



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

7 March 2002

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

Pharmacy Amendment Bill 2002

Mr Stanhope, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (10.31): I move:

That this bill be agreed to in principle.

Mr Speaker, this bill seeks to amend the Pharmacy Amendment Act 2001, which was passed in August last year. The act was to commence on a date fixed by the minister. As no date has been fixed, the act will automatically commence on 24 March 2002.

During the debate on the bill, the then minister for health, Michael Moore, said that the then government would support the bill, which was introduced by Ms Tucker. No other government member spoke on the bill. The Labor Party also supported it. Mr Moore also said he had been negotiating with Ms Tucker over one issue. He said that there had been a suggestion that the bill might breach a part of the self-government act. He moved amendments to the bill which he said would deal with this issue.

I have now received advice from the Department of Health and Community Care and the Department of Justice and Community Safety that says that Mr Moore's amendments did not deal with the issue and that there is considerable doubt about the whether the Assembly had the power to pass the act.

The doubt arises because section 23 of the self-government act provides:

(1) Subject to this section, the Assembly has no power to make laws with respect to:

...

- (h) the matters that are the subject of the laws in force in the Territory relating to:
 - (i) companies;
 - (ii) close corporations;
 - (iii) foreign companies;
 - (iv) the acquisition of shares in bodies corporate; and
 - (v) the regulation of the securities industry and the futures industry.

The Pharmacy Amendment Act 2001 may, in the opinion of the Department of Health and Community Care and the Department of Justice and Community Safety, fall within subsection 23 (1) (h). The difficulty that now arises is that, if that advice is correct, pharmacists may arrange their affairs in reliance on an invalid law.

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Mr Speaker, it is important that the doubt that has arisen be clarified, and I propose an amendment to the Pharmacy Amendment Act 2001 to postpone its commencement until 1 June 2002 to give the government time to explore the issues thoroughly. It might be said that the government has had five months to explore this issue; however, the issue was only brought to my attention on Tuesday of this week.

One inquiry I will be making is about why no-one raised this before this week. The fact remains that I have had only 48 hours notice of the issue. My office acted as quickly as possible to give the opposition and the crossbench notice of the problem and of the need for time to give proper consideration to the solutions.

The possible solutions range across a wide spectrum from "My advice is incorrect and the act will commence on 1 June 2002 with no problems" to "There may be no solution other than Commonwealth legislation to amend the self-government act to permit the Assembly greater power to regulate the ACT's affairs," in which case pharmacists will have to wait before reaping the benefit of the legislation.

Whatever the solution, delay in commencement of the act from 24 March 2002 to 1 June 2002 will allow us time to fully clarify the powers available to the territory under the Australian Capital Territory (Self-Government) Act 1988. Delayed commencement will also protect pharmacists who may otherwise rely on the act to structure their corporate and business arrangements.

Simply introducing this bill today will obviously not be sufficient; the bill must pass all stages today to have any effect. I am grateful to the members of the scrutiny of bills committee that this will be considered by them. I am hoping they will be able to do that. I am now informed that the scrutiny of bills committee is reviewing this matter at half past 12 today, and I am grateful that they are able to respond in such a timely matter. I look forward to members' assistance in seeking a solution to this issue.

Debate (on motion by **Ms Tucker**) adjourned.

MR SPEAKER: The question now is:

That the resumption of the debate be made an order of the day for the next sitting.

Mr Smyth: No, to later this day, Mr Speaker.

MR SPEAKER: Somebody will have to move an amendment.

Mr Smyth: Mr Speaker—

MR SPEAKER: It has to be to the next sitting, to be in accordance with the standing orders. If you wish to move to suspend standing orders at a later time today, that course is open to you.

Question resolved in the affirmative.

Drugs of Dependence Amendment Bill 2002

Mr Stanhope, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (10.36): I move:

That this bill be agreed to in principle.

Today I introduce a bill to amend the Drugs of Dependence Act 1989. The act controls the manufacture, sale and supply of drugs of dependence. Drugs of dependence have a legitimate medical purpose but are illegal for recreational use and have a high potential for addiction, abuse and misuse. The act was originally developed as model legislation following extensive consultation with the community and was drafted to meet the practical requirements of those who would enforce and work with the act.

Part 6 of the act establishes procedures to regulate the prescription, requisition, supply and administration of drugs of dependence. It has recently come to light that there are deficiencies in subsections 58 (4) and 68 (1) in part 6 of the act. The bill corrects these deficiencies so that the act accurately reflects both the original policy intent of the law regarding the prescribing of amphetamines and the current and longstanding administrative practices regarding applications and approvals to prescribe all drugs of dependence.

The bill also validates approvals that have been issued in good faith to medical practitioners by the Chief Health Officer since 1989 to prescribe drugs of dependence to their patients. It is also appropriate to take the opportunity to update current medical terminology and practice in subsection 58 (4). The term “hyperkinetic syndrome” will be replaced by “attention deficit hyperactivity disorder”, a term which is used internationally.

The phrase “under the age of 19 years” will also be deleted from subsection 58 (4). This reflects current prescribing practice which recognises that some adults suffer from attention deficit hyperactivity disorder and may benefit from the prescription of amphetamines and ensures that persons who commenced beneficial therapy whilst children are not disadvantaged when adulthood is reached. The bill also rewrites and simplifies section 58 of the act so that it is more easily understood.

In addition, it is timely to bring fines under the act into line with those applying under other territory legislation. This is being done by expressing fines in terms of penalty units rather than dollars.

Mr Speaker, I commend this bill to the members of the Assembly.

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

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Duties Amendment Bill 2002

Mr Quinlan, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (10.39): I move:

That this bill be agreed to in principle.

Mr Speaker, the Duties Amendment Bill 2002 amends the Duties Act 1999. The proposal is to correct an omission which resulted in the unintentional removal of an exemption from duty of reinsurance when the Stamp Duties and Taxes Act 1987 was replaced by the Duties Act on 1 March 1999. Under the stamp act, reinsurance effected with another insurer was specifically excluded from the definition of insurance and was thus not liable to duty. This is because duty is paid on the original contract of insurance. There were also other exemptions from duty contained in schedule 2.

In the new Duties Act new definitions were introduced and existing exemptions were retained. Unfortunately, in the changeover, reinsurance was omitted from the Duties Act, and this has resulted in the unintended removal of an existing exemption and, effectively, double taxation. Amending the Duties Act to add reinsurance to the list of exempt insurance avoids the possibility of double duty. Making the amendment retrospective to the date of the omission ensures that all reinsurance remains exempt from duty.

This opportunity has been taken to make a housekeeping change to the Duties Act to correct a reference to an incorrect part number. I commend the Duties Amendment Bill 2002 to the Assembly.

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

Treasury Legislation Amendment Bill 2002

Mr Quinlan, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (10.42): I move:

That this bill be agreed to in principle.

Currently, interest rates for the Taxation Administration Act 1999, the Rates and Land Tax Act 1926 and the Rates and Land Rent (Relief) Act 1970 are set by the minister every six months by separate instruments under each act. Approved training for the purposes of exemption from payroll tax under the Payroll Tax Act 1987 is also set by the minister by instrument.

The Treasury Legislation Amendment Bill 2002 is an omnibus bill. It amends four revenue acts to create an administratively efficient automatic system that eliminates the need for frequent determinations to be made by the minister. This also provides for certainty in legislation. In all cases, a minister has retained the power to make disallowable instruments to cater for the possibility of a breakdown in the automatic process.

Mr Speaker, under the Taxation Administration Act 1999, the existing default process which sets the market rate component of the interest rate does not function, as it refers to a 13-week treasury note that no longer exists. This bill redefines the default process so that the market rate component is directly aligned to the 90-day bank acceptance bill rate, published by the Reserve Bank of Australia, for a particular month. Under the provisions, this rate is automatically updated from 1 January and 1 July each year. This adopts aspects of a replacement benchmark, used by the Australian Taxation Office and the New South Wales government, for the calculation of interest rates on tax defaults and overpayments.

Currently, Mr Speaker, interest rates under the Rates and Land Tax Act 1926 and the Rates and Land Rent (Relief) Act 1970 are determined by the minister every six months. The rates reflect the relevant interest rates made under the Taxation Administration Act. This bill provides for amendments to both of these acts to allow the rate for the market rate component set by the Taxation Administration Act to be automatically adopted as the default interest rate, with or without a fixed premium component as required. These rates are also reviewed each six months. The bill provides for the automatic process and sets all of these interest rates to operate only if there is no ministerial determination in force.

Mr Speaker, under the Payroll Tax Act 1987, the minister approves training which is eligible for a payroll tax exemption by disallowable instrument, which refers to determinations made under the Vocational Education and Training Act 1995 as at a particular date. Each time these determinations are amended, a new approval under the Payroll Tax Act must be made to ensure that all eligible training and vocations are included. Have you got all that?

This bill introduces a process into the Payroll Tax Act provisions to automatically adopt the relevant Vocational Education and Training Act determinations. This change has the retrospective effect from 1 September 2001 of ensuring that any taxpayers entitled to an exemption for a new starter, by virtue of further additions to approved training and prescribed vocations, will not miss out on these entitlements. The minister retains the power to make a determination and may selectively not recognise any training that falls outside the intention of the payroll tax exemption.

Mr Speaker, this opportunity has been taken to make general housekeeping and editorial changes in accordance with the Legislation Act 2001. I commend the Treasury Legislation Amendment Bill 2002 to the Assembly.

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

Pharmacy legislation Statement by Speaker

MR SPEAKER: Members, earlier, in response to a growing mood that we might wish to consider notice No 1 later this day, I said to the Assembly that it was open to a member to move to suspend standing orders to deal with the matter and that that was their choice. In fact, there is another course: a member might wish to use standing order 192 and move to declare the bill an urgent bill. That is a choice for the Assembly to make in interim.

Health—Standing Committee Reference

MS TUCKER (10.47): I move:

That:

- (1) notwithstanding the provisions of standing order 174, the Gene Technology Bill 2002 be referred to the Standing Committee on Health for inquiry and report;
- (2) on the committee presenting its report on the Bill to the Assembly, resumption of debate on the question “That this Bill be agreed to in principle” be set down as an order of the day for the next sitting; and
- (3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the Standing Orders.

I propose this motion to refer the Gene Technology Bill 2002 to the health committee because of a number of concerns I have with it. This bill applies the Commonwealth Gene Technology Act 2000 to the ACT. The bill is virtually a mirror image of the Commonwealth legislation, with a few exceptions, and basically passes the administration of gene technology research and dealings in the ACT on to the Office of the Gene Technology Regulator within the Commonwealth government.

The bill derives from a national agreement reached last year between Commonwealth, state and territory governments over the management of gene technology activities in Australia. I have a general concern about where society is heading with gene technology. The technology has generally not yet been proven safe, particularly in regard to its impact on public health and the environment. There are also some ethical issues about the human manipulation of the basic building blocks of life.

It has to be remembered that gene technology is not the same as the crossbreeding of animals and plants that has happened for centuries. It is about the forced transfer of genes between what in the natural world would be incompatible species. Governments need to take a very precautionary approach to the development and use of gene technology.

However, there is commercial pressure from transnational agricultural and food companies to introduce genetically modified crops and foods as soon as possible as a way of boosting their profits and increasing their grip on the food supply chain—from the supply of seeds, fertilisers, weedicides and pesticides to the production of food products.

Genetically modified food, such as soya beans, canola and corn, is already being grown and sold in Australia. Genetically modified cotton is also being grown. While the ACT does not have this type of agriculture, significant research activity is occurring. Field trials of genetically modified organisms have already been approved by the Gene Technology Regulator.

There are trials of GM field peas at the CSIRO Black Mountain laboratories, trials of GM wheat, barley and clover at the CSIRO Ginninderra experimental station and trials of wheat treated with a GM bacteria at the ANU. The former ACT government was keen to promote biotechnology research in the ACT, which would almost certainly involve gene technology.

Before this Assembly goes ahead and passes this legislation, we should take a little time to look in more detail, with a precautionary approach, at the implications of this legislation for the ACT. I am aware that the other states, apart from WA and New South Wales, have passed similar legislation, but that does not mean that the issue has been resolved.

Within these states there has been a parallel debate over the issue of whether parts or all of a state can declare itself to be GE free—that is, to not allow genetically modified crops to be grown in that area. Organic farmers, in particular, are concerned about the contamination of their own crops by GM crops that might be growing nearby. There is also general environmental concern about the biodiversity impacts of broadscale GM crops.

Tasmania already has a moratorium on the commercial release of GM crops, and the WA and Victorian governments have put out discussion papers on this issue. Many local governments around Australia have declared themselves to be GE free. The Commonwealth legislation addresses the possibility of states wanting to declare areas to be GE free, but it is fairly vague. I am very interested in exploring how this part of the deal would work in practice and what scope there is for the ACT to adopt its own approach to gene technology activities in our territory.

While members here may not share the concerns that I have raised, it is really the process issues that I want the Assembly to look at. I think everyone is interested in understanding exactly what our role is in the regulation of an activity that could be of very great interest to the people of the ACT.

It is important to explore the role of the ACT government in the ministerial council that has been set up to oversee this legislation. Under the legislation, the ACT, along with the other states and territories, through this ministerial council, has a significant role in developing policy principles, guidelines and codes of practice relating to the regulation of gene technology. The ACT government also gets the opportunity to comment on applications to the Gene Technology Regulator for licences to deal in GMOs.

I had a briefing on the bill from officials last week, and I must admit I was a bit concerned about the lack of knowledge within the ACT government about how this legislation would work in practice. This inquiry would give both members and officials the chance to work through the detail of this legislation and the whole issue of how we can regulate this industry in the best interests of the ACT.

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The scrutiny committee raised one aspect of this legislation: whether or not the fee could be seen to be a tax and whether it is appropriate that such a thing should occur through subordinate legislation. It is usually not seen by people in this place to be appropriate, and that is another issue we would look at as a committee.

MR SMYTH (10.53): Mr Speaker, as the Liberal Party representative on this committee, I am pleased that we are taking this issue seriously and that we are reviewing the legislation. The previous government representative, Mr Moore, was quite instrumental in making sure that the framework and the network set up to monitor gene modification and technology were appropriate, and this is the ACT legislation that will copy the federal legislation set up as a consequence of some of that work of Mr Moore. I am delighted to have an opportunity for our committee to look at this.

MR WOOD (Minister for Urban Services and Minister for the Arts) (10.54): The government supports this referral. This bill has been a long time coming. Members of the Assembly have been pretty well informed throughout that period. It is very significant legislation, and further consideration is appropriate.

MS DUNDAS (10.55): I rise on behalf of the Australian Democrats to also support this motion. This bill sets up a structural framework. It is, by regulation, the ministerial council decisions and the work of the Office of the Gene Technology Regulator that will provide the details, and it is these provisions, not the bill in itself, that need to be scrutinised.

As has been mentioned, this bill was a result of federal legislation that followed extensive hearings of the Senate Community Affairs References Committee. I would encourage all members to read the report by that committee entitled, *A cautionary tale: fish don't lay tomatoes*, as it provides an excellent background to the issue of gene technology.

Further to that, the Tasmanian parliament held a joint select committee inquiry into gene technology with wide-ranging terms of reference: economic factors, primary industries, ethics and consumer concerns. The New South Wales Parliament Standing Committee on State Development has inquired into and reported on genetically modified foods. These are some of the precedents of other parliaments that have inquired into the important issue of gene technology.

As you will appreciate, the success of the gene technology regulatory system is strongly reliant on community confidence and the ability to access accurate information and education in regard to gene tech advances and developments. The community, and the Assembly as their representatives, need to be informed of developments in the area as they occur, and this inquiry is the first step in a long journey of learning, monitoring and keeping a strict regulatory scheme for gene technology.

I hope that this committee will be able to report back on some of the gaps that need to be filled in this area. One question is whether the ACT government, like the Tasmanian government, will consider use of the opt-out provision for the states and territories wanting to make their own determinations with respect to GMOs and the extent to which they are pursued by local industries. Other questions still stand as to the cost recovery of

the Office of the Gene Technology Regulator. This was raised when the bill was debated in the Senate. However, there seem to be no real facts as to the costs to the federal government or, indeed, to the ACT government.

There are questions about what the Office of the Gene Technology Regulator would delegate to a territory agency under clause 29 of the bill. It is uncertain what is required from the territory, which agency it will be and what this will cost. I still have questions about whether the Minister for Health is the correct minister to take part in these ministerial councils. I understand that the other territory and states are sending agriculture or environment ministers. Further, I wish to find out more information on whether the executive has the expertise at its disposal to deal with the important writing of regulations for notifiable low-risk dealings with GMOs.

Finally, I would like to have investigated the role of the office of the regulator and its ability to declare information as confidential commercial information. It is true that this area is a commercially lucrative area of research and development, but community confidence is reliant on the ability of the community to access accurate information. If the regulator is reliant on commercial facilities paying licence fees, that may cause a conflict of interest and we may wish this to be investigated.

I conclude by wishing the inquiry well and look forward to a thorough investigation of the issues that I have raised today.

Question resolved in the affirmative.

Estimates 2001-02—Select Committee

MR HARGREAVES (10.59): Mr Speaker, as deputy chair of the committee on this appropriation bill, I seek leave to move a motion on behalf of the chair of the committee, Mr Humphries.

Leave granted.

MR HARGREAVES: Mr Speaker, I move:

That the resolution of the Assembly on 19 February 2002 appointing a select committee on Estimates 2001-02 be amended as follows:

- (1) paragraph 1, add “and the Bill be referred to that Committee”
- (2) paragraph (4) omit “the committee”, substitute “if the Committee has completed its inquiry before 9 April 2002, the Committee is authorised”.

I will be very brief. This is a machinery motion intended to address an inadvertent error in the setting of an inquiry date. This is purely machinery. Members of the chamber have been advised of this machinery correction, and I seek the approval of the Assembly to proceed.

Question resolved in the affirmative.

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Administration and Procedure—Standing Committee Report No 1

Debate resumed from 21 February 2002, on motion by **Mr Hargreaves**:

That the report be noted.

MR CORNWELL (11.00): Mr Speaker, this report has an extremely long genesis. The Assembly initially debated this matter in May 1995 when a private members bill was introduced in relation to the broadcasting of proceedings at the Assembly. Subsequently, a draft bill was introduced and that draft bill was carried by the Assembly in 1997.

Subsequent to that, in August 2001 last year, in the previous Assembly, a bill was again carried in support of broadcasting regulations. This report is therefore not addressing the actual legislation in relation to broadcasting; it is covering the conditions for broadcast of the Assembly chamber and the Assembly committee proceedings.

These guidelines were drawn up by the current administration and procedure committee, the committee which has had carriage of this matter ever since it was first introduced to the Assembly in May 1995, when the private members bill was referred to it.

I repeat: the broadcasts themselves have been agreed by this Assembly; the conditions are what we are examining in this report. It is proposed that all proceedings of the Assembly and its committees automatically be allowed to be broadcast, subject to certain guidelines. You could probably say of this arrangement that, if you do not want a broadcast, you have to contract out rather than contract in.

All the Assembly and its committees will automatically be allowed to broadcast all proceedings, subject to certain guidelines laid down in forms to be completed and agreed to by those wishing to broadcast or receive a broadcast. Those groups could be the media for the broadcasting and recording of the broadcast or for the live audio broadcast to public servants working in their offices. They cover both the Assembly itself and its committee hearings, as I said earlier.

Provision has been made in the report for witnesses at public hearings who do not want their comments broadcast and for the right of the Speaker or the committee chair to withdraw the right to broadcast. There are also rules for camera crews filming in the chamber and the committees.

I believe that the benefits of this broadcasting procedure will be to public servants, who can monitor the debate on legislation in their area of responsibility from their own offices, and members of the community, who will be in a position to judge for themselves the performance of their elected representatives.

The Assembly does not have a current permanent policy on this matter. It is long overdue. There is some urgency because it is intended that these new rules and regulations be introduced for the next sitting of the Assembly. That is my understanding; Mr Hargreaves can correct me if I am wrong. Is there a wish to introduce it for the next sitting of the Assembly, Mr Hargreaves?

Mr Hargreaves: Yes.

MR CORNWELL: Thank you. In that case, the opposition agrees with the report and its recommendation. It certainly also agrees with the foreshadowed motion put forward by Ms Dundas yesterday.

MR HARGREAVES (11.05), in reply: In closing the debate, I thank members for their support. We have here a genuine attempt by all of the Assembly to demonstrate how prepared we are to be accountable to the community through the provision of electronic scrutiny of our activities within this chamber.

It has always been an interesting point that we can see the goings-on of the federal parliament, which on occasion reminds me of watching cement dry. This chamber has its moments, but I think it is incumbent upon elected representatives to inflict themselves on the members of the public in Canberra in the same way as their parliamentary colleagues on the hill do.

On a serious note, I again thank members very much for their support, and I will foreshadow the government's support of the amendments that Ms Dundas is putting forward.

Question resolved in the affirmative.

Broadcasting guidelines

Debate resumed from 6 March 2002, on motion by **Ms Dundas**:

That:

(A) pursuant to section 5 of the *Legislative Assembly (Broadcasting) Act 2001*, the following guidelines apply to the broadcast, or record for broadcast of public proceedings of the Legislative Assembly or a committee of the Assembly:

Guidelines for the Broadcasting of Public Proceedings of the Legislative Assembly and its Committees

The broadcasting, or recording for broadcasting, of proceedings is only permitted subject to the conditions outlined below. Permission to broadcast or record for broadcast proceedings shall be on the basis of an undertaking to observe these conditions.

(1) A person who has been granted electronic access to proceedings shall observe the following conditions:

- (a) as a general principle, cameras should focus on the Member or witness with the call;
- (b) reaction shots of a Member are only permitted if:
 - (i) the Member is referred to in debate;
 - (ii) the Member has sought information which is being supplied by a Member having the call;
- (c) coverage of the Galleries is not permitted;
- (d) panning along the Benches is not permitted;
- (e) close-up shots of Members' papers are not permitted;
- (f) camera positioning is not to interfere with the proceedings of the Assembly; or of the conduct of a public hearing of a committee of the Legislative Assembly;

- (g) any instruction from the Speaker or the Speaker's delegate is to be observed.
- (2) Broadcast of proceedings shall be from the signal transmitted by landline or from the Assembly's narrowcast to building occupants.
- (3) Broadcasts of public proceedings should contain a fair and accurate reporting of events and must not be used for:
 - (a) the purpose of satire or ridicule;
 - (b) advertising for or by political parties or electioneering; nor
 - (c) commercial advertising or sponsorship.
- (4) Points of order and remarks that are withdrawn may not be rebroadcast.
- (5) A witness at a public hearing of a committee shall be advised in advance of appearing that the proceedings may be recorded and broadcast. A witness shall be given reasonable opportunity to object to the recording and/or broadcast of their evidence and state the ground of the objection.
- (6) Persons/organisations wishing to broadcast or record for broadcast the public proceedings of the Legislative Assembly and its committees must complete the relevant form.
- (7) Persons/organisations intending to record visual images in the Chamber and/or Committee Rooms must seek the approval of the Speaker (in the case of the Assembly) or the Committee Chair (in the case of a Committee) in writing giving reasonable notice; and
- (B) That, pursuant to Section 6 of the *Legislative Assembly (Broadcasting) Act 2001*, the Legislative Assembly:
 - (1) delegates to the Speaker the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of the Legislative Assembly; and
 - (2) delegate to each committee formed by resolution or standing order of the Assembly the power to withdraw the right of a person to broadcast, or record for broadcast, public proceedings of that committee.
- (C) That the Clerk is authorised to approve the transmission of public proceedings of the Assembly or a committee via landlines to public service agencies, subject to the agency agreeing to the following conditions:
 - (1) they agree to provide, or arrange for the provision of, the telecommunication lines and other equipment necessary for the access (the access equipment)
 - (2) pay the costs and expenses of connecting the access equipment to the recording and transmission facilities of the Legislative Assembly; and
 - (3) pay the costs and expenses of maintaining the access equipment; and
 - (4) pay the costs and expenses of the Legislative Assembly secretariat in giving access to the proceedings by the access equipment
 - (5) no broadcast of proceedings may be made for
 - (i) the purpose of satire or ridicule;
 - (ii) advertising for or by political parties or electioneering; nor
 - (iii) commercial advertising or sponsorship.
 - (6) The relevant agency seek the approval of the Clerk to gain access to the recording and transmission facilities, stating the number of employees that require access to the broadcast.

MR HARGREAVES (11.07): As I indicated a little earlier, the government is tickled pink by the amendments that Ms Dundas is putting forward. They actually correct something which we had inadvertently skipped. The issue before us is, of course, about how people go about transmitting the electronic images of what happens in this chamber. The guidelines are pretty good. We spoke about them when we talked about the report before. If I were to sit and read out the guidelines we would be here until about half past four, and I do not propose to do that.

However, there are some salient points. One of the issues before us at the moment, in a funny kind of way, is the security of our operations as elected representatives. These guidelines make sure that our rights as elected members are protected and at the same time allow good access for the community to have a look at what we are doing.

Mr Dundas has pointed out that we needed to include the public service officers who are connected to the system if we are going to change the rules. Of course, a set of rules needs to be applied to them themselves. I do not know how successful you are going to be if, for example, you say that the department has to notify the clerk of the number of officers that connections will be for. The clerk, however, has no control over the number of officers who will actually be present during the transmission. Nonetheless, that will work itself out in time.

I urge the Assembly to support this innovative move. Mr Cornwell said it has had a long genesis. It had its genesis when Pontius was a trainee pilot, and it is about time we actually grasped the nettle and did it. We have done it now, and I urge that people support Ms Dundas in this move.

MR CORNWELL (11.10): As I foreshadowed, the opposition has no objection to the guidelines that have been laid down in the motion put forward by Ms Dundas. We have to begin somewhere, and they look quite satisfactory to me. If any problems arise we can always review a particular section. As somebody who has been involved in this matter at least for some time, I am very pleased that we have finally got a permanent arrangement for the broadcasting of the Assembly's activities. I commend the guidelines to the house.

MS DUNDAS (11.11), in reply: In closing the debate, I would like to thank members for their participation in this and in the many debates regarding the broadcasting of public proceedings in the Assembly. I thank the Standing Committee on Administration and Procedure, and I thank members for their support of this motion. I hope these guidelines facilitate greater scrutiny of this chamber and also bring about greater communication of this chamber with the community.

Question resolved in the affirmative.

Public Accounts—Standing Committee

Statement by chair

MR SMYTH: Mr Speaker, pursuant to standing order 246A, the Standing Committee on Public Accounts has resolved that I make the following statement regarding Auditor-General's Report No 10 of 2001:

Mr Speaker, the Public Accounts Committee has reviewed the Auditor-General's Report No 10 of 2001, *Corrective Services: review of certain allegations*. As the allegations raised have been investigated by the Australian Federal Police and the Auditor-General's Office, the committee does not believe that any additional investigation by it would be constructive.

Sitting suspended from 11.13 am to 2. 30 pm.

Ministerial arrangements

MR WOOD (Minister for Urban Services and Minister for the Arts): Mr Speaker, I would like to inform the Assembly that the Chief Minister will be absent from question time as he is attending a meeting of the state and Commonwealth attorneys-general. Questions normally directed to the Chief Minister should be directed to the Deputy Chief Minister.

Questions without notice

Gungahlin Drive extension

MR HUMPHRIES: My question is to Mr Corbell in his capacity as Minister for Planning. Mr Corbell, on 20 August last year you told a Save the Ridge group public meeting of about 400 people that a Labor government would commission an environmental impact statement into the proposed route for the Gungahlin Drive extension. As you are no doubt aware, Minister, an environmental impact statement is the most complex and intricate of the environmental assessments. It sits at the top of a pyramid of possible environmental assessments as the most time consuming and the most costly of the assessments that might be undertaken. Of course, no environmental impact statement has been conducted before in the ACT, given the very extensive and very costly nature of its process.

Do you stand by your promise at that public meeting that the government will commission the ACT's first environmental impact statement in respect of the Gungahlin Drive extension?

MR CORBELL: The government has commissioned an environmental assessment, the terms of reference of which I provided to members yesterday. That is an indication of this government's commitment to ensure that those environmental issues are appropriately addressed.

MR HUMPHRIES: I have a supplementary question, Mr Speaker. My question was about an environmental impact statement. Minister, your promise was specifically to have an environmental impact statement. Will you commission an environmental impact statement in respect of the Gungahlin Drive extension, as you promised at the public meeting on 20 August last year?

MR CORBELL: The government's commitment was for a separate environmental assessment. That is the commitment we stand by. The terms of reference of that assessment were provided to members yesterday.

MR SPEAKER: Before we go any further, I would like to formally acknowledge the presence of a former member of the Assembly, Mr Trevor Kaine.

Racing industry

MR HARGREAVES: My question is to the Minister for Sport, Racing and Gaming. Will the minister explain to the house the proposed initiatives to protect wagering revenues in New South Wales and the impact these changes would have on the ACT racing industry and surrounding areas?

MR QUINLAN: I thank Mr Hargreaves for the opportunity to inform the house of where we are up to in relation to this. The last piece of news I think members might have seen is that the New South Wales Thoroughbred Racing Board is reported to have moved to expel the ACT Racing Club and the Northern Territory Racing Club from membership of the Australian Racing Board. Some members may be aware that the ACT has been a member of the Australian Racing Board, and has had principal club status, for only eight or so months.

The impact of this initiative will not exactly kill ACT racing but it certainly will not help. The ACT is integrated into New South Wales. A prime example of this is last week's Black Opal Stakes, where New South Wales changed its Saturday meeting to a twilight meeting so that the Canberra race meeting, which I have to say was a very good day of racing, could be one of the feature New South Wales meetings of the weekend.

New South Wales racing authorities intend to cut the feed of the bookmaker pricing service to the ACT and this represents considerable risk to local bookmakers, who may be exposed, among other things, to plunges that they do not know about. Quite obviously they will be behind the game in terms of setting their books. This certainly will have a negative impact.

There are media reports that Sky Channel intends to withdraw its services from the ACT. That does not mean you will not be able to watch Sky Channel in the ACT. What it does mean is that, on the one hand, they will probably not broadcast any ACT races and, on the other, they will not allow the race club, once the contract comes up for renewal—and I think it is due soon—to broadcast Sky Channel at the race track, which again would have a very deleterious effect upon the ACT Racing Club.

I have tried to set up meetings with the New South Wales Minister for Racing and Gaming, Mr Richard Face. I have written to Mr Face explaining our position and saying that we accept some of the legitimacy of the position that New South Wales has taken. They are concerned that the ACT does have sports bookmakers, who do not take a lot at this stage but who probably represent a potential danger to the operation of TABs in the longer term.

I have written to the chairman of the Australian Racing Board prior to their meeting advising him that the incoming government would wish to try to fix this problem in a sensible manner and not via media or via threat. I have to say from the knowledge I have picked up so far that the licensing of corporate bookmakers in the ACT is something of a dog's breakfast. I will be trying to work through the licences, the franchises that were given, the contracts that we have in place, to hopefully find a solution from the ACT perspective in order to be able to negotiate sensibly with New South Wales.

The New South Wales TAB and Sky Channel representatives have sought meetings with me and we had settled on a meeting date of next week, I think. This was in my diary and I was wondering for a while what it was all about. I have to say it was disturbing that I found what it was about via the *Sydney Daily Telegraph*. But I also discovered that the same people who want to meet with me met with the previous government three years ago.

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In April 1999 the head of the New South Wales TAB and representatives of Sky Channel, with a former sports minister of New South Wales, Mr Michael Cleary, acting as a consultant or lobbyist, met with Mrs Carnell, Mr Mick Lilley and Mr Brian Gordon, who is now an ACT sports bookmaker.

The problem apparently has festered for some time and therefore we do have to accept that there is some legitimacy in the position that New South Wales have taken, except that they forgot that there was a new government and they might have tried it on in a sensible and more measured manner. So it is a very disappointing shambles that we have but we will be working as best we can to try to find a way out of it and not see our racing club die on the vine.

MR HARGREAVES: Mr Speaker, I ask a supplementary question. What other action has the Labor government taken to protect our local racing industry?

MR QUINLAN: I have probably covered most of this in the rather lengthy answer that I have just given. I have certainly spoken with the appropriate minister in the Northern Territory to ensure that there are no other dimensions to this. It is quite apparent that the actions taking place in the Northern Territory are really what has precipitated these actions by New South Wales—the impending licensing of very large sports bookmakers to operate out of the Northern Territory will probably offer a real threat to TABs across Australia. But I have certainly spoken with the Northern Territory and I intend to keep the dialogue going there.

I think we are very close to setting up a meeting with Mr Face in Sydney sometime next week. It is a sitting week in the New South Wales parliament so we are just working on diary slots. As I said earlier, I have written to the Australian Racing Board regarding the expulsion of the ACT Racing Club, with a plea for them to hold their action until we have an opportunity to sort out a mess that should have been sorted out a long time ago.

Community sector accommodation

MS DUNDAS: My question is to the Minister for Planning. Minister, over the last few weeks there has been some media focus on ACT community facilities that have suffered extensive flooding, prolonged electricity failures and other catastrophes—potentially endangering the health and safety of community sector workers. I have heard that, in response to these media reports, the minister will soon be releasing the Conroy report on community sector accommodation. Will the government undertake a similar investigation into community sector accommodation outside the inner north of Canberra?

MR CORBELL: Mr Speaker, I am happy to answer Ms Dundas' question, although I should address it through the appropriate portfolio. As Minister for Planning I am not responsible for these areas but as Minister for Education, Youth and Family Services—and through that portfolio managing a large variety of community facilities—I am. So I will answer the question wearing that hat, if that clarifies the matter.

Community facilities are an important element of the social fabric of the community and of the very important not-for-profit activities that a lot of community services and providers give to the Canberra community. The Conroy report is an assessment of the

provision of community facility space in the inner north. There is a process in place to assess the overall adequacy of community facility provision across the city, and I will undertake to provide Ms Dundas with details of that process.

MS DUNDAS: Mr Speaker, I have a supplementary question. Minister, will the government commit itself to addressing the ad hoc provision of community sector accommodation and to providing a well-resourced and centrally managed body to administer community sector accommodation owned by the ACT government?

MR CORBELL: The integration of the delivery of community facilities is a significant issue. The previous government's relatively ad hoc structure for dealing with the range of community facilities and their management structures certainly warrants review. I am currently paying close attention to the matter and looking at the options for improvement. From a Department of Education and Community Services perspective, I imagine this will require a whole-of-government look at how community facilities are managed. That is a matter currently under consideration.

Police

MRS DUNNE: Mr Speaker, my question is to the Deputy Chief Minister in his capacity as minister for police. Minister, on 12 December last year, you stated in this place:

On election day, unless there were others under your rock at the time, most people knew exactly how many police officers we intended to increase the force by, which was 30 over three years.

Minister, do you stand by that promise?

MR QUINLAN: Yes, I do. We have set an incremental scale over the next three years, and that is the intention. Let me qualify that by saying that, since coming into the ministry and checking those things, I have found that there have been delays in training police and keeping the force up to the contracted number.

In recent times there have been a couple of deliberate actions taken to ensure that we can actually get up to the base number before we start the incremental process. Part of that has been recruitment at a local level. There has possibly been less of a push for members of the force to move into the wider AFP, so I hope we might be able to retain some numbers. You cannot hold people back when opportunities occur, and there has been a drain within the ACT.

MRS DUNNE: I have a supplementary question. Minister, why does this promise for 30 stand at variance to your party's election manifesto, which states, "Labor will progressively increase police numbers by 20 over three years"?

MR QUINLAN: That manifesto must be out of date.

Mrs Dunne: That is Gerritsen. That is in *Hansard*.

MR QUINLAN: I will have to look at the Gerritsen report again, and I will reconcile it or admit that it is in error.

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Mrs Dunne: That one of them is in error.

MR QUINLAN: Yes. But I hope you are not complaining that we have put more in than we have said.

Education—funding

MR PRATT: Mr Speaker, my question is to Mr Quinlan, in his capacity as Treasurer. Mr Quinlan, on 6 February this year, Mr Corbell said, on 2CC radio:

This government will inject an additional \$27 million into education over the next one to two years.

As Treasurer of the ACT, do you stand by this very clear policy statement made by your colleague?

MR QUINLAN: I think Mr Corbell has answered that question in this place, very recently. I think what Mr Corbell has been trying to get through to you lot is that what we want to do is get that money into the education system as soon as is humanly possible. If you want to play on every last word in every radio interview, go for it.

However, the spirit of this place, and the spirit of this party, is to get that \$27 million inside the school gate and applied to the improvement of education in the ACT. This will redress the relative decline in ACT education that has occurred over the last six or seven years.

MR PRATT: I have a supplementary question. Mr Speaker, given that I am still no clearer on the question of one to two versus four years, why will no government minister stand by the promise, made by Mr Corbell on 6 February this year on radio 2CC, that this government will inject an additional \$27 million into education over the next one to two years?

MR QUINLAN: I think that is the same question, rephrased. Mr Speaker, if you can identify any new element to that question, I am happy to answer it.

Investment strategy for public moneys

MS TUCKER: My question is also for Mr Quinlan, as Treasurer. I did give Mr Quinlan's office some notice of this question. Recently, the federal government has been criticised for its management of public moneys invested in risky financial derivatives. In fact, the whole idea of investing public funds in this way is being seriously challenged by, among others, Tony Harris, former Auditor-General of New South Wales.

As you are aware, last year a majority of this Assembly agreed to allow public money to be invested in financial derivatives. You might remember the enlightening explanation from the then Treasurer, referring to the Bible. I remember that well. It left me with no confidence, and I actually did not support the motion. There was a lack of understanding, although, to be fair, I know Mr Humphries had given more detail in the tabling speech.

However, there was a lack of understanding in this place about what the decision actually meant.

Will you give us details of any territory public money that has been invested in financial derivatives, including the total amount, the form of derivative, the risk analysis conducted, and the current status of those investments?

MR QUINLAN: I thank Ms Tucker for notice of the question. Let me say, at this stage, during 2001 the Financial Management Legislation Amendment Bill was passed by this Assembly, as you have said, to remove the prohibition on the use of financial derivative instruments for investment purposes. That was gazetted in July 2001.

During debate on that bill, an undertaking was provided by the then Chief Minister and Treasurer that the legislative amendments would not be enacted until guidelines in the form of disallowable instruments were tabled and considered in the Assembly. This government is still to determine its policy position on the use of financial derivatives, and let me say I have discussed that with the relevant officers. We are still to determine our position on the management of the territory's investments by the use of derivatives, and so the former policy of not using derivatives is still applying as we speak.

For historical context, I understand that the territory has only ever used derivatives in its early days—back in 1991 and 1992—only on a couple of occasions, and on both occasions the territory finished well in front, financially.

Ms Tucker: I have a supplementary question, Mr Speaker. Sorry, I did not quite hear what Mr Quinlan said. Just to clarify, you said that you were supporting the use—

MR SPEAKER: No, you can ask a supplementary. Do you want to ask a supplementary question?

Ms Tucker: Yes, I do want to ask a supplementary question, but I cannot ask it if I do not know what he said.

Mr Smyth: He is too tough, Kerrie—no supplementaries.

Ms Tucker: I did not hear him.

MR SPEAKER: Would you repeat the answer?

Ms Tucker: Am I able to ask for him to repeat the fundamental point: what is his party's decision on whether they will be using derivatives?

MR SPEAKER: Order!

Ms Tucker: That was in the answer.

MR QUINLAN: For clarification, we are in the position where we can use derivatives legally, once guidelines are put in place. At this stage, we have not decided to put guidelines in place, and therefore have not decided to use them. However, we have

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discussed it and, as I said, the couple of times they have been used, they actually have been an advantage to the territory. I will leave it at that.

MR SPEAKER: Do you wish to ask a supplementary, Ms Tucker?

MS TUCKER: Okay, I will ask a supplementary. In your thoughts and your decision on this, will you take into account the commitment that you did make in opposition—you certainly expressed support in opposition—for integrating the concept of ethical investment?

MR QUINLAN: Yes, we will certainly take that into account, but whether we involve ourselves in ethical investment is a separate question to whether we use derivatives. Let me say, as a Treasurer I understand that, so far, ethical investments are performing very well compared to open slather investments, so we may well be using ethical investments without necessarily doing it for very high-minded reasons. However, we will certainly take that into account.

Legislative Assembly—alleged security breach

MS MacDONALD: Can the Minister for Urban Services tell the Assembly what impact the interference with his emails that is the subject of police investigation has had on the operation of his office?

MR WOOD: I will respond by giving an example. Coincidentally, yesterday I received an email which, after its subject heading, said in general, “I have been sending to the old address given and, as the emails were not returned, I thought the address would still be valid. However, as I have not received a reply, I have rechecked the address and sent this third email.” That one was to the best address. That is one example of the impact. This constituent first wrote to me on 24 January, I have discovered, and then on 14 February. I have no idea, in total, how many more people have tried to contact me and been unsuccessful.

MS MacDONALD: I have a supplementary question. Mr Humphries was quoted in the *Canberra Times* today as saying that the material was fairly routine, unexciting correspondence.

Mr Humphries: I rise to a point of order. Mr Speaker, you have ruled before on supplementary questions not having preambles. That sounds to me very much like a preamble, Mr Speaker.

MR SPEAKER: That is a fair point of order. Ask your supplementary question, Ms MacDonald.

MS MacDONALD: Certainly, Mr Speaker. Is that how you would describe constituent correspondence, Mr Wood?

MR WOOD: Leaving aside the question of Mr Humphries’ stated knowledge of the nature of that correspondence, I regard constituent correspondence as some of the most important correspondence that enters my office. I take my commitment to the people of

Canberra seriously. I always respond to such correspondence in a timely manner and try to address all issues raised, even if I cannot solve them.

Further, as manager of government business, I am privy to confidential information about the government's legislative program and the timetable for its introduction. None of that I would describe as fairly routine, unexciting correspondence. I take a keen interest in the workings of my office and have regular discussions with my staff about their work and issues in order to see that the office operates efficiently and effectively.

Canberra Hospital

MR SMYTH: Mr Speaker, my question was for the Minister for Health. In his absence, perhaps the Treasurer will take the question and, if he cannot answer it, take it on notice. Mr Quinlan, could you please provide to the Assembly now or by close of business today a complete breakdown of exactly how the government's extra \$8.7 million of funding to the Canberra Hospital was allocated? Specifically, how many extra cross-weighted separations were purchased, how many extra nurses have been or will be employed, what new equipment will be or has been purchased, and how much has been allocated to compensation claims?

MR QUINLAN: Mr Smyth will not be surprised that I will take that on notice, Mr Speaker. I will take it on notice with the caveat that it is possible, because I just do not know exactly what is going to be required to put those figures together. Certainly, you will have those figures provided.

MR SMYTH: As a supplementary question, I ask: will you also confirm the date upon which the \$8.7 million was transferred to the hospital and how much of the money has been spent?

MR QUINLAN: I will take the supplementary question on notice as well.

Costings of election promises

MRS CROSS: Mr Speaker, my question is to Mr Quinlan, in his capacity as both Treasurer and Acting Chief Minister. Mr Quinlan, the incoming government's briefs contain costings of all Labor's election promises. This frank and fearless advice suggests that, for Labor to implement all of its election promises, the ACT will have to go into deficit.

Does the government still intend to keep all of its election promises to the people of Canberra, regardless of the effect this may have on the territory's bottom line?

MR QUINLAN: Certainly this government does intend to keep its election promises. I will be talking on this a bit later today. We are committed to those promises and we will keep them. That will not be easy, but that is the price you pay for being on this side of the house.

MRS CROSS: I have a supplementary question. Mr Quinlan, exactly what level of deficit does the government consider to be unacceptable?

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MR QUINLAN: I honestly have to say that I have not made a detailed assessment of what level of debt is acceptable or unacceptable.

Mrs Cross: Deficit.

MR QUINLAN: What I said before the election, I will say now. What this government wishes to do is produce a surplus over time. Over a series of three or four years, there may be a small deficit in one or two years, surpluses in the other and yet a net surplus overall. If all your commitments had been met, then you would have done the right thing.

It is unfortunate that, in this town, there is not a great deal of in-depth analysis of the finances and economics of the ACT. Even at budget time, you do not get a really hard look at it. There just seems to be the simplistic view that if you have an accounting surplus—tick. This is even provided by some genuine experts in the field who, quite obviously, have better things to do—or things that pay them more money—than go into our budgets in depth.

There is a difficulty in communicating beyond plus or minus. I find that unfortunate. As members who were here in the last Assembly will know, I found great difficulty in communicating beyond the simplistic lines which were put out from time to time, which did not, in fact, paint the true picture.

I said before the election, and I will say it now, that the aim of this government will be to provide a surplus over time. Nevertheless, I will not be apoplectic if we produce a deficit every now and then, provided that, overall, in real terms, the net wealth of the territory remains constant or improves.

Housing

MR STEFANIAK: My question is to the Minister for Planning. Minister, I refer to the *Canberra Sunday Times* of 3 March 2002 and draw your attention to the following comment from the Master Builders Association on the neighbourhood planning program:

Planning delays and regulatory uncertainty cost our members money and those increased costs are inevitably passed on to customers, seriously impacting on housing affordability.

The Master Builders Association was also quoted in the *Australian Financial Review* of Tuesday, 5 March 2002 as stating that, since the change of government in the ACT, “the program threatens to slow jobs and investment in the territory” and that, in a quote attributed to David Dawes: “What concerns us is the absence of a clearly defined framework within which our industry can operate with certainty.”

Isn't it a fact, Minister, that you have engineered a hiatus in the Canberra building industry that is already costing investment and is starting to impact upon jobs? Isn't it true that your policies have already negatively impacted upon housing affordability and that your delays are affecting not only investors but also the mums and dads and their families in small business subcontracting?

MR CORBELL: Mr Speaker, the answer to Mr Stefaniak's question is no. None of those things is true. The reason none of those things is true is that this government is committed to putting in place a clear and coherent framework that protects the residential amenity of Canberra's garden city suburbs, something which those opposite distinctly failed to do. Not only that, this government is committed to establishing a clear strategic planning framework for the future growth and development of this city, something those opposite clearly failed to deliver. On both counts, the Liberal Party has no credibility whatsoever on this issue.

Further, everyone engaged in this debate needs to appreciate that the delivery of neighbourhood plans and the delivery of a strategic planning framework for the city will deliver a very high level of certainty—a very high level of certainty for residents, a very high level of certainty for industry and a very high level of certainty for those who work, live, play, learn and invest in our suburbs and invest in our city. That is the whole focus of the planning for people policy that Labor took to the election.

Let us not forget that it was the crew opposite that managed to get nine of Canberra's unique garden city suburbs on the National Trust's endangered places program through their planning policies. It has to be a first for any ACT government, the people in charge of planning for the city, to get our unique garden city suburbs on the endangered places list of the National Trust. People like the former minister, Mr Smyth, thought it was all right to have piecemeal, ad hoc redevelopment activity fundamentally changing the character of our garden city suburbs and fundamentally changing the quality and amenity of places in which people live and invest.

In response, this government is moving to put in place a clear framework that delivers certainty for everyone. But part of any process of change is uncertainty. That is why this government has been out there talking to the industry and residents and, as we go through the period of change, explaining to people what that change is, how it is going to happen and what the outcome will be. I have to say that there has been overwhelming endorsement from people within industry and the community whom I have been speaking to that—

Mr Smyth: Not from the MBA.

MR CORBELL: Including from the MBA, that the neighbourhood planning process can deliver the certainty that the industry is looking for and that the neighbourhood planning process can deliver the certainty that residents are looking for. In marked contrast to the planning policies of those opposite, they have the strong endorsement of the Canberra community. It is something to which this government is committed.

Mr Smyth: Record jobs growth, record starts, record private sector investment!

MR SPEAKER: Order! The opposition invited Mr Corbell to speak to it. Please let him do so. I am sure that he has a lot more to say and it will all be very interesting.

MR CORBELL: Mr Stefaniak asked me whether all the claims he was making were true, and I said no. I am going on to elaborate on why they are not true. They may not like the answer, but they should have thought of that before they asked me the question, Mr Speaker. They have not learned that planning is about protecting the public interest

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and about delivering outcomes that meet the broad goals of this city economically, socially and environmentally. They do not understand that. Three or four weeks ago they all got together at a little meeting and talked about where they went wrong in the election.

Mr Stefaniak: I take a point of order, Mr Speaker. That is irrelevant. Get the man to answer the question, for goodness sake.

MR SPEAKER: I thought it was relevant to the question. You asked Mr Corbell a fairly complex question, and I think that he is giving you a fairly detailed answer.

Mr Stefaniak: But it had nothing to do with the Liberal Party's planning meeting, Mr Speaker. He is starting to stray. Maybe you will drag him back.

MR CORBELL: They got together, Mr Speaker, and asked themselves where they went wrong during the election, and said that they got planning wrong. How did you get planning wrong? You got planning wrong because you did not listen to the community, you did not deliver certainty, you had no strategic vision for the city, you did not do resource planning properly and you allowed ad hoc, piecemeal redevelopment to threaten the garden city characteristics of our suburbs. Unfortunately, from Mr Stefaniak's question, it sounds like they have not learned a thing.

MR STEFANIAK: I have a supplementary question, Mr Speaker. I will also quote the president of the Property Council of Australia, Mr Noel McCann, who was quite apt to criticise the previous government if he did not think that it got it right. He said—

MR SPEAKER: Mr Stefaniak, a little while ago, Mr Humphries asked me to consider the use of a preamble by a Labor Party member who had asked a question. It would be nice if you were to observe the same rules and we had a standard approach.

MR STEFANIAK: I am about to quote him. Here I go. He said—

MR SPEAKER: No, that is giving a preamble in any sense of the word. If you want to ask a question, do so; otherwise you should sit down. If you do not go straight to the question, I will sit you down.

MR STEFANIAK: He said, "The approval system was already between six and 12 months—

MR SPEAKER: You are not listening to me. Resume your seat.

Mr Stefaniak: I am asking a question, Mr Speaker.

Mr Corbell: You are giving a preamble.

Mr Stefaniak: I am quoting a statement in my question.

MR SPEAKER: I heard you, Mr Stefaniak. Resume your seat.

Mr Stefaniak: Thanks very much, Mr Speaker. You just don't want to hear the truth, do you?

Neighbourhood planning

MS GALLAGHER: My question to the Minister for Planning, which follows on somewhat from Mr Stefaniak's question, relates to the implementation of government policy to introduce neighbourhood planning in Canberra. Could the minister inform the Assembly what action the government has taken to put in place the election commitment to give local residents a direct say in the planning rules of their suburbs?

MR CORBELL: I thank Ms Gallagher for her question. As I indicated in my previous answer to Mr Stefaniak, this government is committed to implementing its election commitments on planning. It will do so to restore community confidence in the planning process; to invest in planning; to develop a strategic approach to planning for our city that provides certainty for residents, certainty for investors, and a clear framework that everyone can work within and understand what the rules are.

One of the key components of this election commitment was the establishment of the neighbourhood planning program. I am very pleased to say that this government acted quickly and in a timely manner to ensure that the program is being implemented. Members may recall that on 13 December I announced the establishment of the neighbourhood planning program. An initial program for neighbour planning will cover five suburbs—the suburbs of O'Connor, Lyneham, Turner, Braddon and Deakin—in the first round of neighbourhood planning for the remainder of this financial year.

To commence this process, this government has undertaken a collaborative approach. Unlike the previous government that simply went out and said, "This is what we are going to do. We would like you to tell us what you think and then we are going to do it anyway," which is the standard consultative process they undertook with planning, this government has a collaborative approach. So on Wednesday, 27 February, which is about two weeks ago, nearly 200 people attended a meeting at the Albert Hall to talk about what people wanted to see in their neighbourhood plans, what their concerns were with the neighbourhood planning process and what their aspirations were for the implementation of the neighbourhood planning process. So it is really about getting their ideas and suggestions on how neighbourhood planning would work.

That workshop was well attended by representatives of residents organisations, individual citizens, industry organisations and broader community-based organisations. Indeed, I am grateful that Mrs Dunne and Ms Dundas were also able to attend and participate for at least part of that evening. That workshop was very successful. The commentary that has come back to my office and to officers in PALM, to the neighbourhood planning team, has been overwhelmingly positive.

What we got out of that workshop was over 2,000 ideas on neighbourhood planning and what people's views and concerns were on neighbourhood planning. These ideas are currently being prioritised and worked into the process for the development of the neighbourhood planning program.

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On Tuesday, 19 March I will be meeting with all members of all LAPACs across Canberra to discuss the current and future role of LAPACs in the context of the new neighbourhood planning program. I anticipate also to be in a position shortly to announce the full implementation details for the neighbourhood planning process and how it is going to work in those first five suburbs. But we are doing that based on the direct input of people who are affected by these planning processes. So there will be no more simply laying it out as a *fait accompli*, like the previous administration did. Instead, we will be putting together a collaborative process, engaging people directly in that decision-making process, and then rolling out a program which has clear time frames and which will deliver certainty for everyone who lives in our suburbs.

MS GALLAGHER: Mr Speaker, I have a supplementary question. Minister, what benefits will the plans have for the residents and the industry stakeholders?

MR CORBELL: As I have indicated already, they will deliver a higher level of certainty than we have seen before in the planning process. I believe that this government is embarking on a neighbourhood planning process which is a genuine and very much grass roots mechanism to engage people who are directly affected by planning decisions.

Once in place, neighbourhood plans will allow for more streamlined development approval processes for those who comply with the plans. That is a clear policy objective—something that those opposite failed to deliver; something that we are committed to achieving. These plans will identify areas for urban consolidation so that we can achieve a more sustainable city, but again within a strategic framework. So identifying areas such as those around local centres and along transport routes will also be key elements of neighbourhood plans.

But most importantly, they will also ensure that there is no longer a policy position in this city that simply allows ad hoc development activity—the wholesale changing of suburbs that we saw under Mr Smyth when he was the minister, with dual occupancy and triple occupancy development, resulting in the removal of significant trees and neighbours' yards being inappropriately overlooked by people's bathroom windows, which were in some instances only one or two metres away from their side fence. We are seeking to address and change this sort of completely inappropriate ad hoc development activity.

We do need growth and development in the city; we do need to allow for changing household types; and we do need to allow for changing household size, ageing of the population and a range of other factors. But we need to do it in a strategic way. We should not simply take the view that the market will regulate itself on these matters. We have to take a far more active approach, and that is what neighbourhood planning is about. I think the benefits will be very clear for residents and for industry as the program rolls out.

MR SPEAKER: Before I call Mr Cornwell, I might say that a moment ago when Mr Stefaniak was ordered to resume his seat I heard him say, "You don't want to hear the truth." That implies that he was sat down because I did not want to hear what he had to say, rather than for the real reason that he had breached the standing orders. I regard that as a reflection on the chair. I wonder whether you would be gracious enough to withdraw that.

Mr Stefaniak: It was no reflection on the chair, Mr Speaker. I was referring to the government. I do not know if there was a breach of standing orders and I accept your ruling if there was. I am not going to challenge that, Mr Speaker. However, if you have taken any personal offence at my remark, I point out that I was referring to the government not wanting to hear the truth, not you. I had no intention of slighting the chair; I was attempting to slight the government. So I withdraw any imputation on the chair.

MR SPEAKER: Thank you so much. I call Mr Cornwell.

Canberra Day

MR CORNWELL: My question is to Mr Wood, Minister for the Arts. Minister, you advised the Assembly on 22 February, in response to a question from Ms Gallagher, that you would be moving a number of Canberra Day events planned to be held near old Parliament House to the other side of Lake Burley Griffin. You claimed that this was required because of the presence of a fence around Reconciliation Place.

Mr Jeremy Lasek, of the National Capital Authority, has raised doubts about this course of events, saying that this issue—that is, the fence—had only been raised, and I quote, “in the past day or so”. Mr Lasek further claims that the only concern raised by event organisers, until recent times, was the behaviour of the tent embassy. We presume that, as the tent embassy is an inanimate object, he means the people, the squatters who are there.

Minister, do you stand by your claim in this place that the change of venue for these events was prompted solely by concerns about the fence and, if so, why did you decide to move the events rather than entering into further discussions with the NCA in relation to what is an inanimate object, namely a fence?

MR WOOD: Let me start with the second part of that question. Yes, there were concerns expressed about the tent embassy. There is no question about that. One of the officers of the government, in company with a naval officer, turned up to inspect the site, to see where tents might go on Canberra Day. Yes, there were concerns.

However, I believe that those concerns were ironed out. They were settled. Communications were passed around, because we talk to people. We do not jump up and down, we do not make heavy threats: we talk to people, we negotiate. You would have seen a statement in the press, from the tent embassy, that they had no trouble with Canberra Day. There were concerns initially. They were worked through and worked out.

I cannot tell you exactly when officers expressed a concern about the fence. However, let's go back a bit further. It was always understood that the fence would be removed in sufficient time for the concert to take place. As time moved on, it became apparent that the fence probably would not be removed in time. Then the matter became critical, and that was the critical matter that determined that the event should be relocated.

MR SPEAKER: Do you have a supplementary, Mr Cornwell?

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MR CORNWELL: Yes. I heard your statement. Did you refer your concerns about the so-called tent embassy to the NCA during your negotiations, when you wrote to it about these matters, and will you table the correspondence please?

MR WOOD: I did not do any negotiating myself. The officers were the ones involved. That was who handled it. It was handled effectively, obviously, and worked through. No, I did not handle the matter at all. It was a proper process to be worked through. We do things sensibly and properly on this side of the house.

Mr Cornwell: What about the correspondence, Minister?

MR WOOD: That is departmental correspondence. It may be in a variety of forms. I will see what might be available and, if I think it appropriate, I might release it.

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

Police

MR QUINLAN: During question time I took a question from Mrs Dunne in relation to the number of police committed. I understand that before the election the Liberal Party promised an additional 10 policemen. At a later date, about 2 October, the then Treasurer issued some updated estimates figures, which became the basis for debate during the election campaign.

We had committed to an extra 30 policemen and you had committed to an extra 10.

Mr Humphries: Not in that statement we hadn't.

MR QUINLAN: Before that statement.

Mr Humphries: No.

MR QUINLAN: Factored into that statement.

Mr Humphries: No, not as part of those figures. It was a separate election promise.

MR QUINLAN: Well, let me just say that, as I understand it, the 20 that Mr Gerritsen was referring to is a marginal 20 over the 10 that you had committed. Therefore, 10 plus 20 equals 30—it ain't rocket science. That is as I understand it. If we need to confirm it, we will do so. But I understand—and as I recall it, and I don't recall every last line in that thing—that we were debating before the election on the basis of statements put out by government which incorporated some of the commitments that the government had made, and that were issued on about 2 October.

Latham shops

MR CORBELL: Mr Speaker, I would like to clarify a response which I gave in question time last Tuesday to Mr Hargreaves' question on the Latham shops. In response to Mr Hargreaves' question on the Latham shops, I said, "I am advised that the demolition

will be completed this week.” Mr Speaker, for the information of members, I have now received further advice that some work on demolition was done on the site yesterday, but further demolition work has stopped. Completion of the work is up to the lessee to undertake within the time frame of the order issued by PALM. We will closely monitor the implementation of the order and take any action necessary to achieve its implementation in that time frame.

Papers

Mr Speaker presented the following paper:

Legislative Assembly (Broadcasting of Proceedings) Act—Authority to broadcast proceedings pursuant to subsection 8 (4) concerning proceedings of the Assembly on Wednesday, 6 March 2002.

Mr Wood presented the following papers:

Ministerial Travel Report for the period 12 November to end December 2001.

Administration of Justice—ACT Criminal Justice—Statistical Profile for 1 October to 31 December 2001.

Victims of Crime (Financial Assistance) Act 1983—Review of the operation of the Act and of the victims services scheme, dated February 2002.

Legal Aid Act, pursuant to section 8—Direction to the Legal Aid Commission together with an Explanatory Statement and schedules including an agreement between the Commonwealth of Australia and the Australian Capital Territory in relation to the provision of legal assistance, dated 13 September 2001.

Cultural Facilities Corporation Act, pursuant to subsection 29 (3)—Cultural Facilities Corporation’s Quarterly Report—Second Quarter—1 October to 31 December 2001.

Road Transport (General) Act, pursuant to section 216—Nominal Defendant (ACT) 2001 Annual Report, dated 19 February 2002.

Variation of appropriation Paper and statement by minister

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

Financial Management Act, pursuant to section 17—Instrument varying appropriation related to Commonwealth funding and a statement of reasons, dated 22 February 2002.

I ask for leave to make a short statement.

Leave granted.

MR QUINLAN: Mr Speaker, as required by the Financial Management Act 1996, I have tabled one instrument issued under section 17 of the act. The direction and a statement of reasons for the above instrument must be tabled in the Assembly within three sitting days after it is given.

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This instrument relates to the 2001-02 financial year. Section 17 of the Financial Management Act 1996 enables variations to appropriations to be increased for any increases in existing Commonwealth specific purpose payments by direction of the Treasurer. The Department of Education and Community Services had received Commonwealth funding that is greater than originally budgeted for the non-government schooling current grant, due to additional enrolments. This instrument authorises the appropriation of \$4.419 million, which is appropriated as expenses on behalf of the territory. The variation is budget neutral and it is matched by revenue from the Commonwealth. Mr Speaker, I commend the paper to the Assembly.

Capital works program

Paper and statement by minister

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

2000-02 Capital Works Program—Progress report—December quarter.

I ask for leave to make a statement.

Leave granted.

MR QUINLAN: Mr Speaker, I have presented the December quarterly report for the 2001-02 capital works program. I intend to make a few comments on the presentation of the report, followed by a brief summary of information in the report.

The report provides detailed information on the progress of expenditure on all projects included in the 2001-02 capital works program, with particular focus on individual projects. In the last Assembly, the Public Accounts Committee reviewed the presentation and format of the capital works program. A number of concerns were expressed and these related to:

- ability to track significant changes to the program,
- quarterly alterations to projects,
- reconciliation of projects within periods,
- tracking project acquittals.

The December capital works report incorporates quarterly and full year expenditure information on all projects included in the current program. It also identifies all variations to the 2001-02 program and presents all information at the project level according to departmental responsibility.

It is quite clear from this report that the 2001-02 capital works program, handed down in the budget, was always designed to defy the laws of probability. But in reality, this was a capital works program from a desperate government. The capital works were programmed to accommodate a suite of election promises. They were projects of a Belconnen pool kind—projects prone to be delayed and deferred in a post-election agenda.

Total expenditure for 2001-2002 was budgeted at \$158 million. This constituted a “wish list”, and this quarter’s capital works program makes that plain. As year to date expenditure stands at \$41 million, it means that only 26.3 per cent of funds available for expenditure have been committed.

For the benefit of Assembly members, I will point out a few interesting aspects from the Department of Urban Services. On the road program, 19 out of 27 projects are less than 30 per cent complete for the year; and 29 out of 49 infrastructure projects are less than 30 per cent completed for the year. These projects include works in progress and prior year works in progress. Obviously the proportion of underspends for new works is higher. Again for roads, 12 out of 15 new works programs are less than 35 per cent completed. No new works have commenced at this stage for either Environment ACT or ACT Waste.

It is the government’s role to manage its capital works with sensibility and with reasonable certainty. As this quarter’s report clearly shows, the past government was not able to contain itself in respect of the capital works program, nor was it able to distinguish between critical and other valuable but less urgent projects. The potential public interest in a multiplicity of projects is too appealing.

Consequently, this capital works program of the previous government gives the Canberra community no idea or assurance of the government’s priorities for the capital program. By all appearances, it was designed to be convoluted and random, because like its business projects and business plans it is the best the Liberals could offer in government.

By contrast, as chair of the Finance and Public Administration Committee, I advocated for a clear and transparent capital works budget and quarterly reports. As Treasurer, I will work with government ministers to ensure continuity and clarity in the capital works program. Agency programs will continue to be closely monitored through quarterly reporting and the formal project acquittal process will be pursued each quarter with the return of project completion reports. The overall progress of the program will be monitored closely over the months. Mr Speaker, I commend the 2001-02 capital works program’s second quarter report to the Assembly.

Finance and Public Administration—Standing Committee Report No 28—government response

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (3.35): Mr Speaker, for the information of members, I present the following paper:

Finance and Public Administration—Standing Committee (incorporating the Public Accounts Committee)—Report No 28 of 2001—Report on Auditor-General’s Report—Public Access to Government Contracts Act—Government response.

The report was presented to the Assembly on 30 August 2001. I move:

That the Assembly take note of the paper.

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I have presented the government's response to Public Accounts Committee Report No 28 relating to the Auditor-General's report on the Public Access to Government Contracts Act. The report recognised the problems identified by the Auditor-General that government agencies have been experiencing in complying with the Public Access to Government Contracts Act 2000 and makes three recommendations to address these concerns.

This government is committed to ensuring accountability in all aspects of government procurement and fully supports the principles expressed in the committee's recommendations. I believe the government's response to the recommendation of the Standing Committee on Finance and Public Administration addresses the concerns raised by the Auditor-General and I commend the government's response to the Assembly.

Question resolved in the affirmative.

State of the territory's finances

Paper and statement by minister

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (3.36): Mr Speaker, for the information of members, I present the following paper:

State of the Territory's Finances, as at 31 October 2001—Report of Commission of Audit, dated March 2002.

I ask for leave to make a statement.

Leave granted.

MR QUINLAN: Mr Speaker, I have presented a report on the books as at 31 October 2001. During the last ACT election Labor promised to establish a commission of audit into the territory's finances. Today I table the review as part fulfilment of that commitment. This report presents the findings of the commission on the first term of reference from three originally specified. The remaining terms of reference are still being addressed and reports on them will be tabled at a later date.

The report is more than simply just the fulfilment of a commitment. The Commission of Audit represents a line in the sand between the administration of the former Carnell/Humphries government and the Stanhope Labor government. In practical terms, the line in the sand takes everything known about the previous government's policies and directions as at 31 October 2001 and considers the estimated end-of-year outcome—that is, 30 June 2002—based on those policies. That is, if the 2001-02 budget had continued on song or on budget for the remainder of the financial year, what financial impact would the pre-November decisions of the previous government and variations from estimates have had on the end-of-year outcome? The policy directions of this government have been deliberately excluded from the report.

Given these specifications, the commission has determined that the estimated end-of-year outcome for 2001-02, based on the administration of the previous government, would have produced a small deficit of \$5 million. I hasten to add that that bottom line is inflated by some \$17.8 million in land sales revenue that relates to prior years. So the real result is a deficit of \$23 million. This is still not large in a \$2 billion total budget. Nevertheless, I think it is fair to say that we now have objective opinion that this year's budget represented a deficit of \$23 million at the end of this year. Of course, this result could fluctuate with minor shifts in quite a number of estimates. I have to say in favour of the previous government that accounting is not a perfect process and it can from time to time convey a false aura of precision, and I think I referred obliquely to that in question time.

The decline in the result from the original budget today is in large part attributable to losses from superannuation investment. Results in previous years from superannuation investments were flattered by windfall gains in investment. The law that what goes up must come down quite often applies. As I have repeatedly warned in this place, superannuation investment returns are a volatile beast. Prudent reporting calls for the separation of superannuation investment from general government operations and I will be investigating during the course of this Assembly ways of improving financial reporting. I cannot give a promise that I can do anything because I cannot breach accounting standards unfortunately but I will give it a shot.

If members are busily going through the report looking for a simplistic line that we have peddled to the media, I refer them to section 7.3.1 on page 47 where the report identifies the return on superannuation investment. If you take that investment away, if you excise that from the operating result, as you should, then you will find that at this stage we are actually running in continual deficits, that in fact the budget will run in deficits.

I complained in question time about the lack of depth of analysis of ACT finances. In respect of superannuation, we are investing extensively within a notional sinking fund recommended by the actuary. With a sinking fund you are required to contribute capital progressively. You retain interest earned in that fund and those two elements combine to meet your future liability. If you spend your interest along the way, what you are doing is in fact not providing fully for that liability.

I think it is important for once in our lives to try to come to terms with the fact that we reported a year or two ago quite substantial surpluses but they were windfall gains in our investment, they should have been in the sinking fund, they should not have been taken into account and they should not have been spent. So we still have a way to go.

Mr Humphries: Will it change the accounting arrangements?

MR QUINLAN: I will be trying to change the accountancy, Mr Humphries, but I am forced, I think, to try to do it within current standards, and that may not necessarily be easy. I think it is the case that we are the only state or territory jurisdiction in Australia that intermingles our superannuation with our operations. So I will be looking to change that. Unfortunately, that is not going to bring a pretty result. It is still going to leave this territory with a way to go. But at this stage, the way it is set up means that our bottom line is very fragile. It just seems to me to be commonsense and in the interests of both sides of the house to come to terms with this problem. I have only been talking about it

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for four years, so I suppose a couple more years won't hurt. This commission has proved to be a valuable exercise for the territory and I remind members that we felt it was necessary to clear the decks.

I recall Mr Humphries saying, or being quoted in the newspaper as saying, that the new government is paralysed with fear. I have to confess, Mr Humphries, of being somewhat fearful from time to time. But, on balance, I am quite enjoying being here. I am quite delighted to be on this side of the house, and delighted to be trying to clean up stuff like this. But, as I tip over the rocks, I do tremble a little—not paralysed, but certainly a tremor at times.

While I am on my feet, let me hit on just a few: the Totalcare quarry; the protracted and moral-sapping nurses dispute; the TransACT capital funding question; Disability Services; and the CTEC losses of two years ago that I have had to provide for in subsidiary appropriation bills. So, yes, I do tremble. Other examples include: the unfunded commitments for a medical school; the problem of corporate bookmakers that I mentioned in question time, where the previous government met with the industry three years ago and committed to sort the problem out; and the parlous state of the remand centre. I knocked that list up in five minutes.

So, yes, I am a little atremble over what we have inherited. But at least through this document we have been able to get an assessment of the position from a commission that was chaired by an independent expert. I counsel you again to read section 7.3.1 and to deduct what the position is. I could not direct the commission what to do and how to present, because they are independent. I do regret that they did not add a table in there—

Mr Smyth: Which bit did you direct then?

MR QUINLAN: Sorry?

Mr Smyth: You said you didn't direct them 100 per cent, so which bit did you direct?

MR QUINLAN: I could not direct them at all. They were not directed at all.

Mr Smyth: That's not what you said.

MR QUINLAN: Whatever. The point I am making is that I was not in a position to direct the commission. But I do regret that they did not extend the paragraph immediately before table 7.2 into table 7.2. If the Assembly is at all interested—other than making shallow observations—table 7.3 shows the projected net worth of the territory over time. Members will see that the amount is almost static. In fact, it is increasing by less than 1 per cent per annum overall. Because of CPI movements, in real terms our net worth under the current set-up is designed to decline. So, as I said, this territory still has a bit of a way to go.

I commend this report to commentators, who may later wish to give their assessments of the ACT finances. As I complained during question time, there is a paucity in this town of in-depth analysis. Once upon a time the *Canberra Times* used to at least engage on a part-time basis writers like Ian Davis and Peter Urban who researched their work and wrote some quite in-depth assessments. Now all we seem to get in our press is the

reporting of comments made, sometimes in parenthesis, and this has become a vehicle for the reporting of simplistic remarks.

As I said, I commend this report to people who are genuinely interested in what is happening to the territory finances. I also commend it to the commentators and to the Assembly. I move:

That the report be noted.

MR HUMPHRIES (Leader of the Opposition) (3.50): Mr Speaker, not surprisingly I want to speak to this report. We were all no doubt stunned and surprised to see Mr Quinlan come forward in this place today with a report that supposedly turns an operating result of about \$12 million into a deficit of \$5 million.

Mr Corbell: What are you suggesting?

MR HUMPHRIES: I am suggesting, Mr Corbell, that this report is not right, and I will explain why I think it is not right.

Mr Corbell: You're suggesting much more than that, Mr Humphries. You just don't have the guts to say it.

MR HUMPHRIES: Mr Speaker, the fact—

Mr Corbell: You're suggesting much more than that. You just don't have the guts to say it.

MR HUMPHRIES: Mr Speaker, I heard Mr Quinlan in silence. I ask for the same courtesy from Mr Corbell.

Mr Corbell: It's just slimy really—it really is slimy.

MR SPEAKER: Order!

MR HUMPHRIES: You can hurl abuse all you like, Mr Corbell, but the reality is I think this report needs to be looked at very carefully.

Mr Quinlan: Well, who are you going to get to do that?

MR HUMPHRIES: You will find out. There are plenty of people around this town who would love to have a second look at the books brought forward by this government. There are plenty of people in the private sector and other areas of the economy, such as people in the construction industry, who, particularly after what has happened in recent days, would be more than happy to see some hard look being given to the government's figures.

As I say, Mr Quinlan was very insistent before the election that the books needed to be looked at. He was not sure he was getting the full picture and he wanted to have a good look to make sure that the books were not being cooked. Lo and behold, he produces

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a report which manages to show that the operating result of \$12.285 million has suddenly become a deficit of \$5 million.

Mr Speaker, I might say first of all that in a budget of nearly \$2 billion, the difference between \$12.3 million in surplus and \$5 million in deficit is very little indeed. It is not exactly a great indictment of the former government's capacity to bring in a surplus that a variation of that tiny magnitude in our figures should now be supposedly brought to light.

But let us put that issue to one side. Mr Speaker, the argument being put forward by Mr Quinlan as a result of this paper is that if a number of factors that were known to the Treasury as of October 2001, or ought to have been known to Treasury as of October 2001, had properly been taken into account in the preparation of the figures at that time, they would have shown the position to be other than that which was presented by Treasury in October and in the update that I tabled I think on 2 October—an update which showed in fact our surplus improving rather than deteriorating, as this figure now demonstrates.

Mr Speaker, first of all let us look at the methodology that was used to arrive at these figures. Mr Quinlan is able to push a precise figure on the superannuation and investment adjustment by virtue of the deterioration in the overseas investment market. That matter has been much discussed in this place, many comments have been made about it, and it appears that we can now crystallise a figure—a figure which, incidentally, Treasury could not quantify for me as Treasurer but apparently can quantify for Mr Quinlan. That figure, Mr Speaker, is \$63 million—he now puts a loss of \$63 million on that figure.

I might point out, Mr Speaker, that were it not for that loss, for that figure appearing in these statements, the surplus would be in fact much more substantial than the \$38.78 million, nearly \$39 million dollars, which was predicted to be the surplus position at the time of the October update. So much depends in these figures on the \$63 million projected loss from the territory's total investments in superannuation, much of which is overseas.

Mr Speaker, that is the vantage point taken as of October 2001. My advice is that there are indications of significant improvements in the investment market since that time. Let us suppose that this \$63 million is an estimate—I suspect an extremely pessimistic estimate—and that this pessimism is proven to be unfounded to the tune of, let us say, 10 per cent. Let us say that it is a 10 per cent exaggeration of the position in respect of the overseas investments. Mr Speaker, if that were to be the case, and all other things in this document being taken as granted, the so-called loss suddenly becomes a surplus. The loss suddenly becomes a surplus.

Mr Quinlan: No, we had to dig up another \$18 million out of previous years.

MR HUMPHRIES: I will come to those things. So Mr Speaker, the suggestion that you could put much reliance on a figure which is supposed to be backcast to October of last year as the supposed position with respect to superannuation investments for the end of this present financial year is, with great respect, laughable. There only needs to be a small exaggeration in those figures and Mr Quinlan's deficit disappears.

However, having put this figure on the table, you then decided to scramble for other things to pile on top of it to make sure it got below zero—a break-even point—down to \$5 million. I have looked at some of these things, Mr Speaker, and I have to say to you that of course there will be agencies that will come forward and tell the ACT Treasury from time to time, “We’re under pressure in particular areas and we need more money.” Mr Quinlan will learn after a period in government that he cannot afford to accede to each of these claims, requests or pleas from an agency if he wishes to retain control of his budget. To be perfectly blunt, some of those claims, suggestions or pleas are try-ons; they are bids by agencies which do not, at the end of the day, appear to have a basis which would warrant Treasury dipping into its pocket and delivering more money to them. It simply does not. Mr Speaker, I have no doubt that if I were sitting in a cabinet which received some of those claims, I would look those claims extremely carefully in the mouth, and I have no doubt I would reject some of them.

Other suppositions have been made in this document which I think cannot be justified. One that caught my eye was an adjustment downwards of \$676,000 in the first year, rising to nearly \$6 million in out years, for the nurses pay rise. We put a pay offer to the nurses; an offer which was rejected. Surprisingly, a very similar offer shortly after the election was accepted by the nurses union—what a surprise! There was really very little difference between the offer made by the former government and that made by the present government. Nonetheless, somehow the nurses felt the offer by the present government was worth accepting but it would not accept the offer in the hands of the former government.

I note that the Commission of Audit describes on page 36 of its report how the treatment of this \$676,000 in this financial year has affected the bottom line in this supposed deterioration of budget. I quote from page 36:

The Commission also noted that, as at 31 October 2001, the Minister had withdrawn the offer to TCH nurses.

That is an offer of a pay rise. Why did we do this? Because they rejected it—a perfectly good reason to withdraw the offer. It goes on to say:

However, it was not the Government’s policy at the time not to make a subsequent offer.

Let us take out the double negatives in that sentence. What it is saying is that it was the government’s policy at the time to make another offer to the nurses. Mr Speaker, I was the leader of that government and I can tell you that is not the case. My government’s policy was: if the nurses were not prepared to accept that pay rise, we should go back to the drawing board and consider other ways of dealing with that problem. So this claim—

Mr Quinlan: Rubbish.

MR HUMPHRIES: Well, you prove otherwise, Mr Quinlan. I am telling you that I was the leader of that government. You show me where we had the intention of making a fresh offer to the nurses, or an offer in particular that would deteriorate the territory’s bottom line by \$6 million by 2004-2005. That is supposition. You have thrown that figure in in order to get your magic figure of \$5 million. It is a pretty dodgy supposition

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to go with in order to find some dollars. Here is the logic, Mr Speaker: “The former government must have been thinking about making another offer to the nurses. What would it be? Oh, we will assume it was \$5 million, so we will throw that in for the out years and that will help us get the figure down closer towards a deficit of \$5 million.” Sorry, Mr Speaker, it does not wash.

There are other figures in the report which I think need to be viewed with extreme scepticism. There are bids made by agencies which would never have been accepted by a government doing its job properly and saying, “No, if you have got pressure on your budget, you go away and manage it, or you go away and find savings elsewhere to pay for that deterioration in your bottom line.” The job of government is to make sure agencies do not come with begging cups to Treasury all the time saying, “Give us money because we are under a bit of pressure.” You do not do that, Mr Speaker, and Mr Quinlan will learn that fact.

Mr Speaker, there is a far more important point to make about the figures that Mr Quinlan has tabled. He points out that the figures that were tabled by the then government on 2 October were prepared by the ACT Treasury. Indeed, they were prepared by the ACT Treasury. The figures in the report are a revision of what the ACT Treasury tabled at that time. The question has to be asked: why did the Treasury of the territory produce figures which showed a surplus of \$38 million when, according to Mr Quinlan, based on a consideration of the same figures, the amount should have been a loss of \$5 million?

Mr Speaker, the government did not have then, and I do not believe has now, the power to roll into Treasury and say, “Look, I’d really rather like to have a surplus of \$25 million this year, not the \$10 million you told me I’m going to get, so fix it, will you? Just fiddle the figures to make sure we get a surplus of \$25 million.” You cannot do that. So you have to explain, Mr Quinlan, if you come into this place saying that there is a loss in these figures, why it is that the same honourable ladies and gentlemen who run our Treasury, the same honourable people who produced the figure showing a surplus of \$38 million as of, I think, 2 October, suddenly for some reason have now revised their estimate down to a loss of \$5 million.

Mr Treasurer, what are the factors that you introduced into that equation to produce that change of position? That I would like to hear, Mr Speaker.

Mr Speaker, I would like to consider this document at greater length—I can assure members on the other side of the house that it will be considered very carefully at much greater length—to see how much suspicion can fairly be levelled at this conveniently deteriorated financial position.

Mr Speaker, I will say simply this: a loss of \$5 million for the ACT is a damn sight better than a loss of \$344 million which, on the estimate of the ACT Auditor-General, was inherited by the former Liberal government from the Labor government of the day.

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

Public Accounts—Standing Committee Paper

MR SMYTH: I seek leave to table the Standing Committee on Public Accounts review of Auditor-General's Report No 10.

Leave granted.

MR SMYTH: I table the following paper:

Statement regarding the Standing Committee of Public Accounts consideration of Auditor-General's Report No 10, 2001—Corrective Services—Review of Certain Allegations.

Papers

MR STEFANIAK (4.04): I seek leave to move a motion to take note of some papers.

Leave granted.

MR STEFANIAK: I move:

That the Assembly takes note of the following papers:

Administration of Justice—ACT Criminal Justice—Statistical Profile for 1 October to 31 December 2001.

Victims of Crime (Financial Assistance) Act 1983—Review of the operation of the Act and of the victims services scheme, dated February 2002.

Mr Speaker, I will speak only to the administration of justice statistical profile for October to December 2001. I am delighted that the government has presented this paper. It is timely, especially considering the debate we had yesterday on criminal law and justice matters.

We in the opposition have heard anecdotally that there will be a further reduction in some crime statistics. That is exceptionally good news for the Australian Capital Territory and its citizens. It is also very relevant in part to the debate yesterday on amendments to section 9A of the Bail Act. I heard with some trepidation yesterday the Attorney and Chief Minister indicate that the government would be reviewing that act down the track. I suppose "down the track" is heartening to an extent because it will allow a further build-up of statistics. I am not too sure whether it was the Attorney or Mr Quinlan who on ABC radio indicated that some solicitors had problems with the new Bail Act. I will come back to that later. I have talked to a lot who have no problems with it.

One of the offences particularly relevant to the improvements to the Bail Act last year is the prevalent offence of burglary, something that causes great angst in our community. At one stage about 8,000 dwellings a year were being burgled. When we have about 110,000 dwellings in the territory, a huge number of citizens are affected.

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It is International Women's Day tomorrow. I note our successful motion yesterday. I can recall a very brave lady in my electorate who, confronted by some offenders in her house, chased them out with a cricket bat. People should not have to do that. Women are often victims of crime. They are some of the most vulnerable victims of crime. Anything that can be done to reduce crime obviously assists the more vulnerable in our community, specifically women. That is important, given that we have been debating women's issues this week.

I note with some joy that the December 2001 figure for burglary of dwellings dropped to 781. That is the lowest figure since September 1997. Page 29 of the report shows that, in December 1999, 1,698 dwellings were burgled. In December 2000 the number dropped to 1,356. Police will tell you that there is more crime of this sort in the more clement weather during the December quarter than in the inclement weather during winter months.

For the first time we have seen a decrease from the September quarter to the December quarter. For example, in September 1999 there were 1,387 burglaries of dwellings, going up to 1,698 in December. From September 2001 to December 2001 they went down from 855 to 781.

It was mentioned yesterday that a number of factors might have led to a reduction in some crimes. I will go through the very pleasing figures for December 2001. There are some obvious explanations for them.

In the December quarter of 2000 there were 1,356 burglaries of dwellings. In March the number went down a bit, to 1,265. Operation Anchorage started in about February, so maybe there was a little bit of a kick-in there. Certainly there was a kick-in from Anchorage by the June 2001 quarter, when the number went down to 1,081. As I said yesterday, the new Bail Act came into force in May 2001. The result is reflected in the September 2001 figure, which went down to 855, and further reflected in the December 2001 figure of 781.

In the debate yesterday someone mentioned that there was a heroin drought. There was at some stage, but there were also reports from police that a lot of people who had been on heroin changed to other drugs just as expensive as heroin and they needed money to maintain their addiction.

The figures are starting to show irrefutable proof that the improvements to the Bail Act are a major cause, if not the major cause, of a very significant reduction in certain crimes. If the new government is going to review this act down the track, it needs to bear that in mind.

Having been in this Assembly for all but about 2½ years, I cannot think of any other legislative measure taken by this Assembly that has contributed to such a significant reduction in certain crimes, although not all crimes. We had that debate yesterday so I will not canvass it again. Burglary is of concern to most members of our community, because everyone is either a victim or a potential victim of burglary.

Page 27 of this report deals with burglary and breaking and entering. Again I look at the December figures for the last three years. There were 2,248 such offences in December 1999, 1,937 in December 2000 and 1,261 in December 2001. Quite clearly, this bears out exactly what the Australian Federal Police have been saying—that the Bail Act has been significant in reducing crime.

Our judicial officers complained about the reasonably small number of recidivists to whom the old act gave a presumption in favour of bail virtually at all times. The same people would keep coming before the courts for breaking into places. They had to be given bail under the old act. They would be back again in a few weeks for more offences, and they would get bail again. I hark back to the example I gave yesterday. Under Operation Anchorage one bloke was up four times in three months for break and enter offences.

These statistics are irrefutable proof of the success of that act. I know that the Labor Party does not particularly like it. I reiterate that they supported most of it in May of last year. I detected yesterday a wish to get rid of it or to change it. Any change that weakens it will lead to an increase in offences and innocent people being traumatised and victimised. That is not what members of this Assembly are here for, under the oath we swore to look after the people of the ACT.

The Attorney said that they would keep the act under review, but these figures hammer home in no uncertain way the effectiveness of the act. The December quarter is traditionally prime time for offences. The figures speak for themselves. It would be very dangerous for this government to go down the path of watering down sensible measures that protect honest, law abiding citizens, many of whom are quite vulnerable, from crime. These figures bear out exactly what the police have been saying. It is commonsense. I just cannot reinforce enough what might happen if this government winds back this incredibly sensible piece of legislation.

I have had a chance to look at these statistics only in the last few minutes. I look forward to going through the rest of them in detail. From the cursory glance I have given them, it is pleasing to see that a number of other offences have been reduced. I commend the diligence of the Australian Federal Police in their task of protecting the community and doing their best to drop the crime rate. Quite clearly, these figures bear out what they and other people have been saying.

I briefly turn to the comments made on ABC radio about some solicitors having problems. I know that some are. Jennifer Saunders, for example, has consistently opposed the improvements to the Bail Act. She has a certain point of view which I completely disagree with. I have said so publicly and I will continue to say so publicly. A number of solicitors have a point of view they will push. That does not mean that those points of view should be taken over and above the legitimate rights of the Canberra community to protection.

A number of solicitors have told me privately that they are very happy with the improvements to the Bail Act.. When I opened Law Week last year when I was the Attorney-General, I can recall a Canberra barrister saying to a member of the Law Society, “These government amendments are what the community want. We should not be out of kilter with the community. We should be more responsive to community needs

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and we should not be opposing for the sake of opposing. We should be responsive to the community.” I did not comment on that. It was merely an aside between two legal colleagues. I think that is indicative that quite a number of people in the legal profession are more than happy with the legislation. They see it, as would any sensible person in the community, as good, commonsense legislation that protects the community and assists in dropping the crime rate.

I am delighted to see these figures, I am delighted to see the downward trend and I am delighted to hear continually from people in the community, including the experts at the coalface, the Australian Federal Police, that the improvements to the Bail Act are contributing in a very significant way to the drop in crime.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

Women in the community

Discussion of matter of public importance

MR SPEAKER: I have received a letter from Ms Gallagher proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The recognition of the role of women in our community, especially on International Women’s Day.

MS GALLAGHER (4.18): International Women’s Day comes about on 8 March each year. It is a day to celebrate the wins of the women’s movement and to recognise the task ahead. As chair of a Select Committee on the Status of Women in the ACT, I welcome the opportunity to present this matter of public importance.

International Women’s Day is an important and relevant day for women across the world and here in the ACT. In 2002 the need for women to organise for their own empowerment against institutionalised disadvantage is still as relevant as it ever has been. We have an environment this year marked by encroaching racism and the devaluing of human rights. These broader concerns have a significant impact on women and their right to choose, whether they are in detention centres or the workplace.

As we struggle for rights for all women we should reflect on the long history of the women’s movement in Australia, recognise the victories and draw strength, inspiration and lessons. To quote the Australian Women’s Constitutional Network:

Today a call is going out to the women of Australia through International Women’s Day events to use 2002 to build women’s power.

I fully support this statement.

The women’s movement has a collective history to be celebrated. It is a long and diverse history. Over the years International Women’s Day has been host to breakfasts and conferences but has always prioritised a march to ensure that the spirit of protest which has resulted in so many advances is maintained.

Many women view International Women's Day as the yearly occasion to restate, review and act in support of women's rights in social, economic and political areas. This should always be done with a remembrance of the early days of our feminist movement.

Australia's first International Women's Day's rally took place in the Sydney Domain on 25 March 1928. It called for equal pay for equal work, an eight-hour day for shop assistants, no piece work, the basic wage for the unemployed and annual holidays on full pay. With the depression sinking in and unemployment reaching over 500,000 in 1932, industrial disputations began to rise as wages and working conditions of women and their families were undermined. A small but active vocal women's movement organised against these cuts for International Women's Day.

In 1929 women again took the opportunity to defend their communities from the depression through protest. A rally organised in support of the wives and families of striking timber workers was held in Sydney Domain.

The ideas and movement founded by these early working class feminists laid the basis for an International Women's Day and a women's movement which continues to agitate for and achieve significant advances today. Some of these advances have been:

- the removal in 1966 on the ban on married women working in the public service;
- the adoption in 1972 of the principle of equal pay for work of equal value;
- the entry of women into non-traditional occupations as, for example, tram drivers in 1975 and builders and workers in the steel industry in 1973;
- access to abortion through the liberalisation of the laws of most states;
- funding for child care;
- the establishment of women specific services like health centres, refuges and housing services;
- the Sex Discrimination Act outlawing discrimination on the basis of gender, marital status or pregnancy.

These are just a few.

As people active in politics we should also appreciate the work of early suffragettes and recognise that there is still much work left to be done in achieving representation for women in parliament and social and economic life.

The cause of the suffragettes in achieving universal franchise should be celebrated this Friday. The Australia Suffragettes Society, formed in 1889, was instrumental in getting women the vote and in getting all the women here today elected. The society argued for equal justice, equal privileges in marriage and divorce, rights to property and the custody of children in divorce. As suffragette and journalist Louisa Lawson stated in 1889:

A woman's opinions are useless to her, she may suffer unjustly, she may be wronged, but she has no power to weightily petition against man's laws, no representatives to urge her views, her only method to produce release, redress, or change, is to ceaselessly agitate.

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And the suffragettes did agitate until franchise was achieved. They struggled to obtain equal rights for all women in the public sphere, using the vote, education, domestic labour and employment rights to raise the demand for social emancipation and social justice.

As part of this process, people involved in progressive political parties and organisations have attempted to cajole and persuade their political colleagues to recognise the demands of women. The ALP has been involved in this process for some time now. Prime Minister Gough Whitlam chose International Women's Day 1974 as the time to announce that the government was preparing an official program for International Women's Year. From Whitlam's intervention in the 1970s to the Hawke legislation of the 1980s to the victory of affirmative action at the national conference in 1994 to the work of the ALP in the ACT, we have a lot to celebrate with the women of the world in advancing women's rights, which are of course human rights.

The ALP achieved the first female leader of a state or territory in Rosemary Follett. We have had female Speakers and we currently have female representation for the ACT both locally and in the House of Representatives and the Senate.

The legislative agenda is very important to the women's movement today. The Sex Discrimination Act and the Racial Discrimination Act 1983 allowed the marginalisation of women in the private sphere, such as the workplace, to be brought into the public. Reforms to the criminal code have done much to empower women in domestic violence situations, but clearly more can be done here. The anti-choice laws of the ACT and other states and territories have to be abolished and women given full reproductive control over their bodies.

Tomorrow is International Women's Day, so it is essential that we consider this MPI in the context of women's issues internationally. With global issues prominent in Australian politics today, we have to use our position in Australia to support the institutions of global civil society which help women in less advantaged positions. This involves strengthening and improving United Nations institutions which relate to women.

To conclude, I would like to provide the Assembly with some facts and figures released recently by APHEDA, Union Aids Abroad, to put some of what I have said in context. Seventy per cent of the world's absolute poor are women, and this proportion is increasing. Nearly two-thirds of the world's 876 million illiterate are women. A woman's lifetime risk of dying from maternal causes is one in 16 in Africa and one in 65 in Asia, compared to one in 1,400 in Europe.

Women account for almost half of the 32.4 million adults currently living with HIV/AIDS and of the 12.7 million adults who have died from the disease. In countries with high HIV prevalence young women are at greater risk of contracting HIV than are young men.

Where women are in paid employment, generally they receive lower pay than men in most countries for the same work or for work of the same value. Physical and sexual abuse affects millions of girls and women worldwide yet is known to be seriously under-

reported. Women and girls constitute more than two-thirds of the world's refugees. Women receive about only 10 per cent of the world's credit.

These figures show that although we have come a long way there is still much work to be done for women across the world. As women we must continue to promote our agenda, which includes health care, reproductive rights, education, sanitation, housing, employment and wage equity, social security and support for all women in all countries. International Women's Day is about transcending borders and cultures with a unifying message of progress, support, respect and humanity. This Assembly has supported these aims consistently, and I am glad to present them to you today in recognition of the valued contribution of women in the ACT, in Australia and across the world.

MRS CROSS (4.27): I would like to begin with a quote from Jane Austen's book *Northanger Abbey*, in which Catherine Morland says:

I wish I were [fond of history] too. I read it a little as a duty, but it tells me nothing that does not either vex or weary me. The quarrels of popes and kings, with wars or pestilences, in every page; the men all so good for nothing, and hardly any women at all—it is very tiresome.

I am sure all the women in the chamber are nodding their assent and thinking, "How true."

Mr Hargreaves: I hope not.

MRS CROSS: My colleague there did. The contribution women have made to society has changed radically throughout recorded history. Some of this has been cultural change, some what I would prefer to call enlightened change.

In Australia we have been more fortunate than most nations, as you are very well aware, Mr Deputy Speaker, being a very enlightened man. Our history has afforded us the opportunity to accelerate whatever change we have made. At the time of our settlement the status of women was not what it is today. Those first women brought with them over a millennium of attitudes that reinforced gender bias—for example, attitudes that women were the chattels of their husbands and that women were not allowed to have a job or access to higher education. It is to our credit that Australian women have progressed so rapidly and led the world on these fronts.

Consider this brief scan of our history. In 1880 women were first admitted to lectures and examinations at an Australian university. A decade later Constance Stone was the first woman doctor to be registered in Australia. In 1895 women voted for the first time in an election in Australia, the first nation to allow women to do so, followed shortly after by New Zealand and the USA.

In 1902 Ada Evans became the first woman to receive a law degree, although she was prevented from practising as a lawyer for another 19 years. In the same year non-Aboriginal women in Australia gained the right to vote in a federal election. Unfortunately, Aboriginal women, along with Aboriginal men, had to wait 6½ decades before they were able to do so.

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In 1921 Edith Cowan became the first woman elected to an Australian parliament. Two years later women could sit on juries for the first time. The first birth control clinic was set up in Sydney in 1933. In 1941 the Child Endowment Act became law and provided a weekly child allowance directly to mothers. Two years later Dame Edith Lyons was the first woman to enter the House of Representatives and shortly after became the first woman to become a cabinet minister.

In 1961 the law was changed to remove double standards regarding the grounds for divorce. Here is a good one: in 1966 the bar on married women as permanent employees in the federal public service was abolished. In the same year Senator Annabelle Rankin became the first woman in the Commonwealth ministry with a portfolio.

1972 was another red-letter day for women, when the principle of equal pay for work of equal value was adopted. This came after 60 years of repeated attempts. However, few women were able to benefit from the change at that time, because men and women worked under different awards. Unfortunately, equal pay for women is yet to be fully achieved in this country.

In 1973 paid maternity leave was granted to women in the Commonwealth public service. Legislative recognition of a woman's traditional work in the home was given in the division of assets on divorce in 1975, the same year the first discrimination laws were passed in an Australian parliament.

Another defining moment was in 1976, when Joy Mein became the first woman president of a major political party—the Liberal Party, naturally, Victorian branch. The following year 12-month maternity leave was granted to all permanent workers. This decision guaranteed continuity of employment following leave for the birth of a child.

1987 saw the establishment of important women's health measures such as national breast screening and cervical cancer pilot projects, a national domestic violence education program and the introduction of family allowance supplement. For the first time, women surpassed men in participation in higher education, and school retention rates for girls exceeded those for boys for the first time.

This Assembly has had two women Chief Ministers—Rosemary Follett in 1989, the first female head of an Australian government, as my colleague Ms Gallagher pointed out, and Kate Carnell in 1995. In 1996 Senator Margaret Reid became the first female President of the Australian Senate.

Does all this historical achievement mean equal opportunity has been achieved in this country? Unfortunately not. Each of the achievements I have mentioned was gained only after a great struggle, sometimes violent struggle, often over a protracted number of years.

On some fronts there is still some way to go. True equal opportunity for women in employment has not yet been achieved. I hope to introduce legislation at some stage this year to partly address that in this jurisdiction.

I noted this morning that other like-minded countries face the same difficulties. A news article I read detailed how women in the UK civil service earn up to 28 per cent less than their male colleagues. In other vocations, the average disparity in that nation is still about 20 per cent. Australian women fare somewhat better. There are more women in paid work in Australia than ever before, and women's unemployment is at its lowest level in a decade. Yet the gender gap in wages is still 15 per cent—a record low but it still exists and should not exist.

While Australian women have made great gains in society, we have done so in a conducive environment. Women in some other nations have not been so fortunate. I am encouraged when I speak with young women in Canberra who cannot comprehend living at a time when there were no women doctors or lawyers or when women were prevented from attending a university or were unable even to get a job, let alone be paid equally. While such conditions largely no longer exist in this nation, tragically they still do in others. International Women's Day is a clear statement that such attitudes and behaviour need to change and hopefully will provide a point of irritation for change to begin.

Having lived and worked in countries which imposed and continue to impose on their female population restrictions and/or severe penalties such as those I mentioned earlier, I am grateful for my country of birth. I am also pleased to be able to serve this community at a level that can make a positive difference like the difference that can be made by my female colleagues in this place.

My dream is one day to live in a world which does not need to lobby for equal rights for women. My dream is that we will no longer have to have special programs in place to ensure fairness to women but that fairness will occur without pressure and will occur naturally without legal interference, threats and/or penalty. My dream is to see discrimination against women eliminated so that special women's achievements do not need to be announced as women's achievements but the achievements of human beings, the achievements of people in general, achievements that are not gender based.

I am fortunate to have been elected into a parliament in Australia which has a relatively strong representation of women. I am hoping that because of the women in this place, and indeed the open-minded men in this place, we see the progress of women's rights continue in this fair city.

MS DUNDAS (4.35): As has been mentioned, it is International Women's Day tomorrow. Along with millions of women worldwide, I will be participating in the traditional feminist activities of celebrating and despairing. People like you, Mr Deputy Speaker, in your questions on notice seem to think that International Women's Day is a recent politically correct innovation like the UN Year of Oceans. In fact, IWD has a long history, almost 100 years, of contributing to women's struggle for respect, equality, and autonomy in our lives.

If we were to celebrate International Men's Day, as has been suggested, that would be an innovation, a kind of PC innovation, but we do not. Why? Quite possibly some will never understand, but the rest of us should try to. Why is there an IWD and not an IMD? Why is there a feminist movement? An early slogan of the marches in New York City that were a precursor to International Women's Day was "bread and roses". The 15,000 women who marched on 8 March 1908 called for bread and roses, symbols of economic

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security and a better quality of life. As symbols, bread and roses sum up much of what women have been struggling for for well over 100 years. To take it literally, there are still millions of women worldwide and in Australia for whom coming home to a fresh loaf of bread and a vase of roses just once would be an amazing, if only brief, respite from the grind and ugliness of everyday poverty.

Over the last 100 years women have struggled for more than economic security and quality of life. We have struggled for recognition as valid human persons, for the right to determine the course of our own lives and for genuine respect and all that that brings with it. These are not easy things to symbolise, but there are perhaps good reasons for this. What we are working for is not just better material conditions. It is about women's inner experience of dignity and self-respect and how we can change the world to support this. It is about men's inherent attitudes to women and how we can improve these.

This gives us just an indication of how amazing the women's movement has been. Women who have been told and shown in every facet of their lives that they are not worthy of real respect, with everything around them subtly and not so subtly opposed to them expressing themselves as fully legitimate persons, have had the dignity, compassion and courage to stand up and to demand respect. Against the blind inertia of systemic oppression women have had to construct their own positive view of what it means to be a woman and then to change hearts and minds. And we are still doing it.

On 25 March 1911, just one week after IWD was observed for the first time in Austria, Denmark, Germany and Switzerland, over 140 workers lost their lives in a fire in a shirt factory in New York City. These workers were mostly women. This tragedy could have been avoided, but the working conditions made it impossible for these young women to escape the blaze. Doors were locked to prevent workers from taking breaks. No functioning fire exit was provided. One of the things, besides the lives, that were destroyed in this fire was a sign tacked to the wall. It read, "If you don't come in on Sunday, you need not come in on Monday."

How frustrating and saddening that millions of women worldwide, including women in Australia, still work in sweat shop conditions today or do outwork with no protection and little reward. Arguably government policies are doing less and less to prevent this disturbing practice.

Here in 2002 we are celebrating some very important events. It has been mentioned that it is 100 years since non-indigenous women in this country gained full suffrage. Speaking to the Commonwealth Franchise Bill in 1902, Senator Fraser noted:

I have always held that the extension of the franchise to women would not benefit them [but] ...
I do not think [it] will result in any harm.

That, I must admit, was one of the nicer comments. The suffragettes were seen as women out to sap the very foundation of a nation. It was believed that women having a vote would demean them and even give married men two votes. How wrong these people were.

Since Vida Goldstein first put her name forward to represent her community in 1903, since Janine Haines became the first female leader of a political party and since the election of six women to this Assembly last year, women have shown that not only do we know how to use our vote wisely but we also make good representatives.

2002 also sees the 30th birthday of the Women's Electoral Lobby, a grassroots community organisation working for women's rights in the political sphere, and one that I am incredibly proud to be a member of. The fact that WEL has made it to 30 and must continue to fight and that some of the battles that we fight today are of the same battles as our mothers and our grandmothers fought shows just how much there is still to be done.

Women earn on average only two-thirds of the average male wage. We live in a territory where the Minister for Women is a man who does not seem to take this concern seriously and where control of our reproduction is not our own.

Many people who have a privileged position in the order of things, people who have never experienced discrimination, just cannot understand how much courage and spirit it takes to stand up and fight. They cannot imagine being in a position where they would need to. For emancipation movements like the women's movement, this is the biggest challenge of all—the blindness of those who will not see.

In the workplace, in the household and in political life women still experience significant disadvantage. And it is not just bread and roses that we are missing. Too often women are put down and encouraged to put themselves down. This may be bold to say, but if some people do not see this problem it could well be because they are part of the problem.

So let us take this opportunity of International Women's Day to celebrate, to remember and to act—to celebrate our achievements despite adversity, to remember and recognise the amazing women in our community and to act to build our society to make the future what we want it to be: safe, inclusive and rewarding for all women.

MS MacDONALD (4.42): I rise in support of this matter of most importance for all the public of the ACT. At the moment there is a display in the foyer of the Legislative Assembly entitled "Women in the Making of Canberra". This display highlights some of the very prominent women who have been involved with the establishment of this great city—women such as Marion Mahoney Griffin, whose ideas and planning skills were as much to do with the way our city developed as were the ideas of her husband; Lady Gertrude Denman, wife of the then Governor-General, who proclaimed the city of Canberra on 12 March 1913; Lady Garran, wife of the former Solicitor-General, who travelled on the buses of Canberra and insisted that the bus conductor introduce her to any new face so that she could welcome new women to Canberra.

Other women in this display include Joy Warren, founder of Canberra's first commercial gallery, Solander Gallery, Jacqui Pearce, Kate Carnell and Rosemary Follett. These are all prominent women who have made a contribution to our community.

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Many of these women, rightly so, are honoured in the ACT International Women's Day awards for their contribution to community life. I look forward to attending this year's awards tomorrow night—I am sure you will be there, Mr Deputy Speaker—and honouring the women nominated and receiving these rewards.

I also welcome the announcement today of the new ministerial advisory council for women by the Chief Minister and Minister for Women, who I believe is interested in what happens with the issues affecting women in the ACT. I particularly note that the advisory council's make-up has women from a variety of backgrounds and experiences. I understand that we have members from Aboriginal and Torres Strait Islander backgrounds, someone with involvement in the Jewish community, women with diverse multicultural backgrounds, a representative from WISENET (that is, Women in Science Enquiry Network), an advocate of women with disabilities, and a woman involved with COTA (the Council on the Ageing). All of these women bring a multitude of experience to the council and I am sure will provide fantastic advice to assist in improving the status of women in the ACT.

I have spoken of prominent women in our society, women who have been movers and shakers and helped to progress the cause of equality for women in the ACT as well throughout Australia. I would like now to pay tribute to the majority of women in our society—the unsung heroes, many of whom I met in my role as organiser for the Australian Services Union clerical and administration branch. These women are the glue in our society. Without them, things would not operate; they would fall apart.

As I have said, I was fortunate to meet many of these women, these unsung heroes, in my time with the Australian Services Union. The ASU has a majority of members who come from female occupied jobs. These women keep their families running both financially and otherwise—from doing the daily chores to taking the children to school to caring for the emotional needs of their partners and children. Of further significance, I can name at least half a dozen workplaces around this town that would fall apart without the contribution these women make, whether it be ACTTAB, Auscript, the Australian public service or the ACT public service. These women make sure that the place keeps running.

These women do not usually get the recognition they deserve and they often receive very low pay. Sometimes, unfortunately, they are derided and treated as less than human, do work that trained monkeys could do or are described as menopausal. When I was working for the Australian Services Union, it was my great joy to be able to assist many of these women to get a fair go, to get a fair deal and to get a fair hearing. But there is so much more that needs to be done.

At present ACT females earn approximately \$200 a week less than the male average. There was a high proportion of females at low-earning levels in 2001, with 33 per cent of females earning less than \$400 a week when only 14.3 per cent of males were in this category. Conversely, there is a lower proportion of females in higher income brackets, with only 9 per cent of females earning over \$1,000 a week but one quarter of ACT males being within this income bracket.

As I have said, much more needs to be done to bring women up to par with what their male counterparts are earning. The minimum wage claim of \$25 a week, the subject of the motion Ms Gallagher moved yesterday, would make a great deal of difference to most of the women in the ACT in this category. I wish the ACTU the best of luck in achieving that \$25 wage claim.

To conclude, I would like to wish everybody in this chamber and in the ACT a very happy International Women's Day. I hope it is the start of a move towards equality in our society.

MS TUCKER (4.49): I can see that Mrs Dunne wants to speak, so I will not take my full 10 minutes. Speakers have already covered very well the inequality for women. Women on the whole are still not experiencing equally the benefits of society, whether in a developing country or in our country. In our country we talk about the glass ceiling, but we need to talk about the cement floor. Many women are still incredibly oppressed by their living situation. There is no notion of looking at glass ceilings. It is about having the capacity to live in a reasonable way. Women still disproportionately experience poverty. They are more likely to be casual part-time workers. They are more likely to be victims of violence in our homes. They are more likely not to be able to support themselves comfortably in older age because of their less secure employment when they are of working age.

Much of the work that is done by women is still not accounted for. Marilyn Waring's book *Counting for nothing* clearly explains what we do not take into account in our systems and analysis of our GDP or our accounting systems. If we did take into account all the work women do, we would have a very different picture.

I was a bit intrigued to see Mr Cornwell's question on notice about the cost to ACT taxpayers and ratepayers of the celebration of International Women's Day and presentation of awards. That is such a simple question to ask on one level. I would love Mr Cornwell to read Marilyn Waring's book *Counting for nothing*. I think I might have to give it to him. It highlights the problem we have in the way we try to account for who is doing what. It is very interesting to me that a question like that can be asked.

I know Mr Cornwell's position. He is supporting people who feel aggrieved by special emphasis being given to women's days, women's issues and on so. We have heard Mr Cornwell speak on that, and of course it is his right to do so. It is also my right to respond, Mr Cornwell, which is what I am doing now.

The impact of conflict, globalisation and poverty on women has come up regularly on the international stage. Ms Gallagher has already given an overview. I will give a very brief one. I do not want to repeat what has already been said. The majority of the 1.5 billion people living on \$1 a day or less are women. In addition, the gap between women and men caught in the cycle of poverty has continued to widen in the past decade. This phenomenon is commonly referred to as the feminisation of poverty. This information comes from a data paper from the Commonwealth Parliamentary Association. It will be an agenda item at the next conference of the CPA in West Africa, which will look at gender politics and conflict.

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It is very important that people be aware that this is not becoming less of a problem; it is becoming more of a problem. That is as a result of a number of new very powerful forces. In particular, economic globalisation is having a strong impact on this division.

Apart from all the other things that have been spoken about today, which I support, I will focus on the role women are taking around the world on the question of peace and conflict. Because I am involved in alternative approaches to resolution of conflict, I am constantly inspired by the number of women's groups around the world that have members in Canberra. This is quite within our discussion of the role of women in our local community. The role of women's groups is to try to challenge the very violent and aggressive approach that is taken to conflict resolution by all nations.

A letter of November 2001 to the Minister for Foreign Affairs was written as a matter of urgency following the re-election of the federal government. It was on behalf of the combined membership of the organisations whose names I will read out because I think it is good to put them on the record. The letter is about military strikes against Afghanistan and says:

In the wake of the September 11 attacks against civilian targets in Washington and New York and while dispersal of anthrax spores continues to be used as a weapon of fear against civilians in the US, we wish to add the voices of hundreds of Australian women to community calls for an adequate and constructive means of addressing the problems of terrorism.

It goes on to talk about concern about answering the terrorist attack with the bombing of people in Afghanistan. The groups mentioned in this letter include the Australian National Council of Refugee Women, the Asian Women's Human Rights Council, the Association of Women Educators, the Australian Education Union (South Australia Branch), the Australian Federation of University Women, the Coalition Against Trafficking in Women, the Union of Australian Women, the United Nations Association of Australia (Status of Women Network), the Women's Electoral Lobby, the Women's Services Network, the Women's International League for Peace and Freedom, the Working Women's Centre South Australia, the Association of Non-English Speaking Background Women of Australia, Women into Politics, the Australian Women's Health Network, the National Council of Single Mothers and Their Children and the Young Women's Christian Association of Australia.

There has been a very strong movement of women, and members of these groups in Canberra are working behind the theme of the World March of Women, which occurred in 2000. That initiative and campaign was very successful in raising issues. That was an international community initiative by women's groups from around the world. This shows that women are prepared to take on the very big global issues. They work for peace and harmony in their own communities as well as being prepared to take on the global issues in a coordinated way. I am very proud to be part of many of those groups and would like to see this acknowledged in this Assembly on the day before International Women's Day.

MRS DUNNE (4.57): I rise on the eve of International Women's Day to pay testament to the women across Canberra and across the world for whom International Women's Day will pass unnoticed.

Looking further afield, I echo the sentiment of my colleague Mrs Cross, who said that we should be grateful to live in the country of our birth because in Australia and in Canberra we are indeed privileged. I would like to pay testament to the people for whom traditional International Women's Day festivities are just like the activities of every other day. It is drudgery; it is carrying water; it is living without electricity, without power; it is probably not even knowing what a rose is.

Many of those in abject poverty are there because of the actions or the inactions of those of us in the First World. We tend to keep people in poverty in West Africa, Asia and South America because of our own benightedness, our insistence on maintaining people in debt and our insistence, as I said yesterday, on visiting First World mores on people in emerging countries.

I would also like to pay testament to the women of Canberra, who, as Ms MacDonald said, are the glue that makes society stick—the mothers who will get up in the morning, cook the lunches, make breakfast, pack the lunches, get the kids off to school, go to the canteen, run Meals on Wheels and perhaps work for a little while. We must remember that not every woman works. Some women are retired and contribute to the community. Some of them choose to stay at home. The tenor of what we say here tends to demean those who choose to stay at home and by their actions every day uphold the rest of us—the ones who choose to stay at home, who have the time that I do not have to go and hear the reading in our classrooms, who have the time I do not have to attend to preschools. We should be grateful to those women.

Despite all the pie and sky about the achievements of women and what women really need to do, at the end of the day, at the end of the festivities and at the end of the pie in the sky somebody has to do the washing up. That is the job that falls to women.

At 5.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MRS DUNNE: I feel a need to introduce a slightly sour note. One of the themes that emerged in what was said today by Ms Gallagher and Ms Dundas was something that is an emblem of what appears to be the international women's movement, which is a reliance on what they call women's right to choose but what I would call abortion rights.

I would like to put on record that you do not have to be a feminist and you do not have to be in favour of abortion deregulation and liberalisation to be a feminist. I have many friends who are active feminists. I count myself as one who would consider that humming the mantra and embracing the emblem of abortion do nothing more than enslave women. It is time in the year 2002 that we started to take notice of the fact that women who subject themselves to abortion are often coerced into doing so and as a result they risk increased rates of suicide, depression and breast cancer. I know we do not like to hear about it. I close by quoting Dr Janet Darling from the Fred Hutchison Cancer Research Centre, who said in a recent publication:

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I would like to have found no association between breast cancer and abortion, but our research is rock solid, and our data is accurate. It's not a matter of believing, it's a matter of what is.

On International Women's Day in 2002 we should not be running wholeheartedly to embracing the emblem of what is considered the feminist movement but should be standing back and taking a long hard look at what we advocate for our sisters.

MR PRATT (5.03): Mr Speaker, I would like to speak very briefly in support of the comments that have been made on both sides of the house regarding this very important occasion. While I note that Ms Gallagher's MPI relates to the role of women in our community, I notice that Ms Tucker put an international dimension on it. I would like to add that the Australian community has recognised and has worked fairly strongly for women in need in very difficult countries. I could speak for a number of hours about the difficulties women have faced in some quite awful countries under quite awful circumstances and the role of women and men from this country in providing emergency assistance to those people.

I often think of the hundred or so thousand Iraqi widows, many with children, trapped in the Kurdish enclave in north-eastern Iraq in the years immediately after the gulf war. Tens of thousands of them are still there, unable to be reintegrated into their communities. These sorts of refugees do not necessarily have access to the people smuggling trade. There are many women in many places throughout the Balkans and Africa in very difficult circumstances. One wonders what is going to happen to their livelihood in the years to come.

While we celebrate our own situation and the improving situation of women in this country, I hope we continue to provide the assistance we have been proudly providing overseas to people of all genders and all backgrounds in serious need, recognising the privileged position we are in in this country.

Following Ms Tucker's speech, I would like to say that I think both genders are working extremely hard overseas on conflict resolution, the provision of aid to communities and the development of civil society. It is true that it is the women in Third World countries who are showing the way. It tends to be the women who are slowly breaking ground in conflict resolution and the development of civil societies in very difficult countries.

I hope that those participating tomorrow in events around the country enjoy themselves and I wish everybody the best.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (5.06): It is important to acknowledge the significance of International Women's Day to be celebrated tomorrow. Its historical and community significance has been well explained by Ms Dundas, Ms Macdonald and Ms Gallagher in particular and by Ms Tucker and other contributors.

It is important to recognise that it is not solely a day with historical resonance but a day which is very much still required in the contemporary debates our community faces. It is also important that men acknowledge the significance of the day and recognise its contemporary relevance in our community.

There is no doubt in my mind that the functioning of our institutions and that the quality and the value of our decision-making are greatly improved and that our decisions are far better informed through women being directly involved in all forums. The involvement of women in the forums and the councils of decision-making leads to a far better level of decision-making. It is incumbent upon men, who are still very much dominant in politics, law and a range of other forums, to work with women in ensuring that they are engaged more in those councils and forums.

I am conscious that I initially became a member of this place because of the resignation of a very prominent woman, Rosemary Follett. I certainly feel that it is incumbent upon me, as her replacement in this place, to seek to deliver a service and uphold a position of public service which she brought to this place when she was a member of it.

Commentary and discussion around the need for men to have their own forums and days of celebration in some respects miss the point. We have those forums now, because we are dominant in parliaments, the courts and other forums of decision-making and power in our society. These are institutions created by men for men. Commentary that we need our own institutions such as an international men's day misses the point entirely. Indeed, it could be argued that every other day is already a man's day, given the dominant role men still play in decision-making in our communities.

It is important to recognise the significance of the day, recognise its contemporary relevance and argue that we need to continue to build and strengthen these institutions.

MR SPEAKER: The discussion is concluded.

Legal Affairs—Standing Committee Scrutiny Report No 6

MR STEFANIAK (5.10): I present the following report:

Legal Affairs—Standing Committee—Scrutiny Report No 6, dated 7 March 2002.

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

Leave granted.

MR STEFANIAK: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MR STEFANIAK: Mr Speaker, I ask for leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny Report No 6 contains the committee's comments on one bill. I commend that report to the Assembly.

Suspension of standing orders

Motion (by **Mr Wood**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent a motion being moved to (a) rescind the resolution of the Assembly earlier this day fixing a future day for the resumption of debate on the Pharmacy Amendment Bill 2002 and (b) the Bill being called on forthwith.

Pharmacy Amendment Bill 2002

MR WOOD (Minister for Urban Services and Minister for the Arts) (5.12): I move:

That the resolution of the Assembly earlier this day fixing a future day for the resumption of debate on the Pharmacy Amendment Bill 2002 be rescinded and that the Bill be called on forthwith.

MR SPEAKER: Do you wish to speak to that motion, Mr Wood?

MR WOOD: No. I think it has been discussed around the chamber.

Question resolved in the affirmative.

Debate resumed.

MS TUCKER (5.13): I would like to explain, just for the benefit of new MLAs and for the record, what has actually happened here. For many years in Australia, there has been a general presumption that the pharmacies that we see in our shopping centres are owned by the registered pharmacists who work in them. In fact, all state pharmacy legislation limits the ownership of pharmacies to pharmacists.

However, in recent years concern has arisen within the pharmacy profession about the potential for corporations with no particular pharmacy connections to take over the operation of pharmacies, and run them as retail businesses. For example, a supermarket could operate a pharmacy section within its premises, in the same way that it might have a bakery or a delicatessen, or a company may want to set up its own chain of pharmacies.

These concerns came to a head when the state and Commonwealth governments agreed, through COAG, to undertake a national competition policy review of national pharmacy legislation. This review was completed in early 2000, and came to be known as the Wilkinson review. It concluded that there is a net public benefit in the existing system of pharmacy ownership, even though this could be considered as a restriction on competition. The review concluded that the ownership of pharmacies by pharmacists ensured the highest standard of provision of this important health care service, and a high level of accountability by pharmacists.

Non-pharmacist corporate structures are more likely to focus on maximising commercial returns, for example, through encouraging greater sales of medicinal and health care products. Overseas experience also shows that chain store-type pharmacies do little of the across-the-counter counselling that is provided by independent pharmacies.

Some time ago, I was approached by the Pharmacy Guild about an anomaly in the ACT legislation concerning pharmacists. While the intent of the legislation is to limit the practice of pharmacy to individual registered pharmacists, it could allow a company to own a pharmacy business. This company could merely employ a registered pharmacist to manage the pharmacy part of its business.

My original bill sought to eliminate this anomaly by allowing companies to operate a pharmacy, but only if the company is controlled and managed by registered pharmacists. The bill protected the public interest by ensuring that pharmacies can be owned and operated only by pharmacists, while providing pharmacists with the flexibility of using a corporate structure for their pharmacy business, should they so choose. My bill was modelled on the pharmacy legislation in South Australia, which follows this approach.

Companies that seek to be registered pharmacists must have only one object in their constitution, which is to carry on the business of pharmacy. All the directors of the company must be registered pharmacists. The shares of the company must be owned by registered pharmacists, or their immediate relatives, and only the registered pharmacists have voting rights.

After my bill was tabled, the department of justice raised an issue with the then Minister for Health about whether the bill was consistent with paragraph 23 (1) (h) of the self-government act.

MR SPEAKER: Order, members! Ms Tucker has the floor.

MS TUCKER: This provides that the Assembly has no power to make a law in respect of matters that are the subject of the laws in force in the territory relating to companies.

We received contrary legal advice that the bill is not legislation that is the subject of the Commonwealth Corporations Act. The bill does not prescribe general rules for the management or ownership of companies. Rather, it prescribes which management arrangements are acceptable for a company to be eligible for registration as an incorporated pharmacist. It is the choice of a particular company whether it wants to operate as a pharmacist or not. I therefore still do not believe that this bill is contrary to the self-government act.

The former minister for health, Mr Moore, agreed with our view that the bill did not contradict the self-government act, and was prepared to support it with a few fine-tuning amendments, which we thought would remove any doubt. It is a concern to me that, just before this legislation was to take effect, some five months after its passing, the department of health has now come back to argue again that the legislation is contrary to the self-government act.

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I have seen the briefing provided by the department of health and, as far as I am concerned, it does not bring any new information to the legal debate over my amendments to the Pharmacy Act. The department's concern seems to be more a difference in opinion about whether there should be any restrictions on companies owning pharmacies. However, I believe that this issue was well and truly resolved in the national competition policy review. I am therefore not convinced of the need to delay the introduction of this legislation, however, I am prepared to give the government the benefit of the doubt and give it a couple more months to clarify its legal status.

I am also prepared to give the government more time to look at this issue because I believe there is a general problem with section 23 of the self-government act. The reference to the ACT not being able to make laws with respect to matters relating to companies is poorly defined, and perhaps does need to be tightened. I understand that the former Attorney-General raised this issue with the federal government towards the end of the last Assembly, and raised the possibility of deleting this part of the act, or of having regulations issued to clarify its intent.

I do not believe that the federal government has provided a response, so I would encourage Mr Stanhope to further pursue this issue over the next couple of months, as a way of removing doubt about the validity of the Pharmacy Act amendments, and any other ACT laws that affect companies.

MR SMYTH (5.19): The opposition was approached by the government yesterday with some concerns about the enactment date of the bill. It is certainly the firm position of the opposition that the intent of the bill be maintained. However, if difficulties arise that may put at risk companies who thought that they were doing the right thing by complying with this legislation, we want to prevent them. With that in mind, we will also be supporting the Pharmacy Amendment Bill 2002, and hope that we can come to a swift resolution so that the intent of the bill, which I think we all agreed to on the day, is carried out.

MR WOOD (Minister for Urban Services and Minister for the Arts) (5.20): Yes, it is not always the best thing to revisit issues in this way but, taking on board the advice that has been given to the Chief Minister and Minister for Health, this is a sensible and modest way of dealing with the issue. Given the support that is coming from the house, we now have the time to examine the detail. Members will be involved in any further discussion, so we can satisfy them thoroughly and, at the appointed time, consider the best means to move forward. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Road Transport (Driver Licensing) Amendment Bill 2002

Debate resumed from 21 February 2002, on motion by **Mr Wood**:

That this bill be agreed to in principle.

MRS CROSS (5.21): The Liberal Party is always prepared to support sensible legislation. This bill provides for clarity in law, which is always a good idea, and re-establishes the nationally agreed principle of applying demerit points from the day of a traffic offence.

These are both sensible measures that we, on this side of the house, are happy to support. Indeed, I would like to thank the minister, Mr Wood, for the discussion we had on this bill this morning, and wish to mention briefly at this time that we also discussed a further aspect, the mutual recognition of demerit points.

Approximately one month ago, I lost a 15-year-old niece in a hit-and-run accident in Sydney, and the driver of the vehicle involved has not been caught. The police suspect that the driver was involved in previous incidents, and probably did not realise that the person knocked over had died. Given that this has some personal implications for me, but also for the community, one of the matters that I would like to look at in the future and discuss further with Mr Wood is repetitive, serious law-breakers. We will perhaps look at deducting the demerit points of these people immediately, rather than doing it in the way we are considering for this legislation at the moment.

As I said, it is something that I trust both parties can work on together in the future, finding a good solution to this type of situation. I would like to thank Mr Wood, once again, for his assistance here. This bill has our full support.

MS DUNDAS (5.23): I rise to say that the Democrats will be supporting this bill also, so it has the support of all sides of the house, as opposed to just both sides of the house. I believe that the principle that this bill seeks to apply is appropriate: that a person who commits offences incurring the relevant number of demerit points within the prescribed period should have their licences suspended, regardless of the date on which demerit points were actually entered onto the register.

When I first viewed this bill, I must admit I was concerned that it might diminish the rights that people currently have to dispute traffic infringement notices before having their licences suspended. I believe it is important that people have a chance to put their case, for example, where they believe that another person was using their vehicle at the time of the offence. After further research, and a briefing from the department and the RTA, I am now confident that existing rights of appeal and due process will not be threatened by this legislation. I am therefore prepared to support this bill.

However, I remind the government and the Assembly that, with all such pieces of legislation, I will be scrutinising them thoroughly to make sure that the rights of individuals are treated fairly and in a transparent manner by government authorities that protect and entrench them.

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MR WOOD (Minister for Urban Services and Minister for the Arts) (5.24), in reply: Mr Speaker, I thank members for their support, and I note the comprehensive way in which this bill has been handled. It has had good scrutiny from all around, and I think that this has been a good process to follow through. I had a discussion with Mrs Cross, and we will have further discussions about particular issues to see if there are other avenues that might be followed.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Parliamentary privilege—examination of documents

MR WOOD (Minister for Urban Services and Minister for the Arts) (5.26): Mr Speaker, earlier in the afternoon, Mr Quinlan circulated a motion in relation to parliamentary privilege and the examination of documents. I ask for leave to move that motion.

Leave granted.

MR WOOD: I move the motion circulated in Mr Quinlan's name, which reads:

That:

1. The disposition of the documents sealed and delivered to the Clerk of the Assembly on 6 March 2002 following the execution of search warrants in the Assembly building be determined in accordance with this resolution.
2. The Officer of the Australian Federal Police who is the warrant holder or another officer of the Australian Federal Police nominated by the warrant holder and the Clerk of the Assembly or his nominee examine the documents and the warrant holder or his or her nominee shall identify those documents he or she believes is material subject to seizure under the warrant.
3. The Clerk of the Assembly or another person nominated by the Speaker after consulting with Party Leaders shall examine the documents identified pursuant to paragraph 2 and shall determine whether any of the documents are immune from seizure under search warrant by virtue of parliamentary privilege, having regard to the Parliamentary Privileges Act 1987 in its application in the Territory, relevant court judgments relating to the interpretation and application of the Act, relevant precedents dealing with protection of documents of senators and members of the House of Representatives and such other matters as that person considers relevant.
4. The person appointed under paragraph (3) shall divide the documents believed to be material subject to seizure under the warrant into two categories, those immune from seizure and those not immune from seizure, and seal them into two packages identified accordingly. Those documents that are immune from seizure are to be returned to Mr Humphries and those not immune from seizure are to be forwarded to the Australian Federal Police. The documents referred to in paragraph 2 that are not identified as material subject to seizure under the warrant shall be returned to Mr Humphries.
- 5.

- 6.
7. Before sealing the package of documents not immune from seizure the person appointed under paragraph (3) shall cause such documents to be copied and the copies of the documents shall be forwarded to Mr Humphries at the same time as the originals are forwarded to the Australian Federal Police.
8. For the purposes of paragraph (4), where documents are included with other documents in electronic form on a disk or tape, the documents shall be printed out, only printed copies of such documents shall be placed in the package of documents not immune from seizure, and the disks or tapes shall be placed in the package identified as documents immune from seizure.
9. The person appointed under paragraph (3), on completion of this task, shall provide the Speaker with a brief statement that the task has been completed and the Speaker shall table that statement in the Assembly.
10. The person appointed under paragraph (3) may be paid such fee as is approved by the Speaker after consultation with Party Leaders.

It was considered, since I am a party to this, that it was better if Mr Quinlan moved the motion. However, he has been involved in meetings and cannot make it back to the chamber at this time, so I am on my feet.

The motion is self-explanatory, but it takes some reading to make it self-explanatory. It is to facilitate the process that is under way, and to see that it is done with due respect to parliamentary procedures, so that all privileges are protected, and the investigation can still go on.

I understand that this motion has been fairly well circulated, I believe it is fairly well understood, and I ask for the support of the Assembly on this issue.

MR HUMPHRIES (Leader of the Opposition) (5.28): Mr Speaker, the opposition is happy to lend support to this motion. As the minister has explained, it provides for a process whereby it is possible to determine whether privilege attaches to particular documents that were seized yesterday, subject to a search warrant.

The alternative, I assume, to a motion like this is that the Speaker would have to determine privilege, or maybe the whole house would have to determine privilege, by virtue of a vote on the floor. I am sure that we all agree that this is the best course of action. This motion allows for somebody who is, I assume, a barrister or someone of that kind, to come in, sit down, and go through the legal precedents for whether a document attracts privilege or not, and determine, on the basis of that, whether a particular document is privileged or not.

Obviously, the courts are not able to use documents that are privileged. My understanding is that the Assembly as a whole has the benefit of that privilege, and that individuals may not to decide to waive that privilege. It belongs to the Assembly as a whole.

I am particularly supportive of paragraph 5 of this motion, because any documents that are not immune from seizure, which can be copied, and which can be forwarded to the Federal Police, will also be provided to me. As I have said in this house already, since I have not seen any of these documents before, it will be of some interest to me to see what these documents are.

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MR HARGREAVES (5.30): I wish to speak on this matter, for a number of reasons. One reason is that I am not connected with it, I hope. I have had a very good look at what has happened, and I do not think anybody has been either looking at it, or has been interested to do so, other than my constituents and the staff. I therefore feel quite removed from the process.

I think that, in the interests of the reputation of the parliament, it behoves all of us to treat this with the appropriate sensitivity and respect. I do pay credit to the sentiments that Mrs Dunne has expressed so far in the debate, both within this chamber and outside it.

I think it is also important that, when we are talking about documents, everybody is confident of the manner of exchange of documents between their origin and, for example, the Federal Police. I have had some experience in this house where evidence has been received in a standing committee, the Standing Committee on Justice and Community Safety, that involved defamation, and a not very subtle accusation that a member of this place had been on the take, and that the police had been almost derelict in their duty with respect to progressing a case against a member.

Of course, that information therefore was particularly sensitive. I do not necessarily believe the accusation was true, but of course the sensitivity of the material meant that it could not be authorised for publication. It could also not be allowed to find its way out through inadvertent transmission by, for example, members of the staff of an elected member.

We all have papers from standing committees coming into our offices. A lot of us—I do not—have their staff actually file those papers and things like that. The opportunity for someone to find supersensitive stuff lying about, or for such material to be transmitted to somebody inadvertently is reasonably high, so I think that we ought to be particularly careful.

I am not sure on whose advice we relied—whether it was Ms Weeks', Mr McRae's or Mr Duncan's—when this matter actually arrived at the Standing Committee on Justice and Community Safety, but certainly that body of corporate knowledge advised us that the custody of those records ought to be under lock and key in the Clerk's office. They should not be with the chair of the committee, or the members, but in the Clerk's office. What we are talking about in this motion is that we are relying on the reputation of the Clerk as that independent custodian of sensitive material.

When I first came into this place, I was not particularly aware of what constituted a breach of privilege. I soon found out, I have to tell you, because some members actually reminded me of it, inside of three days of my first attendance here. I think this is an issue we all need to take particularly seriously.

For members' information, I have a small difficulty with paragraph 6. It is only a little one, and it relates to the integrity of the information. Mr Speaker, at this stage, could I move the amendment that has been circulated in my name and then speak to it, please, in the interests of time?

MR SPEAKER: If you formally move it.

MR HARGREAVES: I move the amendment circulated in my name, which reads:

Paragraph 6, omit all words after and including “shall be placed” (2nd occurring) and substitute the following words:

“shall be placed in a package identified as documents immune from seizure and retained by or at the direction of the Clerk. When this material is no longer required by the Australian Federal Police the material shall be deleted to the satisfaction of the Clerk and the disks or tapes returned to their owners.”

Paragraph 6 actually says, “where documents are included with other documents in electronic form on a disk or tape, the documents shall be printed out, only printed copies of such documents shall be placed in the package of documents not immune from seizure.” This means that a photocopy or a transcript is taken of the disk or tape and put with the material that is going off to the AFP or wherever, and the original tape and disk remain.

However, if those transcripts are not certified as correct transcripts of that tape, then it is quite possible that they will be inadmissible, because there is no proof of their fidelity to the originals, as the two information sources are separate. If a tape, for example, was altered, it would be different to the material on the transcript.

In the interests of protecting the people who have the tapes and disks, I want to make sure that there is no possibility of monkey business, and so I am proposing this amendment. When I first twigged to this, I did seek the advice of the Clerk as to how this could be addressed reasonably quickly, and this amendment emanates from his discussion with the Government Solicitor’s Office.

What this amendment means is that a competent person, for example, a justice of the peace unconnected with the area, can certify that they are true copies of the files on the disk or tape, so that all of the people involved in the process are protected. This is merely an amendment intended to protect any and all people who actually have material on such a tape when it goes to the police. With that, I commend my amendment, and the whole motion, to the Assembly and thank members for their forbearance.

MS DUNDAS (5.37): I rise to briefly speak to the motion and the amendment. The Democrats will be supporting this motion and believe it is an important part of the ongoing process that is happening in the Assembly at the moment.

However, I would like to draw members’ attention to paragraph 8, which refers to costs. I hope that the cost to the territory and the Assembly of this investigation will not be great, as we have noted earlier in this chamber that there are more important things that we could be spending our money on.

MR STEFANIAK (5.38): I just want to indicate that the Liberal Party also supports Mr Hargreaves’ amendment.

Amendment agreed to.

Motion, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

Canberra Hospital

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.39): Mr Smyth asked me a question, while I was standing in for Jon Stanhope at question time, in relation to the Canberra Hospital. I have a written response here and I will happily table it.

Mr Johnno Johnson

MS MacDONALD (5.40): I rise in this adjournment debate to pay tribute to Johnno Johnson, former member and president of the Legislative Council of New South Wales.

In August last year, Johnno Johnson retired from the New South Wales parliament, after more than 25 years of service to the people of New South Wales. Last week I had the honour and privilege of attending a tribute dinner for Johnno. In attendance at this dinner were Cardinal Clancy, Archbishop George Pell, Gough Whitlam, Bob Carr, Paul Keating, Bob Hawke, Neville Wran, Duncan Gaye of the National Party, and many others of repute and otherwise.

Many members of this Assembly know Johnno, either personally or by reputation but, for those of you who do not, I will speak a little about him, both in relation to his history and from my personal perspective.

Johnno was born on 26 July 1930 and left school at the age of 15. He commenced work in the retail industry, and was actively involved with the Shop Assistants Union, eventually rising to the position of assistant secretary. Johnno was elected to the New South Wales Legislative Council in 1976, and was elected president in 1978. He held the position of president for 13 years, and has been held up as an example of an excellent chair of proceedings by all sides of politics.

In fact, Johnno is so well regarded by all sides of politics that, when he retired last year, 27 pages of tribute speeches were made to him by all sides of the New South Wales upper house. I would also add that he probably made about four pages himself.

His departure from the Legislative Council was also noted in an article by Laurie Oakes last year, and yesterday in an article by Alan Ramsey in the *Sydney Morning Herald*.

My first experience of Johnno was at the New South Wales Labor Party conferences, where Johnno ran the canteen. He has ably run the kitchen for the 800-plus conference delegates for longer than most remember, and it is a task that most others would not want to take on. Of course, he ran it in his own style: tea the way he liked it; the most expensive International Roast coffee ever encountered; and only two types of

sandwich—ham with mustard or ham without mustard. Too bad if you were a Jew, a Muslim or a vegetarian, because you could not find a sandwich in the place that catered for your needs.

My role, like that of many others from Young Labor before and since, was to assist with the running of the very busy kitchen. It was a task that I enjoyed immensely and have always recommended to others. At some point during the weekend, everyone, from the ministers and party officials down, makes their way to the kitchen for a cuppa or something to eat. Many people of influence within the party have started their political life in Johnno's kitchen: Paul Keating, Bob Carr, John Della Bosca and myself. I also have to say that it is the place where my fiancé, Brendan, and I fell in love, and started our relationship. I thank Johnno for that very much.

Johnno was also renowned for having raised huge amounts of money for the Labor Party to fight elections. In 1987, it was reported that Johnno had raised more than \$5 million for the party. Johnno did not play favourites with his assistance, in spite of his firm allegiance to the New South Wales right. Whoever you were in the Labor Party, Johnno would assist you if you were seeking election. He truly has a big heart.

Apart from making the terms "Labor Party" and "raffle" synonymous, Johnno is most renowned for his mentoring nature. It did not matter where you were from—Labor, Liberal, Democrat, Green or other; right, left or unaligned—Johnno has always assisted young people, and I am sure he will continue to do so. In fact, he is acknowledged in a pamphlet at the dinner in this way:

A true icon of the NSW Parliament, Johnno transcended the political divide and was appreciated by those on both sides of the house. There is hardly a person in the ALP who does not know Johnno and few have anything but the highest regard and respect for him.

Johnno recently informed me that it was he, himself, who encouraged Mrs Dunne to join a political party. We both agreed that his guidance had not been sufficient in the choice of parties. However, I know that Johnno is very happy about Vicki's election, almost as much as he is much about my own and ACT Labor's. I am also sure that he is praying for her to see the light and join the only true party.

While I take a different stance to Johnno on a few issues, I wish there were others like him, but I know that this is impossible because he is one of a kind.

Mr Johnno Johnson

MRS DUNNE (5.44): Mr Speaker, I rise in support of Ms MacDonald's tribute to Johnno Johnson. I have known Johnno since I was six years old. As a shop union delegate on the north coast of New South Wales he visited our home regularly. He was, as Ms MacDonald said, the person who encouraged me to join a political party. He said, "Vic, what politics in Australia needs is people of good will to join the party of their choice." I understand that he now says that they should join the social justice party of their choice.

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While we disagree on the party of choice, there is much on which Johnno and I agree. I admire his commitment to family, his commitment to life, his commitment to the Catholic church, and his commitment to politics and serving the public.

He taught me the importance of making sure you get the numbers right, and the importance of the ubiquitous fundraising raffle. I wish Johnno and Pauline well.

Question resolved in the affirmative.

The Assembly adjourned at 5.46 pm to Tuesday, 9 April 2002, at 10.30 am.

**Answers to questions
Commonwealth Funding
(Question No 28)**

Mr Humphries **asked the Treasurer, upon notice, on 19 February 2002:**

In relation to funding from the Commonwealth Grants Commission:

- (1) How many (a) officers, and (b) at what level, in the then Office of Financial Management prepared the last submission to the Commonwealth Grants Commission that led to ACT receiving a more appropriate share of Commonwealth funding?
- (2) How long did it take them to prepare this submission?
- (3) Have (a) you or (b) your Department made a submission to the *Review of Commonwealth-State Funding* being conducted by Professor Ross Garnaut and Dr Vince Fitzgerald?
- (4) If you or your Department have made a submission to the *Review of Commonwealth-State Funding*, will you be tabling that submission in the Assembly?
- (5) If your or your Department have made a submission, how many (a) officers, and (b) at what level, prepared this submission?
- (6) Is your Department preparing for the next review of the Grants Commission in 2004?
- (7) If so, how many (a) officers, and (b) at what level, are working on preparation of a submission to the Grants Commission?

Mr Quinlan: **The answer to the member's question is as follows:**

(1) The officers in the Intergovernmental Financial Policy Section of the Economic Management Branch, Office of Financial Management had overall responsibility for all dealings between the ACT and the Commonwealth Grants Commission including input into the Commonwealth Grants Commission Report on General Revenue Grant Relativities 1999.

The section prepared a number of submissions during the course of the inquiry conducted over a 4-year period with terms of reference given to the Commission in three parts. Part 1 was provided by the then Minister for Administrative Services in January 1995. Parts 2 and 3 were provided in January and December 1998 by the Minister for Finance and Administration.

The level of resources in the Section varied during this timeframe but never exceeded 6 officers with the team headed by a Manager (Senior Officer Grade B), 2 x Senior Officer Grade C's, 1 ASO 6 and 1 ASO 5, supplemented by a Specialist Senior Officer Grade A in the latter 12 months of the inquiry.

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The team also prepared the ACT's submissions to the Commission's Annual Update Reviews conducted during this period.

(2) A range of submissions were prepared over the course of the inquiry on a number of different subjects under investigation each with varying timeframes.

The major submission to the inquiry was signed off by the Chief Executive of the Chief Minister's Department, Mr John Walker, on 6 March 1997 and took approximately 6 months to draft although many months had been spent on preparatory work.

(3) No. The ACT has not prepared a submission. This review is being conducted for the benefit of NSW, Victoria and Western Australia. Developments are being monitored closely.

(4) Not applicable.

(5) Not applicable.

(6) Yes, the Treasury is coordinating and directing a whole of government approach to the preparation of several submissions in response to Part 1 of the terms of reference. The Terms of Reference require the Commonwealth Grants Commission to review the methods used to determine and report upon the question of the per capita relativities for distribution of GST revenue grants and health care grants which the Commission would regard as appropriate to apply after 2003-04.

The Commission, States and Territories have agreed on a comprehensive work program leading up to the release of final recommendations on or before 25 February 2004.

(7) The whole of government strategy is again in the hands of the officers in the Commonwealth State Finances Section located in the Finance and Investment Group in the Treasury headed by Mr Roger Broughton.

The Section is managed by Mr John Purcell, Senior Officer Grade A, with a Project Manager appointed for the 2004 inquiry, Mr Andrew Philip, Senior Officer Grade B. The Section also comprises one SOG C with two contractors at the ASO 6 and ASO 5 levels respectively.

Liaison officers have been appointed by the CEO's of ACT Departments to prepare their initial portfolio input to the ACT submissions under direction from Treasury.

**Gambling—statistics
(Question No 40)**

Mr Cornwell asked the Minister for Sports, Racing and Gaming, upon notice, on 19 February 2002:

In relation to problem gambling:

(1) Have any statistics been compiled which indicate the extent of problem gambling amongst the ACT's aged population;

(2) If so, what are they; if not, why not.

Mr Quinlan: **The answer to the member's question is as follows:**

(1) The "Survey of the Nature and Extent of Gambling and Problem Gambling in the ACT" sponsored by the ACT Gambling and Racing Commission and undertaken in July 2001 collected extensive socio-demographic statistics relating to problem gamblers in the ACT.

(2) In relation to the ACT aged population ('aged' defined by the Council on the Ageing ACT as women aged over 63 years and men aged over 65 years) the survey found that:

- The 60 - 64 year age group has the lowest incidence of problem gambling in the ACT at 1.4%.
- Problem gamblers over the age of 70 years in the ACT are over-represented at 2.1% compared to the national figure of 1.5%

**Graffiti offences
(Question No 43)**

Mr Cornwell asked the Minister for Police, Emergency Services and Corrections, upon notice, on 19 February 2002:

In relation to the 2001 calendar year:

- (1) How many (a) graffiti offences were reported to police and (b) were all reports investigated.
- (2) In how many cases were individuals (a) identified, (b) questioned and (c) charged.
- (3) How many of these individuals were successfully prosecuted.
- (4) What were the penalties imposed in each of these successful prosecutions.
- (5) What was the cost to the taxpayer of graffiti cleanup.

Mr Quinlan: The answer to the member's question is as follows:

- (1) (a) There were 119 graffiti offences reported to police during the 2001 calendar year.
- (b) AFP records indicate that a patrol was dispatched in relation to 93 of these incidents. Reported offences are investigated in accordance with a priority response model. An investigation in relation to a reported graffiti incident would only occur in certain circumstances due to the opportunistic nature of the offence and the fact that few offences are reported as being in progress. In cases where there is a lack of witnesses or other physical evidence reported to police which is likely to lead to the identification of an offender police resources may be directed to other higher priority incidents.

The table below indicates the current status of investigations in relation to the recorded incidents.

Status	Total
Enquiries continuing	4
No further action required	19
Offender cannot be identified	60
Offender identified	36 (33 have been apprehended)

Source: PROMIS as at 5 March 2002

(2)(a,b & c)

There were 33 identified offenders charged with 54 offences during the 2001 calendar year.

PROMIS does not record statistics in a way which enables a report to be generated of the number of occasions where a potential witness or suspect was questioned in relation to a particular offence type. It is however, common practice to offer people suspected of committing an offence the opportunity to participate in a taped record of interview. It would therefore be the case that each of the 33 people apprehended would have been offered the opportunity to participate in a taped interview.

(3) Court records indicate 8 individuals were successfully prosecuted during the 2001 calendar year. A number of these individuals were prosecuted for more than one offence. A further 24 charges were dealt with through formal cautioning (this also may involve a single offender being cautioned for more than one offence). One person was referred for Diversionary Conferencing.

(4) The table below indicates the penalties imposed by the Magistrate's and Children's Court during 2001 in relation to finalised matters. These results refer in some instances to single offenders who have been prosecuted more than once for graffiti related offences during the reporting period.

Outcome of Prosecutions	
Court Case No	Penalty Imposed
CC 01/01891	\$500 fine and \$101 costs
CC 01/07916	160 hours community service and \$101 costs
CC 01/07364	\$400 fine
VA 01/00562	\$500 six month good behaviour bond and \$101 costs (case proven no conviction recorded)
VA 01/00569	Case proven no conviction recorded \$51 costs
CC 01/08092	104 hours community service and \$101 costs
CC 01/08119	\$500 six month good behaviour bond (convicted on recognisance)
CC 01/09787	\$250 fine and \$101 costs (compensation to be paid by the defendant)
CC 01/09788	\$250 fine
CC 01/09789	\$1000 two year good behaviour bond (convicted on recognisance)
CC 01/09792	208 hours community service and \$101 costs (compensation to be paid by the defendant)
CC 01/09793	\$1000 two year good behaviour bond (convicted on recognisance)
CC 01/09794	\$1000 two year good behaviour bond (convicted on recognisance)
CH 01/537	16 hours community service

Source: ACT Magistrates Court and ACT Children's Court records.
Groups of court numbers blocked together indicate a single offender.

(5) The approximate cost of graffiti cleanup for 2001 was 5902,000.

**Australian International Hotel School
(Question No 59)**

Mr Cornwell asked the Treasurer, upon notice, on 19 February 2002:

In relation to the Australian International Hotel School (AIHS):

- (1) How many students received (a) graduation canisters and (b) graduation certification at the graduation ceremony held on 17 December 2001.
- (2) How many students who participated in the graduation ceremony on 17 December 2001 will continue to attend classes at AIHS in 2002 and if so why.
- (3) How many students were enrolled at AIHS at (a) the beginning and (b) the end of each semester during 2001.
- (4) How many students attending AIHS in each semester in 2001 were local (ACT) students who had previously graduated from ACT schools/colleges.
- (5) How many (a) continuing students and (b) newly enrolled students are attending the AIHS in the first Semester of 2002.
- (6) What is the projected enrolment over 2002.
- (7) What has been the impact of the severance of ties with Cornell University in 2001.
- (8) Which university now gives it imprimatur to AIHS degrees.

Mr Quinlan: The answer to the member's question is as follows:

- (1) (a) Forty Six students participated in the Fifth Conferring of Degrees Ceremony held on December 17, 2001. All 46 students received cylinders.
(b) Forty two students received their official testamur in their cylinder following confirmation by the Registrar that they had completed the requirements for admission to the Bachelor of Business (Hotel Management).
- (2) Three of the 46 students who participated in the ceremony on 17 December 2001 will attend classes during Term 1, 2002, at the end of which it is expected they will complete the requirements for admission to the BBus(HM). These students participated under the AIHS' "walk through" policy and did not receive a testamur.

One student will complete the requirements for admission to the degree during the middle of Term 1 following completion of the Management Externship Placement and Assignment. This student participated in the ceremony under the AIHS' "walk through" policy and did not receive a testamur.

- (3) Enrolments at the beginning of each Term during 2001 were as follows:

Term 1, 2001	=	198
Term 2, 2001	=	187
Term 3, 2001	=	181

At the end of each Term enrolments were:

Term 1, 2001	=	175
Term 2, 2001	=	169
Term 3, 2001	=	145

(4) ACT Students enrolled in the AIHS who had previously graduated from ACT Schools/Colleges were as follows:

Term 1, 2001	=	19
Term 2, 2001	=	19
Term 3, 2001	=	19

(5) (a) The number of continuing students enrolled in the AIHS during Term 1, 2002 is 144.

(b) The number of newly enrolled students is 25.

(6) The projected enrolment over 2002 is as follows:

Term 1, 2002	169
Term 2, 2002	165
Term 3, 2003	158

(7) There appears to have been no direct impact arising from the cessation of the Cornell Affiliation on December 31, 2001.

(8) The Bachelor of Business (Hotel Management) is conferred jointly by the Australian International Hotel School under the authority of the *Hotel School Act 1996* and RMIT University. The degree remains accredited through the ACT Accreditation and Registration Council.

The testamur bears the Crest of RMIT University and the Logo of the Australian International Hotel School. In addition, students enrolled prior to 31 December 2001 will remain entitled to receive a Testamur bearing the imprimatur of the School of Hotel Administration, Cornell University.

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**Aged care facilities
(Question No 60)**

Mr Cornwell asked the Minister for Health, upon notice, on 19 February 2002:

In relation to your response to QON 4 and specifically reply (2)(b)(i):

- (1) Where are the building extensions by name taking place to accommodate the 52 currently non-operational places for residential aged care.
- (2) When is it anticipated that each of these extensions will be available for occupation.
- (3) Is there a (a) waiting list for these 52 places and (b) when were they allocated by the Commonwealth Government.

Mr Stanhope: The answer to the member's question is:

The following information has been provided by the Commonwealth Department of Health and Ageing which has responsibility for residential aged care.

The building extensions to accommodate the 52 non-operational places for residential aged care are being undertaken at the Kankinya Nursing Home in Lyneham, and the Upper Jindalee Nursing Home in Narrabundah. Kankinya has been assigned 36 provisional allocations, and Upper Jindalee has been assigned 16 provisional allocations.

With regards to the availability of the places, provisional allocations remain in force for up to two years under the *Aged Care Act 1997* (the Act) however, this period may be extended if a satisfactory application is made to the Secretary of the Commonwealth Department of Health and Ageing.

The places were allocated by the Commonwealth Government on 11 January 2001, and there is no waiting list for the 52 places.

**Aged care facilities
(Question No 61)**

Mr Cornwell asked the Minister for Health, upon notice, on 19 February 2002:

In relation to your response to QON 4 and specifically reply 2(b)(i) that “a number of these places (122) are not yet operational. Of these 122 places, 52 are non-operational due to building extensions and 76 have not yet been allocated by the Commonwealth”:

Of the 76 places that have been allocated (50 high care, 15 low care), in what (a) category do the remaining 11 places fall, ie high, low care and (b) where will they go.

Is there a waiting list for the 76 places at (1).

What happened to the other six places in QON4 reply, ie $52+76=128$.

Mr Stanhope: The answer to the member’s question is:

The following information has been provided by the Commonwealth Department of Health and Ageing which has responsibility for residential aged care.

The remaining 11 places have been allocated to low care (5 places), and Community Aged Care Packages (6 places). In total there are 50 high care packages, 20 low care packages, and 6 Community Aged Care Packages. This, plus the 52 non operational places, equates to a total of 128 places.

There is no waiting list for the 76 places as they are yet to be operational.

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**Aged care facilities
(Question No 62)**

Mr Cornwell asked the Minister for Health, upon notice, on 19 February 2002:

In relation to your response to QON 4 concerning aged care and specifically in respect to dementia:

Why are the 10 additional respite beds at reply (2)(b)(ii) “yet to be constructed and will become available in the next 18 months to 2 years”.

What is the current waiting list for such beds.

Mr Stanhope: The answer to the member’s question is:

The following information has been provided by the Commonwealth Department of Health and Ageing which has responsibility for residential aged care.

The additional respite beds are provisional allocations and part of a major redevelopment at the Kankinya Nursing Home. These will not become operational until building works have been completed and will be of significant benefit to the ACT community.

There are no formal records kept of the waiting list for such beds.

**Prisoners—DNA testing
(Question No 64)**

Mr Cornwell asked the Minister the Minister for Police, Emergency Services and Corrections, upon notice, on 19 February 2002:

In relation to DNA testing of prisoners:

Why have no ACT prisoners been DNA tested under the Crimes (Forensic Procedures) Act which allows for compulsory testing of inmates?

Mr Quinlan: The answer to the member's question is as follows:

Although the ACT *Crimes (Forensic Procedures) Act 2000* allows for the DNA testing of persons convicted of a "serious offence" who are detained in prison, at present ACT prisoners are imprisoned in New South Wales. It is not lawful to take a DNA sample from an ACT prisoner serving a sentence in New South Wales unless NSW law permits that sample to be taken. The fact that the ACT *Crimes (Forensic Procedures) Act 2000* permits the DNA testing of ACT serious offenders is not a sufficient legal basis for such testing, as the ACT does not have legislative power to make laws which bind New South Wales.

Before the testing of ACT prisoners in New South Wales prisoners can become lawful in New South Wales, it will be necessary for that State to make regulations under the New South Wales *Crimes (Forensic Procedures) Act 2000*, to recognise that the ACT *Crimes (Forensic Procedures) Act 2000* is a "corresponding law". Once those regulations are made, the New South Wales police will be authorised to carry out DNA tests on ACT serious offenders.

The New South Wales government indicated last year that it intends to make such regulations. To date, the ACT has not been informed of the making of the regulations. Testing of ACT prisoners serving time in New South Wales prisons will not be lawful until the proposed New South Wales regulations have been made.

**Prisoners—periodic detention
(Question No 66)**

Mr Cornwell asked the Minister for Police, Emergency Services and Corrections, upon notice, on 19 February 2002:

In relation to periodic detention:

- (1) How many offenders failed to attend such detention in (a) 1998 (b) 1999 (c) 2000 and (d) 2001.
- (2) What action was taken against these offenders in each of these years.
- (3) In each year, did any offenders escape disciplinary action after failing to attend.
- (4) If so, why.

Mr Quinlan: **The answer to the member's question is as follows:**

- (1)
 - For 1998, records indicate that **101** detainees failed to attend for 1 or more detention periods.
 - For 1999, records indicate **86** detainees failed to attend for 1 or more detention periods.
 - For 2000, records indicate **94** detainees failed to attend for 1 or more detention periods.
 - For 2001, records indicate **107** detainees failed to attend for 1 or more detention periods.

(2)

In 1998:

- **15** absentees began the year subject to applications to have their Periodic Detention Order cancelled in accordance with section 30 of the *Periodic Detention Act 1995*.
- A further **22** absentees had applications made to have their Periodic Detention Order cancelled throughout the year.
- **64** absentees were dealt with in accordance with section 24 and section 25 of the *Periodic Detention Act 1995* being granted either leave of absence or being issued with a notice (breach).

In 1999:

- **21** absentees began the year subject to applications to have their Periodic Detention Order cancelled in accordance with section 30 of the *Periodic Detention Act 1995*.
- A further **25** absentees had applications made to have their Periodic Detention Order cancelled throughout the year.
- **40** absentees were dealt with in accordance with section 24 and section 25 of the *Periodic Detention Act 1995* being granted either leave of absence or being issued with a notice (breach).

In 2000:

- **15** absentees began the year subject to applications to have their Periodic Detention Order cancelled in accordance with section 30 of the *Periodic Detention Act 1995*.
- A further **35** absentees had applications made to have their Periodic Detention Order cancelled throughout the year.
- **44** absentees were dealt with in accordance with section 24 and section 25 of the *Periodic Detention Act 1995* being granted either leave of absence or being issued with a notice (breach).

In 2001:

- **40** absentees began the year subject to applications to have their Periodic Detention Order cancelled in accordance with section 30 of the *Periodic Detention Act 1995*.
- A further **37** absentees had applications made to have their Periodic Detention Order cancelled throughout the year.
- **30** absentees were dealt with in accordance with section 24 and section 25 of the *Periodic Detention Act 1995* being granted either leave of absence or being issued with a notice (breach).

(3) For 1998, 1999, 2000 & 2001 all absentees received disciplinary action in accordance with the *Periodic Detention Act 1995*.

(4) Not applicable

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**Land—directions for assessment
(Question No 68)**

Mrs Dunne asked the Minister for Planning, upon notice, on 19 February 2002:

In relation to directions for assessment under the *Land (Planning and Environment) Act 1991*:

(1) What directions for assessment have been issued by you under Section 123 of the *Land (Planning and Environment) Act 1991*

(2) What are the details of those directions

(3) What is the current status of those directions

(4) Will you provide details of completed assessments, if any

Mr Corbell: The answer to the member's question is as follows:

(1) I have not issued any directions for assessment under Section 123 of the *Land (Planning and Environment) Act 1991*.

(2) Not applicable

(3) Not applicable

(4) Not applicable

**Gungahlin Development Authority
(Question No 69)**

Mrs Dunne asked the Treasurer, upon notice, on 19 February 2002:

In relation to payment of funds to the Gungahlin Development Authority, what directions have been issued by you for payment of funds from the Gungahlin Development Authority as prescribed in Section 34 of the *Gungahlin Development Authority Act 1996*.

Mr Quinlan: The answer to the member's question is as follows:

Section 34 of the *Gungahlin Development Authority Act 1996* provides for the payment of funds to the Territory. I have not issued any directions for payment of funds from the Gungahlin Development Authority as prescribed in section 34 of the *Gungahlin Development Authority Act 1996*.

It should be noted that the Authority has paid a distribution of \$1,425,807.95 for the 1999-2000 financial year and \$3,918,000 for the financial year 2000-01.

**Bushfires—cost
(Question No 70)**

Mrs Dunne asked the Treasurer, upon notice, on 19 February 2002:

In relation to the cost of the recent Christmas Fires, can you provide a detailed breakdown of costs incurred to the ACT Government in relation to the Christmas fires as alluded to in your media release of 14 January 2002.

Mr Quinlan: As the Minister for Police, Emergency Services and Corrections, the answer to the member's question is as follows:

The total cost of these fires is substantial by any calculation and the success of the response by ACT Agencies and supporting jurisdictions can be measured by the minimal loss of property and minimal injuries to the community and firefighters.

I am sure the Member will appreciate that the cost of such a response is difficult to capture and is in fact made up of many hundreds of cost items which I do not propose to drill down into. However I can break the major costs down into a number of items and those details follow:

	Detail \$'000	Total \$'000
Capital Costs		60
• Bambi Water Bucket	30	
• Floating Pump	9	
• Radios, long antennae & slim batteries	21	
Employee Expenses		50
• Firefighters, COMCEN, Ambulance, Workshop and Admin Support	50	
Helicopter Hire		85
• Jayrow, Venture, SouthCare	85	
Fire Retardant Foam		50
• 17 Pallets	50	
Repairs/Replacement of Fire Hoses		70
• Replacement Hose	60	
• Nozzle Repair	10	
Interstate Response		30
• CFA accommodation and meals	13	
• Airfares	3	
• Consumables and interstate management support	14	

Firefighting Materials and Consumables		251
• Replacement of Personal Protective Equipment	76	
• Meals/Refreshments	8	
• Fuel	20	
• Additional Admin Expenditure	10	
• Repairs and maintenance to equipment	92	
• Consumables and Hardware	45	
ACT Forests Reimbursement		97
• ACT Forests	97	
TOTALS	693	693

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**Betterment tax
(Question No 71)**

Mrs Dunne **asked the Minister for Planning, upon notice, on 19 February 2002:**

In relation to betterment tax, what is (a) the amount of revenue received from betterment tax for each of the past three years, and (b) what are the associated costs incurred in collecting it.

Mr Corbell: **The answer to the member's question is:**

(a) The amount of revenue received from Betterment Tax (now referred to as Change of Use Charge) for each of the past three financial years is as follows:

- \$4.3m in 1998/99,
- \$3.9m in 1999/2000,
- \$4.4m in 2000/2001. and
- \$3.1m in current financial year up to the end of January 2002.

(b) The associated costs incurred in the collection of Change of Use Charge include:

- payment to the Australian Valuation Office (AVO) for assessment of the value of a lease;
- salary costs of individuals undertaking the assessment of Change of Use Charge; and
- time and representation costs associated with AAT appeals.

The time and cost incurred in assessing the charge vary considerably, depending on the complexity of the issues.

**Section 94, Weston
(Question No 73)**

Mrs Dunne asked the Minister for Planning, upon notice, on 19 February 2002:

In relation to section 94, Weston, what plans does the Government have for the future of the land.

Mr Corbell: The answer to the member's questions is as follows:

- (1) Section 94 comprises Blocks 3 and 6 which are leased by the Canberra Rudolf Steiner School Association Incorporated (Orana School) and Blocks 4 and 5 which until recently contained pine plantations and are managed by ACT Forests. ACT Forests falls under the control of my colleague Mr Bill Wood MLA, Minister for Urban Services.
- (2) The previous Government has given "in principle" agreement to a "land swap" of part Block 6 for part Block 4 Section 94 Weston. The "land swap" effectively straightens the boundary of the Orana lease and will allow the School to enlarge the oval and, at some time in the future, build other sports facilities on the site.
- (3) Section 94 has a Broadacre Land Use Policy under the Territory Plan which allows educational establishment as a permitted use.
- (4) The land under the control of ACT Forests forms part of their plantation stock and the trees grown on the land have been used to meet ACT Forests' contractual commitments.
- (5) I understand Land and Property within my Department is presently negotiating with ACT Forests about the use of the rest of the land with a view to resolving future land use.
- (6) A community group has expressed an interest in land available in Section 94 and this will be assessed.

**Gungahlin Development Authority Act—review
(Question No 74)**

Mrs Dunne asked the Minister for Planning, upon notice, on 19 February 2002:

In relation to a review of the Gungahlin Development Authority Act 1996:

(1) Given that five years has elapsed since the commencement of *the Gungahlin Development Authority Act 1996* has a review of the Act been undertaken.

(2) If so, when will the results of the review be available.

(3) If not, when will the review commence.

Mr Corbell: The answer to Mrs Dunne's question is as follows:

(1) The *Gungahlin Development Authority Act 1996* has a statutory requirement to review the Authority as soon as is practicable after a five year period.

(2) Terms of reference and a process for the review were developed in 2001. It is my understanding that the previous Government decided however to delay the commencement of the review due to the impending election in October 2001.

(3) The Stanhope Government has committed to a major review of planning arrangements in the Territory. This includes the establishment of an Independent Planning Authority. A Taskforce has been established and is currently reviewing models and developing recommendations to report to the Minister for Planning.

This broader review will necessarily examine the functions of Gungahlin Development Authority, its future and its relationship to the Independent Planning Authority. It is therefore considered appropriate that the statutory review take place after the new planning arrangements for the Territory have been determined. New legislation regarding the new Planning Authority is expected to be presented in the Spring sitting period.

In the interim, the Authority will continue to meet its charter of developing the Gungahlin Town Centre and Central Area while new arrangements are being determined.

**Inspectors and rangers
(Question No 78)**

Mrs Dunne asked the Minister for Industrial Relations and Minister for Planning, upon notice, on 19 February 2002:

1. Which legislation administered in your portfolios requires the deployment of inspectors and rangers to police regulations and enforce compliance?
2. How many inspectors/rangers are so employed?
3. What powers are they authorised to exercise in the performance of their duties?

Mr Corbell: **The answer to the member's questions is as follows:**

INDUSTRIAL RELATIONS PORTFOLIO

1. Which legislation administered in your portfolios requires the deployment of inspectors and rangers to police regulations and enforce compliance?

Long Service Leave Board

Long Service Leave (Contract Cleaning Industry) Act 1999; and Long Service Leave (Building and Construction Industry) Act 1981.

ACT WorkCover

Occupational Health and Safety:

- *Occupational Health and Safety Act 1989;*
- *Dangerous Goods Act 1975;*
- *Road Transport Reform (Dangerous Goods) Act 1995 (Commonwealth);*
- *Gas Safety Act 2000;*
- *Utilities Act 2000 and Regulations;*
- *Scaffolding and Lifts Act 1912;*
- *Machinery Act 1949; and*
- *Fuels Control Act 1979.*

Workers Compensation:

- *Workers Compensation Act 1951.*

Workplace Relations:

- *Annual Leave Act 1973, and*
- *Long Service Leave Act 1976.*

2. How many inspectors/rangers are so employed?

Long Service Leave Board

- There are currently four inspectors under the *Long Service Leave (Building and Construction Industry) Act 1981*.
- There are currently two inspectors under the *Long Service Leave (Contract Cleaning Industry) Act 1999*.
- The two schemes share staff. Two of the staff members are inspectors under both the construction scheme and the contract cleaning scheme.

ACT WorkCover

ACT WorkCover currently has 29 inspectors.

3. What powers are they authorised to exercise in the performance of their duties?

Long Service Leave Board

Under section 19 of the *Long Service Leave (Building and Construction Industry) Act 1981* inspectors have the following authorisations:

(1) An inspector may, at any reasonable hour of the day, enter the premises of an employer, or of a person who he or she has reasonable grounds for believing to be an employer, and

(a) inspect any records, books or documents; and

(b) require any person at the premises to give the inspector-

(i) any information within the person's knowledge relating to the rights and duties under this Act of an employer or of any person employed by the employer; and

(ii) any records, books or documents, or copies of any records, books or documents, being records, books or documents that are in the person's possession or to which the person has access.

(2) An inspector who enters on premises under subsection (1) is not authorised to remain on the premises, and a person is not required to comply with a requirement made by an inspector under subsection (1) (b), if, on request by the occupier, or the person in charge, of the premises, the inspector does not produce his or her identity card issued under section 18 (4).

(3) An inspector may, by notice in writing served on an employer, require the employer to produce to the board, within 14 days after the day on which the notice was served-

(a) any information referred to in subsection (1) (b) (i); and

(b) any records, books, documents or copies referred to in subsection (1) (b) (ii);

being information, records, books, documents or copies specified in the notice.

(4) Service of a notice on an employer may be effected-

(a) if the employer is a body corporate-by leaving it at the employer's registered office; or

(b) if the employer is a natural person-

(i) by delivering it to the employer personally; or

(ii) by leaving it at the last known place of residence or business of the employer with a person who is, or is reasonably believed to be, both over the age of 16 years and residing or employed at that place.

(5) A person who fails to comply with a requirement made of the person by an inspector under this section commits an offence.

Maximum penalty: 50 penalty units.

(6) In this section: records, *books or documents means* records, books or documents that are required by this Act to be kept by an employer.

Under the section 23 of the *Long Service Leave (Contract Cleaning Industry) Act 1999* inspectors are authorised to:

(1) at any reasonable time, enter the premises of a person the inspector reasonably believes is an employer, and-

(a) examine any records, books or other documents of the employer to check the accuracy of information given to, or being held by, the board; or

(b) require a person at the premises to give the inspector-

(i) information within the person's knowledge relating to the rights and liabilities under this Act of the employer or an employee (or former employee) of the employer; and

(ii) any records, books or documents that *are* in the person's possession, or to which the person has access, that are reasonably required by the inspector to check the accuracy of information given to, or held by, the board.

(2) If an inspector enters premises under subsection (1) and does not produce his or her identity card at the request of the occupier or person in charge of the premises-

(a) the inspector is not authorised to remain on the premises; and

(b) a person is not required to comply with a requirement made by the inspector under subsection (1) (b).

(3) An inspector may, by written notice given to an employer, require the employer to produce to the board, within 14 days after the day on which the notice was given, any information, records, books, or documents mentioned in subsection (1) (b) that are stated in the notice.

- (1) The notice may be served on an employer-
- (a) if the employer is a body corporate-by leaving it at the employer's registered office; or
 - (b) if the employer is an individual-
 - (i) by delivering it to the employer personally; or
 - (ii) by leaving it at the last-known place of residence or business of the employer with a person who is, or is reasonably believed to be, both over the age of 16 years and residing or employed at that place.
- (2) A person must not, without reasonable excuse, fail to comply with a requirement of an inspector under this section.

Maximum penalty: 50 penalty units.

ACT WorkCover

Under the *Occupational Health and Safety Act 1989* inspectors are authorised to:

- review provisional improvement notices issued by health and safety representatives (s56(3));
- enter non-residential premises at reasonable hours without a warrant (s62);
- inspect, take samples and obtain information (s62(3));
- issues infringement notices (s75A);
- issues improvement notices (s76);
- issue prohibition notices (s77); and
- directions not to disturb (s78).

Under the *Dangerous Goods Act 1975* inspectors are authorised under section 31 to:

- enter and search any premises, vehicle or vessel, examine any container fixture or fitting where on reasonable grounds it is believed dangerous goods may be found;
 - remove, seize or detain any substance or article that is a dangerous good;
 - give directions to detain suspected dangerous goods;
 - give directions to destroy or render harmless any dangerous goods; and
 - make inquiries in relation to dangerous goods.
- Under the *Gas Safety Act 2000* inspectors are authorised to:
- enter premises with the consent of the owner/occupier to inspect an installation (s42 and s47);
 - obtain warrants to enter premises (s45);
 - seize evidence (s54); and
 - give directions (s50).

Under the *Utilities Act 2000* inspectors are authorised to:

- monitor and enforce compliance with technical codes (s66(a));
- give directions (s70);
- require person/s to provide information or documentation (s72(1)); and
- take possession of and copy documents (s72(3)).

Under the *Scaffolding and Lifts Act 1912* inspectors are authorised to:

- inspect and examine any lift, scaffolding, crane, hoist, plant or gear constructed or used, or in course of construction, or any building work, excavation work or compressed air work, and for that purpose may enter any building, place or premises at all reasonable times (s13(a));
- to make such examination and inquiries as the inspector thinks necessary to ascertain whether the requirements of this Act are being or have been complied with (s13(b)); and
- give directions in writing (s15).

Under the *Machinery Act 1949* inspectors are authorised to:

enter premises to inspect and examine machinery (s8); and
require any person employed or working on the premises to assist the inspector (s9).

Under the *Fuels Control Act 1979* inspectors are authorised to:

inspect any receptacle or equipment, any vehicle that is capable of transporting fuel, required any person to provide information or open for measurement any receptacle on the premises (s9(a-g) and s15);

by notice in writing, required information regarding fuel and the storage of fuel (s8 and s10);
and

by instrument in writing stop the sale of fuel (s12).

Under the *Workers Compensation Act 1951* inspectors are authorised to:

require an employer to provide a certificate from a registered auditor with information on wages paid to employees (s23F(1a));

require from an employer a statutory declaration setting out categories of workers and the wages paid (s23F(1 b));

require an employer to produce any prescribed insurance policy (s23F(2a));

enter commercial premises during commercial activities without a warrant (s23G(1));

enter premises with warrant, consent of the occupier and pursuant to a court order (s23G(2a-c));

issue an infringement notice if the inspector believes on reasonable grounds that the person has committed a prescribed offence (s26H(1)); and

serve a final infringement notice on a person (s26J(1)).

Under the *Annual Leave Act 1973* inspectors are authorised to:

enter premises (s14D(1));

require an employer to make available for inspection documents required to be kept under the Act (s14D(4)(a));

make copies of documents (s14D(4)(b));

issue a notice of compliance (s14F); and

require an employer and complainant attend a conference to resolve complaint (s14E(2)).

Under the *Long Service Leave Act 1976* inspectors are authorised to:

- at any time enter premises of an employer and exercise the powers referred to in subsection 4 (s13C(1));
- require an employer to make available for inspection documents required to be kept under the Act and make copies or take extracts of documents (s13C(4));
- require a complainant and an employer to attend a conference (s13D(2));
- conduct a conference in a manner in which the authorised officer sees fit (s13D(4)); and
- issue a notice in writing, requiring an employer to comply with the Act (s1 3E).

PLANNING PORTFOLIO

1. Which legislation administered in your portfolios requires the deployment of inspectors and rangers to police regulations and enforce compliance.

- *Building Act 1972*¹
- *Water and Sewerage Act 2000*
- *Electricity Safety Act 1971*
- *Land (Planning and Environment) Act 1991*

2. How many inspectors/rangers are so employed.

There are 21 inspectors employed.

3. What powers are they authorised to exercise in the performance of their duties.

¹ Since the introduction of private certification building inspections during construction are the responsibility of private certifiers. A number Government officers within PALM have the delegation to exercise these powers under the direction of the Building Controller.

Under the *Building Act 1972* inspectors are authorised to:

- enter premises with consent of the occupier;
- inspect unauthorised building work and issue stop notice; and
- inspect dangerous or hazardous buildings and issue notice to rectify or demolish.

Under the *Water and Sewerage Act 2000* inspectors are authorised to:

- enter premises with consent of the occupier;
- conduct a test or inspection in relation to plumbing or sanitary drainage work; and
- seize or remove unauthorised equipment or fittings.

Under the *Electricity Safety Act 1971* inspectors are authorised to:

- enter premises with consent of the occupier;
- conduct a test or inspection in relation to electrical wiring work; and
- seize or remove unauthorised equipment or fittings.

Under the *Land (Planning and Environment) Act 1991* inspectors are authorised to:

- enter with the occupier's consent or with a warrant (s266);
- collect evidence of an offence to question persons on the premises and to require any person on the premises to give the inspector reasonable assistance to exercise his powers (s269).

Gungahlin Development Authority
(Question No 69)

7 March 2002

This broader review will necessarily examine the functions of Gungahlin Development Authority, its future and its relationship to the Independent Planning Authority. It is therefore considered appropriate that the statutory review take place after the new planning arrangements for the Territory have been determined. New legislation regarding the new Planning Authority is expected to be presented in the Spring sitting period.

In the interim, the Authority will continue to meet its charter of developing the Gungahlin Town Centre and Central Area while new arrangements are being determined.

Health promotion for the ageing (Question No 81)

Mr Cornwell asked the Minister for Health, upon notice, on 20 February 2002:

In relation to funding for health promotion for the ageing:

- (1) How much was allocated in the 2001-02 Budget.
- (2) As at 31 January 2002, how much of this has been spent.

Mr Stanhope: **The answer to the member's question is:**

The 2001-02 Budget did not specifically identify initiatives targeting health promotion for the ageing. However, health promotion expenditure through Healthpact, allocated funding in 2001-02 to a number of programs for our older population including:

Organisation	Activity	Funding
Council on the Ageing	Seniors Week 2002	\$5,000
Council on the Ageing	Clubs on the Move	\$15,000
West Deakin Hellenic Bowling Club	A Healthy Lifestyle through Lawn Bowls	\$9,000
Aboriginal Corporation for Sport & Rec Activities	Community Health & Fitness Program	\$20,000
ACT Veteran's Athletics Club	Annual Fun Run	\$3,000
ACT Bowls Association	Bowling for Better Health	\$10,000
Southside Community Service	Healthy Living in our Senior Years	\$6,000
Croatian Community Welfare Centre Inc	Mental Health Awareness	\$7,500
Australian Finnish Rest Home Association	Health for Elderly Finns	\$5,400
Winnunga Nimmityjah	Sista's Healing	\$10,580
TOTAL		\$91,480

This is a total of \$91,480 in funding that can be clearly identified as having been spent on health promotion for the ageing.

7 March 2002

The Integrated Health Program, delivered through ACT Community Care has committed \$120,000 on health promotion activities in 2001-02. Approximately 90% of health promotion activities are targeted at people over the age of fifty years. The Program is also delivering a community based falls prevention program with expenditure to 31 December 2001 being \$84,000.

In addition to the above initiatives, a range of services provided through the Home and Community Care (HACC) Program, although not specifically funded for health promotion, provide services which encourage safe and healthy living in elderly people. Such activities include assisting elderly people to participate in the community, dietary and nutrition advice from allied health services, providing home maintenance and modification services to ensure elderly people are living safely in the home, and providing counselling/support, information and advocacy services.

**Aged care nursing facilities
(Question No 83)**

Mr Cornwell asked the Minister for Health, upon notice, on 20 February 2002:

In relation to people accommodated in ACT aged care nursing facilities:

How many people (a) under 40 years of age and (b) between 40 – and 50 years of age, are accommodated in ACT aged care nursing facilities.

Is the Department of Health currently working on a program that will relocate these people to facilities more compatible with their age.

Mr Stanhope: The answer to the member's question is:

As at 1 October 2001, in aged care residential facilities in the ACT, there were 6 people aged between 40 and 49 years, and 7 people aged between 50 and 54 years. There were no people residing in aged care facilities under the age of 40 years. This is the most recent data that the Commonwealth has available.

The location of younger people with disabilities in aged care residential facilities is of concern for the Government. In cooperation with the Commonwealth, the ACT Department of Health and Community Care is currently exploring this issue to identify more suitable accommodation for younger people.

7 March 2002

**Australian International Hotel School
(Question No 84)**

Mr Cornwell asked the Treasurer, upon notice, on 20 February 2002:

In relation to the Australian International Hotel School (AIHS) and Auditor-Generals Report No.11 of 2001:

- (1) Have Stages 2 and 3 of the review of operations of the AIHS, due for completion in December 2001, been completed.
- (2) Has Stage 4 of the same review, due for completion in February 2002, been completed.
- (3) If these reviews have not been completed, why not and if they have been completed can copies be made available to interested parties including myself.

Mr Quinlan: The answer to the member's question is as follows:

- (1) I am advised that the AIHS has been given Stages 2 and 3 of the review.
- (2) I have been advised that the AIHS Board is currently waiting the receipt of the final report
- (3) The final report will be considered by the AIHS Board, when it is received, and the Board will report to Government and provide recommendations on the future operations of the AIHS. Assembly members will be briefed on the Report and the Board's recommendations to Government when the review process is fully complete.

**Rates—deferred payment
(Question No 86)**

Mr Cornwell asked the Treasurer, upon notice, on 20 February 2002:

In relation to deferred payment of rates:

- (1) How much in rates has been deferred for payment by an estate in
 - (a) 1998-1999
 - (b) 1999-2000
 - (c) 2000-2001
- (2) What is the total amount of deferred rates owed to ACT Revenue at 31 December 2001.
- (3) What is the average time taken for an estate to be settled and outstanding rates to be collected.
- (4) What is the procedure for ensuring rates deferred for payment by an estate are collected.

Mr Quinlan: **The answer to the member's question is as follows:**

(1) The provisions of the *Rates and Land Rent (Relief) Act 1970* require an owner to be resident in the property for a deferment of rates to apply. Consequently, a deferment of rates does not apply to a deceased estate and the answer to the Member's question in respect of each of the three years mentioned is nil.

Rates deferred by property owners for the same years were as follows:

1998-1999	\$38 594.52
1999-2000	\$47 816.66
2000-2001	\$46 677.68

(2) The total amount of deferred rates owed to the ACT Revenue Office as at 31 December 2001 was \$564 332.84

(3) No statistics are held by the ACT Revenue Office on the amount of time taken for each deceased estate to be settled. Property settlement of a deceased estate varies greatly and finalisation is dependant on numerous legal factors and mandatory requirements eg. the existence of a will, granting of probate, etc.. The average time taken for an estate to be settled and rates to be collected is not known.

(4) Under the provisions of the *Rates and Land Tax Act 1926*, rates are a charge upon the land and as such, any unpaid rates are a secured debt. If any rates remain unpaid by a previous owner who had deceased and those rates are not paid as part of the estate settlement, the liability for any unpaid rates would pass to the beneficiary of the estate or any new owner. Where any unpaid rates are a significantly high amount, normal recovery action would be undertaken, including legal action through the courts in cases where conventional recovery methods are unsuccessful.

7 March 2002

**Totalcare—transfer of fleet and corporate divisions
(Question No 88)**

Mr Cornwell asked the Treasurer, upon notice, on 20 February 2002:

In relation to Totalcare:

- (1) What is the estimated total cost, including building refurbishment, of the transfer of the Fleet and Corporate Divisions of Totalcare to Mitchell.
- (2) Were there any staff reductions from this transfer and if so, (a) how many and (b) what was the cost of the payout package.
- (3) When is it envisaged that Facilities Management and Engineering Maintenance will move to Mitchell.

Mr Quinlan: The answer to the member's question is as follows:

- (1) The estimated total cost of the relocation to Mitchell is \$1.113 million.
- (2) There were no staff reductions from this transfer.
- (3) It is envisaged that Facilities Management and Engineering Maintenance will move to Mitchell during the financial year 2002-2003.

**Totalcare—relocated services
(Question No 89)**

Mr Cornwell asked the Treasurer, upon notice, on 20 February 2002:

In relation to Totalcare:

- (1) Why have Totalcare services located at Fyshwick been relocated to the Mitchell site.
- (2) How many full-time permanent employees were employed at the Fyshwick site.
- (3) How many of those full-time permanent employees have been relocated to Mitchell to continue in their same positions.
- (4) Following the relocation will any of the services that were performed by Totalcare employees at Fyshwick now be either discontinued or out-sourced; if so what services are they.
- (5) What will happen to the Fyshwick site.
- (6) What services are now provided from the Mitchell site.

Mr Quinlan: The answer to the member's question is as follows:

- (1) The relocation of the Corporate and Fleet businesses to Mitchell is Stage 1 of the plan to consolidate all of Totalcare's operations onto one site. Both the Fyshwick and Mitchell sites are currently under-utilised. Totalcare decided to relocate to the Mitchell site because the sterilizing and laundry assets and infrastructure are located on this site and not easily transportable. Totalcare's strategic alliance with SteriCorp which is located at the Mitchell site was also a factor in the choice of location. The consolidation of operations onto one site will ultimately produce significant reductions in overheads, improve Totalcare's balance sheet and build cohesion among its diverse workforce.
- (2) There were 189 full time permanent employees based at the Fyshwick site prior to the relocation.
- (3) 41 full time permanent employees have been relocated to Mitchell to continue in their same positions.
- (4) No services have been discontinued or out-sourced.
- (5) Totalcare is negotiating the transfer of the Fyshwick site to the ACT Government.
- (6) Sterilising, Linen, Fleet & Corporate Services are provided from the Mitchell site.

7 March 2002

**Unemployment Levels
(Question No 90)**

Mr Cornwell asked the Treasurer, upon notice, on 20 February 2002:

In relation to unemployment levels in the ACT:

(1) At 31 December 2001, how many (a) women, (b) men aged 50 or more years were seeking employment.

(2) What were the comparable figures at 31 December 2000.

Mr Quinlan: The answer to the member's question is as follows:

(1) At 31 December 2001, 2400 women (200 women aged 50 or more years), and 600 men aged 50 or more years were seeking employment.

(2) At 31 December 2000, 2800 women (500 women aged 50 or more years), and 800 men aged 50 or more years were seeking employment.