The chair of the ACT Disability, Aged and Carer Advocacy Service has spoken as well. I understand that there are some other people. Sorry, I haven't got the list here.

Mr Stanhope: I'd have to check my correspondence as well. I do keep across it and I can't go to the detail of it, but—

MS TUCKER: ACTCOSS is a peak group, representing lots of groups.

Mr Stanhope: Certainly. I accept that. I have had a representation from ACTCOSS in relation to this matter. I can't recall for myself receiving other representations, communications or correspondence in relation to this issue. So, just in terms of the

comment that you make about the level of community concern about the process, that hasn't been conveyed to the government with any force. I just respond to the point you make by saying that.

I have no desire to exclude full community involvement to the degree I believe it appropriate in relation to the process and the consultant that's working on it. I would expect, and I'll ask Ms Lambert now to confirm that, that there will be every opportunity for ACTCOSS and the community to be involved in this. But at the heart of the process, we're looking at the Office of the Community Advocate, we're looking at the offices of the Discrimination Commissioner, the Health Complaints Commissioner and the ACT Ombudsman, and we're looking at the way in which government does business.

Certainly, it does business in a whole range of areas of fundamental concern to the community; I accept that. I guess at that level I'm looking at this in the context of a number of government offices being reviewed, and I think the process is appropriate and I expect that there will be significant community consultation, input and application of the process, but perhaps Ms Lambert could just go through that detail, because I'm not across it.

MS TUCKER: I would like you to explain why you think it's appropriate.

Mr Stanhope: Sure. Perhaps if Ms Lambert could indicate at the outset—I have to say that I'm not across the detail—what the process will be that will now be followed in relation to the inquiry.

Ms Lambert: We have begun the process of consulting with the community—we started that on Friday—and there will be plenty of opportunities throughout the period of the review to continue that consultation. We began, with the people who were being reviewed on Friday, with the consultants and also with the community groups, and we'll continue to do that. We understand there will be issues around the capacity of some people to input to the discussions, such as people with disabilities and so on, and we're looking at ways we can do that.

Ms TUCKER: I'm sorry, if I could just interrupt. The question I'm asking is not about how you will consult. The question I'm asking is about why you gave the advice, if you gave the advice, that there should not be community representatives, such as from ACTCOSS, the peak group representing very many member groups, on the management team. That's my question.

Ms Lambert: All right. The steering committee is a steering committee of chief executives.

MRS DUNNE: Yes, we know that, but why?

Ms Lambert: The Chief Minister went through a range of reasons, but also this is the first time that I think there's been a review for some time that involves statutory office holders, and that was part of the deliberations of the management committee, and that was the advice that we gave.

MRS DUNNE: Could I actually go back a step, please, to what the Chief Minister said earlier in the piece? I have had a number of representations from individuals, not organisations, who are concerned about being dealt out of the game on this one. Could we go back to what I believe was Mr Keady's advice as to, first of all, why committee groups shouldn't be involved in the tender assessment—perhaps it would be better if Mr Keady gives an exposition on that advice—and then go on to why, after you've selected somebody and you've got a steering committee, or whatever you want to call it, there is no community representation on that?

The Chief Minister has said a number of things, but I think the most damning thing was when he said that he thought there should be "full community involvement to the degree I consider appropriate". I don't think that's a very good start.

Mr Stanhope: They're the decisions ministers make in relation to every decision, Mrs Dunne. I regret the fact that you don't believe ministers should make decisions and express their view or position on issues. It's damning that I have a position on something and I express the position and, at the end of the day, I make the decision and stand by it. I've made the decision, Mrs Dunne. If you have concerns about ministers making decisions, so be it.

MRS DUNNE: It is a minister's job to make decisions, but you're saying you're going to have full community involvement, but you're going to control the way it happens. I don't think that's particularly satisfactory.

Mr Stanhope: I'm going to decide the process, Mrs Dunne, of course. That's how ministerial government operates; ministers make decisions. But I'll ask Mr Keady to respond to your question.

Mr Keady: I guess I should make the obvious point that this is a report ultimately to government about a range of offices for which government is responsible. They vary widely in their impact on the community and the functions they discharge. There are a couple in the justice portfolio, there are some in health, and some in what is now the disability area.

In view of the wide range of interactions, we discussed for some time how best to look at, if you like, almost a reordering of the universe. There was concern of long standing about overlaps and duplication with the reorganisation of the disability function. There was a new office being created which had to be accommodated within all the existing functions and responsibilities, and we looked at ways in which this could be looked at objectively and rationally, but in a consultative way.

For that reason, with government approval, we went through a tender process to select someone who would have the appropriate expertise and credentials to undertake what will be a very complex examination. The view that I took, and I'll speak personally, is that, given the kinds of things that are often said about procurement processes and the highly technical nature of the procurement process, it was appropriate and safest, frankly, to keep it within the government realm.

So far as the participation of community representatives is concerned, it seemed to me likely that anybody who had expressed an interest and would want to be involved in the procurement process would later on have very strong views they would wish to put to whoever it is that's going to undertake that examination. I still believe that to be the case. So the procurement process was undertaken in accordance with the procurement guidelines and all the other obligations that were discharged and there are now, as you know, consultants on board.

It was always the intention, and was certainly expressly stated, that the consultants would operate in a highly consultative manner. It was always intended that they would develop a consultation process that allowed all the organisations, indeed individuals, who have got thoughts or opinions about these matters to have them heard and assessed.

Obviously, there are the office holders within government who have their views, and there are many organisations and individuals in the community as well. The process is not being undertaken in a way that is going to ignore those many views. It is designed deliberately to collect them and to assess. Obviously, there will be a report in due course to government. That report itself, I would imagine, in the usual way will be made public and people will express their views on the report prior to the government making any decisions.

In terms of consultation, given the very wide range and not necessarily, could I say, disparate views on some of these issues, I think we've taken into account the need to consult the community as best we can, and in a way that doesn't involve a particular viewpoint being given a privileged position, either through the procurement process or at a steering committee level.

Could I just make one final point about the steering committee? It is just that. The steering committee isn't intended to form or direct the consultancy in relation to the views it might form. It's more of an administrative process which, in the way of these things, provides administrative guidance and assistance where required. I don't see that as a very intensive process, and it's certainly, in no sense, an alternative to or a competitor with the consultation obligations that the consultants have.

MRS DUNNE: Did you give any advice, Mr Keady, on whether there should be community involvement in the steering committee?

Mr Keady: I think I probably did. I wasn't aware this issue was being raised this morning, so I haven't refreshed my memory, but it's quite likely that I did. If I didn't, I guess I could offer my view now that I think that, in view of the nature of this project, community consultation is best dealt with by the people we've engaged to act independently to collect and consider all those views and provide a report back to government. Their involvement with the community representatives will be direct—not mediated, but direct.

MRS DUNNE: Sorry, I don't want to labour this, but what do you see the relationship—you did say some words and perhaps I wasn't being particularly attentive, and I apologise—between the consultants and the steering committee? You said something about assisting.

MS TUCKER: Administrative guidance and assistance.

Mr Keady: Yes. The consultants are working to terms of reference. If they want advice about how far to go, or the application of some of those terms of reference, they'd come back to the steering committee. There'll be issues as to timing. I don't know; there could be a whole range of administrative and other issues that might arise in the course of the consultancy.

I'm not directly involved in the steering committee. I just don't know what the interaction so far has been, but it's not the kind of relationship that I would expect to be very intensive. The consultants will work to their terms of reference directly and in the way that they see fit; that's what they're being engaged to do. If the concern or the fear is that the steering committee in some way is either going to or has an opportunity to nobble or in some other way inappropriately influence the consultants, then I don't see or accept that that fear is valid.

MS TUCKER: Can I follow up on that, please? You just said that, because of the highly technical nature of the procurement process, you felt it was not appropriate to have a community representative there because that community representative might be wanting later to put very strong views to the person who people selected; so you are putting the conflict of interest argument there. Why, then, do you not apply that to, for example, the CEO of the Department of Disability, Housing and Community Services, which has been the subject, obviously, of lots of complaints and is a major provider? Why will you not equally apply that argument there?

Mr Keady: I think that some obligations and some responsibilities are inescapable and, if you are the head of a department in the territory, then, whether you like it or not, you've got certain responsibilities. This is, after all, the government examining its own activities. If the suggestion is that in some way it is illegitimate for a department which is responsible to a minister for the discharge of these responsibilities to be in some way engaged in a review of what it's undertaking, I just don't accept it.

Where we have independent reviews which are intended to be at arms-length from government, that's usually in the wake of some controversy or some major issue in relation to that department's activities. I don't see this review as being of that nature. This is a cross-government review which involves, I'm not sure how many statutory offices, but quite a number. It's not focused on disability only, although that tends to be the tenor of some of the comments. This goes far wider than that.

MS TUCKER: No, I said housing. It's actually a department that looks at housing as well, and community services.

Mr Keady: Also, much more broadly, it's looking at health complaints and the Ombudsman.

MS TUCKER: It's very broad, actually, that department.

Mr Keady: Indeed. I guess the final comment I'd make is that if we were to select somebody from the community who would purport to speak or represent on that wide range of disparate interests, I'm not quite sure who it would be, frankly.

MRS CROSS: I'm not sure who to go though, but two things. Could you tell me who is on the steering committee and who the consultants are? The executive, I agree, have every right to make a decision on how they conduct the process. I would just like to know why you've decided on the approach that you've taken. My concern here is with the process. If you're doing something different from what was done under the previous government, if you could explain to the committee why you've made the decision to change the way you communicate and consult with the community groups.

Mr Keady: I might ask Ms Lambert in a moment to help me with the personnel. But, as far as I'm concerned, the approach we've taken in relation to managing the consultancy—first of all, going through a procurement process to choose consultants and, secondly, setting up a steering committee to work with the consultants—is pretty much standard practice. I'm not aware that we've departed in any way from a fairly typical public service model for managing consultancies.

MRS CROSS: I think you misunderstood my question. I'm not questioning how you went about hiring the consultant or how you went about picking the steering committee. I'd like to know who is on the steering committee and who is the consultant. I'm not questioning your process there. The process I'm questioning is why you've chosen to have a consultant and a steering committee and not have representatives of the community on that steering committee, so it's your motivation behind it.

Mr Keady: If I could refer again to the very wide range of activities and responsibilities that are going to be reviewed. It is something which requires, I think, a range of skills and objectivity, which is one of the reasons we brought in external consultants and didn't do it internally. In respect of at least some of those activities, we were aware that there were some very strong views in the community and it was necessary to examine those and form opinions about them. To that extent, it was felt best that those people who have those views be consulted directly by the consultants and not be involved in the process of managing the consultancy, where it might be said that some opinions might be brought to bear in a way that influenced the outcome.

Ms Lambert: Did you want to answer as to the personnel involved in the consultancy? They are the Foundation for Effective Markets and Governance, called FEMAG. The people who are involved in this include a former president of ACTCOSS, a former chief executive of the Consumers Federation of Australia and a former director of the Australian Competition and Consumer Commission. I can provide you with those details, if you'd like me to.

MRS CROSS: If you could, yes, thank you.

MS TUCKER: Can I just put on the record that, as far as I know, people are very comfortable with who has been selected. I just want to make sure that's understood. But the concern still lies with the process that's continuing in terms of not having some formal community engagement. Mr Keady, you spoke of the highly technical nature of procurement. I hope you weren't suggesting that a community representative or whoever was nominated by ACTCOSS as a peak group wouldn't be capable of dealing with the highly technical nature of procurement.

Mr Keady: No, ACTCOSS is one set of interests and, whatever views they bring to bear, they're a peak body and certainly it would be essential to consult them. That was always intended, so they're not being excluded from the process.

Mr Stanhope: I might just say in relation to that that one of the things that's always in my thinking and one of the reasons I was comfortable with this particular process and this particular model, to answer the specific point you raise, Mrs Cross, is that there's a number of models of review or consultation that are used all the time and different circumstances attract different responses. In relation to this we have, through the procurement process, hired consultants.

The consultants are off responding to terms of reference. The terms of reference are broad and encompass a range of organisations. There's a steering committee; in other words, the heads of three departments—JACS, Disability, Housing and Community Services, and Health—are overseeing the consultancy. In other words, they're ensuring that the contract delivers what it is that we're contracted to and are paying to have delivered.

So we've gone outside, we've gone to independent providers, a very significant group. They're undertaking work on behalf of the government, pursuant to terms of reference. They will consult widely as a part of that. There's just another model being proposed and the government is being tested on why it chose that model and not a model that includes the community as part of the oversighting or even the undertaking group.

This is a very broad-based inquiry. It's looking at a number of statutory offices and, to some extent, statutory office holders. You can pose a question as to why we didn't have ACTCOSS on the steering group or, in one other model, why we didn't have ACTCOSS as part of the group undertaking the study. You might say to me me, and it might legitimately be said to me, that this is an inquiry into the offices of the Discrimination Commissioner and the ACT Community Advocate. Those are offices that have been under some stick. They have a view on how perhaps they might best proceed. If it's suggested to me that we should have a community representative in ACTCOSS, with a particular position to put, why would you not then include those who were being reviewed?

Why would you not then include the Discrimination Commissioner on the steering group? Why would you not include the Community Advocate on the steering group? Why would you not include the Official Visitor, whose functions are also being reviewed? Why would you not include the ACT Ombudsman? Why would you not

include the Community and Health Services Complaints Commissioner? Why would you not include the chair of the management assessment panel? All of them are being reviewed, along with half a dozen advocacy organisations which have a very real stake in this review and in the way it might be taken forward.

I think there are very good reasons why you wouldn't include the Community Advocate and the Discrimination Commissioner in a review into complaints mechanisms in the ACT. I think it appropriate that we go outside the service, that we engage independent consultants with expertise in the issues that are being reviewed, and I think it appropriate that we ask three chief executive officers responsible for the delivering of a range of services and programs to the government and community to oversee the contract that has been let. That's what we're doing.

You can put up, as is being done here, another model and you might say, "We think our model is better than your model." At the end of the day the government, in this particular instance, decided through the procurement process to contract with experts to undertake an investigation of our complaints mechanisms, asking them to consult widely with the community. I have to say the case would need to be made to me as to why the community thinks this process disempowers them as against any other process. I can't see how it does; I simply can't see how it does.

We're talking about ACTCOSS. The other service provider or consumer organisations or peak bodies with a significant stake in this particular inquiry are, of course, the Youth Coalition, the AIDS Action Council, the Council on the Ageing, ACT Shelter and ACROD. We could have ACROD on it as well or we could put COTA on it. In the end we would have a mechanism, an arrangement and a management structure that would probably be unworkable. So we've made our decisions. I think it's a good model that will hopefully deliver us a good result in terms of the efficacy, efficiency and utility of complaints mechanisms in the ACT.

THE CHAIR: Members, I want to try to wrap this up. We could go on forever and have a nice philosophical debate about it.

MR HARGREAVES: I just wanted to check on the Chief Minister's view on the perspective that each of those statutory offices operate independently of the bureaucracy and report directly to the Assembly through their annual reports. Therefore, your view would be welcomed on that. I would suggest that there is no nexus in this instance between the independent statutory offices and the bureaucracy that is setting up an independent inquiry into them. It is not a case of the community at large, including the Assembly, examining the advocacy of those offices. These offices, are they not, are purely independent statutory offices?

THE CHAIR: Ask your question.

MR HARGREAVES: I've asked the question. I have asked the Chief Minister to comment on that perspective.

Mr Stanhope: Some of them are. It's part of the issue. It's certainly one of the considerations that were taken into account. If you go to the heart of what we're doing

here, we're all aware of the debate around what happens in a small jurisdiction such as ours with a number of officers, such as, I think of two examples, the Discrimination Commissioner—I'm sure Ms Follett would be more than happy to advise the committee in due course how woefully underfunded and understaffed she is—and the Health Complaints Commissioner. We have a number of small, complaints-oriented officers doing fantastic work on small budgets and with small staffing allocations.

The question raised from time to time is that this is not necessarily particularly efficient, that perhaps there are other models that we could utilise. That goes as well to the Ombudsman. It also goes to the Privacy Commissioner. The Privacy Commissioner is not mentioned here, but there's a whole range of other officers, each of whom take complaints.

I share the view that the current structure, with a large number of small offices competing for resources, is perhaps not, at a level, a particularly efficient way to go. I'm not suggesting that we're looking just at seeking efficiencies. Some people within the community don't think that the complaints mechanisms work as such, that they don't get the outcomes that perhaps they would expect. They're the sorts of issues that will also be looked at.

Certainly, these are all statutory officers. At one level you might say that each of them has such a stake and has such expertise that they should all be on the steering committee, but I think that that would be just so unwieldy and unnecessary and would not enhance the advice to government.

MS TUCKER: I would like to be really clear on the role of this steering committee. You called it overseeing the contract. You've got three chief executive officers, the highest level you can go, overseeing this contract. Is that what you normally do with all contracts? Do you have a chief executive officer having a personal oversight role? My second question—I'm not going to be able to ask any more because the chair has asked me to draw it to a close—is that I would like to see the terms of reference, the brief, for that steering committee. You can give it to the committee in writing later.

Mr Stanhope: To the extent that it's unusual, and I think it is unusual that there is a steering committee of three chief executive officers, I don't think we should understate the implication or effect of that. Three of the most senior people working within the ACT public service have a responsibility, essentially, for overseeing and managing this contract to the extent that it needs management.

Ms Tucker: That's my question. To what extent does it need managing? That's what you can give us later.

Mr Stanhope: Potentially, not at all. It may be that the consultants are so clear in their interpretation of their terms of reference that they are happy with every aspect of it, that they'll feel no need themselves to come back. I would hope that the ACT public service seeks at some level to manage all contracts. I think it's important in all contracts let that we have some oversight of what's going on in the delivery of the product that we've contracted to have delivered and that we're paying significant moneys for. I know that we're under some time pressure, but certainly we can respond in writing to the issues around the role of the steering committee.

THE CHAIR: That might be a nice option. Thank you, Chief Minister. Members, we'll now go to the overview statements and capital works, where relevant, of the Department of Justice and Community Safety. Chief Minister, would you like to make an opening statement on behalf of the department?

Mr Stanhope: I'll make no statement, Mr Chair. I thank you for the invitation to attend today. Mr Keady and all officers of the department stand ready and very willing to answer fully and frankly all questions that the committee have of them.

THE CHAIR: Chief Minister, we will hold you to that. Members, what we might do between now and, say, 11 o'clock is have general questions on the overview, the initiatives and capital works. Between 11.15 am and 1 o'clock, when the Chief Minister has to go, we'll do the output classes, the Legal Aid Commission and the Public Trustee. Are there any general questions?

MRS DUNNE: I have many questions, but I think that I'll start with a question on planning, which is always dear to my heart. Minister, in the initiatives there is \$348,000, with a small increase in the out years, for mediation services in the AAT in relation to planning. How do you envisage that this will work? I refer to BP 3, page 170.

Mr Keady: Bruce Kelly, the Courts Administrator, who will be responsible for setting up that service, will answer your question for you.

Mr Kelly: Advertisements have already been called for additional members of the AAT. Amongst the selection criteria for those people will be mediation skills. That will give us some capacity in-house to conduct those mediations. The longer run, I think, is an outsourced model, so that a panel of accredited mediators can be established upon which we can draw, as required, to refer matters out.

MRS DUNNE: Excuse me for stating the bleeding obvious, but I thought that the whole idea of the AAT was to mediate things and that members of the AAT were supposed to have preliminary inquiries to see whether they could solve the problems. Aren't those skills already there in the panel?

Mr Kelly: Certainly, but the area of expertise is in land and planning. While some of the current members of the AAT possess that bit of technical knowledge, it was decided that we really needed a broader base of potential part-time members that we could call upon as specialist cases arose.

At this point, we don't know what the demand is likely to be for mediation in these cases. The whole land and planning system has been integrated and there is very much an emphasis on front-end consultation, even at the local neighbourhood level. If an extension is going to block views and those sorts of things, the system encourages people to talk to their neighbours. We can't at this stage tell how many of those types of cases are actually going to walk through the front door of the AAT.

It is true that there is extensive pre-trial, if you like, conferencing of AAT matters and those are directed towards, where possible, achieving a resolution, but, equally importantly, limiting the issues so that by the time they go for a hearing and determination by the tribunal the time spent on that is minimised and the real issues are dealt with.

MRS DUNNE: Thank you for that. Just a follow up, briefly. How many more part-time members do you think you will empanel for the planning area of the AAT?

Mr Kelly: We would hope to have in the order of five or six on call. So, rather than being used full time, that would be the sort of number which would give us the capacity to move the things through within the statutory timeframes set by legislation.

MRS DUNNE: In that case, you're actually looking for multiskilled people. You already have people empanelled who do have this expertise.

Mr Kelly: Yes.

MRS DUNNE: You're looking for that with the added skill set of mediation.

Mr Kelly: Yes. But, in the end, this is a new process, so we have to see what happens on 1 July and who first walks through. In terms at least of physical infrastructure to allow mediations to occur and the likely patchy nature in the first six to 12 months of demand for these services, we're certainly not ruling out having an expert external resource that we can refer cases to so that mediation can be attempted and the matter bought back to court if, and only if, that mediation fails.

MRS DUNNE: To have an on-the-ground capacity on 1 July, you envisage some outsourcing.

Mr Kelly: Yes. Probably the proper order is that we'll have the panel first, and I understand that that process is coming closer to resolution in terms of selecting the panel.

MRS DUNNE: So you've advertised.

Mr Kelly: We advertised. It's closed.

MRS DUNNE: So you're in the selection process.

Mr Kelly: We're in the selection process as we speak.

MRS DUNNE: And who makes those appointments?

Mr Kelly: That's an executive appointment.

THE CHAIR: Minister, I have consulted with members and all other parties involved about who is and isn't required today and, at this stage, committee members and

MLAs won't require anyone from the offices of the Government Solicitor, the Community Advocate, the Registrar-General, the Commissioner for Land and Planning and the Public Trustee. I thank those individuals for attending. With that, we will move to Mr Stefaniak.

MR STEFANIAK: My question is about capital works and expenditure. On page 266 of budget paper 4 there is a reference to the accommodation lease for GIO House. The outcome for this financial year is \$238,000 and for the next financial year it is \$738,000, that is, 2003-04 and there is nothing for the out years. First, could you explain the difference between this year and last year? Was that only part of a payment for the current financial year? What is the story there? There is a significant difference there.

Mr Keady: Mr Stefaniak, we might take that on notice, but perhaps I could indicate in general terms that our lease in GIO House is expiring and the department will be moving before Christmas. I think those figures reflect the changeover, but I can't tell you immediately how they were compiled. If we could take that on notice, we'll get back to you.

MR STEFANIAK: Do you know where you're actually moving to?

Mr Keady: Yes, we've signed a lease for 12 Moore Street.

MR STEFANIAK: Is the lease price for that accommodation less than you're paying at present?

Mr Keady: We went through a procurement process to find our future home and we looked at all the offers that we were able to gain for what, effectively, will be a 10-year lease. The place to which we're moving was assessed as being best value for money, given the particular needs we have and the space we require. All those things were taken into account, including value for money.

MR STEFANIAK: And it's a 10-year lease.

Mr Keady: Yes.

MR STEFANIAK: Would you be looking at around \$750,000 a year? I see the figure of \$738,000, which presumably is to take you up to December.

Mr Keady: I don't have the annualised figures with me, but I can certainly provide them to you.

MR STEFANIAK: Could you provide those?

Mr Keady: Yes, certainly.

MR STEFANIAK: Chief Minister, I take it one of the options for a new Supreme Court/Court of Appeal building is that, amongst other possible tenants for the current

Supreme Court building, the department could go in there. Does the government have any further plans to look into replacing the Supreme Court building with a new one or is that project effectively dead in the water?

Mr Stanhope: It's not dead in the water. I've indicated previously that it's not a project that necessarily captured my imagination and I did make some unkind comments about the extent of the space within that particular building, which I don't completely resile from, but I do acknowledge that it's a building that certainly shows it's age. It's not of great utility and there are some significant design issues with the current courts and the current configuration. There is a discussion or debate we can have, philosophical perhaps as much as anything, around the majesty of the law and the extent to which the facilities reflect the majesty of our Supreme Court, but that's perhaps a debate for another place.

In the context of other pressures on our capital budget, the point I've put in the past is that the Supreme Court is yet to find its way to the top. But I have had discussions with Mr Keady about the need for a new Supreme Court. We've discussed, as I'm sure you discussed with the department, issues around whether we should simply upgrade the existing building or whether, in the context of the existing building and the difficulties with its upgrade, we should go to a new building and how we would do that. Indeed, I'm sure you've had the same conversation about whether to seek to incorporate within a courts building a range of other accommodation for other government instrumentalities and the department.

We're still working at a level on achieving a new Supreme Court. I'll ask Mr Keady to talk about that but, as you know, it's not within the capital works budget at this stage. I am certainly open to the development and construction of a new Supreme Court. But in terms of the capital budget, at this stage it's behind a remand centre/prison and it's behind a convention centre, but that's probably where it's up to in the list of major capital works projects. A new Supreme Court is probably there in the list behind a prison/remand centre and the convention centre as a major capital works project over and above the major capital works that we do on a cyclical basis in health and education. It's there and it's percolating, but Mr Keady could perhaps just give a little bit more detail.

Mr Keady: The department is currently working with the courts to re-examine the specifications which we developed for a new building just to verify them, particularly now we've got the Court of Appeal operational. In light of the experience we've had recently, we are in a better position to, I guess, review and validate our assumptions previously about the amount of space required to accommodate that function as well as others.

Once that process is completed, and it should be completed fairly soon, we'll be discussing with Treasury, on behalf of the government, the funding options that may be available and that may well lead to some other studies. There are a number of potential models for a building or for providing the court with more appropriate accommodation for some of its needs, but ultimately we depend upon a decision being made as to the availability of finance. It will be a fairly expensive project.

As to what might then become of the existing building, that would be somewhere down the track. We've previously given some consideration as to the adaptation of that building for departmental space. We are quite severely limited, I think, in what we may be able to do with it because it is heritage listed, both externally and internally. There are internal features of that building which act as considerable constraints on some of our ambitions.

There's a central atrium which has to remain intact. That intrudes significantly on the renovation options for the building, particularly turning it into office space. There are other features which we may well find add to those limitations. For example, the courtrooms are furnished with timbers from the various states and quite deliberately so, and that creates a heritage consideration which we haven't explored. Obviously, if you wished to adapt those courtrooms to office space, that would mean demolishing those structures and the timbers that go with them.

MR STEFANIAK: But there might be problems with demolishing it.

Mr Keady: There may well be. Until we really have a firm proposal and firm intentions for adaptive reuse of the building, we won't be able to fully explore its potential.

MR STEFANIAK: I hear what the attorney says in relation to his priorities for a new court building. I note you said that you're looking at a 10-year lease. If a new court building became a reality within the next few years, would that cause a problem, in terms of the lease you're going into, with the department moving into that new building or into the new building and the old Supreme Court building?

Mr Keady: It would be something that would have to be managed around. In moving, we are having to engage in quite an expensive fit-out to accommodate the department. Given the financial commitment to that fit-out, one would not normally move for a lease period much less than what we've entered into. If another opportunity came up in, say, five years, because we're talking about quite a few years ahead before this possibility might become available to us, one would explore then negotiating our way out of the lease, perhaps finding other government tenants who may wish to move in if we moved out. It's almost impossible, at this point in time, to foresee those options, but they're the kinds of things we would look at at that time.

MR STEFANIAK: Can you tell the committee what the fit-out costs will be in relation to this move that you will be doing?

Mr Lenihan: We have an allocation in our capital works program of \$3 million for that for 2003-04.

MR STEFANIAK: And that's primarily the figure that you'll need.

Mr Lenihan: Yes, the move and the fit-out.

MR STEFANIAK: In relation to the old building, Chief Minister—

Mr Stanhope: Which old building?

MR STEFANIAK: The current Supreme Court. According to page 268, providing access for the disabled to the current Supreme Court building is estimated to cost \$1.414 million. It seems that this project has blown out in terms of a time scale. Only \$207,000 has been spent in the current financial year and the remaining \$1.207 million is to be spent next financial year, with an expected completion date now of January 2004. What was the problem in relation to this project not being finished?

Mr Stanhope: I'll ask Mr Keady to go into the detail of that. There was a couple of factors, but perhaps I should leave it to Mr Keady. In relation to the discussion around the Supreme Court, it is one of those projects that, I think, there is general acceptance that there is a range of aspects or features of the existing Supreme Court that are certainly unsatisfactory. Disabled access, of course, is one.

It's a building that was designed at a time and shows its age to the extent that there is no disabled access. Interestingly, and it's a point that has been made well, there is no disabled access to the jury facilities, for instance, within the courts. That's an issue that, of itself, discriminates against people with mobility issues or difficulties. We acknowledge that and funding was provided to address some of those issues.

Mr Keady might confirm it, but I think there's some uncertainty around the future of the Supreme Court and whether we should be aggressively pursuing other funding options in relation to the construction of a new one may have impinged on our thinking. Associated with that were some significant issues that we faced in relation to the safety aspects of the new Magistrates Court. I think you're aware, Mr Stefaniak, that on a couple of occasions over the last year distressed litigants or others within the Magistrates Court have hurled themselves off the top level of the court into the stairwell.

MRS CROSS: Deliberately?

Mr Stanhope: Yes, in moments of distress. There's an issue there concerning our duty of care in relation to the inherent safety or otherwise of the Magistrates Court. Indeed, I think, Mr Keady, that that's an issue that we've moved to address and some of the funds that were allocated for disabled access, I think, have been utilised for that purpose. I'll ask Mr Kelly and Mr Keady to confirm the details of that.

MR STEFANIAK: Just before you do: disabled access has been an issue for some time and it was certainly an issue on which you ran very hard in the lead-up to the last election. I think you and a Molonglo candidate had a media event—I won't call it a stunt, Chief Minister—outside the court.

Mr Stanhope: It would be unnecessarily ungracious to call it a stunt.

MR STEFANIAK: It would be. I think you had a media conference then. You rightly pushed the line that something needs to be done. You are now in government, but it still seems to be a very slow process. I note what you say. Even so, for something that obviously you see as important, as do I, it is a slow process.

Mr Stanhope: It has taken some time, Mr Stefaniak, but it's being progressed. I'll ask Mr Keady to explain the ways in which it's being progressed.

Mr Keady: To pick up on the minister's comments, Mr Stefaniak, there was some consideration given to it last year, because the department was pursuing with the government whether a commitment might be made earlier rather than later to a new building. If that commitment had been gained earlier, the thought was that it would obviate to a large extent the kinds of works that we were contemplating for the Supreme Court.

The reality is that what we can do to the Supreme Court to make it comply with the kinds of expectations of people these days is limited. The building won't admit the full range of adaptations that one expects these days for people with disabilities. We can do some things, but not everything. So there was a delay whilst we explored the possibility of a commitment to a new court at that point and that didn't eventuate, so we're now moving on with it.

The other issue which intruded was the one also referred to by the minister, which was the need to deal with an occupational health and safety issue in the Magistrates Court. That is currently being pursued as well and it will be financed from the same moneys. It has to do with the safety of individuals, as the minister has indicated, some of whom in moments of distress have injured themselves. We have an obligation to reduce as much as we can the risk of that occurring in future.

It's not as straightforward as it sounds, either, because we need to deal with the original architect because, effectively, we are going to alter the design. There are architects' rights these days. We also want to do it in a way that not only ensures the safety of users of the building but maintains, as far as possible, the aesthetics of the interior. That's being worked through at the moment and I think we have let a contract for that work.

Mr Kelly: I can speak to the update on the position. At the moment, both projects have successfully got to feasibility study stage, and that was part of the approach to scope the works, to determine what was feasible in terms of both buildings and what could be met from the existing allocation. I'm pleased to say that at this stage, as we stand today, there's general agreement about the scope of works, particularly in the Supreme Court, in relation to disability access.

MR STEFANIAK: Just on that: you say both projects are at the feasibility stage. You also said that some of the money in last year's budget allocated to disability access actually was spent in relation to issues around safety in the Magistrates Court. My first question is—

Mr Keady: It hasn't been spent yet.

MR STEFANIAK: Okay, it hasn't been spent yet, but how much has it been proposed to spend? Second, I also heard you say that the money would come out of what has been allocated this year, as I heard it, for disability access. The third point is that you say that both projects are at the feasibility stage. Mr Kelly, can you be confident that the further blowout in time for the disabled access, which now it sees it being completed in January 2004, is realistic, is actually going to be achieved then, or are we likely to see further delays in that important project?

Mr Kelly: Despite the best advice, I would be inclined to say absolutely, yes. The reality of doing the scale of work, particularly in the Supreme Court, that's proposed, and we're talking about quite extensive work, means that that work's construction needs to be conducted during the court's vacation, so that the majority of the construction work will actually occur from the third week of December to about the third week of January.

That has required us, I think, to have a look at the listing strategy for the Supreme Court. Effectively, we're likely to see about a one-week delay in recommencement of the court in 2004, at the end of January. We already have agreement in principle from the Federal Court that we could use a federal courtroom during the course of that construction so that we can keep the list ticking over.

Yes, we're on track in terms of the procurement strategy for these things. These types of lifts come from overseas and there's about a three-month time lead on ordering and we're pretty much on track. I wouldn't say here for a second that the work that's scoped will achieve 100 per cent compliance with disability access in that building. I don't think that that is possible.

The early estimates are that, to achieve that sort of compliance rate, the budget would be in the order of \$4.5 million. What we will be able to achieve within the existing budget is probably 30 per cent compliance, but it will be compliance for about 80 per cent of the use, if you understand what I mean. It will only fix 30 per cent of the non-compliance points in the building but, in fixing those 30 per cent, about 80 per cent of the clients and the need in the court will be met. Basically, once you put a public lift in you've solved lots of disability access issues.

MR STEFANIAK: What 20 per cent won't be met? I can understand with some compliance things that an 80 per cent target isn't all that bad, but with something like disability access the 20 per cent that won't be met could be a very important 20 per cent. What sorts of things won't be met?

Mr Kelly: Certainly. If we have the coincidence, for instance, of a juror or two jurors in two trials in wheelchairs, counsel appearing in a wheelchair and a disabled judicial officer and associate, all of whom would like full disability access to the whole building, then that may not be achievable. We've taken a view that the money that's available will be used to the best effect and that means effectively making at least one courtroom completely compliant.

MR STEFANIAK: My final point on that relates to the figures in terms of what is

proposed to be spent on the Magistrates Court for the problems there and what is proposed to be spent on the Supreme Court. Also, why don't you have a separate item in this budget for what's needed in the Magistrates Court?

Mr Keady: A decision had been made prior to the budget that it would be financed out of the moneys already available to the Supreme Court, so I guess that has simply carried over and there were already discussions and commitments being entered into along those lines. As to the scope of the work in the Supreme Court, as Mr Kelly has said, within the funds already allocated we will provide for most of the needs that we can foresee, particularly given that it involves the installation of a lift, making one courtroom fully appropriate for disabled use, and given that we are looking ultimately but obviously not with a time horizon yet, at replacing the entire building.

The scope of the works required to make it fully compliant is beyond reason, I think, particularly as the design of the building and its heritage limitations probably wouldn't allow us to go to the full extent anyway.

MR STEFANIAK: Basically, in answer to my question, the budget had been decided upon before you knew how much you had to spend. I'd still need to know how much you propose to spend, firstly, on the Magistrates Court improvements and, secondly, in terms of work on disability access in the Supreme Court. If you don't have those figures, could you provide them to the committee?

Mr Keady: For the Magistrates Court adaptations, it is approximately \$300,000, but that would be subject to tender outcomes and final expenses because in work like that, I guess, at this point we wouldn't be able to dissipate all the potential construction issues that might arise. But that's approximately the amount we have got allocated.

THE CHAIR: We don't own the Magistrates Court, do we?

Mr Keady: We have a lease-back arrangement, but we're responsible for those kinds of issues.

THE CHAIR: Okay, it's a condition of the lease that we're responsible for those minor issues.

Mr Keady: Yes.

THE CHAIR: Some years ago, Operation Anchorage proved to be quite successful in reducing, in particular, burglaries in the ACT. At the end of Anchorage, we identified that we had a group of home-grown burglars in the ACT. You might recall the presentation that was given to cabinet of the MAG which said we'd finally identified a group and we came to a decision that there would be some research into this group at a senior officer level. I think that you and the heads of police, education and health were to get involved. Was that review ever done as to why people got into crime and what were the outcomes of it?

Mr Keady: Yes. There are a number of research projects under way as a follow-up. I will ask Mr Jory to give you the details of where those projects are up to.

Mr Jory: That research is under way at the moment. We expect a final report to be in from the Australian Institute of Criminology in about August. Essentially, the research involves very detailed analysis of the psychosocial factors involving, I think, something like 233 offenders that were arrested for burglary during that time.

One of the objectives is to follow the process from arrest right through for about 12 months to see where those people went. The unusual outcome from Operation Anchorage and other programs at that time was that, contrary to popular view, the rate of offending stayed down for about nine months. One would normally expect that that wouldn't be the case. After a blitz police operation, you would expect that it would climb back up within about three months.

MR STEFANIAK: It coincided with the Bail Act, though.

Mr Jory: It did coincide with the Bail Act. Unfortunately, we were trying to see if that was a factor, but the data keeping with respect to the Bail Act has been making that very difficult. We doubt if we will be able to.

MR STEFANIAK: You've still got problems with data keeping.

Mr Jory: We doubt if we'll be able to comment in any objective, effective way about the Bail Act itself.

Mr Stanhope: Don't let that stop you, though, Bill.

Mr Jory: We would hope to be able to describe a good deal of detail about the sorts of people that were arrested and we would also hope to be able to describe exactly where they were during that nine-month downturn. Were they in Corrective Services programs, were they on remand in Belconnen, were they serving some time at her majesty's pleasure somewhere else—those sorts of factors.

MR STEFANIAK: You will be able to find that out, will you not?

Mr Jory: Definitely.

THE CHAIR: Part of the discussion that led to this information being asked for was that we were trying to look at what were the causes of people getting into crime. Is that work being done through the Institute of Criminology?

Mr Jory: Yes. Essentially, we are looking at all of the psychosocial factors, the common factors, that would come out of a study of those people. They've had access to Corrective Services files as part of that program, so there is a wealth of information. I think at one stage the institute was describing something like 1,000 variables that they were looking at, which is quite incredible. So it's very detailed and very exhaustive research, but we would expect to be able to get a good deal of analysis out of it that will be very worthwhile.

THE CHAIR: Chief Minister, on page 170 of BP 3, one of the programs you have listed is the sexual offences response program. It's listed as a program, but I notice that the funding is only for one year. Can you explain why a program would only last for one year, or is it just a research project that was intended to last for a year and is not a program at all?

Mr Stanhope: I'll ask Mr Keady and Mr Refshauge to respond to that, Mr Chair.

Mr Keady: Since Mr Refshauge, who is the proponent of the program, is here, I'll defer to him.

Mr Refshauge: It is a program in the sense that we're proposing to identify a large number of items of material that's already, in part, in the public domain and in operation in various jurisdictions in Australia and overseas relating to the improvement of the investigation and prosecution of sexual offences.

The idea of the program is to create two levels of activity in the 12-month period. One is the assembling and identification of what needs to be done by way of proposed legislative change, procedural change and practice change to implement that, based on best practice that's available internationally and nationally; and, secondly, to start to bring together whole-of-government initiatives, because the approach to sexual assault is widely distributed throughout.

We've now identified all government agencies and, in order to approach this from a best practice perspective, we need to bring together the various activities and initiatives from the various departments to ensure that they are being directed in a consistent and effective way.

THE CHAIR: When you've done that, you will have to come back and bid for additional resources to implement it.

Mr Refshauge: Absolutely.

THE CHAIR: I assume what you come up with will cost money.

Mr Refshauge: To some extent. Legislative change is, of course, expensive, because we have highly competent legislative counsel that need to prepare careful and appropriate legislation and it may be that, for instance, in investigative techniques, there will be a need for some kind of equipment that's appropriate. But much of the change will be at a level where there will not be great financial investment. There will, however, be issues relating to, for example, the recording and preservation of evidence, and that may be necessary, supported not only by legislative change but also by physical change, within court buildings and within investigative agencies.

Until we've identified what it is that's needed to be done, there's no point in trying to put together some kind of budget brief for 2004-05 and thereafter. But we do see it as an ongoing program. What we need to do is draw breath now, identify what it is we need to do, particularly with best practice available, and then put in a bid and proceed from there.

THE CHAIR: The explanation in the budget paper says that it is to improve investigation and prosecution. Is there a problem or is there a failing in the system as it currently exists and, in terms of prosecutions, do we successfully prosecute at a rate that's comparable with the rest of the country or are we behind or ahead?

Mr Refshauge: We haven't done a detailed analysis. We're about in the mid-range, nationally. But the difficulty is that the success rate in achieving convictions in prosecutions for sexual assault is behind, and significantly behind, the success rate in achieving convictions in all other offences, and that includes offences which are much more difficult to prove, as well as those that are much easier to prove.

It will never be the case that in sexual offences we will achieve the same sort of conviction rate that we would achieve in, for instance, motor traffic offences. The fact is that most sexual offences are committed in private, where only the offender and the victim are involved. Issues of intention and, therefore, mental concern, like consent, are always going to be present and difficult to prove.

So they're always going to be difficult. But there are, as I've said, a number of best practice improvements which will not only improve, we believe, the success rate of convictions, but also, much more importantly, and I would put as a prime concern of this, the experience of the victim going through the process. That's important for two reasons. One is that, without a reasonable experience for the victim going through the process, we will continue with our outrageously low reporting rate for sexual offences. Therefore, the occasion for actually taking action, which is often only many years after the event and therefore has the attendant investigative and prosecution problems, can be very difficult.

But also it's a huge indictment when continually we see participants in the system, prosecutors and even defence counsel, saying, "If my daughter was raped, I wouldn't ask her to report it because of the revictimisation that the system provides." So we've got to address that and that will involve perhaps no better success rate—although we are hoping that we will be able to achieve that as well—but a better outcome so that more complaints are received and we can actually address this canker in our social system.

MR STEFANIAK: Richard, you said that the success rate in court, as I understand it, was much lower than for things like traffic offences. It would be of real concern if our success rate for sexual assaults in court were lower than that for similar offences interstate. Is that the case?

Mr Refshauge: As I say, I haven't done a detailed analysis of that. I've looked at some figures recently for New South Wales. We're doing about the same as New South Wales. I suspect, and I haven't looked at recent figures, that Western Australia is probably doing somewhat better. They're probably most advanced in prosecutorial advantages with their process whereby they record and preserve the evidence, in particular, of child sexual assault victims and then that preserved evidence is used not only in the trial but also in any future trials that occur, so that the rate there tends to be somewhat higher. But we would be certainly not the lowest. I guess we're somewhere in the middle of our national statistics.

MRS CROSS: Mr Refshauge, I'd like to congratulate you on that initiative.

Mr Refshauge: Thank you very much.

MRS CROSS: I think it's a long time coming. I didn't quite hear the answer I was expecting to hear to Mr Smyth's question. There is an amount in 2003-04 and there is nothing else in the out years after that. Is that because you're just trialling a particular approach to this sexual offences response? I'm not quite sure that I understand why it's a one-off and not an ongoing thing.

Mr Refshauge: We see it as an ongoing program, but the first year is simply, if you like, taking a breath and surveying the scene and identifying what needs to be done. Until we've identified what needs to be done and what we recommend should be done, it's impossible to calculate what, if anything, would be needed for any financial support for the out years. Some of that work that we identified may need little or no money; it may simply be legislative change, practice change.

MRS CROSS: Is this the first time in Australia that this type of program has been initiated?

Mr Refshauge: There is a whole range of programs for the improvement of sexual assault around Australia going on. So far as I'm aware, this is the first time anyone has said, "Let's survey the scene and find out what's happening elsewhere." It's concurrent with work that is being done on the national child sexual assault reform committee, where it's expected that a very substantial discussion paper ranging over the work that is being done not only nationally but also internationally—in America, in Britain, in South Africa and in Canada—will be assessed so that we can look at what really is best practice and then identify what would work in our jurisdiction, what we need to do here, and what's realistic here, with our 330,000 population as opposed to the very large population in South Africa, for instance.

MRS CROSS: Sure. What is your deadline? When are you going to make the decision on the benchmark time lines and say, "This works. We'll go back to the government now?" How have you determined that this will work? What are the terms of reference of this?

Mr Refshauge: Our notional time line is to have some kind of report ready for the next budget.

MRS CROSS: Before February.

Mr Refshauge: Something like that.

THE CHAIR: Chief Minister, there are two other programs that only have one year's funding. Is the security coordinator, at \$195,000, seen as a one-year program of assessment?

Mr Keady: Yes, at this stage, but it will require assessment through the year to see what kind of ongoing work we might be required to undertake. So at this stage only. It's possible once the work that that position is going to undertake reaches a more advanced stage we will identify further work that we would see becoming more of a permanent feature rather than a one-off obligation.

THE CHAIR: There may be a program that comes out of this project, given whatever its results give us.

Mr Keady: It's a very dynamic area. Given the national security environment at the moment, the ACT has become more heavily involved than ever before. This is an intent to establish within the department some expertise appropriate to those developments and, depending on what happens in the course of the year, it may well be that we'll be seeking equivalent funding or even additional funding once we've got identified the kinds of things you might need to do in succeeding years.

THE CHAIR: As to the buyback of prohibited hand guns, how many do you estimate are out there in the community and how many will the \$425,000 get back?

Mr Keady: These are hand guns which are currently legally held and the anticipation is that, with the changes that have been agreed to at COAG, we will need to buy back hand guns that are currently legally held. As to exactly how many, that will depend upon whether those people who are currently licensed and may be, say, target shooters, whether the events they participate in are going to be the events which are going to continue to be supported and recognised. That will depend on decisions that are still being negotiated at COAG. We've put an amount of money against that which is based upon an estimate of the number we may have to buy back. Once the criteria are set nationally, it may be possible to make a more accurate assessment.

Mr Stanhope: Acknowledging that this is part of a funding formula, with the Commonwealth meeting the first \$15 million of the buyback nationally.

MRS DUNNE: Mr Chair, I need to go back to the question that you asked before about the sexual assault response program. Chief Minister, when the DPP comes back to you in February or March with a budget bid, is there a commitment from the government to fund ongoing identified expenditure?

Mr Stanhope: I think I'll await the report of the joint DPP/Australian Federal Police initiative before I commit now to a funding proposal which I may or may not receive. Suffice it to say that this budget initiative, of course, is a very significant commitment by the government to this very important issue and, were we not committed to it, we wouldn't have initiated it or funded it.

MRS DUNNE: I want to ask about electronic voting, but I can probably do so more efficiently in relation to the output classes. I do have a question about the capital works budget which I probably should have asked the other day when the ESB was here. I ask for indulgence. Perhaps Mr Keady can answer the question. Is the replacement of the One Tree Hill fire tower—page 268 of BP 4—covered by insurance?

Mr Keady: Can I say yes and, if I'm wrong, correct it?

MRS DUNNE: My feeling was that it probably would be covered by insurance.

Mr Keady: It was destroyed property and my recollection is that, along with other property destroyed, it was part of our insurance coverage. It's just that it's an unusual piece of property, because it's a fire tower stuck on top of a hill. As I said, I'm fairly certain that it is covered. If it's not, I'll certainly confirm it to you.

MRS DUNNE: If it was insured, why is it in the capital works budget?

Mr Keady: The source of funding may well be insurance funds, but I think the intent is to signal through the capital works program the various kinds of construction projects which are being undertaken, even though the source of funds may be a little bit unusual.

THE CHAIR: What is the \$50,000 for pavement upgrade about? I meant to ask this last week as well.

Mr Keady: Cracked concrete.

THE CHAIR: Is this around Curtin?

MRS DUNNE: It's there as ESB.

THE CHAIR: Take it on notice.

Mr Lenihan: It's mainly for fire stations and ambulance stations.

THE CHAIR: So it's for various locations.

MR STEFANIAK: In relation to the initiatives, since we've got into those, I note, Chief Minister, that money has been put in for resources for proposed human rights legislation, \$200,000, rising by \$4,000 each extra year. BP 3, at page 170, says:

This initiative provides for the implementation of the proposed Human Rights Act. It will provide advice to the Attorney-General, promote provisions of the Act, and support an information campaign to raise public sector and community awareness of the Act.

Why was this initiative put into the budget? Indeed, why do you actually describe it as the proposed human rights act when the consultative committee couldn't report until several weeks after the budget, on 21 May, when it actually recommended that there be a human rights act?

Mr Stanhope: An amazing coincidence.

MR STEFANIAK: Yes, isn't it?

Mr Stanhope: Is your question around the coincidence?

MR STEFANIAK: Shouldn't it be the other way round?

Mr Stanhope: I'm not sure of the force of your question, Mr Stefaniak, but certainly, as you're aware, since April last year a bill of rights consultative committee has been consulting on an enhancement of basic human rights in the Australian Capital Territory. In the event, the consultative committee has recommended in its report that the ACT develop a human rights act.

As you know, I've received that report. I've undertaken that the government will respond to the report within three months of its receipt. I propose to report to the Assembly by September on whether the government will be accepting the recommendations of the committee in whole or in part. One of those recommendations is that we enact a human rights act.

I have to say, Mr Stefaniak, even were the government not to accept the report and the recommendations and were we not to legislate a human rights act in the form recommended, other aspects of this particular budget initiative, to the extent that they go to consciousness raising around human rights, would nevertheless be pursued. But yes, this is a budget bid foreshadowing the possible enactment of a human rights act in the ACT within the financial year.

MR STEFANIAK: Chief Minister, because this came out before the actual consultative committee, it reads as if the whole thing could be a bit of a sham in that you intended to have a human rights act all along. It would seem from the timing that you knew well in advance of the committee's report either what the committee was going to recommend or, failing that, what you were going to do regardless. It looks a little bit strange—I would not put it any higher than that—that this comes out on 6 May in your budget and on 21 May, lo and behold, the consultative committee comes out and recommends that there be a human rights act.

Mr Stanhope: I don't think it's at all strange, Mr Stefaniak. Indeed, Ms Kelly, as you know, was a member of the consultative committee, but is first and foremost a departmental officer. I was aware of the thinking of the committee, I retained a very direct interest in the work of the committee and was regularly briefed on progress. I had no part in the development of the report. I was not involved in its deliberations or in the outcomes of the consultative process, but certainly I was aware of the thinking of the committee. It's probably fair to say, Mr Stefaniak, that decisions around the final form and content of the consultative committee's report were made, I would think, but I'd probably have to go back and check this for the detail, well before the budget was put to bed.

MR STEFANIAK: Are you saying, Chief Minister, that you were well aware that they would recommend that there be a human rights act prior to this being put in the budget?

Mr Stanhope: In some form, yes. I'm not quite sure when the consultative committee concluded its considerations or its deliberations on the form, nature and content that that human rights act would take. I certainly didn't read it until the report was published, but I was aware of their thinking, and aware too of the range of very difficult and complex issues that the committee would have grappled with in terms of the form and nature of the proposed human rights act that they finally settled on.

You'd be aware, Mr Stefaniak, of the range of potentialities that might have been included within a human rights act, a human rights act that essentially delivers a bill of rights. The model that has been proposed, and the government hasn't yet committed to it, is very expansive and is very progressive. It contains a number of features that potentially have real implications for the ACT government and public service, and we'll have a look at those implications before we respond. But, having said that, it's a proposal. In its own way, it's quite exciting, Mr Stefaniak, in its potential.

MR STEFANIAK: It depends on which way you look at it, Mr Stanhope.

Mr Stanhope: Whatever way you look at it, Mr Stefaniak, it's exciting.

MR STEFANIAK: I suppose you could say that. I suppose you could say that World War II was exciting.

MRS CROSS: Chief Minister, just following up on that, I understand where you're coming from with this, but it's inconsistent with the answer you gave to Mrs Dunne earlier regarding the sexual offences response program. If the purpose of any initiative is to look at it, make an assessment and then budget for out years down the track, I accept your initial answer to that. But the answer to Mr Stefaniak's and Mrs Dunne's question is inconsistent with that. If you've already done the numbers and you know you're going to get it through, then just say you've done the numbers and you'll get through the human rights legislation. The question is: why are you using one set of standards for that legislation and another for an initiative that affects many women in this city and, indeed, would set a precedent in this country? I would regard that issue as being as important, if not more important, than the other.

Mr Stanhope: I don't think you can draw those conclusions at all from the funding decisions that have been made in the budget, Mrs Cross, with respect. In relation to the sexual offences response program, Mr Refshauge outlined quite clearly the nature of the approach that has been adopted. That particular program has been funded to the tune of \$180,000 to do some very significant benchmark work in relation to a new response in relation to sexual offences. I'm not quite sure who asked the question, but in response to a question from the committee, Mr Refshauge indicated, for instance, that one of the potential costs would be the need to draft new legislation, that we might need to reform legislation in relation to the pursuit of—

MRS CROSS: Chief Minister, I'm not—

Mr Stanhope: I'm just making the point that the potential cost highlighted by Mr Refshauge was, essentially, an administrative cost—the need for drafting resources, the need for parliamentary counsel to draft new legislation. There's the cost. If you're saying to me—

THE CHAIR: That was one example of what Mr Refshauge said.

Mr Stanhope: I'm just saying that Mr Refshauge, in response to your question, indicated that one of the costs would be perhaps—subject to the outcome of the work, and this is all hypothetical—the need for additional drafting resources.

MRS CROSS: My concern is not with Mr Refshauge's motivation; in fact, I congratulated Mr Refshauge on the initiative. He's not the issue. The issue here is that if your commitment to women's issues, which you say you are committed to, is genuine, then there would have been money in this budget for this sexual offences program, which I have no doubt is going to be needed in the out years because I'm pretty sure that this initiative is going to be something positive. The need for it to be addressed in the out years will be there; so, if you've pre-empted the result as to the human rights legislation, why not just pre-empt the potential for sexual offences response legislation if it is as significant as or more important than the other? It doesn't make sense; it's inconsistent.

Mr Stanhope: No, it's not; it's not a bit inconsistent.

MRS CROSS: But it is inconsistent.

Mr Stanhope: Let me answer. It's not at all inconsistent. The issue is 100 per cent hypothetical. We funded significantly the sexual offences program proposal in this budget, to the tune of \$180,000. The work will now be done. The work hasn't been done yet. There's a significant difference. In one of them, the work is done; in the other, the work is not done. It is being done.

THE CHAIR: The work hadn't been done when you put it in the budget.

Mr Stanhope: Yes, it had.

THE CHAIR: The work hadn't been finalised on the human rights report, yet you put money in the budget for it.

MRS CROSS: I'm only interested in the inconsistency, Chief Minister.

Mr Stanhope: Go back a year to last year's budget, Mrs Cross, and look at the budget allocation for the bill of rights consultative committee. There was a budget allocation of \$89,000. There was no out year funding for a human rights act last year. There is this year. This year, there is \$180,000 of funding for a sexual offences program and no funding in the out years. This is exactly what last year's budget looked like in relation to a bill of rights or human rights. There was an \$89,000 line in last year's budget for a bill of rights project.

That project has now come to conclusion. There is a proposal that it be funded. In this years budget, what's the difference? There is funding of \$180,000. We don't know what the outcomes are going to be. Mr Refshauge has indicated one potential cost. The potential cost highlighted by him was the need to draft, potentially, new legislation. Mr Leahy's office is an incredibly efficient office. I have no doubt that he'll be able to draft that legislation.

MRS CROSS: This is not a reflection on the office. Please don't digress and say that this is a reflection on the office, Chief Minister.

Mr Stanhope: I'm not digressing; I'm just making the point that I know that Mr Leahy will be able to draft sexual offences legislation from within existing resources, that he won't be asking for more money, so efficient is the office.

MRS CROSS: Chief Minister, my role in this committee is not to politicise this; my role is simply to assess the process that you have applied in allocating funds. I'm not here to make that judgment. What I'd like to find out from you is why, if you are committed to women's issues, you couldn't have put money for this in the out years and then, if you didn't have to have it, take it out the following year.

Mr Stanhope: The work hasn't been done. We're doing the work now and it's being funded, and it's being funded significantly. It's a real indication and the costs are simply not—

MRS CROSS: So you're genuinely committed to this program.

Mr Stanhope: Why would we have funded it to the tune of \$180,000 if we weren't?

THE CHAIR: But you wouldn't give Mrs Dunne a guarantee that it would get funding.

Mr Stanhope: I'm not going to say that I know exactly what Mr Refshauge is going to recommend to me in February. Why would I say that?

MRS DUNNE: I didn't ask you that.

Mr Stanhope: I have no idea what he's going to recommend.

MRS CROSS: Mrs Dunne asked you a question. Why wouldn't you give Mrs Dunne a guarantee that in the out years, if there was money needed, you would put it there? Why don't you just say that and then we can move on?

Mr Stanhope: It's the same as the model that other governments have used, Mrs Cross. Mr Stefaniak, with an interest in these matters, would remember that his government, perhaps under his previous leader, funded the domestic violence intervention program on precisely these grounds. It was funded in exactly this way. As much as I would hesitate to use the Stefaniak/Humphries model, that's the model we've used in this particular case.

We've used the domestic violence intervention program model where money for the study was included in the budget, the study delivered certain recommendations and outcomes and they were funded. That's what we've done here. But I'm not going to sit here today and say, "Here's a budget that provides \$180,000 to undertake work on a new model for pursuing prosecutions in relation to sexual offences and we're going to fund it irrespectively of what it finds and irrespectively of how much it might suggest we fund it."

THE CHAIR: But that's what you've done with the human rights legislation. You didn't know the outcome, but you funded it irrespectively.

MR STEFANIAK: He probably always knew what would be the outcome.

THE CHAIR: Maybe he did know what the outcome would be and the consultation was a sham.

Mr Stanhope: Go back to last year's budget. Last year's budget in relation to the bill of rights looked exactly as this line in relation to sexual offences looks this year. There was an allocation of \$89,000 to fund the work of the bill of rights consultative committee. There was no money in the out years. The bill of rights consultative committee has now undertaken its task, delivered its report, and the government is providing funding in the out years. This is just sophistry.

MRS CROSS: Chief Minister, so that we can move on, and I won't labour this point, could you give this committee a guarantee that, if the need for the sexual offences response program is there, you will fund it in the out years?

Mr Stanhope: I'm not going to give an open-ended commitment, Mrs Cross, on the outcomes of a report that has yet to be drafted. How can I do that? What if they bung in a request for \$10 million?

MRS CROSS: Mr Refshauge is probably more conservative than that.

MRS DUNNE: I want to look at the issue of the human rights act. I want to ask a question for which I think the answer is one word. Did Mr Refshauge ask for funding in the out years for this program?

Mr Stanhope: No. I'm advised no, and it's not really a question of—

MRS DUNNE: Fine, thank you.

Mr Stanhope: No, it's not as simple as that.

MRS DUNNE: I want to go on, Mr Chairman, because there are many things and we've only got till 11 o'clock to cover them.

Mr Stanhope: I just want to make the point, I do need to make the point, that budgets aren't put to bed on the basis of what individual officers may have asked for. Cabinets make decisions about budgets. It's unfair, basically, to be seeking to route home to individual officers responsibility for government budget decisions.

MRS DUNNE: On the question of the proposed human rights legislation, Chief Minister, you said that this was an independent process, but you also said that you were briefed regularly on the progress of the consultation. Who briefed you?

Mr Stanhope: Certainly, I had a number of discussions with Ms Kelly and I had a number of discussions through the process with Professor Charlesworth and other members of the committee, as well, indeed, as an adviser in my office and other departmental officers. So over the space of the year, in relation to the work of the committee, I would have met and had discussions with Professor Charlesworth and each of the members of the committee, with different and separate departmental officers and, indeed, with a member of my staff who stayed and remained interested in the process as well.

MRS DUNNE: There's a difference between being interested in the process and actually having a hands-off approach. Given the number of times that you've said you were involved in briefings on this, isn't it possible that you let slip what your views were about what you wanted the outcome to be? Isn't it possible that you—someone who is so committed to a particular outcome, although you said you set up an independent, hands-off approach—have actually become so involved that your views have been subsumed into the process?

Mr Stanhope: Everybody in Canberra knows what my views around a bill of rights are. Everybody knows what the Australian Labor Party's views are. Everybody, to that extent, knows what the government's views are. We went to the last election promising to initiate an investigation into a bill of rights for the ACT with a view to legislating for a bill of rights in the ACT. It was part of our election platform. It was part of the platform on which we were elected. So I would have been deeply disturbed if anybody within my department, indeed, wasn't aware of my views or the government's views in this matter.

It's a long bow, though, to then attribute to an independent committee my views. To some extent—perhaps not even to some extent, to a full extent, it's patronising and disrespectful to Professor Charlesworth and the other members of the committee to suggest that, because I have a view, they would abandon all of their integrity and their scholarship and simply produce a report which they thought might please me or please the government.

That is disrespectful. It is disrespectful of the members of the committee to suggest that, irrespective of what they felt or thought, irrespective of their commitment to an open and objective process and to an objective consultative process, they would just abandon all their own personal and other integrity and say, "Oh, well, this is what the Chief Minister wants. We'd better deliver what he wants."

MRS DUNNE: Can you guarantee that, despite your close involvement with this independent consultative arrangement by virtue of, by your own admission, briefings from Ms Kelly and Dr Charlesworth on a fairly regular basis and from other members of the committee I don't know how often, and the involvement of your staff, your personal political staff, in this, there is no taint of the Jon Stanhopes about it, that it is an entirely independent report?

Mr Stanhope: Most certainly. I think you need to understand the business of government, to some extent, Mrs Dunne. When I see Ms Kelly on the range of issues that I see Ms Kelly on as a senior member of the department of justice, of course I'd say to Ms Kelly, "How's the inquiry going? How's the consultation going?" That's a briefing.

MRS DUNNE: That's not a briefing.

Mr Stanhope: Of course it is.

THE CHAIR: Is that how the government is briefed these days? The standard of briefing has gone down considerably under your government, then, Chief Minister.

MRS DUNNE: Now I know that this Chief Minister should never lecture me about the processes of government, if that's a briefing.

Mr Stanhope: If I'm having a meeting with a departmental officer and I ask them how something is going, what sort of minister wouldn't do that? Do you say, "Look, this is an independent process. For goodness sake, please don't tell me what's going on. Give me a report when you get around to it. Don't even tell me when you're going to finish it. Don't tell me how it's going." What nonsense! What arrant nonsense!

MR HARGREAVES: I want to talk about the out years for the sexual offences response program and get clarification on something I thought I heard earlier in terms of the non-appearance of funding in the out years. Am I not correct in remembering that Mr Refshauge said that it is possible when he does this investigation that the only change that may be required will be a legislative change and therefore there won't be any requirement for additional funds?

Also, did he say that it is possible that practices within the DPP's office may need to be changed and therefore there would be no need for additional funding? And then did he not say that it could be possible that other things would be required, but we don't know what they are and we might be back for funds? Is my understanding of what he was telling us correct?

Mr Stanhope: Mr Refshauge needs to speak for himself, but there was no suggestion from Mr Refshauge in relation to this that he'd be putting in a bid for significant project funds. Mr Hargreaves, my understanding of what Mr Refshauge said was, essentially, that he could identify some resource issues—the ones that you've identified, yes—that go to legislation.

Perhaps I was being a bit facetious, but I'm serious about it: if we need new sexual offences legislation or provisions within our legislation to respond to the work of this group, then if John Leahy comes to me and says, "Minister, I need some additional funds to employ an additional draftsman to draft this one additional piece of legislation," I'd be saying, "Mr Leahy, go back and organise your office and draft this bit of legislation within your existing resources." That's what I'd be saying.

MRS CROSS: That is all I wanted to know.

MR STEFANIAK: Attorney, you say that you're going to have a government response in about three months to the committee on the bill of rights. Are you going to put that out to the community for further consultation?

Mr Stanhope: Mr Stefaniak, I think you'd be the first to acknowledge that the consultative process in relation to the bill of rights has been innovative, far-reaching and exhaustive. In a way, I think that, to some extent, it's a model of consultation in relation to a significant new issue. I understand from the report that the committee had face-to-face consultations with over 2,000 people.

Six community meetings were advertised and there were, I think, between 60 and 100 other meetings arranged and organised which members of the committee attended. Through those meeting processes, I understand up to 2,000 people had direct, face-to-face meetings with the committee or members of the committee. There was also a deliberative poll, a very significant experiment and one that I was very pleased to see pursued as a model for consulting on a major issue.

In the context of the way forward, I'm conscious of the fairly regular criticisms that the government receives for consulting too much. The criticisms come essentially from other members of the Assembly, that we consult too much, we review too much and we don't make decisions. I think that it is time to make a decision on a bill of rights.

MR STEFANIAK: Just stopping you there, Chief Minister. There were six meetings which had about 120 people all up, which anyone could go to and which were well advertised. Yes, the committee did have about 2,000 face-to-face meetings. A lot of those were organised through people such as Mr Manikis and Mr Rebikoff, specific interest groups. I suppose you could say that there were other meetings I went to where no-one wanted a bill of rights.

Mr Stanhope: Who were they with, Bill?

MR STEFANIAK: I went to several meetings with aged persons, Mr Stanhope. I went to one at St Andrews with 120 people and no-one wanted a bill of rights. On something as important as this, why won't you put this out for further consultation? If you're so confident about it, Chief Minister, I challenge you to put it to a referendum at the next election.

MR HARGREAVES: That's a political statement.

Mr Stanhope: I'm happy to respond to that. There was very significant consultation on this. Over 2,000 people attended meetings with members of the consultative committee. There was a deliberative poll and the deliberative poll, of itself, was very interesting. Those that attended the deliberative poll were chosen at random and were, to that extent, the most representative group of Canberrans, I think, ever assembled by government.

MR STEFANIAK: There were some issues about the way it was run and the format by participants.

Mr Stanhope: Don't undermine the nature of the deliberative poll, Mr Stefaniak, and it was very significant. As you know, at the end of the day, 60 per cent of those that attended the deliberative poll supported a bill of rights in some form. So I have no interest or intention of taking the matter to a referendum, Mr Stefaniak. I must say that the level of your opposition to a bill of rights really does raise significant questions for me about why you are so opposed to the protection of basic human rights. What is it that you fear or what is it that you're afraid of in the protection of some sort of basic and fundamental human rights?

MR STEFANIAK: You can ask the same questions of Mr Carr.

THE CHAIR: Gentlemen, it's not a debating society; it's an estimates committee.

Mr Stanhope: Mr Stefaniak, the process in relation to this is that the government will be responding within three months. The government won't be going to a referendum on it. I'm more than happy to go to the next election on a bill of rights, Mr Stefaniak, just as I was happy to campaign on it at the last election. Don't forget that, Mr Stefaniak: we campaigned on this and we were elected and you were flogged. I'm happy to campaign on it again. No, there won't be a further formal consultation process, but the report's out there. It's also on the web. If anybody wants to comment on it, anybody wants to write to me and tell me why we shouldn't implement it or write to the government and make their representations, I would welcome that. I would welcome any comments on the paper. Indeed, I look forward to an expression of the community's view on it, Mr Stefaniak.

MRS CROSS: Chief Minister, you used the words "model of consultation" relating to how you've gone about the bill of rights. It's interesting that you say that. If that's what you've done, great. Have you applied the same principle with organisations like Volunteering ACT when you have halved their funding and they didn't even know that that was going to happen as they weren't consulted? Was the model of consultation approach used with Volunteering ACT?

Mr Stanhope: That's a leading question, Mrs Cross. Certainly in relation to Volunteering ACT, I think you need to go back to taws, Mrs Cross, when you say that their funding was halved. Tell me now, just to expand the question to me, halved from what? We're talking here about the budget; we're talking about funds in the budget. There was nil in last year's budget for Volunteering ACT, nil, and there is \$50,000 in this year's budget. If you could just explain to me the basis on which the funding was halved, budget to budget.

MRS CROSS: Chief Minister, you—

Mr Stanhope: No, just explain it so I can answer the question fully.

MRS CROSS: I will explain that to you, Chief Minister, but I'm not here to answer questions for you; you are here to answer questions from the committee.

Mr Stanhope: Well, let me answer it, then, Mrs Cross: your question was based on a false assumption and there is no question for me to answer.

MRS CROSS: No, my question was based on the information given to this committee by Volunteering ACT last week following your appearance, which is why I'm asking you today.

Mr Stanhope: You said that the funding was halved. Halved from what, Mrs Cross, so I can answer the question? Your question was that the funding was halved, so give me the base figure.

MRS CROSS: The information that Volunteering ACT gave to this committee was that you halved their funding from \$100,000 to \$50,000.

Mr Stanhope: Give me the base figure.

MRS CROSS: I just gave you the answer, if you had listened.

Mr Stanhope: But there were no funds in last year's budget for Volunteering ACT.

MRS CROSS: So you didn't include a separate line, but you didn't include a line for ACTCOSS, either; it was all in one overall figure, wasn't it, Chief Minister?

Mr Stanhope: No, it wasn't, in fact, Mrs Cross. No, that's false.

MRS CROSS: I'm giving you the information that Volunteering ACT gave to this committee last week. Are you saying that they misled the committee.

Mr Stanhope: If they told you they had money in last year's budget, then they did.

MRS CROSS: Where's the ACTCOSS line in the budget?

Mr Stanhope: I don't know; I don't have it here.

MRS CROSS: Maybe you should look for it.

Mr Stanhope: Mrs Cross, there was no money in last year's budget for Volunteering ACT.

MRS CROSS: Are you saying that you have not halved Volunteering ACT's money, Chief Minister? So they've misled the committee; is that it?

Mr Stanhope: If they told you that they had \$100,000 in last year's budget, then they've misled you and you need to look into that, if they've misled you.

Short adjournment

THE CHAIR: We'll now move to the output classes. Any questions on output 1.1?

Mr Keady: Mr Chair, before we start, I seek your indulgence to amplify an answer I gave to a question from Mrs Dunne about the replacement of a tower following the bushfires. The provision in the budget for One Tree Hill tower is to replace the existing Baldy Hill radio-based tower. Apparently, it's powered by solar panels and is the subject of frequent vandalism. The project involves the movement of that tower to One Tree Hill, which is thought to be more inaccessible and, hopefully, less prone to vandalism. That project is not a consequence of bushfire damage; it is entirely a response to the difficulties encountered in the damage to the equipment there.

MRS DUNNE: If the federal minister for the environment came up with decent substitutes for solar panels, people wouldn't go out and nick them.

Mr Keady: I'll have to accept your advice on that, Mrs Dunne.

THE CHAIR: And we might ask questions about that later in the day. Mr Keady, could you expand on why, in output 1.1, under costs, the cost per project has gone inside this year from \$20,700 to \$26,900? There is the standard bureaucratic footnote:

The variance reflects (a) internal restructuring (b) wages adjustment and (c) a variation in time trends used to calculate cost targets.

It's still a fairly significant increase—you're talking a 30 per cent increase. The wage increases weren't that high, so can you explain why it's gone that far?

Mr Keady: Ms Kelly might answer the question.

Ms Kelly: I know this is a hideously boring answer, but the increase is the result of a number of factors, as the note says. First, it's a result of some total cost variations within my division. Second, an ASO4 and an ASO2 position have been transferred to the division from outside.

The EBA adjustment cost of \$96,000, an increase in accommodation costs of \$67,000 and a couple of rollovers for projects that weren't completed last year meant that we had cost variations of \$382,225. As a result of the nature of the work that we've been doing in the last year, there has been a difference in the trends over time. Our time split previously was that 62 per cent of our time was spent on projects, 15 per cent on advice and 23 per cent on ministerial support items. That has changed.

Our project amount has gone up from 62 per cent to 73 per cent—an 11 per cent increase. That has been reflected in the cost increase, and that is a result of the major

projects that we've taken on, like the model criminal code, the gay, lesbian, transgender and intersex law reform project and the bill of rights project. We're doing less advice work and more project work, and that's been manifest in the cost increase.

MRS CROSS: How does that work? How can you do less advice work?

THE CHAIR: If you're doing less advice work, why isn't that reflected in the targets, which seem to be consistent with your providing the same of advice?

Ms Kelly: Part of the answer would be in the nature of the advice work. We simply aren't able to do the number of complex advice items that we would have been able to do when we were spending the amount of time on them that we are now spending on projects. We're obviously still making our advice targets in relation to our minor advice items. I haven't got those splits.

MRS DUNNE: What's a minor advice item?

THE CHAIR: Mrs Cross first.

MRS CROSS: When I first saw this and read the note, I found the note as confusing as the information above it. Explain to someone who is new, like me, and doesn't know as much as you do on this issue how a cost per project can go up, the advice go down and the cost per ministerial support item go down?

Ms Kelly: The cost per project went up because of that internal restructuring: those positions being transferred in, the EBA adjustment, the accommodation and the rollovers. The wages adjustment was the EBA adjustment and the variants in time trends, as I've discussed. In relation to advices, the cost went down because of a 5 per cent decrease in the total time spent on advices. In relation to ministerial support items, the cost has gone down as a result of a 6 per cent decrease in the total time spent on them.

MRS CROSS: Is that because the projects that increased were simpler and people therefore needed less time to work or advise on them?

Mr Stanhope: There's a far more intelligent Attorney now than there used to be, who is much more able to grasp complex issues. The department has found that a great benefit.

MR STEFANIAK: I think you're having yourself on there, Jon.

THE CHAIR: Who needs \$200,000 to explain something that is apparently quite simple?

MR STEFANIAK: And you shouldn't be nasty to Ms Follett or Mr Collaery like that.

Mr Stanhope: That was with no reflection on you.

MRS CROSS: Chief Minister, if it's the case that you've got a more intelligent Attorney, have you also got more intelligent ministerial support teams? Is that why that's gone down?

Ms Kelly: The reason for the quite dramatic change in ministerial support items is that there have been—I haven't got the final figure—in excess of 400 ministerial items in relation to the gay and lesbian transgender and intersex law reform program. There was a fairly standard reply, so each one didn't need to be considered afresh and have a research task around it.

MRS DUNNE: I was so overwhelmed by the Chief Minister's response that I can't remember the question I was going to ask. I'm in awe at being in the presence of such an eminent Attorney.

THE CHAIR: Mr Stefaniak—on output class 1.1?

MR STEFANIAK: I'll have to check on the number of support items. Even 1,200 looks like a lot. Attorney, under "cost per project (legislative, policy and administrative)" there is a significant increase, from 20.7 million to 26.9 million from this year to next year. You say it is basically internal restructuring, wages and variation in time trends. Could you indicate how much of it is wages, what you mean by "internal restructuring" and also what proportion of it is variation in time trends?

Mr Stanhope: Ms Kelly may be able to answer that.

Ms Kelly: I can give you the figures. I haven't got the amount it has contributed to the overall cost, but you can work that out.

MR STEFANIAK: Sure.

Ms Kelly: One position was transferred from another cost centre, the Office of Fair Trading, to the Policy Advice cost centre. That was an ASO4 level, which is about \$62,000. An ASO2 position was transferred into the area from the Corporate Services area, which is \$25,000. The EBA adjustment was an additional 96,000. There was an additional \$67,000 in accommodation costs. \$109,725 was rolled over in relation to a business planning exercise, and \$22,500 was rolled over in relation to a grant for burglary reduction. That comes to \$382,225. That was added to the cost base that we started working from when working out our total cost per project.

THE CHAIR: We'll now go to output class 2.1, administration of justice. Chief Minister, you're anticipating increases in the number of sitting days, matters lodged, matters listed and outcomes in the Supreme Court, yet the Magistrates Court seems quite static. The number of sitting days will only be 1,800, even though the number of matters lodged will increase. Has anything been done to make the Magistrates Court more efficient, so that they'll do more with a similar number of sitting days?

Mr Stanhope: Efficiencies, throughput and activity levels within both the Supreme Court and the Magistrates Court continue to be matters of importance to the

government and certainly for the administration of justice. Mr Kelly will give some indication of the stratagems that are currently being pursued in relation to activity within each of the courts.

Mr Kelly: Essentially, the targets for the Supreme Court have been adjusted on the basis of increasing activity for the Court of Appeal. Last year there was an increase in year one, and we're expecting that level of activity to increase at the same, if not a greater, level.

The targets for the Magistrates Court have been adjusted as we come closer to understanding the final outcome for 2002-03. A very small increase is projected there, so we are expecting a largely static level of activity, but perhaps a small increase, for the Magistrates Court jurisdiction, taking into account recent changes, such as the reintroduction of commercial leases jurisdiction into the Magistrates Court proper, out of the tribunal. Effectively, we are expecting marginal increases only.

THE CHAIR: What has just gone back to the Magistrates Court?

Mr Kelly: The commercial leases jurisdiction has gone back to the Magistrates Court.

THE CHAIR: If that has gone back to the Magistrates Court, you're expecting the Magistrates Court to handle more work but not raising the expectation of the number of sitting days.

Mr Kelly: That's true. What is not reflected in these figures, but is in our production statistics, is a very high level of work in terms of diversion of cases from formal hearing days. Extensive conferencing in all areas, including restraining orders and civil claims at this stage, is still yielding very good success. Something like 95 to 98 per cent of those matters do not proceed to a formal court hearing; they are resolved by agreement or resolution. Those that do proceed are having their issues narrowed. Case management strategies put in place the last few years seem to be offsetting the slight increase that we're seeing in case load.

MRS CROSS: Chief Minister, on page 272, under quality/timeliness, in relation to compliance with standards and/or statutory timeframes, you've targeted for 75 per cent in the Supreme Court and 99 per cent in the Magistrates Court. Not surprisingly, you met these targets exactly—well done. But can you explain how these figures were reached? Further, can you explain the 25 per cent you're not happy with in the Supreme Court and the 1 per cent you're not happy with in the Magistrates Court? The thing I've been pursuing all along in estimates is why we don't aim to do better in the outgoing years when our percentages are lower.

Mr Stanhope: Thank you, Mrs Cross. I'll ask Mr Kelly to speak to the rationale behind those predictions.

Mr Kelly: I will take those quality and timeliness indicators in turn, because that would make more sense. The client satisfaction survey determination in the Supreme Court has been ongoing for a number of years. Traditionally, the target is that 75 per cent of people who have contact with the Supreme Court are satisfied

that the process they're exposed to has met their needs. It doesn't mean that 75 per cent of people are happy with the outcome. In an adversarial system that's normally fifty-fifty.

THE CHAIR: You hope.

Mr Kelly: Yes, I guess that's our aspirational target. Going into the forward year, 2003-04, this will be the first time we will be administering the same client satisfaction survey in the Magistrates Court, so we'll have some comparable data between the two jurisdictions. If it's good enough for one court, it's probably good enough for both. We're moving on that right now.

The most important thing to understand is that compliance with standards and statutory timeframes measures a timeframe or standard where it is established within the general case load. For instance, with the Magistrates Court 99 per cent, the only existing statutory timeframe relates to restraining orders—that is, urgent matters within two days and non-urgent matters within seven days listed. That's the compliance rate within a portion of the case load rather than the whole case load, because there is no such thing—nor should be there be, in my view—as an overall statutory timeframe for completion of all matters before the courts.

MRS CROSS: You made a very provocative comment. Why shouldn't there be?

Mr Kelly: That a government is prepared to allow serious criminals to be released back into the community on the basis that something has happened in the court process to take it outside the time standard is a proposition that has been tested in the United States extensively over the last 20 years and found not to be terribly valid.

In criminal trial matters in particular there is a propensity for some litigants and defendants accused not to want to go to jail today or not to go next week. Therefore, you see the sacking of counsel at the last moment, and you see witnesses who fail to materialise for the defence and all sorts of things. There is some truth to the matter—although it's anecdotal only—that some accused who are on remand at Belconnen would prefer to be there than doing full-time custodial sentences in other places.

MRS CROSS: And, of course, we don't want to make them unhappy.

THE CHAIR: Can I interrupt? Does that time spent at BRC come off their time, should they be sentenced?

Mr Kelly: That's a matter for judicial discretion, but as a rule it is probably true.

MRS CROSS: So, the reason there's a 24 per cent lower compliance in standards in statutory timeframes with the Supreme Court is the type of case?

Mr Kelly: We're not measuring exactly the same things: 75 per cent is the internal standard, and 90 per cent of cases should be processed within 12 months of

commencement in the Supreme Court. That's starting to shape up as a bit of a national standard. As at last week, 67 per cent of matters in the pending case load of the Supreme Court were younger than 12 months.

There is some way to go in reducing those delays, but certainly for the Supreme Court there has been a dramatic reduction in the number of pending cases over the last two or three years. In April 2001, there were 107 matters awaiting trial in the Supreme Court, and as at May this year there are 39—a 64 per cent decrease in the pending case load of the Supreme Court. I think we will see that sort of achievement through case management start to flow through to delay numbers in the next year.

THE CHAIR: Hence the case management system for the appeals court?

Mr Kelly: With the case management system we're talking about two things. One is a computer system, and one is a regime within which cases can be dealt with. In the former we have an allocation for next year to build an end-to-end criminal computer system, which should produce some real efficiencies in the way cases are processed. At the moment, there's a lot of paper flying around, starting and beginning and double entry. A single case management system can deliver those efficiencies.

Distinct from the computer side, there are the rules that the court promulgates in terms of management of cases. The Court of Appeal, being a brand new jurisdiction, was ripe to set appropriate internal time standards from the very beginning, and that's been done. That was supported with the pilot of the case management information technology system, which is to come.

THE CHAIR: Mrs Dunne, Mr Stefaniak, then Ms Dundas.

MRS DUNNE: This leads perfectly into my question, which is a process one—

THE CHAIR: Segue?

MRS DUNNE: I thought I wasn't allowed to use the word "segue".

THE CHAIR: Well, you haven't used it this week.

MRS DUNNE: Oh, I see. I can't use it again. Why is there no reporting in this output class for the Court of Appeal, and where is the reporting for the Court of Appeal?

Mr Kelly: The Court of Appeal is contained, and will be contained, in the annual report. The numbers for the Court of Appeal, in terms of both quantity and its various subcategories, are included in the Supreme Court total.

MRS DUNNE: Why?

Mr Kelly: I suspect that's a good question, and I don't have a particular answer. Given that these products—

MRS DUNNE: You only suspect it's a good question?

THE CHAIR: What do you base your suspicion upon?

Mr Kelly: The length of hesitation until I can find out an answer, I suspect.

THE CHAIR: Note the hesitation index.

Mr Kelly: But I would say that, to some degree, the Court of Appeal is running on existing resources within the Supreme Court judiciary. The president is also a judge, and the members are also judges, or additional judges, appointed from the Federal Court. To some degree the output comes from the same input side.

MRS DUNNE: Wouldn't there be some merit in distinguishing between here and elsewhere? If it's coming out of the same resources, can we work out which resources actually go to the Court of Appeal, so that the moneys in and the outputs out are reflected? It is an innovation and we're early in the process, but in future years we should be able to look and say, "That's what the Court of Appeal does."

Mr Kelly: Yes, that's a valid suggestion and something we'll take on board.

THE CHAIR: Mr Stefaniak and then Ms Dundas.

MR STEFANIAK: Under "client satisfaction as determined by annual survey", for the Supreme Court there is a 75 per cent estimated outcome this year and a target of 80 per cent next year. First, how did you arrive at that figure and, second, why don't you have the Magistrates Court in there as well?

Mr Kelly: Two very good questions. First, we hope to increase client satisfaction with the Supreme Court. Client satisfaction was heavily skewed by dissatisfaction with the building and its surrounds. Given that we run this survey in April/May, we hope that by next year the cause of a lot of that dissatisfaction will be dealt with through the current refurbishment and processing of disability access. That's why we are confident that there will be an increase.

MR STEFANIAK: Who are the clients you run it on?

Mr Kelly: A cross-section of 150 clients for the Supreme Court is selected. It includes practitioners, individual jurors who may have attended and, to a lesser degree, unrepresented litigants. They are more the institutional clients—you are more likely to get a reasonable sample from those people because they are repeat players. They come to the court frequently; they are registration clients and solicitors.

MS DUNDAS: I want to ask about the Children's Magistrate, and this seems to be the appropriate time. The Justice and Community Safety Legislation Amendment Bill 2003, which allowed a magistrate to take on the work of a Children's Court magistrate, was based on the rationale that the Children's Court magistrate was currently overworked. Have extra magistrates been acting as Children's Court magistrates?

Mr Kelly: I can't give you precise figures on distribution, but I can say that the current designated Children's Court magistrate continues to hear the majority of cases. The amendment has given the court flexibility to manage that case load a little more quickly by allocating matters among other magistrates. If you are interested in the precise amount of assistance that other magistrates have provided during last year and may even provide next year, I don't have that information on hand but am happy to take it on notice.

MS DUNDAS: Are you taking on notice how many other magistrates have acted in this position?

Mr Kelly: Yes—how much assistance other magistrates have provided in the children's jurisdiction.

MS DUNDAS: I know you don't have the figures in front of you, but do you think there is a need for an extra magistrate? Is a lot of work being shared out among the other magistrates?

Mr Kelly: I'm not in a position to comment. I wish I could, but generally I don't know.

Mr Keady: Ms Dundas, I would like to go back to the rationale for the amendment you spoke of. It dealt with a couple of problems. There are circumstances where the Children's Magistrate might have a conflict in a case and therefore someone else would have to hear it. In other circumstances the Children's Magistrate may already be committed to hearing cases and there may be some urgency in dealing with a newly arising case. It is a matter of being able to allocate that case in order to deal with it with the required degree of urgency.

It wasn't just a matter of dealing with an increasing case load; it was more the problem of dealing with exigencies on a day-to-day basis. For example, if only one magistrate was able to hear a children's case and because of other commitments was unavailable to do so, then unnecessary delay might occur. The rationale for the legislation was more to do with that kind of thing, and Mr Kelly can give the details of how often that flexibility has been utilised. That was the primary reason for it.

MS DUNDAS: Chief Minister, do you yourself have any opinions or concerns about the workload of the Children's Magistrate and whether or not we need to have more than one?

Mr Stanhope: I don't have a concern about the workload. The history of the establishment of a dedicated children's magistrate in the ACT is now three years old. It was around the time the Magistrates Court Act was amended to allow for the appointment of a specialist Children's Court magistrate. It is a proposition that I support strongly. It is important for a range of reasons, particularly the specialisation that it permits and the concentration on issues of importance to children in the criminal justice system.

In a small court such as ours, with nine magistrates, the problem is not so much an additional Children's Court magistrate as how to construct—the point that Mr Keady was making—a Children's Court arrangement that allows the full utilisation of that small size a bench. There will be occasions on which there's a need for more than one magistrate to deal with Children's Court matters, but there are other occasions on which a dedicated Children's Court magistrate would not be fully employed.

The issue is the nature of the legislation that's in place. I believe the arrangement that we currently have, of a Children's Court magistrate and other magistrates being able to officiate as a Children's Court magistrate as occasion demands, is the appropriate structure. This issue was raised at the time of the initial decision to legislate for a Children's Court magistrate, and it essentially means taking a magistrate off-stream.

In the context of the size of our court and the size of this jurisdiction, I couldn't contemplate appointing two full-time Children's Court magistrates. I don't believe the workload of the court justifies two full-time Children's Court magistrates. Mr Kelly might be able to elaborate on the answer, but in terms of workloads and available resources, I believe—and I came somewhat reluctantly to this view—that the current arrangement is the most appropriate, having regard to the interests of the children, the size of the court, and the level of resources that we can apply to the Magistrates Court.

To go to your direct question, I'd love to have two Children's Court specialist magistrates, but the size of our court and the size of this jurisdiction don't make that the most responsible use of available resources.

MRS CROSS: Irrespective of demand, if the demand is there and I understand that we have—

Mr Stanhope: I'd have to defer to Mr Kelly. It's a chicken and egg proposition. I would hate to think that we've reached a situation where so many children are going before the courts that we need two full-time Children's Court magistrates. I hope that's not the case.

Regarding the principle of ensuring that our response to children that come before our courts is the most appropriate possible and, if there were the number of children coming before our courts—and I don't know what the number would be—that demanded the appointment of two full-time Children's Court magistrates, then, yes, I would be more than willing to look at that. But I'd hate to think that it's come to that or that it would ever come to that—

MRS CROSS: It's pretty bad, Jon.

Mr Stanhope: —in terms of other approaches that we need to take.

THE CHAIR: Chief Minister, could you find out for the committee how many cases involving children come before the court in the course of a year?

Mr Stanhope: Certainly. I don't have the statistics available immediately; we'd have to provide that.

THE CHAIR: What's the average case load of the magistrate?

Mr Stanhope: We are more than happy to provide that information, Mr Smyth.

THE CHAIR: What is the average case load per judge?

Mr Kelly: We have a specialist Children's Magistrate so, technically, the case load is that magistrate's.

THE CHAIR: I am interested in the comparison between workloads and whether you can justify a stand-alone Children's Court?

Mr Kelly: That's a matter for individuals, but there was a strong move to establish a specialist in the position, as much for the acquisition over time of expertise and an affinity with a particular group of people as for the workload.

MS DUNDAS: You mention the acquisition of expertise. Considering that the Children's Court magistrate position is actually being rotated between the magistrates, do you believe that that expertise and specialist knowledge required for working with children is being built up?

Mr Keady: I would have thought so. All magistrates at some stage will deal with a Children's Court case. Not just here; it's pretty much the case in other jurisdictions as well. There is a need, in small benches, to contemplate some movement within the court because people sometimes become wary of jurisdictions. There's a need for fresh ideas, and within a small bench the options aren't great.

The arrangement here suits the circumstances of our bench reasonably well. People are assigned for reasonably lengthy periods. They have time within that commitment to come to grips with not just the technical demands but also the relationships external to the court and the broader knowledge people were seeking when the notion of a specialist Children's Magistrate was proposed. I think that is working. The Chief Magistrate reviews that from time to time, I suppose with a view to insuring that there is a freshness in the person who is discharging that role from time to time.

THE CHAIR: We now move to output 2.2, crime prevention programs. Mrs Cross?

MRS CROSS: I have two questions for this output class. First, the quantity of crime prevention programs has been reduced from 14 to 10, and I would like to know why that has been cut. Second, under cost, when you estimated the outcome of the crime prevention programs, you didn't budget for \$50,000; you actually only allowed for an extra \$7,000. Could you explain why?

Mr Stanhope: These programs are administered by the minister for police, but Mr Jory may be able to give some enlightenment. I'm not the minister responsible for this program.

MRS CROSS: The first question was why the number of programs has been reduced from 14 to 10. Why have they been reduced by four?

Mr Jory: There were a couple of programs in this budget item when it first came along that we had planned to progress, but they were eventually stopped because they were proving ineffective. One of them related to providing a budget for advertising the national car immobiliser scheme, which is run through the National Motor Vehicle Theft Reduction Council. We found that the take-up rate in the ACT wasn't very effective, so that particular enhancement of the advertising was ceased.

Another program was a local crime prevention initiative, which the national crime prevention people from the Commonwealth Attorney-General's Department had promised they would be progressing. They owned the copyright to a crime prevention kit, which would be used amongst community groups and neighbourhood groups, but they never went ahead and developed that program for reason's I'm unsure about. We were very much in favour of that and had put funding aside to promote that ourselves, but they decided not to progress that. I'd have to look closely at what the other two programs are that have dropped out.

MRS CROSS: Thank you for that, Mr Jory. If you can come back to us with the other two that would be great. The second question I have for this class is that the estimated outcome of the cost of crime prevention programs was \$50,000 above the amount that you budgeted for. Could you explain why there's a difference? Are you suggesting that crime is going down?

Mr Jory: I'm informed that it's the \$50,000 that was rolled over for the recidivist research program.

MRS DUNNE: Was that the one Mr Smyth was asking about before?

Mr Jory: Yes, it would be.

THE CHAIR: While I've got Mr Jory there at the desk, over morning tea, the issue of who got—

Mr Jory: You promised you weren't going to raise this!

THE CHAIR: —the bucks from the police sales of confiscated goods was being floated around, and nobody seemed to have an answer. Does that money go back to consolidated revenue, or do the police keep it?

Mr Keady: I believe it's revenue retained by the AFP.

THE CHAIR: Can we confirm that?

Mr Keady: We'll check and confirm.

Mr Jory: Judging by the number of people at the police auction yesterday, I would suggest that every item gets taken up.

THE CHAIR: Are there any more questions for 2.2? Are there any questions on output class 2.3, legal advice and representation services? We'll move to 2.4, legislative drafting. Mrs Dunne?

MRS DUNNE: These are fairly process-driven questions, which I suspect Mr Leahy can answer. The target for pages of legislative manuscript has increased dramatically—by 21,000 pages, which is about a 70 per cent increase in the number of pages—but the cost per page has gone down. What are the factors, apart from bigger font or fewer words?

Mr Leahy: It's got nothing to do with font, page size or type size. It reflects the operation, particularly, of the ACT Legislation Register. The quantity of pages is measured in two ways. First, it is the drafting output of the office—in other words, the number of pages of drafts that we produce for our clients.

The second component is the number of pages of legislation and information about legislation that we produce and publish as part of our legislative publishing services, which is now done electronically through the ACT Legislation Register. That means that every time an ACT law is amended or affected in any other way—for example, by an expiry—we produce a new version of the law, which is available for people, and we endeavour to produce that on the day the change takes effect.

MRS DUNNE: Does that mean that oftentimes you are producing—at least, electronically—a large number of pages that may not actually be fine detail drafting, which is why the average cost per page is going down?

Mr Leahy: Correct.

MRS DUNNE: Could I put on the record, Mr Chairman, my appreciation for the legislative database? As far as I can see, across jurisdictions, it is without peer.

THE CHAIR: You certainly may. Are there further questions on output class 2.4? Thank you, Mr Leahy. Do we have any questions on output class 2.5, public prosecutions?

MR STEFANIAK: Mr Refshauge, I refer to page 276. In relation to quantity, under “person business days of prosecutor services”, the target and the estimated outcome for this year is 6,150. Congratulations on meeting your target. Your target for the next year is actually down a bit—to 5,770. What's the reason for that?

Mr Refshauge: There are a number of reasons for the decrease. We've had changes within the staffing of the office and, in part, we've had to increase salaries and therefore retain more people than we were able to retain in the past. In past years we had a turnover of something like 40 per cent in the office; last year we managed to rein that in.

Nine lawyers resigned in 2002, which represented a 35 per cent turnover of legal staff. As a result of that we've restructured the office in part. We've increased the salaries

and increased the level at which a number of prosecutors operate. More senior prosecutors are expected to undertake more complex and larger workloads. That has been a significant matter.

One of our staff members has also been on secondment as a member of the ADF Reserve. In accordance with the arrangements there, we've had a salary supplement that has enabled us to employ an additional prosecutor, so we've had a prosecutor additional to what the ACT funding would otherwise have allowed.

So, the restructuring of the office, the increase in workload demand on more senior prosecutors and the availability of additional prosecutors has meant that we expect to get more throughput out of the smaller number of prosecutors. Hence the reduction in prosecutor business days.

MR STEFANIAK: Is that tied up, too, with the last point—cost per prosecutor business day?

Mr Refshauge: Yes, it is.

MR STEFANIAK: I note that you've targeted that to rise, despite the smaller number of prosecutors.

Mr Refshauge: Yes, that's right.

MR STEFANIAK: Congratulations on having someone in the ADF, too. Under quality, the percentage of convictions held is 99 per cent. Can you explain that? Does that include every conceivable matter?

Mr Refshauge: That's all matters, including pleas of guilty.

MR STEFANIAK: Mentions and pleas in the Magistrates Court?

Mr Refshauge: A mention isn't a plea, but it includes all convictions, including those based on pleas of guilty.

MRS CROSS: I'm looking at costs, Mr Refshauge. The note says that the increase of approximately 20 per cent was negotiated under the 2003-04 certified agreement. Does that 20 per cent apply for every year?

Mr Refshauge: No.

MRS CROSS: Is it a one-off?

Mr Refshauge: It has been a combination of factors. One is the new EBA, which had a significant increase. Also, the factor I mentioned to Mr Stefaniak—the restructure in the office to retain staff by increasing their level of payment by restructuring and promotion—makes the individual prosecutors more expensive.

MRS CROSS: When would you look at renegotiating that again in the future? Once every two years or once every three years? We're interested in this Assembly because it's something we're going to take up with our Chief Minister, and we'd like to use yours as a benchmark.

Mr Refshauge: Of course, the benchmark depends upon the base from which you come.

MRS CROSS: Well, 20 per cent is a starting point; we're looking more at 40 per cent.

Mr Refshauge: Our enterprise bargaining agreement runs out in September 2004, so it needs to be renegotiated in the period leading up to September 2004.

MRS CROSS: If that's the case, it's every 18 months—

Mr Refshauge: The last EBA was for three years and in fact lasted a little longer than three years. The current one is for two years and started notionally last September, although it was only signed off earlier this year, and will last until September 2004.

MRS CROSS: Is this for all levels of staff?

Mr Refshauge: Non-executive only.

THE CHAIR: If there are no further questions for 2.5, we'll move on to class 2.6, protection of rights.

MRS CROSS: Yes. You may need to take this on notice, and that's fine. On page 278, you've targeted that the average cost of each case managed by the Public Trustee will fall \$90, from \$528 to \$438. Could you tell me what information leads you to this conclusion, Chief Minister?

Mr Stanhope: I'll have to take that question on notice.

MR STEFANIAK: On page 277, under quantity, the estimated outcome for the number of adults with a disability or children and young people represented by the OCA for individual statutory advocacy this year is 1,700 and the target is 1,000. The explanatory note says:

This is a 41% decrease ... The new figure represents the OCA's shift from individual statutory advocacy on behalf of children and young people.

Can you explain that drop a little more and what is occurring there?

Mr Keady: We have a slight disadvantage. You might recall that it was indicated by the chair that the OCA wasn't required to answer questions, so they have departed.

MR STEFANIAK: It's fine if you take that on notice.

Mr Keady: The answer may be that the improvement in the environment and systemic improvements have meant that the OCA is less involved with individual cases and more directed at broader systemic issues. They've been able to shift their focus from individual cases, which in the past have occupied a lot of their time, to more general issues and themes. I will take that on notice and then answer.

MR HARGREAVES: By way of assisting Mr Stefaniak, which, as you know, I love to do—

THE CHAIR: Because of your helpful, caring nature, Mr Hargreaves.

MR HARGREAVES: It's just a trait that the good Lord gave me when I was born. I would refer Mr Stefaniak to a public document, which is a submission to the Standing Committee on Community Services and Social Equity by the Community Advocate. The submission addresses the shifting focus that Mr Keady is talking about, and I think you'll find the answers to his questions contained in that tome—and tome it is.

MR STEFANIAK: Good. He can take it on notice. Give me a copy of that, John. I'd be very grateful.

MR HARGREAVES: It's available from the secretariat.

THE CHAIR: Chief Minister, under highlights in budget document 2, page 17, it says that 4,500 clients will seek services from the Human Rights Office. That's exactly the same number as last year, which is on page 22 of Budget Paper 2 of 20-2003. Is it possible to get a breakdown of those numbers? Are they in the annual report? What sort of services are Canberrans seeking, and what's the trend? It seems flat over two years. Is the trend increasing or decreasing?

Mr Stanhope: I'll ask Ms Follett.

Ms Follett: The occasions of service that are included in that figure of 4,500 vary. They range, for example, from complaints about discrimination, which in the past year have been a substantial part of our work, to requests for information, whether that is by telephone, e-mail, letter or people coming to our counter. An occasion of service might also be the provision of community education, which we provide according to our own calendar and schedule of education activities. We also respond to requests from organisations across our community for community education on any discrimination matter.

I understand your difficulty, in that we seem to be doing the same amount of work each year. A large amount of that work is purely demand driven. You might say that we have to adjust some of our other work in order to live within our resources, which have also remained fairly static.

THE CHAIR: What is some of your other work?

Ms Follett: For example, when we are asked to provide community education, we might need to schedule that later and we might need to put a number of groups together to enable us to meet that request. We might also need to tailor the number of newsletters we put out in a year in order to be able to undertake that work and stay within our budget.

THE CHAIR: By 4,500 clients do you mean individual issues or individuals? If I had one issue this month but a different issue next month, would I be two clients or would I be one client?

Ms Follett: You would be two clients if they were different issues. By the same token, if you lodged a discrimination complaint that included a number of different allegations, we would count each of those allegations. Because each must be investigated and decided upon, we would count each allegation as an occasion of service.

THE CHAIR: Is it therefore possible to get a number of individuals, as opposed to clients—that is, how many Canberrans actually access your services in a year?

Ms Follett: We would need to tease out that information and count the participants in our community education. We would also need to do a more detailed count of our inquiries. I'm happy to take that on notice and provide you with that detailed breakdown.

MR HARGREAVES: Can I explore that?

THE CHAIR: Specifically, on that point?

MR HARGREAVES: Absolutely, spot on that point. Ms Follett, when you talk about an allegation or claim being made, I seem to remember that it might be one or more persons involved in the same complaint. The chairman might be interested in a definitional difficulty we have here. I'm also aware that, when we've signed a head count of who has actually accessed the office, there is not only a variety of family members, extended family members and work people; there are also people the office might contact as a result of an allegation.

I'm seeking some clarification from the chairman on exactly what he would like answered because I think the answer to the question will really drive what sort of statistical information will be forthcoming. I appreciate that it is difficult. We've been down this path once before and found it very difficult to draw a conclusion from a stat that you might provide.

THE CHAIR: I'd like a breakdown of what the 4,500 services were that were provided and how many different individuals they were provided to.

Ms Follett: Indeed, we can give that to you. But there may be people who have sought more than one service and, as Mr Hargreaves said, there may at times be groups of people who have sought one service. We'll certainly do our best to provide you with the fullest possible information. I might also advise the committee that these issues are audited each year and have indeed been audited for the current year.

THE CHAIR: The year 2001-02 target is 4,500, the year 2002-03 target is 4,500 and the 2003-04 target is 4,500. The issues that come to you don't seem to be growing in number; are they growing in complexity?

Ms Follett: If you'd had the opportunity to look at our annual report, Mr Chair, you would have seen that I commented on the complexity of the discrimination complaints that came to the office. In that past year we had both the largest number of complaints that had ever been lodged under the legislation and by far the largest number of allegations within those complaints. They were very complex. In a service such as we provide, which is very much demand driven, it's difficult to tell, from time to time, what might be included in those complaints—both how many there might be and how complex they might be.

THE CHAIR: Members, do you have any more questions on 2.6? Ms Follett, thank you very much. We will move along to output class 2.7, electoral services.

MR HARGREAVES: You want to know the results of the next election, do you?

THE CHAIR: Chief Minister, on page 172 of BP 3, the table for electronic voting has additional capital in the year 2004-05 and some additional costs—value depreciation—in the out years. What sort of capacity are we building with the extra \$70,000 in 2003-04 and \$80,000 in 2004-05, and what will that allow us to do at the next election? I assume this is all for the next ACT election.

Mr Stanhope: I'll ask Mr Green to provide detail of what this enables us to achieve at the next election. It is essentially a replication of the previous election. Mr Green can give the details of that.

Mr Green: The Chief Minister is correct. What we've received funding for in the budget is essentially a replication of the electronic voting services that were provided at the last election. We will be looking at providing electronic voting at the four pre-poll voting centres in Canberra before the election and at eight polling places on polling day, which will include those same four pre-poll centres as ordinary polling places on polling day.

However, within that constraint, we are going to do a few additional things. We are going to enhance the software to the extent that we want to automate more of the set-up process to make it more efficient and quick, particularly with an aim to provide electronic voting facilities at the pre-poll voting centres from day one so that we provide it for the full three weeks. For the last election we were only able to provide it for the final two weeks.

While we're looking at providing pre-poll electronic voting in only eight polling places on election day, we're hoping to be able to put more people through those electronic voting booths than at the last election. Whereas we got something like 16,500 through at the last election, I hope we can get 25,000 to 30,000 voters through at the next one, even though we'll be using the same number of locations.

THE CHAIR: If more people than you expect turn up, how will you cope with that?

Mr Green: The way electronic voting was provided, and will be provided, was as an alternative to using paper ballots. If there are more people than there are computers available, they are given the choice of waiting or having paper ballots, which is what happened at the last election. Some people were keen to vote electronically and waited; other people were happy to take the paper.

THE CHAIR: This is hypothetical and we're not meant to ask such questions but, if all votes were to be taken that way, is there an estimated cost for going to full electronic voting?

Mr Green: We put up some models in our report on the electronic voting system at the last election—which is this thing—and I'm happy to give you a copy of that if you don't have one.

THE CHAIR: But the costings aren't in there.

Mr Green: There are costings.

THE CHAIR: Sorry, I must have missed them.

Mr Green: We take the view that it would be impossible to provide electronic voting to all voters at polling places if we stick with the current model of having 80 polling places open for one day in an ACT election. The logistics of setting up 80 locations for electronic voting just for one day are unrealistic and certainly very expensive, mainly because they would require a huge team of people to go out there and do it and a huge amount of hardware.

In our review we came up with a model where we felt we could provide electronic voting to all voters, which was to rethink the election process. Rather than have 80 locations open for one day, you would have 12 or 20 locations open for three weeks. The government has rejected that model.

MRS DUNNE: Mr Green, you said that, with some tweaking of the mechanism, you could get more people through by having them take less time to cast each electronic vote. How would you do that?

Mr Green: There are a few issues in there. The one thing people had trouble with in the last electronic voting system was the swiping of the bar code. We're going to improve that so that it happens the first time every time, which will obviously make it faster for people to use. The issue isn't so much the length of time each voter takes to use the electronic voting system as it is persuading people that it's something that they'd like to do. There was quite a variation among our different polling places in the number of users who chose to use electronic voting.

We found that, where the staff in our polling places were really confident about the electronic voting system, they were confident about selling its virtues to voters. For

example, staff in the Woden pre-poll centre, which was also used as a test bed for the electronic voting system, were very much on top of it and got something like 70 or 80 per cent of their voters to use electronic voting system. Where staff were less confident with it, it was about fifty-fifty.

We intend to put a lot more effort into training our polling officials beforehand. We've got the luxury of more time this time to do that, so the intention would be to get more people through largely using the staff.

MRS DUNNE: On the eight places, you've got four pre-polling locations in addition on polling day. Do we own that hardware? Do we own the machines that you pre-poll on, or are you leasing them?

Mr Green: The short answer is yes and no. At the last election we used hardware that was about to go out to another department. As you know, every couple of years departments refresh the leases of their equipment. In effect, we got the refresh that was going to a couple of different departments early. We used those machines for the few weeks that we needed them, and then we handed them on to the department. That was a very cost-effective way of doing it, and we've been exploring doing a similar thing next time.

MRS DUNNE: How many machines did you actually use? You had eight places with electronic polling, but how many actual stations were there?

Mr Green: We had 10 stations in each polling place. We'll see how far the budget will stretch as to whether we can increase that.

MRS CROSS: Chief Minister, I have two questions as a follow-on to that answer. First, why did the government reject the 12 locations over three weeks of voting?

Mr Stanhope: The government took a decision on a range of issues in relation to continued enhancement or a move to full electronic voting. Two aspects of the decision we took were the cost and the implications of a three-week voting period. Now that's a major innovation, and we certainly haven't accepted it at this stage. There are issues for all of us within this place and certainly the community and the commission in relation to where to now with electronic voting.

As Mr Green indicated, the essential equation in relation to a move to full electronic voting is the enormous expense on polling day—if we're to retain a traditional polling day—of establishing and resourcing the 80 or so electronic polling booths. The cost is prohibitive, insofar as full electronic voting at this stage of our development, and with our other resource pressures, does not deliver any great additional benefit.

There are certainly delays with Hare-Clark, and the declaration of the poll is a lengthy business here in the ACT—and frustrating for those of us involved in the process—but it is of no great moment to the rest of the community. In the context of our consideration of a move to full electronic voting at the next election, I couldn't justify to myself, let alone to the community, the additional cost in terms of the outcome.

But as Mr Green indicated, one way of overcoming that is to close down two-thirds of our polling booths and, changing the nature of polling completely, not have a polling day but a three-week polling period. So, one way is to close down two-thirds or three-quarters of the polling booths, establish 12 to 20 locations, staff and resource them electronically and then have a three-week polling period.

MRS CROSS: We have 33 days.

Mr Stanhope: We have a one-day polling period. To move from a single days poll to three weeks polling raises a range of very interesting issues, and I'm not persuaded that the community would embrace a three-week polling period. My government hasn't at this stage but is, as always, happy to think about innovative ways of looking at the world. I might say that the Australian Labor Party didn't rush out and embrace the notion, and I wouldn't mind betting that—heaven forbid I should ever speak to the Liberal Party—

THE CHAIR: That's an unlikely event.

Mr Stanhope: The Liberal Party is not all that enthusiastic either. Then again, the crossbench is a different beast, and I'm not quite sure what the views of the crossbench members of the place might be.

MRS CROSS: Chief Minister, thank you for the answer. My second question is: if the three weeks at 12 or 20 locations wouldn't work—and I understand your argument—what about reducing the number of polling booths on the day? With an electronic system you don't have to use staff resources and time, so you have results much quicker and it puts a lot of people out of their misery—not that they're important. It is more effective and, from a time management point of view, more cost effective. Have you considered having 10 locations, for example, electronically equipped so people can vote on one day?

Mr Stanhope: In the process of coming to the decision that the government came to on this issue, we did consider other variables but, at the end of the day, the factors that were taken into account were cost and community benefit. I would think about the implications for community convenience of reducing the current 81 polling booths to, say, 10 or a dozen. Having 220,000 electors turn up at 10 booths in the course of the day is not a prospect that the community would warm to.

There are issues of community convenience and cost, so you have to ask: what is the additional benefit we would be delivering through that sort of arrangement? Perhaps it would reduce the period of waiting between the election and the declaration of the poll that we experience in the ACT, but I don't think that reduction justifies either the cost or the inconvenience.

MRS DUNNE: Roughly how many people in the ACT pre-poll, Mr Green?

Mr Green: We mentioned that in our report, and I think it is about 25,000 people. I might stand corrected on that.

MRS DUNNE: So it's about 10 per cent?

Mr Green: It's of that order.

MR HARGREAVES: Is it true that cardboard is cheaper than computers, Mr Green, and that is why we're not doing it right across the board?

Mr Green: Paper is cheaper than computers.

THE CHAIR: Further questions?

MR STEFANIAK: On the table of page 279, under "number of elections/referendums conducted or assisted", the target and the estimated outcome for this year are both 20 and the target for next year is 25. Can you explain that please, Mr Green?

Mr Green: We are client driven by our non-Legislative Assembly election program, and that figure has increased because we're anticipating another round of enterprise bargaining elections to come up before the end of the next financial year. That is mainly to account for that.

THE CHAIR: Thank you, Mr Green. Members, do you have any questions on output class 3.1, regulatory services? We have a number of classes to get through, and we have half an hour at this stage—unless the Chief Minister would like to stay longer.

Mr Stanhope: He doesn't wish to, Mr Chair.

MRS DUNNE: In liquor licensing there has been considerable discussion about drink spiking. What contribution is the Liquor Licensing Board making to meetings on this issue? I had a similar discussion last year with Mr Brown, before it became a public issue. Is Mr Brown not here today?

Ms Kelly: Liquor licensing is within my responsibilities. The Office of Fair Trading participated in a joint campaign with the AFP in relation to drink spiking. We funded the production of—I'm not quite sure whether you've seen them—little pieces of cardboard, a flip-top that went over the top of drink bottles, and coasters that said, "Watch your drink, watch your friend." They were in fluorescent yellow colours. Our inspectors distributed them to all licensed premises when they conducted inspections and instructed the staff on their use. They are to be put over drinks that are found unattended in licensed premises. That was our way of contributing to what was, essentially, a law enforcement campaign, drink spiking being a criminal offence.

MRS DUNNE: We had a discussion last year about the introduction of tester swizzle sticks. What progress has been made on that? At one stage, they were being assessed by the Therapeutic Goods Administration.

Ms Kelly: I can take that on notice, but I can't assist you on whether there's been any progress on that.

MRS CROSS: On the table on page 281, the quantity of investigations, inspections and prosecutions in regard to fair trading will be falling by 5 per cent. Can you explain why you've reduced the figure compared to your target and your outcome from the previous year, given that the average cost of an inspection, investigation and prosecution has risen by \$7—which is on page 282—from \$54 to \$61?

Ms Kelly: Mrs Cross, in the course of this year I've reviewed the performance information provided for the Office of Fair Trading. I've moved some of the things that were previously measured as an investigation inspection to registrations, licences, permits and renewals. There has been a net increase of 901 items in investigations, inspections and prosecutions.

That is made up of a number of things. Proof of age cards used to be counted under investigations. I wasn't happy; I thought that was essentially an administrative task. They are now counted as registrations, and they are part of that increase in registrations. Also, there has been an increase of 2,774 packages inspected, which is a product of a change in the way trade measurement inspections are measured. They used to be measured on the basis of which business you went to—that was one inspection—and now it's the number of packages inspected.

There is also a decrease of 1,000, which relates to a function in trade measurement in relation to the accreditation of standards, which we've just decided no longer to do. So, there is a net decrease of 901, but that is due to work in relation to proof of age cards and trade measurements moving around. The only real decrease in work is in the 1,000 services in relation to accreditation of standards by the trade measurement group.

MRS DUNNE: There's been some discussion recently about whether there are people working in brothels against their will. Can you tell me about how the register of brothels and sole traders works? Is it a public document?

Ms Kelly: In relation to the workers in those brothels, it's not a public document.

MRS DUNNE: No, I don't mean it in terms of the workers; I mean it in terms of the people who hold the licenses to run a brothel. Is that information on the public record?

Ms Kelly: That's my understanding, but I'd best take that on notice and get back to you.

MRS DUNNE: Is information on people who operate as sole traders on the public record?

Ms Kelly: I have the same answer as the previous one. I'll get back to you on that.

MRS DUNNE: Okay. If it isn't available on the public record, I wonder why it isn't. The register of who are real estate agents and who are liquor licensees is on the public record. If these people aren't on the public record, can you give me the reason why they aren't?

Ms Kelly: Individual workers aren't on the public record, for obvious privacy reasons. It's my understanding that the others are on public record.

MRS DUNNE: I draw the distinction between somebody who's employed in a brothel, in the sense that employees of anyone who holds a licence have privacy considerations, and somebody who is acting as a sole agent. I'm interested in that as well.

Mr Stanhope: My understanding is that workers within brothels, as a result of privacy constraints, are—I think, reasonably—not identified. I take the point Mrs Dunne makes that, if the registered owners or licensees of brothels aren't on a public register, they should be, and I would be surprised to discover that they're not. But I understand that, for the same reasons the identity of workers within brothels is protected, the identity and details of sole traders are not publicly available. We'll be happy to take that on notice.

MRS DUNNE: On a similar subject, there was some discussion in the media that the department of immigration conducted some raids recently. My recollection is that two or three years ago similar raids were conducted, and they found people working in brothels who didn't have appropriate immigration clearance to do so. This is not to get into the subject of whether they were victims of sexual slavery. In the case of what happened two or three years ago and in the current circumstances, I presume there's a range of breaching provisions, as there is with liquor licensing, for somebody who has people with irregular visas.

Ms Kelly: I'm not sure what criteria that would be relevant to. The office participates in joint operations with the department of immigration and the federal police. When they go to an inspection, they each look for their various parts in relation to immigration violations, and the department of immigration deals with those aspects of the operation. In relation to relevance in the licensing, I'm not aware of it ever having been raised in the ACT in relation to a licence and I would have to check whether or not that would be a permissible factor to take into account.

MRS DUNNE: In that case, Ms Kelly, could you get back to me with the criteria that are applied to whether people may hold a licence. They personally aren't in breach of the immigration act, but I would have thought they also have responsibilities to ensure that their employees are legally able to work in the country.

Ms Kelly: It may well be that it's not a factor we've considered before.

MRS DUNNE: Thank you.

Mr Stanhope: I think it needs to be kept in some perspective. Two weeks before the police and immigration visits to brothels within the ACT, the Australian Federal Police and immigration officials visited a number of building sites and arrested people on the same basis who were working within the building industry in the ACT. The government would be concerned to ensure that there not be a particular need to introduce specific provisions in relation to sex workers as opposed to other workers.

MRS DUNNE: It might be that you breach holders of a building licence if they employ people who don't have the right visas. That doesn't mean you take their licence away from them forever; but you might suspend their licence to operate. These are things that we should look at.

THE CHAIR: Are there further questions on 3.1?

MR STEFANIAK: In relation to fair trading, I've seen a great increase in the last financial year in those Nigerian letter scams and, if anything, they are becoming more blatantly stupid and obvious. Do you have any record of anyone in Canberra actually being bitten by them over the last financial year?

Ms Kelly: There have certainly been a number of complaints in relation to them. Because those scams are based offshore, there is very little you can do to track down the offender putting up the material. What the office focuses on is using the network—the Commonwealth has established a scam alert network—because community education and prevention are the only effective ways to deal with those scams. Unfortunately, compliance has very little likelihood of success.

MR STEFANIAK: I appreciate that. I can recall that when I was Attorney, and I see you continue it regularly. The office provides education, and there is media on a regular basis. But I am interested to see whether any of our citizens in Canberra has been duped by a scam and to see any feedback your office has.

Ms Kelly: I believe there is one case where a person actually sent money, and I can obtain information in relation to that.

MRS DUNNE: Can somebody explain to me what footnote 3 on page 282 means? It says, "The Commissioner for Land and Planning transfers to the Department of Urban Services in 2003-04." I thought he was abolished.

Mr Keady: That's quite a reasonable point. He was dissolved as at the end of the financial year, 30 June, and the function is absorbed into the new planning arrangements.

MRS DUNNE: Does that mean that the staff are going to the new planning authority?

Mr Keady: Yes.

THE CHAIR: No further questions on output class 2.1? There is only one question for the Legal Aid Commission, so perhaps we could do that quickly, before we go to correctional services, and get the patient head of the Legal Aid Commission on his way.

MR STEFANIAK: Mr Staniforth, I have a couple of questions. First, I see that the grants of aid will be exactly the same this coming financial year as they are in the current year, although your advice on minor assistance rises by about 200 units. Why that particular figure, and why do you estimate the grants will be exactly the same?

Mr Staniforth: These figures, while they may look serendipitous, are actually very seriously calculated. We're punting on an increase in capacity to maintain the same number of grants. The committee seems to have heard today an endless discussion on complexity and difficulty, and we'd like to join the queue.

In the major area of our activity, which is the Commonwealth activity of family law, there's been quite a considerable increase in the difficulty of the cases that are coming before the Family Court. That is the point that the local Family Court judges have made on a number of occasions. That figure is reached pretty much with hope rather than pessimism.

MR STEFANIAK: That figure is the same, and there are a few small rises. For example, the average cost of financially finalised cases goes from \$2,500 to \$2,600. Yet I see your total costs are down from \$6,281,000 to \$5,983,000. What's the reason for that last figure?

Mr Staniforth: It's a fluctuating feast at Legal Aid. Perhaps "feast" is the wrong word and "poorhouse supplement" would be one closer.

MR STEFANIAK: Or famine.

Mr Staniforth: The main drop this financial year is a result of a very expensive Commonwealth funded criminal case in the territory. Those funds come from a one-off pool of funds kept by the Commonwealth Attorney-General's Department. We can make application for them once the case is finished and so are we.

THE CHAIR: Which may be renewed. Any further questions for the Legal Aid Commission? That being done, we've got 16 minutes for output class 5.1, correctional services. Chief Minister, the number of remandees is expected to go from 70 to 76. What have we based that upon?

Mr Stanhope: I'll ask Mr Ryan to respond to that.

Mr Ryan: It's very much a punt, and it's based on what's happened to us over the last five or six years. There has been a steady increase. This year we'll finish up pretty close to 70; last year the average was 62½.

THE CHAIR: Have we sent any remandees to New South Wales since the opening of the temporary remand facility?

Mr Ryan: Some were still remaining there after it opened late last year but, as soon as the new centre was up and functioning properly, we had no need to do that.

THE CHAIR: So, remandees are going up, but you're expecting the average number of prisoners to drop. Is that a punt?

Mr Ryan: Yes, it's a punt, and it's based on what's happened in the last few years. The numbers in the last two years in New South Wales have dropped, and we think that next year 140 will be closer to it. This year we'll finish up close to 130 rather than the outcome of 150.

THE CHAIR: On the next line, the average number of periodic detainees goes down by 1. So, we've got more remandees, and we're going to have fewer prisoners and periodic detainees.

MRS CROSS: Why do you need more reports?

THE CHAIR: Is that, again, a punt?

Mr Ryan: It is, again, a punt. The behaviour of those numbers for periodic detainees has been similar for that of prisoners: they've gone down over the last couple of years.

THE CHAIR: Continuing to work down these items, the number of community service hours remains static, and the number of home detainees remains static.

Mr Ryan: Yes. I don't think the estimated outcome for the home detention figures will be realised; it will probably be something less than that. We continue to be surprised by the lack of uptake in home detention. Nevertheless, we expect that next year it will pick up somewhat because, come September, the option will be available to people who would otherwise be on remand.

THE CHAIR: So should we not have a higher expectation there?

Mr Ryan: If any figure is incorrect there, it is the estimated outcome this year.

MRS DUNNE: You said it was fewer than 8. How many fewer than 8?

Mr Ryan: We're talking in ones or twos in this program. As of today, for example, there isn't anybody on the program. We've had a maximum of four or five. From time to time it goes up and down, but the uptake simply hasn't been there.

THE CHAIR: Will we be doing anything to make such a useful sentencing option more attractive to the judges? Have we spoken to the judiciary about the usefulness of this option, and have we asked them why they're not using it, when it seemed such a sensible option?

Mr Ryan: They're certainly aware of the lack of uptake. As I mentioned, its availability for those otherwise on remand in custody will improve the usage of it. In due course, what might need to be looked at are the offences that exclude entry into such a program. We followed the experience in New South Wales and, if anything, I think that's probably what is holding it back. For example, anyone who's convicted of murder, serious assault, sex offences, stalking, armed robbery and domestic violence against those they are likely to reside with are excluded.

THE CHAIR: Yes, one would hope so. You're expecting the number of considerations, or breaches, made by the Sentence Administration Board to go from 400 to 480. Is that based on statistics?

Mr Ryan: Yes, that's based on the advice we've received from the board secretariat. Their work seems to be picking up quite dramatically.

THE CHAIR: But if your target is 400 and your estimated outcome is 400, unless this year's target is dramatically up on last year's—

Mr Ryan: Once again, I think the estimated outcome figure will be higher than that.

THE CHAIR: Do we know what it is at the moment?

Mr Ryan: No, I'd have to take that on notice.

THE CHAIR: I have highlighted all those numbers because you think the number of remandees will go up, the number of prisoners will come down, the number of people on periodic detention will come down and the number of people on community service orders would appear static—the number of people on home detention is only one or two, so it probably doesn't affect the number a great deal—

Mr Ryan: It doesn't affect it.

THE CHAIR: but you think your breaches will go up by 20 per cent. If you breach somebody, surely they will go back into the system and either become a detainee or a prisoner.

Mr Ryan: Not necessarily.

THE CHAIR: What happens?

Mr Ryan: The rise in breaches reflects a couple of things. First, it reflects the preparation for parole, which is not something we're responsible for now. Second, it reflects the diligence with which the clients are administered. In other words, if they don't follow through, there will be no breaches. But if they are quite diligent in the supervision of people, they'll be breached. We believe the former is the main reason—and perhaps the overcrowding in New South Wales—that the opportunity to prepare people properly for parole isn't at the level at which we'd like it to be.

MRS CROSS: In that case, given the inconsistency in the numbers and given that most of them are going down, why do you need to do more assessment reports? Your assessment reports increase by 120.

Mr Ryan: The assessment reports are not necessarily reflected in the numbers that are on remand or in prison. They are reports based on the numbers that appear in the courts and the number of reports that are ordered by the courts for us to produce for consideration. I accept that there should be some correlation.

MRS CROSS: It is interesting that the cost per home detention has dropped significantly, to \$17. Is that a misprint?

Mr Ryan: There's a nought missing behind the 17. I'd suggest we'll never get to that stage.

MRS CROSS: It should read \$170?

Mr Ryan: \$170 would make sense.

MRS CROSS: So that's a Treasury error.

THE CHAIR: Cost-efficient criminal justice at that price. Mrs Dunne?

MRS DUNNE: My questions are about the figures, Minister, and they relate to the estimated outcomes. We've heard Mr Ryan say that the estimated outcomes probably won't be that in each of these cases. Why are the estimated outcomes, for the most part, especially in terms of quantity, replications of the targets? If you're not meeting the targets, why isn't that being highlighted in the budget?

Mr Stanhope: I'll ask Mr Ryan to respond with the basis for the estimated outcomes.

MRS DUNNE: No, I actually want an answer from the minister. The minister is responsible for what goes into the budget papers. As Mr Ryan keeps saying, we're not going to meet them. It's not going to be eight; it's going to be fewer than eight, by one or two. We're only going to have 130 people in prison as opposed to what they say is the estimated outcome of 150. These figures have been in this book for fewer than four weeks, and we're now being told the figures are wrong. Why are the figures wrong?

Mr Stanhope: I'll ask Mr Ryan to answer that question, Mrs Dunne.

MRS DUNNE: So you don't know, Minister?

Mr Stanhope: Mrs Dunne, I'll decide whether or not I answer a question, not you. If the Director of Corrective Services in the ACT is here with this information, I will ask him to answer the question. That is the basis on which this process operates. I'm not susceptible to direction by you as to whether or not I answer a question, and I'd appreciate a little bit of respect. Mr Ryan, would you answer the question, please?

MRS DUNNE: I asked you whether you knew.

Mr Ryan: I hope I can do so with some accuracy, but these figures are extraordinarily difficult to predict. For example, as of today, we have around 61 remandees. That has gone as low as in the 40s and has peaked in the 90s. Equally, the number of them that get turned out of the ACT into prison in New South Wales varies depending on what's happening with police operations and how the courts deal with them.

As always, the estimates there are best estimates but, as we come towards the end of the financial year, it would appear that some of those average numbers might not be absolutely correct—and I doubt they ever will be.

Mr Keady: Mrs Dunne, I will add to that. Trying to predict numbers going through the criminal justice system at any point is notoriously difficult. It's as much an art as it is a science. One is trying to predict what will happen in the future, when even the agencies directly involved are unable accurately to make that prediction themselves.

For example, it is extremely difficult for the police to anticipate, by the end of the next 12 months, how many people they will have arrested and prosecuted and for what kinds of offences. When you consider that the police control the gateway to the rest of the criminal justice system, that is very important information to know. Moving to the courts, if the courts try and anticipate the number of cases they are going to deal with, particularly in the criminal area, that in turn will be directly related to what the police bring through the door.

Corrections become involved with a proportion of those cases, and the proportion they become involved with, given the range of services they provide, varies according to what you're talking about. For example, the courts are using pre-assessment reports much more heavily, and that has shown up in the figures you just raised. That means that, at the cost of additional effort made by Corrective Services, the courts are much better informed about the characteristics of particular offenders. Therefore, their sentencing decisions have become much better informed and, hopefully, better tailored.

Whether the courts choose to send an individual to a community-based order like a reconnaissance to their good behaviour, community service, periodic detention or full-time imprisonment is very hard, verging on impossible, to anticipate in advance. The other point is that our numbers are small. Even a small shift in numbers can produce significant percentage variations.

We talked this morning about the program that the AFP and the DPP have in place to improve the success rate of sexual offence prosecutions. Should they be successful in that endeavour and, should there even be a relatively small improvement in the success rate and a corresponding, small improvement in the reporting of sexual offenders, given the nature of that kind of offending, the likelihood is that very quickly we will see larger numbers of people going both into remand custody initially and, finally, into full-time custody for offending. Trying to factor in that kind of outcome in the next two years is virtually impossible.

THE CHAIR: Chief Minister, what stage has the remand centre project reached?

Mr Stanhope: It's progressing actively, Mr Chair. I hesitate to put a timeframe around some of the decisions that will be made, but Mr Keady and Mr Ryan are almost at the point of finalising a cabinet submission for the consideration of government. There are a range of issues that are being actively pursued. I have given

Mr Keady and Mr Ryan the direction that I want the matter progressed as a high priority, and that is being done. I'm determined that the government proceed with this matter as a real priority.

At the forefront of the issues being put to government is the configuration—whether we proceed to construct a remand centre alone, whether we construct a full prison or whether we look at other options in between the two. That threshold question is the essential question that will be put to government within the next few weeks. There is the prospect of my making and announcing that decision—I hesitate to put an absolute figure on it—within the next four to six weeks.

THE CHAIR: Majura is therefore confirmed as the site?

Mr Stanhope: No, that is the government's preferred site at this stage. The government has commissioned a noise study in relation to the preferred site. The government is yet to consider the implications of the outcomes of that study. That's an issue that will be coming to cabinet at the same time.

THE CHAIR: Where is the prison project at?

Mr Stanhope: I was addressing both in my answer, to the extent that the remand centre and the prison project are being looked at as a single project at this stage.

THE CHAIR: So the prison project is back on the agenda? You were quoted as saying that after 18 January the prison project was right off the agenda. Is it now back on the agenda?

Mr Stanhope: I never said it was right off the agenda. That's not what I said, Mr Smyth. What I said was that the government would have to look at its funding priorities, and I used the prison project by way of example of an issue that would not be a priority, as against the government's need to commit funds to the recovery and restoration of Canberra from the fires. As it is, the government is anticipating expenditure of \$52 million on bushfire recovery related initiatives to the end of the year 2006. That has had a significant impact on us, and we've put some measures in place in relation to that.

What will no doubt be put to cabinet in the submission that Mr Keady and Mr Ryan are currently preparing is what the final estimated cost of a full-blown prison will be. You will recall that the last estimate within the public domain was about \$110 million. Whether or not the government can commit to a \$110 million project at this stage, having regard to other priorities it has and other decisions it has made, is a very serious question.

A full new remand centre, which is an absolute priority the government has always been committed to, will come in at \$60 million, or perhaps a little bit more—just a replacement remand centre. I visited the remand centre with Mr Ryan a month or so ago. It was the first time I'd visited the remand centre, and it was a sobering experience for any minister. We will be proceeding—whatever—with a remand centre.

There are other potential options—a remand centre plus some prison capacity, in a number of variations, or a full prison. The costs we'd be looking at are probably between \$50 and \$60 million and \$100 and \$120 million respectively. There are some issues for decision there. Those matters will be coming to cabinet within the next four to six weeks, and the decision will be made at that time.

THE CHAIR: One of the measures of timeliness is completion of prison project milestones within planned timeframes. The estimated outcome is 100 per cent. Have we achieved those milestones?

Mr Ryan: There was a question of putting either 100 or zero because the milestones do not really start until the project is approved. But, along the way, the self-imposed milestones that we've had placed on the project have been achieved—or whenever we've been asked to produce something, we've produced it on time.

THE CHAIR: So Chief Minister, both the remand centre and the prison project will go to cabinet in the next four to six weeks?

Mr Stanhope: Yes, the submission will cover a number of possibilities and options. Amongst those will be whether, in addition to proceeding with a remand centre, we should take the opportunity to make provision for some prison capacity or whether, on the basis of the options that will be incorporated within the submission, we should agree to the construction of a full prison to meet our needs now and in the future.

THE CHAIR: Mrs Dunne has a quick question. Then we might call it quits for the day.

MRS DUNNE: If the noise research shows that the Majura site doesn't stack up, do you have a plan B? If so, what is it?

Mr Stanhope: The preliminary advice available to me is that there are some noise implications, but I haven't seen a formal briefing on this. Discussions and other briefings that I've had with Mr Keady and Mr Ryan—

THE CHAIR: So it was "Have we got some noise?" and the answer was yes, and that was the briefing.

Mr Stanhope: No, we've got detailed advice on it. But I'm also advised that the noise issues are amenable to control by appropriate design measures. I'm yet to see that advice. I've been advised informally, I haven't seen it in writing and I haven't accepted it. The informal advice to me at this stage is that, yes, there are some noise issues but they can be satisfactorily dealt with in the design of the prison.

MRS DUNNE: So you don't see a need for plan B?

Mr Stanhope: I don't have a formal plan B. The government hasn't conceded that it shouldn't be looking at other options or other possibilities. Indeed, we are doing that.

MRS CROSS: Will you rule out Symonston?

Mr Stanhope: We're not going to Symonston, but we're looking at other land available.

THE CHAIR: So you are actively considering other sites, Chief Minister?

Mr Stanhope: We're looking at other possibilities in the event that, when I get the formal advice in relation to the noise, I don't accept it.

MRS CROSS: My electorate thanks you for ruling out Symonston.

THE CHAIR: Have you at any stage, as minister for corrections, been told that the prison and the remand centre should not go to Majura?

Mr Stanhope: Not from within government. I've received some representations, certainly from the owners of the airport, in relation to the site.

THE CHAIR: But you've received no advice from your officers that it should not go to Majura?

Mr Stanhope: No, I have not received that advice.

THE CHAIR: Chief Minister, thanks very much for your attendance this morning as Attorney-General.

Luncheon adjournment

THE CHAIR: Dr Baker, thank you for joining us this afternoon. Would you like to make an opening statement on behalf of the Office of the Commissioner for the Environment?

Dr Baker: We have prepared an analysis of our budget which we believe to be adequate to do our job. We would appreciate it if our budget were assessed over a three-year period, otherwise it makes it a little difficult to manage. Generally speaking, everything is in order. We will complete our state of the environment report by 31 December this year and the Chief Minister will have that report on time.

MRS DUNNE: I have a general question, not so much about the state of the environment report but about your capacity to advise on other environmental issues. I am thinking principally about your advice and views on O'Malley and, more recently, the trees in Nettlefold Street. Referring to the second part of that question, are you entirely satisfied and comfortable with a process that allowed for tree-damaging activities? Irrespective of whether you are comfortable with that process, do you believe that things could be handled better in the future? I asked that question because this issue is quite contentious and constituents are concerned about it.

Dr Baker: The Nettlefold Street development proceeded at a time when new arrangements relating to tree protection were being developed. We think that those processes could be implemented differently in the future, taking into account trees of

significance, for example, trees that are 300 years old, trees that are more than 300 years old and other significant trees on site. The Office of the Commissioner for the Environment religiously follows the definition of environment in the Environment Protection Act and in the Commissioner for the Environment Act. We take into account the social, cultural, aesthetic, ecological and economic aspects.

We recognise that there has to be a balance between the natural environment and the built environment. I am concerned that it is not a long-established practice to look at the significance of a tree that is 300 years old and determine how long it would take to replace it. Could it be replaced? What is the habitat significance to species other than the tree? What is the aesthetic approach to people in the nearby vicinity? We also have to take into account aesthetic aspects of the development because that is an environmental issue. The human being, who is part of the ecology, is thus specifically catered for in that definition.

Significantly, in future considerations we should make a more detailed analysis of the holistic approach rather than looking at a tree as a tree without wondering about its total impact on aesthetics, the ecology and the economy.

MRS DUNNE: In correspondence with me you indirectly expressed some concern about the process involving the trees at Nettlefold Street. In my capacity as a member of the Assembly, you provided me with a copy of your report. The bits of the report that I received were somewhat critical of that process. If we were starting from the beginning, what would you do differently? What would you see as the most desirable outcome for that block of land?

Dr Baker: I cannot speak about the most desirable outcome; I can speak about what I see as being the most desirable environmental outcome. When decisions other than environmental decisions have to be made about a development, we hope that the environmental outcomes are considered seriously. That site, which was a distinctive entry site to what might be called a light industrial estate, provided an aesthetic entry that shielded from view the harsh outlines of buildings that may be without a lot of form, such as the one that is proposed.

I believe that development could have taken place with a different shaped building, retaining more of the trees and taking into account not only the current needs of the trees but also the needs of the trees 50 to 100 years from now. Those trees, which will continue to grow, are not static or inanimate. Those sorts of issues have to be carefully considered.

MRS DUNNE: Under the present plan and development proposal, do the trees that remain on the block have any hope of longevity?

Dr Baker: The major trees include a 300-year-old tree. I expressed some concern about the entry to the block and the parking area, which will be approximately 2.1 metres lower than the level of the ground at current highest point. That might interfere with the natural flow of water below the ground level. It might interfere with the root system and with the supply of water to that root system. I believe that consideration should be given to the needs of a tree beyond the construction period to the period of continuing use.

Let us say, for example, that a tree prevented sunlight from getting onto a building at some time in the future. As that tree grows bigger its needs, not just the needs of the building or the people, have to be considered. A differently designed building could have been built on that site. The retention of more trees could have resulted in a greater chance of survival. I stress that we take a holistic view. We recognise that there are experts who advise on specific aspects of trees and their needs.

MS TUCKER: While we are talking about grassy woodlands, I noticed some comments in your last annual report. You referred in that report to the implementation of recommendations in the state of the environment report. I was interested in your comment on the government's progress in relation to recommendation 5 in the 2000 report. The report states:

That the ACT Government co-operates with relevant Councils in the Australian Capital Region to:

- verify the extent and condition of native vegetation communities in the ACT and the Australian Capital Region, in particular those that are indicated as having less than 30% of their original (pre-1750) extent remaining

Your response was:

Progressed but not yet implemented. I have been advised from time to time of progress on the planning framework for natural ecosystems in the southern tablelands of New South Wales and the ACT, but for this annual report I am unable to assess the extent to which that work will address my recommendation.

You then said that you looked forward to seeing further work and you made a comment relating to recommendation 6 in which you said:

Referring to the response to recommendation 5, pressures may be applied for further urban development before the knowledge base is adequate to conserve the biodiversity of the Australian capital region and the ACT.

Taking into account the fact that the government now has land for release in east O'Malley, Forde and Bonner, how does that fit in with the recommendations and the comments that you have made regarding the pressure of urban development and endangered ecosystems in a regional context?

Dr Baker: I suspect that, in a regional context, it does not take into account the recommendation that I made. It is not clear to me that the woodland review takes into account the extent of those yellow box/red gum grassy woodlands and other woodlands in the whole region; rather, it concentrates on woodlands in the ACT in particular. It is a matter for the ACT government to decide its responsibility relevant to the national occurrence of a habitat. As our recommendation states, it is wise to take into account the national need because we are the national capital.

MS TUCKER: Rather than getting into the specifics of your recommendations in the state of the environment report I will ask the government to indicate how it is implementing some of those recommendations. I am aware that this is the last time that you will appear before an estimates committee as you are either retiring or leaving at the end of this year.

It has been invaluable and important to have an independent office such as yours undertaking this monitoring role and recording the state of the environment in accordance with the broad definition in the Commissioner for the Environment Act. When your office was first established, I was concerned about the number of days that you were to be employed. From memory, you are employed six days a month.

Dr Baker: That is right.

MS TUCKER: I am astounded at what you and Helen Sims have produced with such limited resources. After nearly 10 years in office, I am interested in hearing your general comments about the strengths and weaknesses of the structure, the statistics relating to resourcing, the number of days that you are employed and how you think it has worked. I am sure that you do more work than you are paid for.

Dr Baker: At first I used to work six days a month, but that increased to eight days a month in the year of a report. Naturally enough, at the time that I took the job, I did not have any other position. Even though it was a part-time job, I was quite prepared to work every day because I saw it as a real challenge. Helen Sims brought with her an understanding of the ACT government bureaucratic process which I did not have and could never have. So it has been a very good team.

Since the inception of the Office of the Commissioner for the Environment, the party that has been in government has always supported that office. We have always had direct access to the responsible minister. We have had good interaction with Environment ACT, or whatever it might have been called at different stages. I hope that the Office of the Commissioner for the Environment will continue.

We have suggested that a review should be undertaken because that office has been in operation for 10 years. In fairness to people like Helen Sims and Pauline Carder, the office really needs a commissioner for a little more than eight days each month. There is value in not having that position as a full-time position. It is good to have an opportunity to do other things and to move around.

One of the great things that occurred in our 10 years of operation was the decision taken by the regional leaders forum to seek a regional state of the environment report. That showed maturity and a recognition of the fact that the ACT is too small an area to be representative of any ecosystem. It could not be said that the ACT was an isolated area. So the concept of looking at regional aspects of environmental best practice is remarkable. That concept was recognised by the Victorian government, which came to us for advice on how to set up an office involving environmental best practice, and it was recognised also by the federal government, which asked us to prepare a template for state of the environment reporting in other jurisdictions in Australia.

I do not think I can answer your question completely in the time that we have available this afternoon. I certainly want to produce towards the end of my term an independent report for the Chief Minister and for the Assembly. I think that would be a better way of doing it as so many things have happened. In the four reports that we have produced so far we have made a total of 132 different recommendations. The vast majority of those recommendations have been taken up either fully or partly by the government. It is hard to say, however, that our office has been responsible for all those things. In the time that we have existed there has been a transition in the thinking of people to greater environmental responsibility.

Sometimes we appear to have been a little before our time. One of the great achievements was the agreement that was reached by the government in 1997 to no longer use the words "agree in principle". When a government agrees in principle it means that perhaps one day it will get round to it. The responses have been more positive.

One of the benefits to us is what I believe was an Assembly initiative. After we produce each annual report the government is obliged to report on progress against recommendations made in the previous state of the environment report. That enables the environment to be maintained as a focus in the Assembly each year, even though a state of the environment report is produced only every three years. I have made that general observation, but I promise a more detailed assessment through the review process and at the end of my term.

MS TUCKER: What is the review process? Has that been determined or do I ask the Chief Minister that question? Do you know what is the review process? Who do I ask?

Mr Stanhope: The department.

Dr Baker: I certainly know what is the review process. We have been interacting with Dr Maxine Cooper and we have agreed on the terms of reference. We have agreed to the composition of a steering committee and that will be initiated in the near future. Dr Cooper could probably indicate the precise timing.

MS TUCKER: I am also interested in the composition of the steering committee.

Mr Stanhope: Perhaps you could finish with Dr Baker.

MRS CROSS: Dr Baker, did you say that your tenure is ending in December this year? Is that what you said?

Dr Baker: Yes. I am retiring at the end of this year. By that time, I would have been in the job approximately 10 years and six months.

MRS CROSS: You deserve a medal. Chief Minister, I cannot find anything in the budget papers to confirm whether this position is continuing.

Mr Stanhope: That was the point that was just being made, Mrs Cross. As Dr Baker said earlier, that position will be continuing. Dr Baker has recommended to the government—and the government has accepted his recommendation—that there should be a 10-year review of the legislation, the office and the position. We are proceeding with that review.

A point that was raised earlier by Ms Tucker is that Environment ACT, in consultation with the commissioner, developed terms of reference for a review of the office and the legislation. We have also agreed on the establishment of a steering committee to oversee that review. But I will wait until you have finished questioning the commissioner before asking Dr Cooper, head of Environment ACT, to give you the details.

MRS CROSS: Thank you for explaining that. I cannot find any allocation for that in the budget papers.

Mr Stanhope: It is on page 209 of budget paper 4.

MRS CROSS: Which line item on that page refers to a budgetary allocation for a future commissioner?

Mr Stanhope: I am not quite sure where it appears in the budget.

Mr Davidson: The 2003-04 targets are shown in the final column on page 209 under the heading “Cost”.

MRS CROSS: What amount are you looking at?

Mr Davidson: The total.

MRS CROSS: The figure of \$340,000 or \$436,000?

Mr Davidson: The figure of \$436,000.

MRS CROSS: Is that budget allocation to pay for the running of the office, the cost of staff and the commissioner?

Mr Davidson: Yes.

MRS CROSS: How many staff?

Dr Baker: Dr Helen Sims and Ms Pauline Carder are the two full-time staff. There is money available within those funds to employ consultants in the year of the state of the environment report, or when we have to prepare a special report.

MRS CROSS: I am trying to work out whether staff members—and I am including the commissioner—are remunerated adequately for the job that is being done.

MRS DUNNE: You did not hear the earlier comment of the chairman. He said that Dr Sims does the work of six ordinary men.

MRS CROSS: No, I did not hear that comment. I think that you all deserve a medal for the work that you have done. Dr Baker, you said that initially you worked six days a month and now you are working eight days a month. How many days a month do you suggest that a commissioner should work? You said that it was not necessary for the commissioner to work full time. What is necessary?

Dr Baker: That is a difficult question. As a professional I believe that, if you do a job, time does not worry you. I might be old-fashioned.

MRS CROSS: We are, too.

Dr Baker: If I were to give you a guesstimate I would say that of the order of 12 days a month, based on 20 days a month being full time. That would be my estimate of a reasonable time to do the sort of job that I have had to do in the past. But I have enjoyed it.

Mr Davidson: The Remuneration Tribunal determines the remuneration for that position.

THE CHAIR: How has the relationship between the Commissioner for the Environment and the Office of Sustainability been working over the past 12 months?

Dr Baker: It has been working extremely well. We have a close relationship with Peter Ottesen. I am a member of the sustainability expert reference group, or SERG. We have had close interaction. We have been party to discussions on the definition of sustainability in the documents that are being prepared. I will continue in that role as a member of SERG. I think the relationships have been good.

THE CHAIR: For those members who are not aware, the Public Accounts Committee had a meeting with the Office of Sustainability. Dr Baker attended that meeting. There has been some discussion about how to progress the sustainability ideal. Do we, as an estimates committee, need to keep an eye on that in the future? Do we need sustainability across ESD principles?

Dr Baker: That is probably a question that the Chief Minister would like to consider in greater depth. From my perspective, it would be a significant development for the territory and one that other states may well copy. They have already looked at legislation that has been enacted here. I think that the Office of Sustainability, as it is currently constituted, is there to ensure that government agencies adopt best practice in our progression towards sustainability. In reporting on the progress of or the change in the state of the environment, one goes a long way towards determining whether or not one is moving towards sustainability.

It would be appropriate at some time—but not yet—to consider whether the territory should have a commissioner for the environment and sustainable development, much

as Victoria is doing. Victoria has a commissioner for environmental sustainability. I do not think the two are separate. If you are going to report on sustainability, it is wise to have an independent report rather than an internal report. The Office of Sustainability is directed towards the agency, whereas reporting on sustainability is a whole-of-community, whole-of-industry and whole-of-government process. I am hopeful that the government will be mindful of that.

MS TUCKER: I am concerned about one issue. I know that you commented in your annual report on groundwater. We do not appear to have any real understanding of what is there and we are not monitoring its use. Can you comment on that issue?

Dr Baker: I have served on the Actew water benchmarking committee. I have been strong in that group. I will always be a strong believer that water has to be addressed as a holistic issue. The source and even the age of groundwater have to be determined. Some of the longstanding arrangements that are in place in Canberra that enable buildings to take groundwater should be reviewed in the not-too-distant future. Water will be one of the great issues of the future so far as sustainability is concerned.

To me, you cannot look at surface water without looking at groundwater. You cannot look at river water without considering the impact of dams that people build on their properties. It is all part of a holistic system. I am hopeful that water will be addressed in that manner. That means the work that was done before the ACT became a separate government—a fair amount of work was done on groundwater—is still valuable as a reference point. I understand that some attempts are being made to look at the level of groundwater and the impact of taking from it.

THE CHAIR: Commissioner, thank you for your attendance at these Estimates Committee hearings.

Dr Baker: Thank you for your courtesy.

THE CHAIR: We will turn now to page 192 of budget paper 4 and to output classes 3, 3.1 and 3. Are there any questions on environmental management and regulations?

MS TUCKER: I refer to yellow box/red gum grassy woodlands and to the land release in Forde, Bonner and O'Malley. I am interested in your response to the comments of the Commissioner for the Environment on the still inadequate regional perspective on this endangered ecological community. We are pre-empting that through the release of land for development before we have focused on or thought about the regional context and while the strategy is in draft form.

Mr Stanhope: I will ask Dr Cooper to respond in more detail to your question. However, I am not entirely sure whether that is what Dr Baker said.

MS TUCKER: That is what is in his report. I am sorry if I have misquoted him. He makes the point quite clearly in his annual report that he wants urban development in that regional context brought into the thinking.

Mr Stanhope: He certainly said that, but—

MS TUCKER: I apologise if I have misrepresented him, but you should refer to the report.

Mr Stanhope: I think you misrepresented him a little on the edges, Ms Tucker. I take the point that you have made. There have been significant developments in the protection of lowland woodland and grassy woodland. As you pointed out earlier, the government delivered a draft lowland grassland strategy—a significant document prepared essentially by a team led by David Shorthouse in Environment ACT. I congratulate them on the work that they have done. All those with an interest in the preservation of lowland woodland acknowledge the scientific base and the thoroughness of that significant piece of work.

Members would be aware that that strategy has been released and the government is inviting responses to it. Decisions relating to a portion of east O'Malley and to Forde and Bonner have been announced. However, the point that has to be made is that the government was always explicit that its decisions in relation to west O'Malley would be made on the basis of the draft strategy. That was explicit in the government's position on the review of east O'Malley. The community, through the conservation council, acknowledged that position as the ACT government's public position in relation to that issue.

Reference was made also to Forde and Bonner—the other area of grassland—and to the decisions that have been made. Forde and Bonner have been in the development phase of the government's land release program for some years. I do not think it would come as a surprise to anybody that Forde and Bonner were announced as part of this government's forward land release program. I do not think there is any great surprise in the decisions that the government has taken in relation to Forde or Bonner. Equally, there is no great surprise in the decisions that it has taken in relation to east O'Malley. The basis on which this government makes decisions is always well articulated.

The member asked a fundamental question but we all accept that, as a result of an historical accident, the creation of the ACT as the seat of government and the land management regimes that have persisted in the ACT since that time, the ACT has a far higher percentage of retained lowland grassland that is of a higher quality than most areas within the region. We acknowledge that that imposes a significant extra burden on us as guardians of that high-quality yellow box/red gum. Having acknowledged that, there are also some imperatives on the ACT government to plan for and manage the needs—not just the environmental needs—of the community.

I take the point that the member made. I and the government accept that we have a special responsibility because we have retained significantly greater—at least in percentage terms—proportions of high-quality yellow box and red gum than some of our neighbours. But we also have a responsibility to deliver on our other social and economic responsibilities, namely, affordable land for ACT residents. We must also continue to engender sufficient revenue to meet the social priorities of the government in the areas of health and education.

Those are the decisions that we have taken and that is the balance that we sought to achieve. We acknowledge the work that has been done to develop the lowland woodlands strategy. Nevertheless, we must meet our other social and economic welfare obligations and we must meet the needs of the community. That is the overlying framework.

I cannot recall the formal name of the report for the whole region. However, members would be aware that the government just released a significant piece of research into nature conservation, planning issues and imperatives around the protection of ecosystems in the region. I refer to the need for this government to take a more regional approach.

Members would be interested to know that, as recently as a month ago, I had a discussion with the New South Wales Minister for the Environment, Bob Debus. I raised with Mr Debus the need for cross-border consultation and cooperation in relation to the protection of yellow box and red gum. I had that discussion with Mr Debus at the Murray-Darling Basin Commission meeting which was held about a month ago.

I followed up that discussion with Mr Debus at a meeting of environment and heritage ministers in Melbourne a week ago. I have now asked the department to write formally to Bob Debus about some genuine cross-border cooperation in relation to the protection of yellow box and red gum, accepting that the ACT government cannot take responsibility for the protection of this valuable ecosystem in the entire region. We are aware of these issues. I am seeking to develop a formal relationship with Bob Debus and with the New South Wales government in relation to yellow box and red gum in the region.

I think we are at the forefront of management issues that relate to the conservation, enhancement and restoration of yellow box and red gum. The 2003-04 budget reflects this government's commitment to that project. The government made significant announcements about the 1,000 hectares of yellow box and red gum that will be placed in reserve. Over and above that, \$1.6 million has been allocated for the management of yellow box and red gum. We must enhance our understanding of the ecosystem and better manage it. We must also work out the best ways of restoring it.

MS TUCKER: Can you not give committee members some documentation that refers to the work that you are doing?

Mr Stanhope: Which work is that?

MS TUCKER: You referred earlier to having a meeting and to working with the New South Wales government. Are you picking up the recommendations made by the Commissioner for the Environment in 2000?

Mr Stanhope: I must say that I was not doing that formally. I was doing it after having read the lowland woodland strategy and after acknowledging the significant issue that you have raised. In the ACT there is a high level of understanding within

the community, let alone within the government, about the importance of yellow box/red gum grassy woodland. I hazard a guess that it is much higher here than it is in New South Wales or in any of the councils that about the ACT. There is a much higher community focus on and support for the need to preserve and conserve yellow box and red gum in the ACT than there is in New South Wales.

One of the issues that interest me and that is raised in the report of the Commissioner for the Environment—it is also a feature of the work that was done in the preparation of the lowland woodland strategy—is that much of this ecosystem still exists within the region. Ironically, the closure of land in the ACT has resulted in regional areas such as Jerrabomberra, Googong and Tralee and other areas with significant quantities of high-quality yellow box becoming much more attractive locations for settlement. ACT residents, in particular those interested in a rural residential lifestyle, are moving, for whatever reason, into significant lowland woodland estates that have been developed across the border.

MS TUCKER: What has that to do with it? We wanted to commence development on grassy woodland in Forde and Bonner. People want to reside in rural residential areas or on hobby farms. I am not saying that that is not a problem; I am asking for your response.

Mr Stanhope: I think it is a logical response to this issue. Essentially, the thrust of the lowland woodland strategy is to identify lowland woodland of the highest quality and to ensure that we protect it and restore it where we can. I referred earlier to our need to meet some of our other social and economic obligations. We cannot from this day on refrain from developing any land that might be identified as lowland woodland or grassy woodland, irrespective of its quality. If we did, we would be discounting any further development in Gungahlin and, basically, we would be saying, “That is it. Pull up stumps. There will be no more development in Gungahlin.” That is one of the options. We would then force people to buy significant high-quality land in Tralee or in Googong. I think there is a relationship between the two.

MS TUCKER: You are saying that high-quality land in New South Wales will suffer if we further develop areas in the ACT.

Mr Stanhope: There is that potential.

MS TUCKER: Do you know what percentage of land in New South Wales is high-quality land? Do you have that percentage?

Mr Stanhope: We do not. We have not done that sort of work for New South Wales. At this stage, we are concentrating on the ACT.

MS TUCKER: The figure is about 2 per cent.

Mr Stanhope: That is 2 per cent of land that is adjacent to us, Ms Tucker. That is 2 per cent of significant high-quality land in New South Wales.

MS TUCKER: I do not want to argue with you. I hear your answer, but I do not agree with it.

Mr Stanhope: I do not agree with yours, Ms Tucker. With respect, I think you have missed the point.

THE CHAIR: It is not about that.

Mr Stanhope: No, it is about that. It is about the misunderstanding around the ACT imperative. If we close down development in Gungahlin, we force development in New South Wales.

MS TUCKER: That is a shocking argument.

THE CHAIR: The Chief Minister is entitled to his answer.

Mr Stanhope: If that is your argument, why are you bothering to pursue this in a regional context?

MS TUCKER: You should not be doing anything to 5 per cent of land in the region.

Mr Stanhope: No, that is not the point at all.

MS TUCKER: It is the main point.

Mr Stanhope: It is about adopting a regional approach. That does not mean that we should adopt an ACT-specific approach which requires us not to develop in the ACT on the basis that we have given up on the rest of the region. I am saying that we should look at the region in toto. Let us look at the high-quality yellow box/red gum grassy woodland in the region. Let us do what we can to protect the highest quality yellow box and red gum. That is why we want a regional approach. That is why I have approached the New South Wales government.

MS TUCKER: The ecological community has indicated that 30 per cent of the original—

THE CHAIR: Ms Tucker, come to order. This is not a debating society. Mrs Dunne and Mrs Cross have supplementary questions. You cannot debate the issue.

MRS DUNNE: My supplementary question relates to the regional strategy for red gum and yellow box grassy woodland. How does that strategy marry up with the firewood strategy? Fewer people are selling firewood, which is good, even though they have authorisation to do so. I am currently looking to replenish my supply of firewood, but it is almost impossible to find anything other than box. How does this strategy marry up with the firewood strategy?

Relatively speaking, we are all sitting in the ACT and saying that we are doing very nicely, thank you, when firewood merchants are going to Young, Cootamundra and places like that and bringing firewood here so that people like me and many others who choose to have a renewable heat source can burn that wood in their fireplaces. It is hard to find an alternative to box. The firewood strategy has made significant

inroads into that by encouraging people to use pine, mixed loads of wood and all that sort of thing. But when you go looking for pine it is very hard to find. Are you encouraging people to be discerning when they buy wood and say, "I really do not want box. Something else will do?"

Mr Stanhope: It is a well-made point, Mrs Dunne, which goes to the heart of the issue, that is, the attractiveness of yellow box as firewood because of its density and the heat that it generates when it burns. It is incredibly popular. In fact, it is probably the most popular firewood in this region. A visit to any of the rural areas around the ACT would reveal the extent to which yellow box has been removed for firewood. Environment ACT has worked closely with the conservation council on firewood supply, the licensing of firewood merchants and other issues. I am happy to ask Environment ACT representatives to expand on that.

Ms Fowler: You are probably aware of the authorisation process that is in place for firewood merchants. When it comes down to consumer choice, they have to do several things. They have to identify where the firewood has come from, what region it has come from and what species it is. The other part of the strategy is how the wood is seasoned and how it is burned so that we do not get air pollution. Because of biodiversity issues, an authorised firewood merchant must say where the firewood has come from. It is then up to the consumer to make a choice. If the firewood is coming from around the region—we believe it is, and we are working nationally on this issue—we would progress that issue by engaging in further discussions with New South Wales.

MRS DUNNE: That is the choice that I have to make. I have to choose between yellow box or nothing, but I choose to heat my house.

THE CHAIR: You can get mixed loads of pine and yellow box.

MRS DUNNE: Yes, I can get mixed loads of firewood. However, I am still predominantly buying yellow box. A firewood merchant can tell me that the firewood is coming from Cootamundra, Young or whatever. What is being done to change consumer attitudes so that consumers are aware that a lesser class of wood which will do nearly as well does not have such adverse environmental impacts? Minister, when you are determining what should be done with all the fire-ravaged land, will you seriously consider copping and plantations for firewood?

Mr Stanhope: I will ask Ms Fowler to answer that question. With reference to the non-urban land study, I have no doubt that the option concerning eucalypt or hardwood plantations will be one of the options that we consider. We have to resolve a number of issues concerning the development of hardwood forests for potential firewood use. I know that this issue has been raised previously. In fact, the former government did some work on the establishment of hardwood plantations as a potential firewood source in the future. I am not fully aware of the potentiality of establishing hardwood plantations for firewood, so I will ask Ms Fowler to address that issue.

Ms Fowler: I think it is part of a bigger picture. The government is certainly aware of wood smoke and potential pollution. A couple of issues are involved. The government is offering incentives to people to stop using wood heaters and to turn to a cleaner form of fuel, such as gas or electricity. At the moment, the government is addressing the issue of consumer behaviour and from where they get their heat. The government is committed to the national firewood strategy. Part of that strategy is the promotion of consumer information. As winter is approaching, we will be ramping up public education and public information.

MRS DUNNE: I suggest that we need to ramp it up fairly quickly because people are buying their firewood now.

Ms Fowler: Yes.

MRS DUNNE: You state in BP 3 that you are going to do that, but you really need to do it in the buying season.

Ms Fowler: Yes.

MS TUCKER: I noticed in the newspapers last weekend that a number of people without licence numbers are selling firewood.

Ms Fowler: We will and do chase them up. We carry out audits and people who notice that ring us up. We chase up firewood merchants and we make sure that they are correctly authorised.

MRS CROSS: Minister, are you aware of the natural water spring in east O'Malley? One resident has been bottling water and giving it to various people in Canberra.

Mr Stanhope: No, I was not aware of that, but I am aware of the creek course in east O'Malley.

MRS CROSS: Minister, for your information, about six weeks ago the conservation council organised a bushwalk in east O'Malley. I went on that bushwalk. A gentleman by the name of Neil Garvey gave out two-litre or three-litre bottles of water that he said came from a natural spring in east O'Malley. Does Dr Cooper know anything about it?

Dr Cooper: No, I do not. One of the things we are doing along that entire creek line is ensuring the protection of water quality. That is one of the key initiatives that we have focused on.

MRS CROSS: As this issue has been raised and given that the Chief Minister does not know about it, could you look into it and get back to the committee?

Mr Stanhope: Mrs Dunne referred earlier to the difficult and complex issue of wood usage. As Ms Fowler said earlier, the government introduced a wood heater rebate scheme in an attempt to encourage people to use other forms of heating and to move

away from the use of wood. We will see how that works. I will be interested to see what the uptake is. It will be interesting to see whether it is attractive or whether it has an impact. When the government made the decision to introduce that scheme it also agreed to purchase additional monitoring equipment that enables the measurement of finer particles down to 2.5 microns. That, in itself, is a significant measure.

Coincidentally, as a result of the government purchasing new monitoring equipment, all jurisdictions around Australia have agreed to vary the national environment protection measure standard from PM10 to PM2.5. Those measures will assist in educating the public about wood smoke and about the desirability or the impact of utilising wood as a form of heating.

There has been a significant increase in the public's understanding of the impact on the environment—on nesting places and on habitat—of the use of wood for heating. As a result of that process, people increasingly will be moving away from using wood. That major public education campaign is to be continued and maintained. I believe that the public's understanding of wood use has increased significantly in just the past year or two.

THE CHAIR: Chief Minister, page 192 of BP 4, output 3.1, refers to the cost of implementing the greenhouse strategy. I note that the target for 2002-03 was \$831,000, but that the estimated outcome is \$1.4 million. Note (4) states, "The 2002-03 outcome reflects a carry-over of activity." That represents a carryover of \$622,000. You might not have these figures in front of you, but the estimated outcome for the previous year, 2001-02, was \$1,038,000. That means that you have underspent, depending on the figure that you are using. The original target in the 2002-03 budget was \$799,000, but the target in the 2003-04 budget is \$831,000. There is a discrepancy of \$31,369. It looks like you have underspent on the greenhouse strategy in the 2002-03 budget by almost \$600,000. How is that possible?

Mr Stanhope: I will ask Dr Cooper to respond to the detail of your question, Mr Chair.

Dr Cooper: We had several projects going at that time. We carried over a fair few of them because of a range of logistical things, such as getting projects up and running. Some of those projects were difficult. The ones that have been carried forward include the Macarthur House lighting project, which is now moving along. Another project, TravelSmart Australia, was dependent on a relationship with the Commonwealth government and PALM. That project is now progressing.

As you would be aware, the water efficient showerhead program has been successful. The new energy advisory service contract was rolled over. We undertook a review of that project and decided that we needed to finesse it differently. We also undertook new energy audits of commercial buildings. Some contractual issues caused us to roll over those projects. The environment education officer and EBA increase in corporate overhead projects were included in that. We could give you details of all the projects that were rolled over. However, they are not gone; they have been rolled over and we are committed to them.

MRS DUNNE: How long has the Macarthur House lighting project been on the agenda? It seems as though I have been hearing about it ever since Adam was born.

Dr Cooper: I have been in the department for a little over a year. All I can say is that that project is progressing. I do not know what happened prior to that.

MRS DUNNE: How long has it been in the air?

Dr Cooper: The team just told me that that project is now finished. We rolled it over and completed it.

MRS DUNNE: What is so schmick about the Macarthur House lighting now?

Dr Cooper: If you sit rigid for too long in my office and you do not move, the lights go off.

MRS DUNNE: Are they fluorescent lights?

Dr Cooper: I would have to go and look.

MRS DUNNE: If we sit here rigidly for five minutes, the lights will also go off. A dozen fluorescent lights would then come on. I thought that the power in the fluorescent lights was turning them on, not actually making them run.

Dr Cooper: I can come back to you with the details, but I am told that it is state-of-the-art management.

Mr Davidson: We have some details here. It was implemented for energy saving purposes. The payback for delamping and light replacement for the entire building was 3.2 years, with savings of 218 tonnes of CO₂ per annum.

MRS DUNNE: Rather than going into the detail, could someone provide us with information relating to the Macarthur House lighting?

THE CHAIR: Ms Tucker has a supplementary question on the same issue.

MS TUCKER: I notice in the March 2003 quarterly performance report that the cost of the solar hot water heater rebate was 54 per cent. I am assuming that the original target was \$432,000 and that the result was \$235,000. What is happening there?

Dr Cooper: I have the material here somewhere. Essentially, we found that the uptake of some of that was not as effective as we had hoped. The government actually enhanced that uptake by allocating some money.

MS TUCKER: So, basically, people were not taking it up?

Mr Stanhope: No, they were not.

MS TUCKER: Do we know why? Was there not enough of a rebate? Are you doing an evaluation?

Mr Stanhope: The assumption is that it simply was not attractive enough. You are quite right; the uptake was slow. It did not meet the targets that had been set for it three or four months ago. In fact, I think I agreed to double the rebate with a view to making it more attractive and in order to improve the uptake. The uptake was very slow; there was real resistance to it. Obviously, it was not attractive. The feeling within the department was that it simply was not attractive enough for consumers, so we have now doubled the rebate.

MS TUCKER: Are you prepared to get ActewAGL involved in supporting people by meeting the capital expense, but ensuring that that is paid back through electricity bills?

Dr Cooper: We have had some preliminary discussions in that respect. We looked at other schemes and we increased the rebate by \$250 on top of the \$1,000, so you can get up to \$1,250 from us. But we also combined it with the renewable energy certificate. You will find, for instance, that a gas-boosted system costing about \$5,200 will end up costing you about \$3,000. An electric system costing \$4,000 comes down to just over \$2,000. So we have actually tailored it to what we think the market can bear if people are active in taking it up.

MS TUCKER: Did you say that you had investigated low-cost loans?

Dr Cooper: No, we have not investigated loans; we have had discussions with Actew. We felt that, given some of the work that staff have done, this system might be one that people would take up more quickly.

MS TUCKER: It is still a lot of money for many people to find. You could have a system like the energy card system that was trialled in Queensland and that we have talked about on and off over the years. People do not have to meet that capital expense; they pay for it through their bills. With low interest loans, surely everyone is winning. I do not understand why there is a reluctance to pursue this.

Dr Cooper: Part of the problem with this is that it goes with the infrastructure of the house. People move house often. One of the reasons they do not necessarily want to pay it back is the housing mobility issue.

THE CHAIR: Chief Minister, when did you announce that the rebate had doubled?

Mr Stanhope: I should rephrase that. I adjusted the rebate. I cannot remember now—I have not been briefed on this issue—whether I agreed to double the rebate. But the announcement was made in April.

MRS DUNNE: What announcement was made in April?

Mr Stanhope: An announcement was made that I had significantly increased the rebate. I thought it was doubled, but I would have to check on whether it was doubled. I cannot remember. I am informed that there was a 25 per cent increase.

THE CHAIR: A 25 per cent increase.

Dr Cooper: It was increased by 25 per cent.

MRS DUNNE: But there is no extra money in the budget, so you are actually looking at having one-third fewer customers.

Mr Stanhope: Yes.

MRS DUNNE: You said that the take-up rate was slow.

Mr Stanhope: The take-up rate had stopped. I will try to dredge up the briefing that I received in relation to this issue. I believe in some months the take-up was one unit a month, or something like that. The scheme was simply not moving; it was not working. Essentially, it just did not work. The advice that I received was that the rebate be increased in order to make the package more attractive or to enhance it. I thought it was doubled, but I have now been advised that the rebate was increased by 25 per cent to determine whether that would enhance its attractiveness.

Ms Tucker just made another point about an additional method of enhancing its attractiveness. As Dr Cooper just said, it would still cost some people about \$3,000 to convert and install another system. For some people, \$3,000 is simply too much to contemplate. If the 25 per cent rebate enhancement has no significant effect on the uptake, the government will have to investigate other possibilities for enhancing the package. Experience to April showed that it was not working.

THE CHAIR: Chief Minister, your estimated outcome for 2002-03 was \$432,000. As you said earlier, in some months only one unit was sold. That target will be dramatically underspent, yet your estimated outcome has gone up to \$444,000. Are we having a last minute rush?

Mr Stanhope: I think there must be. I assume from that, Mr Chair, that there is real optimism within Environment ACT that the 25 per cent enhancement will make a big difference.

THE CHAIR: Have we seen that difference, Dr Cooper?

Dr Cooper: Not yet. But one of the pluses for us is that we are hoping, with all the rebuilding that will go on in the Duffy region, this rebate program will be at a level that is attractive for those people and that they will go for solar heating.

THE CHAIR: Either we will have a huge surge in the next four weeks or we will dramatically underspend. Does that mean that the estimated outcome for 2002-03 is inaccurate? You might have to take that question on notice. What has actually been spent on that scheme so far this year? What work was done that resulted in you estimating that there would be an increase from \$432,000 to \$440,000 this financial year? If we do not have that information, these estimated outcomes are absolutely meaningless.

Mr Stanhope: We will take that question on notice, Mr Chair.

MRS CROSS: Chief Minister, that 25 per cent increase is on top of whatever you are offering for a unit. If I bought a \$3,000 solar-powered hot water unit, what rebate would I get back? What is the actual amount?

Dr Cooper: It would depend. There is a scale at which we look. I could provide committee members with those statistics later. It would depend on what was spent on a gas or electricity unit. There is a formula that we have to work out.

MRS CROSS: Roughly, what would I get back—\$500?

Mr Stanhope: Between \$750 and \$1,250.

MRS DUNNE: I refer to the point that Dr Cooper made earlier about rebuilding in Duffy. Correct me if I am wrong, but do you get a rebate only if you are replacing a non-solar system with a solar system? If you are building a new house, you do not get a rebate.

Dr Cooper: We would be looking at the Duffy homes. The team has looked at that and has tried to encourage residents to consider this rebate scheme.

MRS DUNNE: So there will be a bushfire provision.

Dr Cooper: That is what we are looking at.

MRS DUNNE: At the moment, it does not work.

THE CHAIR: Does something on your roof need planning approval? I think we are drifting back to the greenhouse strategy. I might lead the argument on that issue. Your target for this year is \$831,000 and your estimated outcome is \$1,453,000. Given that you underspent by almost \$600,000 last year, what has been spent as of today? Is that \$1.4 million estimate realistic?

Dr Cooper: I will have to come back with figures that reflect what has been spent as of today.

THE CHAIR: Are you happy to take that question on notice?

Dr Cooper: Yes.

MS TUCKER: I was looking at the web page version of the greenhouse strategy and it does not seem to have been changed for a long time. The web page version of that strategy, which refers to a future review of the strategy, states that a regular formal review of the strategy will be undertaken, together with an assessment of international and national situations, and the first reviews will be held in 2001-02 and 2003-04. Obviously, we are way past that. I do not know whether that strategy has since been changed, but I got it off the web about four weeks ago. I would like to know what reviews have occurred and how the inventory has been updated.

Dr Cooper: An independent consultant undertook a comprehensive review of that strategy and the databanks that he was looking at have been updated.

MS TUCKER: When was that review done?

Dr Cooper: The review was finished early this year. One of the issues that we have had to deal with relates to differences in data that are affecting some of the assumptions that were made by consultants. People internally have been working with the consultant to find an agreed position on that data.

MS TUCKER: You said in answer to a recommendation that was made by the Commissioner for the Environment in his annual report in September:

This review reports on the progress of each sector towards the 2008 greenhouse gas emission targets. The report will be released shortly for public consultation.

You are telling us now that this is the first review that has ever occurred. Did that review occur in 2002, or when did it start?

Dr Cooper: I would have to go back and check on that. I am not sure when it started. I thought it started in the middle of last year.

MS TUCKER: Maybe it did; I do not know. You will have to ask the consultant. You said in September that we would soon see that review, but we still have not seen it. An issue concerning data has to be resolved. When are you expecting that review to be ready?

Dr Cooper: We are actually expecting it within the next month. From my conversation with the team, it appears that the data issues seem to have been resolved.

MS TUCKER: I would love to know what those data issues were. However, I will not ask that question right now. Perhaps you could take that question on notice. I know that we do not have time, but I would be interested in obtaining those statistics. What about the inventory?

Dr Cooper: I will come back to you with that information.

MS TUCKER: Are you taking that question on notice?

Dr Cooper: Yes.

THE CHAIR: Is a copy of that review available?

Dr Cooper: No, it is not available at the moment; it is being finalised. Because it is a complicated subject, we have a technical document and we are also producing a document for the community so that everybody understands it. That has been a vexed issue.

THE CHAIR: When is that document due?

Dr Cooper: We are hoping to have it out in the next two months.

MRS DUNNE: I have a few questions relating to water. I refer to the measures on page 192 of BP 4 which refer to the development of a water resource strategy. That strategy is to be completed in September 2003. I do not have a problem with the idea of developing a strategy, but why is this a measure? It is not something that you can measure year in and year out. Once the strategy is developed it is done and there will be a new or different measure the next year. Why is this listed as a measure of our performance in those areas relating to water?

Dr Cooper: We consider that this is an output that we can produce and that we can then implement. We took advice on that and put it in as a measure.

MRS DUNNE: I know it is an output, but it is not actually a measure of how we are performing in that area. The outcome is important. In my usual ranting about the quality of measures, I do not think a one-off measure is particularly useful in determining performance in that area.

Dr Cooper: I respect your view. Once we have developed that water strategy, what we will be seeing in years to come is a more precise measure.

MRS DUNNE: So your answer is that you anticipate having better measures in the future.

Dr Cooper: Yes. As you can see in the budget papers, we have changed those measures over time.

MRS DUNNE: On the subject of water, Dr Baker referred earlier to the importance of water and, in particular, to the location of groundwater. Mrs Cross is concerned about magic springs in east O'Malley, which is an important issue. We have serious concerns about the degradation of sphagnum bogs in the water catchment area as a result of the bushfires. Minister, is there an imperative to ramp up the water strategy timetable?

Mr Stanhope: I agree with the general comments that have been made in the ACT and nationally that water and our management of water are the most significant environmental and sustainability issues that we face. We take it seriously. The issue that you just raised, which is dealt with in output class 3.1, relates to the development of a water resources strategy. The deadline that we have set ourselves for the development of that strategy is September 2003, which is only three months away.

We are giving this issue priority and it has been funded in the budget at a significant level. Environment ACT is working with Actew and the Office of Sustainability to develop a strategy that will cover all the issues that affect the domestic use of water and that aims to provide us with a strategy to achieve a long-term reliable water source.

We must increase the efficiency of our water usage. We can pursue a number of issues and initiatives in that regard. We must develop a regional approach to water and water management, protect the quality of our water sources and our catchments and address issues concerning water-sensitive urban design. We must ensure that we, as a community, better understand all aspects of water use and its essential preciousness. In the development of that strategy, we will be looking at a full range of issues relating to recycling. I have also indicated that I am prepared to take a far more aggressive approach to our engagement with the Murray-Darling Basin Commission.

After discussions with Craig Knowles, the New South Wales Minister for Natural Resources, we will establish a cross-border task force to look at regional issues, particularly upper Murrumbidgee water management and catchment issues. When I spoke with Craig Knowles at a recent Murray-Darling Basin Commission meeting I agreed with him that some issues relating to the region were of vital importance to the ACT—water issues that perhaps were not uppermost in his mind as they did not affect New South Wales. New South Wales is focused on other parts of the catchment. One issue of real concern to us in the ACT is that, traditionally, we have been somewhat invisible over the years.

MRS DUNNE: People live west; they do not live south.

Mr Stanhope: Yes they do, further down river. The fact that we are right at the head of the system has tended to render us somewhat invisible in the eyes of some people. This major urban centre within the basin has not been recognised or acknowledged. I propose to work hard in an attempt to adjust that thinking.

MRS DUNNE: Excellent. I commend the Chief Minister for his water initiatives.

THE CHAIR: I have a supplementary question. You referred to strategies for the reduction of water usage. Is this strategy a three-year document or a 20-year document?

Mr Stanhope: I am advised, Mr Chairman, that it is a five-year plan.

THE CHAIR: Some rural tenants keep harassing me and asking me whether their properties will soon be under water. Does that involve looking at dams?

Mr Stanhope: Yes.

THE CHAIR: Joe Baker spoke earlier about groundwater. Is groundwater covered in that strategy?

Mr Stanhope: Yes. All aspects of water and the water cycle are covered in the strategy. Dr Baker referred to the need for us to deal with the water issue holistically. That is our intention. Everything is connected. For example, environmental flows within our rivers certainly affect our groundwater levels.

MRS DUNNE: Late last year Mr Quinlan produced in the Assembly a document that we believed to be the terms of reference of this strategy.

Mr Stanhope: I believe that Bill Wood made a statement on the strategy last December.

MRS DUNNE: Was it Bill Wood?

Mr Stanhope: It was Bill Wood. In December he made a ministerial statement on water and on the development of this strategy.

MS TUCKER: How does the decision concerning the zoo fit into this? Are you consulting with the Murray-Darling Basin Commission about the proposal to expand the zoo?

Mr Stanhope: Not that I am aware of, Ms Tucker. Dr Cooper tells me no.

MS TUCKER: I think it might be interested.

Mr Stanhope: Certainly. Environment ACT has been significantly involved in the consultation that has occurred with the ACT government on the provision of additional land for the zoo.

MS TUCKER: I do not know whether you have advice available, but I would like to see the advice that was given by the relevant department at the time the proposal to set up the aquarium was first made. Could the committee see that advice? I imagine that that advice has been archived.

Mr Stanhope: Yes. I am more than happy to take that question on notice and to take on board your request, Ms Tucker. However, I probably need to take some advice on the status of that advice. Subject to there being no formal or legal impediment to its release, I cannot see why the government would object to its release.

MS TUCKER: I would be interested to see that.

MRS CROSS: When was the aquarium built?

Mr Stanhope: A fair while ago.

Mr Davidson: A long time ago—prior to self-government.

THE CHAIR: The dilemma for the Chief Minister is that that might be a Commonwealth document. If the aquarium was built prior to self-government—

MS TUCKER: Was it the 1980s?

Mr Stanhope: Yes.

THE CHAIR: I thought it was prior to self-government.

MRS CROSS: I asked that question to determine who has jurisdiction.

MS TUCKER: Does the National Capital Authority not keep records of everything?

THE CHAIR: Yes, but unfortunately the Chief Minister is not yet responsible for the National Capital Authority.

Mr Stanhope: I am happy to pursue its availability, Ms Tucker.

MS TUCKER: That would be good. I would also like to know in relation to this proposal whether you are taking into account your responsibilities in the Murray-Darling basin?

Dr Cooper: Normally, we seek advice from experts like those at the Cooperative Research Centre for Freshwater Ecology. We would go to that body rather than to the commission for expert advice.

MS TUCKER: Are you going to obtain advice from that body?

Dr Cooper: It is routine or normal for us to do that in relation to water issues.

MS TUCKER: Do you normally do that?

Dr Cooper: Yes.

MS TUCKER: I would have thought that a development of this nature would have been of interest to the Murray-Darling Basin Commission.

Dr Cooper: What we do next will depend on the considered opinions of the CRC for Freshwater Ecology. We would go to the CRC for Freshwater Ecology for advice in the first instance.

MS TUCKER: Could I ask for that advice from the CRC for Freshwater Ecology to be sent to Assembly members?

THE CHAIR: Not in this forum, you cannot, Ms Tucker. The Chief Minister can send it to this committee and the committee can table its report in the Assembly.

MS TUCKER: The Standing Committee on Planning and Environment?

THE CHAIR: Again, you cannot do that in this forum.

Mr Stanhope: I would be happy to receive a request in due course, Ms Tucker. However, I need to take some advice before I can commit myself to releasing documents that have been provided to the government.

MRS DUNNE: Those documents might not yet be in existence.

MS TUCKER: I am not talking about advice on the zoo that they are getting from the University of Canberra.

THE CHAIR: It is the intention of the committee to table in the Assembly, as an attachment to the estimates report, all the advice and other documents that we have asked for. Anything we receive before 17 June will be included. It is also our intention to table anything that we receive after that time. If that advice comes to this committee, it will be tabled at some stage. If not, the appropriate way to resolve that issue would be either to move a motion in the Assembly or to move a motion in another committee.

MRS DUNNE: I have some questions relating to the water strategy and also to the regional approach to red box/yellow gum grassy woodlands and various endangered communities. There was a reference in the newspapers today to reviving discussions about a possible expansion of housing in Gooromon-Jeir, Sutton and other areas. We are now talking also about Tralee and Googong. As Minister for the Environment, how do you think that sort of proposal would fit into the sustainability proposal?

Mr Stanhope: We need to be clear that the suggestion relating to the expansion of ACT housing into surrounding regions is one of a number of options that have been put to a summit being held on the spatial plan and its development. As you said in your introduction, these issues, which are raised every couple of years, involve the future of the ACT, a sustainable or optimal population for the ACT and arrangements that need to be considered for the future.

There are real issues about the environment and our resources, most essentially water, in any expansion of the ACT and the region. As a result of the nature of the legislation that established the ACT, it has been given paramount rights to water within the catchment. A significant issue for the ACT in discussions that are currently under way in New South Wales concerning the expansion of Queanbeyan City Council and its possible amalgamation with Yarrawlumla Shire Council is the extent to which that will deliver to the Yarrawlumla region access to what we regard as ACT water. At the moment, legislation relating to the ACT water supply extends only to Queanbeyan; it does not extend beyond Queanbeyan City Council borders.

The issues that concern me as Minister for the Environment include, most significantly, access to water. The ACT has a vital interest in discussions that are currently under way in relation to a change of borders in the Yarrawlumla shire and Queanbeyan city area and, more broadly, the high conservation values of that region. Other issues include yellow box/red gum grassy woodlands and other endangered species and ecosystems within the region. A number of other issues are also relevant, but the most significant environmental issue is water.

MRS DUNNE: I agree. I do not want to get into argument about that proposal in this room. The Gooromon-Jeir proposal has had its biennial airing. Referring to the sustainability of the ACT and the region, what are your views about the viability of that idea? If you do not think it is viable—and I am hoping you will say that you do not think it is viable—are you prepared to kill off that idea?

Mr Stanhope: It depends on what you are talking about. The discussion does not necessarily have to involve an expansion of the borders. When we talk about expanding into Gooromon-Jeir, Sutton or Googong we conjure up a mental picture of the ACT borders being moved.

MRS DUNNE: The Anschluss.

Mr Stanhope: That will never happen, in my opinion. I guess that one should never say “never” in politics, but I do not believe that New South Wales or the Commonwealth will contemplate or agree to an adjustment to the ACT borders.

THE CHAIR: Have you asked them?

Mr Stanhope: I have not asked them.

THE CHAIR: Has Bob Carr been approached about the start of the Anschluss?

Mr Stanhope: I have had discussions with Bob Carr about the existence of the ACT. Bob Carr is not particularly committed to the existence of the ACT as an entity. He believes that it should simply be taken over by New South Wales and that the Commonwealth should be left to manage the parliamentary triangle.

In my view, the expansion of the ACT borders is one of those issues that would meet significant resistance at some stage in the future, perhaps when we abolish the states. It would be just as reasonable to have a discussion about the abolition of the states and a move to regional government. That would make more sense than our current federation. Perhaps these issues should be resolved in the next century.

THE CHAIR: We should deal with those issues this century. You have to shed a third tear at the conference, Chief Minister.

Mr Stanhope: It is happening now. Proposals relating to Jerrabomberra and Tralee, the long-touted plans relating to Gooromon-Jeir and the development of Googong are significant estates that in some instances are on the drawing board. That development will occur over the years. That development will happen. We need to plan for that development in the context of its implications for our water supply. We need a sustainable population in the region. We have to have regard to the enormous effect that another couple of hundred thousand people would have on yellow box and red gum.

Inherent in the options that will be discussed at the summit is whether or not the optimal population for this region is 400,000, 500,000 or even more. The prospect of another 200,000 to 300,000 people in this region would have a significant impact on the future of high quality yellow box and red gum.

THE CHAIR: Chief Minister, this morning’s edition of the *Canberra Times* states that one of the four scenarios is to expand borders to take in Sutton, Tralee, Gooromon-Jeir and Googong.

Mr Stanhope: No.

THE CHAIR: That article states:

The proposal is to build ACT homes, touted as the city beyond the ACT border model, which would have extra dwellings in Sutton, Tralee, Googong and Gooromon-Jeir.

It then states that one of the four scenarios is to expand the borders.

Mr Stanhope: That may be. I have not read the detail of the proposal. I understood from conversations that I have had with the minister that it covered a number of possibilities, none of which were expressed in absolutes. Nevertheless, it would involve an expansion of the borders. I am happy to talk about an expansion of the ACT borders, but my view is that it will not happen in my lifetime.

THE CHAIR: Have these proposals not been run past you, as Minister for the Environment, for your comments? Were the four options run past the Office of Sustainability for its comments?

Mr Stanhope: I cannot answer for the Office for Sustainability.

THE CHAIR: You are the minister.

Mr Stanhope: I am, but I do not know whether Peter Ottesen has seen this proposal or whether he was consulted on the detail of the options papers that were prepared for the summit.

THE CHAIR: Would you ask Mr Ottesen?

Mr Stanhope: Certainly. I am happy to do that, yes.

THE CHAIR: Thank you, Chief Minister.

MRS DUNNE: I want to refer to some initiatives in BP 3.

THE CHAIR: Before you do that, are there any additional questions on water and on general issues?

MS TUCKER: I have some questions about water. I do not know whether you will be able to answer any questions about north Watson woodlands. Cattle are back on that land. Can anyone here tell me about that arrangement?

Mr Wells: Currently, that area is being grazed because that is the only reasonable form of management. The area that is to be reserved has not been fenced off from the area that is to be developed.

MS TUCKER: Is that reasonable management? There is nothing to eat there. That is poor land management.

Mr Wells: There is food there.

MS TUCKER: Have you had a look at it?

Mr Wells: The grassland is as good as any grassland around the ACT.

MS TUCKER: Have you looked at the areas that are not meant for the cattle compared with the areas that are meant for the cattle? Kangaroos are actually keeping down the grass.

Mr Wells: It is a significant fire hazard.

MS TUCKER: There is no fire hazard.

Mr Wells: That is where the dead phalaris exists.

MS TUCKER: Have you looked at the different plots of land, some of which the cattle can go into and some of which they cannot?

Mr Wells: I know the place that you mean.

MS TUCKER: Have you compared the condition of those plots? There is nothing there.

Mr Wells: A representative from a community group that is interested in this issue put that argument to us. We will continue to graze the area until the reserved area is fenced off from the area to be developed, at which time the cattle will be removed. I anticipate that in order to control grazing in future years of good rainfall we may consider introducing cattle to control the phalaris growth, because it is not all good native grasslands. That will be an ongoing conservation grazing technique, assuming that the kangaroos have not done an adequate job, which they may well do. So it may be used in future, but that grazing will stop reasonably soon.

MS TUCKER: So you will take the cattle off once you have put up a fence prior to the commencement of the development.

Mr Wells: That is correct.

MS TUCKER: Right now the cattle are grazing there because it is a fire danger. However, there is nothing there. The cattle are destroying the ground and they are exposing the soil and enabling the germination of weeds. Why is it necessary to have the cattle there for six months, or for however long it takes to put up a fence? You say that it is a fire danger, but it will not be a fire danger once the fence is erected because there is nothing that can burn. As I said earlier, it is bare ground.

Mr Wells: I think it is a matter of saying, "Why do we not take stock out of the whole of the ACT as there is a drought and they are potentially damaging the soil?"

MS TUCKER: With respect, the area is being managed by a land care group which is trying to regenerate the area. It has government support to do that. The work that these community members are doing for nothing is being spoiled because cattle are knocking down regrowth and breaking the soil. Community members are doing work in that area at the weekend, but cattle are making the situation worse. There is no point in it.

Mr Wells: We have given considerable assistance to the community. For example, we sprayed Patterson's curse.

MS TUCKER: I am not saying that you do not give assistance, but I do not understand the logic of what you are doing.

Mr Wells: A lessee is grazing cattle in that area.

MS TUCKER: Why?

Mr Wells: We have been advised by our ecologists that no fundamental environmental harm is being done at the moment by that continued grazing.

MS TUCKER: I would like to see an analysis that shows that no harm is being done. I would like to see evidence of that.

Mr Wells: I said that no fundamental harm is being done.

THE CHAIR: Is there any written advice that would confirm that, or is there some internal advice from the office?

Mr Wells: All the areas that have moderate conservation value are inspected on a pretty regular basis, especially given that there is a drought and so on. There is certainly grazing pressure from kangaroos. That means that we need to take a greater interest than we would normally take in all our grassland and woodland areas that we graze. We have removed animals from some areas, for example, Red Hill and Crace. That advice is verbal. There is no need to put it in writing because it is done on a weekly basis. So the inspections are done and, if there is a need to change, we are advised and we take the necessary action.

MS TUCKER: Who carries out those inspections, Mr Wells?

Mr Wells: Staff from the wildlife research and monitoring unit of Environment ACT.

MS TUCKER: So there is no written advice for the committee to look at to determine how you are making these judgments. If you go to this area and look at the soil you would not suggest that a farmer should put cattle on that land. That is just poor land management.

Dr Cooper: We will get the ecologist who inspects that site on a reasonably regular basis to give some material to this committee. One other productive thing is going on.

The community has developed—I am assuming with the assistance of our staff—a management plan that has just been sent in to us. That management plan is as much a communication document about people as it is about the land. So we will share that with you, too.

MS TUCKER: I am aware of that process. Cattle are actually getting through the fence. When cattle get into areas that they should not be in and members of the community ring up and complain about it, they are told that it is too expensive to fix the fence.

Mr Wells: We have either put in or we are about to put in what is called a belly barb, which I understand has stopped or will stop cattle from getting into that area. So we have taken action, or we are about to take action.

MS TUCKER: Are you saying that you are doing that now to keep cattle out of the area?

Mr Wells: Yes.

MS TUCKER: I would appreciate seeing evidence of that.

THE CHAIR: Are there any general questions?

MS TUCKER: I have a general question on the environment summary guidelines. I noticed a reference in the budget papers to a five-year recreation strategy, which is obviously important and useful. However, I am concerned because since the fires—I am not sure whether you are aware of this problem, but I assume that you are—mountain bikers and all sorts of people are having to go to different areas because they can no longer go to Mt Stromlo. People from the south are going to Tuggeranong pines. Those people who were going to Stromlo are now going to Black Mountain, Mt Majura and Mt Ainslie. That is seriously impacting on a number of areas.

I ask this question of either the minister or Dr Cooper. Minister, I do not know whether you are aware that Canberra Off Road Cyclists, a group that is concerned about this issue, wants to work cooperatively with you. Have you received correspondence from that group asking for a meeting? Have you responded to that correspondence? Are you going to work with all the recreational groups that are now putting considerable pressure on these quite vulnerable areas?

Mr Stanhope: I do not know whether I have received any correspondence, Ms Tucker. It might be that I have. If I have received that correspondence, I have not responded to it. I do not know whether that group has written to me, but I am certainly aware of the issue. I have noticed, as I have visited a number of reserves, that there is enhanced mountain bike riding through areas where it was previously limited. We are aware of the issue and we are more than happy to work with the groups that you mentioned.

MS TUCKER: I can tell them to contact you if you have not already received that information.

Ms Stanhope: Most certainly. We are aware of the issue, we are conscious of it and we are happy to work with those groups to see if we can regulate some of those activities.

MRS DUNNE: My question relates to weed suppression, output 3.2 on page 194 of BP 4. There is a reference on that page to monitoring and treatment of mapped target weed species sites, which has a target date of June 2004. Should it not be the other way round—mapping and monitoring? Will that program be discontinued? How does it marry up with the overall weed strategy? As we are five or six years into the weed strategy, I would have thought we would have mapped and monitored weeds significantly earlier than that. How old is the weed strategy? Is it about five or six years old?

Mr Stanhope: I will ask departmental officers to respond to the detail of the question you asked about weeds and weed control. In relation to the environmental priorities of Environment ACT, many of the major priorities revolve around protecting the environment or enhancing its recovery as a result of the fires. Environment ACT is putting significant energy and effort into bushfire recovery issues. There is a \$900,000 budgetary allocation over the next three years for weed control, acknowledging that we will face enormous problems in burnt-out areas. Our major focus in this budget is on controlling weeds in burnt-out areas.

MRS DUNNE: Will that \$900,000 be allocated over three years?

Mr Stanhope: Over three years. That represents \$300,000 each year.

MRS DUNNE: Is that in addition to the normal \$150,000?

Mr Stanhope: Yes. There is \$200,000 in this budget for continuation of the program that you referred to and there is \$300,000 for bushfire-related weed control.

MRS DUNNE: Is there also the normal allocation of \$150,000 for weed control?

Mr Stanhope: Yes.

MS TUCKER: Could we have a breakdown of the total money that has been spent on weeds and the areas in which it has been spent?

MRS DUNNE: That is probably a good idea.

Mr Stanhope: We will take that question on notice.

THE CHAIR: Minister, you said that an additional \$300,000 had been allocated because of the bushfire initiatives.

Mr Stanhope: Yes.

THE CHAIR: Page 157 of BP 3 reflects an allocation of only \$250,000 for 2003-04.

Mr Davidson: There is an allocation of \$250,000 in 2003-04 and an allocation of \$300,000 in 2004-05.

Mr Stanhope: I beg your pardon; that is my mistake. I thought there was an allocation of \$300,000 this year. It is \$250,000.

MRS DUNNE: There is another allocation of \$150,000 for road verges. Does that have a weed component in it as well?

Mr Davidson: Yes. That is a separate initiative for the road verges strategy. That is part of the bushfire initiatives. Then there is the other standard weed suppression program.

MRS DUNNE: So the standard weed suppression program is still in place.

Mr Davidson: Yes.

THE CHAIR: Road verges, oddly enough, become almost the mini-arboreta of native species. For instance, in the work on the Sutton Road upgrade it was found that there were significant populations of native plant life. We are not just indiscriminately spraying and weeding, are we? It is being done in a concerned way.

Dr Cooper: No, far from it.

THE CHAIR: So significant roadside colonies of native plants will be maintained.

Dr Cooper: Absolutely.

MRS DUNNE: If we could get the breakdown.

MS TUCKER: Including what is being spent after the bushfires and what is spent everywhere else.

Mr Stanhope: I will give you the numbers that I now have, but I will follow up and confirm them. As to funds provided to Environment ACT—of course, Roads is not in Environment ACT; the road verges are a Department of Urban Services responsibility—\$50,000 was provided in the third appropriation bill for weed suppression, \$80,000 was provided in the third appropriation bill as part of the rural recovery program for weed suppression, and, as you just pointed out, Mr Chair, \$250,000 was provided following the bushfires, followed by \$300,000 in the two out years.

As well, in this budget there is \$200,000 as part of minor new works for Environment ACT for weed suppression, which, essentially, is the funding for the ongoing weed control that has been in place for some years. But I will just confirm those and provide them formally to the committee.

MS TUCKER: Can I ask for some more figures on notice, if you haven't already been asked for them, which the committee might have done? In the bushfire recovery section of the environment section, have you got a clear picture of the cost of each of those initiatives?

THE CHAIR: Ms Tucker, can you give the page reference?

MS TUCKER: Page 246 of BP 3. You have your bushfire recovery section there and I am interested in whether you have costs against all of those anywhere. I do not know if they are all in there. I am having trouble finding some of them.

MRS CROSS: If you are looking for the initiatives, the actual figures are on page 156 of BP 3.

MS TUCKER: I want to be able to see the costs next to that list. No, they are not all in there; they are not all in the initiatives.

THE CHAIR: Minister, would it be possible for a reconciliation to be done there and submitted to the committee?

Mr Stanhope: I can do it for Environment ACT. They are all there from page 155 onwards of BP 3 and page 21 of the supplementary paper on the bushfire. Certainly, we could pull out just the Environment ACT ones and provide those.

MS TUCKER: I could not find them all in there.

Mr Stanhope: They are there, but they are not necessarily described as Environment ACT.

THE CHAIR: If you could, that would be kind. While we are on page 258, there is a reference to a native animals as pets workshop and policy, with a public consultation paper to be released in 2003-04. Has it been released, or where is it at?

Mr Stanhope: I regret I do not know.

THE CHAIR: Perhaps that could be taken on notice and details provided of where, when and what it contains.

MS TUCKER: You have a feral animal eradication program in bushfire-affected areas and you make the point in your documentation that we could probably target them better at this point, as I understand it, but I cannot see any extra resources for that.

Dr Cooper: We do not have any extra resources, but we are using our current resources, which we consider adequate, and focusing on the eradication program. The fire has offered a greater opportunity to see them and we do have, if you like, a seven days a week animal control person working for us, particularly on the dogs.

MRS DUNNE: You can pick them off more easily.

Dr Cooper: You can see them much more easily.

MS TUCKER: You say that you will ensure ongoing monitoring and remediation in the water supply catchments after the bushfires. How much money is being provided to do that work?

Mr Stanhope: Much of that responsibility, I think, is accepted by Actew. I do not know in terms of specific budget initiatives for that particular function. Issues around the quality of water and the protection of the catchment are, of course, uppermost. In the context of the issue of quality, that is probably an Actew responsibility, though we have a great interest in the quality of the product.

Ms TUCKER: Is that something you will take on notice?

Mr Stanhope: We will get an answer.

THE CHAIR: Chief Minister, here is the gift question for the day: how are the bushfire initiatives going? The committee can finish now, depending on how long you wish to take to tell us how good you are doing. They are important and we have only touched on them lightly. We are all really concerned that we get it right. Has the blended range of projects that you have put in proved to be successful so far? Where are we at? It has been raining all day. What is that doing to the catchment?

Mr Stanhope: It is important, Mr Chair, and I am pleased that you acknowledge that and I am pleased that you have given me an opportunity to expand on that. To do the question justice, however, I would have to go through each of them. I can answer by saying that I believe, through the bushfire initiatives which have already been implemented and funded through the earlier appropriation bill and which are part and parcel of this budget, we have an excellent framework for dealing with the full range of issues that we face.

I have no doubt that we will be coming back to the Assembly from time to time over the next year or perhaps the next couple of years in relation to some issues that we need to give greater attention to, that issues will arise that perhaps we did not recognise or that we did not fund sufficiently, and that things will occur that will require an additional intervention by the government, but I'm very pleased with the progress to date.

In relation to Environment-specific initiatives that we are addressing here today, I could give a very quick rundown on those. You will be aware of the significant effort that has gone into clearing burnt trees around, particularly, Weston Creek and on some of the road verges. The government took a very specific decision, for psychological reasons as well as others, to seek to clean up areas around, particularly, the streets of Weston Creek and on some of our major roadways. Of course, we are faced and the residents of Weston Creek are faced daily with the image of the burnt forest. We have gone to significant lengths, at some cost, to clean those areas.

2 June 2003

An issue that the government faced in relation to that was the issue of mulching as opposed to burning. You would be aware that much of that forest is not useable. The most cost-effective way of cleaning the forest is to burn it. It would cost us around \$450 to \$500 a hectare to bulldoze, pile and burn. The government has taken the decision in relation to those areas closest to Weston Creek that we not do that. We have expended considerable moneys clearing the way and mulching much of that area of forest to avoid fires and smoke that would unnecessarily frighten and add to the trauma that so many, particularly children, of Weston Creek have suffered and continue to suffer, so one of the Environment and Urban Service or related initiatives is this forest clean-up and urban clean-up.

That has progressed particularly well. There is much to be done in relation to that and much of it we have anticipated, but I am not sure that we have budgeted appropriately for the clean-up of some of our recreational areas and areas along the Murrumbidgee River corridor. I visit the areas quite frequently. I have a continuing concern at the number of casuarinas killed in the fire. I have a real fear that, come spring or summer, half or more of the casuarinas at Casuarina Sands, Uriarra Crossing, the Cotter and other favourite picnic spots will not have come back to life.

To some extent, we are still waiting to see whether many of those trees have survived. Some have, but if they have not survived, I believe they will need to be removed. That will be an enormous task for us and we have not fully budgeted for that. When I say that there are other issues that continue to confront us, there are issues such as that.

You would be aware—this was a Forests issue and I do not know whether you have covered it—that over the last two to three weeks ACT Forests, and I regard this as an environmental initiative, have spread 62 tonnes of grass seed over burnt forest areas. We have dispersed 62 tonnes of grass seed over the last couple of weeks in the forest areas. We have discussed weed suppression. There are some regreening initiatives. We have engaged in a partnership with Greening Australia in relation to that. They are also seeking funds from other sources, but there is a significant regreening effect, particularly in rural areas.

I am also determined in relation to all of the trees to be removed from road verges that we progressively replace those over the years. You would be aware from driving to the Cotter and to Uriarra that there were radiatas along the road verges, many of which are now dead. I am determined that we remove all of those dead trees—we will have to do that for safety reasons in any event—and they all be replanted.

There is a significant issue in relation to the Cotter bridge. This is of interest to both Environment ACT and ACT Roads. The bridge has been destroyed. The government and the bushfire task force are leading the consultations on whether we replace it where it is or seek to move it perhaps a little further downstream to enhance the quality of the recreation area. They are decisions that have not been made, but I am looking for quick decisions on that because of the need for the site to be rebuilt.

There are significant issues around the catchment and there are significant issues of particular importance to Environment ACT in relation to the recreation strategy. Work

is progressing well on that. In relation to the restoration of Tidbinbilla, there are still some major decisions to be made by the government and Environment ACT in relation to the future of the Tidbinbilla Nature Reserve. We have not rushed into decisions on Tidbinbilla, but there are some fundamental questions to be answered around the future. Do we seek to restore the captive breeding program and, if so, to what extent?

What do we do in relation to the replacement of the education centre? Do we seek to develop some of the synergies that obviously exist but perhaps have never been utilised between Tidbinbilla and Birrigai? I think there are some opportunities there for us. We are working our way through those progressively with a view to making some timely decisions. Of course, those decisions are also caught up in the non-urban study which is currently being undertaken.

I might leave it there, unless anybody has a specific question around a bushfire-related environmental issue. There are, as you know, a range of other concerns about the extent to which Namadgi and other areas will recover. They took a dreadful beating in the fire. The heat of the fire on the ranges and on all the western slopes was quite horrific. Most of the vegetation and organic on and in the soil, to some extent, has been consumed. I have visited the snow gum country, which runs essentially from Bulls Head to Ginini and beyond, and it has been horrendously burnt on the tops of the ridges. I fear that areas of that will not recover for decades.

Mrs Dunne raised the question of the bogs that have been seriously burnt. We do not have enough information about how they will recover. Of course, the northern corroboree frog and its very existence relies on the existence of the bogs. There is not all that much we can do from the outside looking in to enhance or restore those areas. A subject that I hesitate to raise, but Ms Tucker raised it, is the issue of feral animals. I have a growing concern at the prospect of wild horses moving into Namadgi from the extensive herds that exist in Kosciuszko. I think there would be some horrendous results if those wild horses moved into the bog areas, having regard to their degraded state.

It may be—I say this advisedly; it is a subject that I hesitate to raise, but I think it is a conversation the community needs to have—that if wild horses move into Namadgi, I will be directing the department to destroy them all. I fear that it is a possibility that I will direct that they be destroyed in order that we protect those sphagnum bog areas and that we do not endanger the northern corroboree frog, which, as a result of the fire, is, I think, on the point of extinction within the park.

If it is a question of destroying horses or saving the remaining habitat of the corroboree frog, then I will be directing the department, with humanity but, unfortunately, without hesitation, to destroy all of the horses that come into the park. That is a difficult issue. I am aware of the difficulty of issues around the destruction of wild horses in other parks, but it is a prospect we are facing. I have at this stage informal advice that horses may already have entered the park, and that is not something we can contemplate.

MRS DUNNE: Have you made any decisions about what you might do with the Mt Franklin chalet?

2 June 2003

Mr Stanhope: I understand that it has been visited over the last week or so in relation to how in a heritage sense we protect what remains of, essentially, the artefacts at the site, but Dr Cooper would have up-to-date information on that.

Dr Cooper: We have got some recommendations through to the ministers on this, and the considerations behind those recommendations is about the heritage values coming first in that particular instance. The heritage advice we have from the Heritage Council and the Heritage Unit is that we should not try to re-create Mt Franklin chalet. What we should do is try to respect its heritage there in some form.

Exactly how we do that we are not sure, but from a needs perspective there is the feeling that we should, from a parks and conservation management view, have some form of shelter up there, but not a re-creation of the Mt Franklin chalet. So it is actually a duality project in as much as respect the heritage but also accommodate some form of accommodation, not to encourage people to stay overnight, but if you got caught up there and had to take some form of shelter, there is something there. Also, in that shelter have some interpretative material.

THE CHAIR: Chief Minister, thank you.

Mr Stanhope: Thank you very much, Mr Chairman.

THE CHAIR: That draws the 2003-04 estimates process to an end.

The committee adjourned at 6.43 pm.