



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

11 April 2002

## Thursday, 11 April 2002

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**Thursday, 11 April 2002**

**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.

## **First Home Owner Grant 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) (10.32): I move:

That this bill be agreed to in principle.

Mr Speaker, by way of background, the ACT is party to the intergovernmental agreement on the reform of Commonwealth-state financial relations. This agreement requires the ACT to administer the first home owners scheme on the Commonwealth's behalf, which includes compliance activities. The grant was introduced to alleviate the effect of GST on new home owners. The First Home Owner Grant Act 2001 has provided the legislative powers for the Commissioner for ACT Revenue to administer the first home owners scheme since 1 July 2001. All grants paid under the first home owners scheme are fully funded by the Commonwealth.

Members of the Assembly may recall that on 9 March 2001 an additional \$7,000 grant was introduced for first home buyers purchasing a new home to provide a short-term stimulus to the building industry. The additional grant applied to eligible contracts to buy or build new homes entered into from 9 March 2001 to 31 December 2001, inclusive. In effect, approved purchasers of new homes received a total first home owners grant of \$14,000.

On 9 October 2001, the Prime Minister announced that a re-elected coalition government would extend the additional grant to 30 June 2002. However, the additional grant amount would be phased down to \$3,000, instead of the original \$7,000, for eligible contracts to buy or build a new home entered into from 1 January 2002 to 30 June 2002, inclusive. This bill introduces amendments to the First Home Owner Grant Act which will provide the necessary legislative support for the ACT government to administer the Commonwealth's extension of the additional grant to eligible first home purchasers of new homes.

The Prime Minister also announced more liberal commencement and completion requirements for applications. These requirements apply to contracts entered into on or after the date of the Prime Minister's announcement on 9 October 2001. The new commencement and completion requirements for the additional grant are that the construction of the home must commence within 26 weeks of entering into the contract, instead of 16 weeks under the original scheme, and the contract must specify

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a completion date within 18 months of the date of commencement, instead of 12 months under the original scheme.

A letter dated 17 December 2001 from the Commonwealth Treasurer supplied formal details of the conditions relating to the additional grants. As soon as the formal details were received, I obtained the agreement of a sufficient majority of the members of this Assembly to pay the additional grant through an administrative arrangement until legislation could be introduced.

This bill will give legislative effect to the payments made under those administrative arrangements, allowing the full compliance and investigative powers to deal with any abuse of the system to obtain the additional grant. The existing eligibility criteria under the First Home Owner Grant Act will also apply for the additional grant. The Commissioner for ACT Revenue and his or her office administers the additional grant in the ACT.

In conclusion, Mr Speaker, this bill will give support to an initiative which will be of considerable financial assistance to genuine first home owners and, we hope, will also provide a stimulus to the building industry. I commend the bill to the Assembly.

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

## **Gaming Machine (Women's Sport) 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) (10.37): I move:

That this bill be agreed to in principle.

The Gaming Machine (Women's Sport) Amendment Bill 2002 amends the Gaming Machine Act 1987. The purpose fulfils the women in sport component of the government's plan for women policy to provide greater support for the choices that women want to make in their lives. It is of great concern to this government that sportswomen and women's sporting teams fight a continual battle for recognition, media coverage, funding and sponsorship, and too often women's sport is left behind when it comes to securing the cash to fund operational needs, even at the elite level of sport.

This proposal therefore seeks to encourage ACT licensed clubs to help redress the situation by creating, under the Gaming Machine Act, a specific category of eligible community contributions that will benefit or enhance women's sport conducted in the territory, or those participants predominantly based in the territory. The incentive for clubs will be provided by enabling licensed clubs to claim \$4 against their statutory community contributions requirement under the Gaming Machine Act for every \$3 donated specifically for the benefit and enhancement of women's sport in the ACT.

Mr Speaker, relevant sporting bodies, such as ACTSport, Womensport ACT and the Sport and Recreation Council, as well as ClubsACT, were invited to comment on this proposal. ACTSport has indicated that it is extremely supportive of this initiative, while ClubsACT also responded in support of the proposal. At this time, Womensport ACT and the Sport and Recreation Council have yet to respond; however, all relevant sporting clubs and ClubsACT will again be invited to comment and any input received will be incorporated into the development of detailed ministerial guidelines which will be prepared following the passage of the bill through the Assembly.

Mr Speaker, ministerial guidelines are required under the Gaming Machine Act to assist clubs in determining whether their donations are eligible community contributions for the purposes of the act and to ensure that those sporting organisations and categories of individuals that may benefit from this proposal are identified and the guidelines are structured accordingly. I commend the Gaming Machine (Women's Sport) Amendment Bill 2002 to the Assembly.

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

## **Gaming Machine (Cap) 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) (10.40): I move:

That this bill be agreed to in principle.

Mr Speaker, the Gaming Machine (Cap) Amendment Bill 2002 is a very simple piece of legislation that extends the current restrictions on the number of gaming machines that can be licensed in the territory. Currently, the Gaming Machine Act 1987 restricts the number of gaming machines in the territory to a maximum of 5,200. However, this restriction only applies up to 30 June 2002. This government is committed to ensuring that gambling is not allowed to proliferate in the territory unfettered. We are committed to encouraging harm-minimisation measures in relation to all forms of gambling, particularly with gaming machines.

The ACT Gambling and Racing Commission is currently conducting a comprehensive review of the Gaming Machine Act 1987 to ensure that it meets community and regulatory needs. This review is very detailed and will take the best part of this year to finalise. There has already been extensive community consultation as part of the review and more will follow.

I wish to emphasise that, as part of the review, the commission will be addressing the long-term question of the number of gaming machines that should be licensed in the territory. At the end of the review, the Assembly will be presented with a properly

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considered proposal for the number of gaming machines appropriate for the ACT, along with the necessary controls for their operation.

Whilst the ACT Gambling and Racing Commission finalises the review of the act, it would be inappropriate for the restrictions on the number of gaming machines permitted in the territory to be relaxed. We do not want to pre-empt the results of the review in any way. It therefore makes sense, Mr Speaker, to extend the current restrictions on the number of gaming machines that can be licensed for a further 12 months to allow this comprehensive review to take place and the results made available. I commend the Gaming Machine (Cap) Amendment Bill 2002 to the Assembly.

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

## **Territory Records Bill 2002**

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

Title read by Clerk.

**MR WOOD** (Minister for Urban Services and Minister for the Arts) (10.43): Mr Speaker, I move:

That this bill be agreed to in principle.

This bill proposes a records management regime that will herald a new approach to records management for all agencies of the ACT government. Jon Stanhope, in a speech entitled "A Code of Good Government" in March 2001, made a commitment that when in office Labor would ensure that government records would be properly kept and that legislation would be introduced to establish the provisions for records management for the government.

The legislation introduced but never debated by the Humphries government is not likely to have earned the public's confidence that this government was serious about the management of its records. The legislation that I am introducing today is designed to give confidence to our community that government records will be created, managed, and accessible. This is a key component for open and accountable government.

The Territory Records Bill 2002 establishes a new position of Director of Territory Records. The director will have a range of functions, including the development and approval of standards for records management. These standards will be used by each agency in the development of their records management programs. The legislation also requires agencies to prepare schedules for the disposal of their records and these schedules, in turn, have to be approved by the Director of Territory Records.

To emphasise our commitment to open and accountable records management, this legislation establishes a Territory Records Advisory Council. The council, with wide-ranging representation from agencies, professional organisations, community associations and Aboriginal and Torres Strait Islander groups, will provide advice to the Director of Territory Records.

The model set out in this legislation proposes a records management regime suitable for the ACT. Agencies will be developing a records management program that meets their needs in supporting the functions that they undertake. These records management programs will respond to centrally established standards to ensure that community expectations are met in relation to accountability and access. This is framework legislation and does not preclude future options available under the bill for providing a territory archive, including a centralised facility. As work proceeds, consideration can be given to the most cost-effective options for giving effect to our territory records regime.

This legislation and the Freedom of Information Act 1989 are closely aligned. Records in general will be open for public access when they are 20 years old. However, some records—for example, those containing information of a private and personal nature—will not be open for public access at this time. This legislation will apply to records in all formats, including paper and electronic records. It will also apply to all types of records in the custody of the ACT government. One particular type of record that I wish to note will be those records that may enable people to make links with their Aboriginal and Torres Strait Islander heritage.

In preparing this legislation, the department has been supported by many throughout the community. I know that we will be creating a high level of expectation. The legislation will be implemented progressively, with agencies commencing work immediately on preparing their records management programs. The final part, the access provisions, will commence in 2007.

The ACT has an evolving history and this has been documented in both our own records and those transferred from the Commonwealth. When open for public access, we will be able to view a most exciting resource.

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

## **Planning and Environment—Standing Committee**

### **Proposed reference**

**MRS DUNNE** (10.49): Mr Speaker, I move:

That the Standing Committee on Planning and Environment inquire and report on options for renewable energy strategy for the ACT with particular reference to the feasibility of alternative technologies such as:

- (a) building wind turbines for power generation on suitable sites;
- (b) development of solar-generated electricity facilities;
- (c) construction of two recommended mini-hydro generating plants;
- (d) the application of geo-thermal power; and
- (e) the immediate and longer-term potential of other emerging technologies.

In addition to specific technologies, the Committee is asked to report on:

- (1) the feasibility of renewable energy sources providing all the Territory's energy needs; and
- (2) the appropriateness of setting targets for renewable energy use.

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Almost 30 years ago, a new piece of terminology crept into use and lodged in our collective psyche—energy crisis. Tension in the Middle East—again—led oil-producing countries into a price rise spree whereby oil prices quadrupled, fuelling inflation in the developed world and halting development in the Third World.

The unfolding scenario drove home to most of us the message that much of our prosperity depended on the exploitation of fossil fuels. Not only were these fuels both exhaustible and polluting, but also they were vulnerable to fluctuations in the geopolitical situation, especially as much of the world's oil reserves exist in one of the world's most politically unstable regions.

The sense of crisis was something that ultimately we learned to live with, but it did inspire some creative thinking and invention as to how we could continue to draw on energy resources but not foul the earth in the process, nor deplete the fuels we use. We have gradually come to accept the idea of sustainability—not only in relation to energy production and use, but also in relation to the environment and the way we create economic growth. I am a passionate believer in the idea of sustainability for the simple reason that, without it as a guiding principle, we simply do not have a future. We have had talk, discussions and ideas and we have had reports, surveys and feasibility studies. It is now time to step up the momentum, to begin translating some of these emerging ideas into reality.

Mr Speaker, I have a dream about Canberra. I believe that we are uniquely placed to do big things here, to demonstrate what is achievable, to show the political will to turn dreams into everyday reality. We were once hailed as a social laboratory. I believe that we should be again. I like to think that we can show not only other states and territories, but other nations as well, what can be achieved when peoples, governments and public and private sector institutions all join forces. I believe that we have the abilities, the knowledge base and the emerging technologies in the territory to start some serious thinking and look at delivering tomorrow, within our lifetimes.

In moving this motion, I am conscious of the fact that we are standing on the threshold of a new era—an era, despite its many challenges and difficulties, full of excitement and potential. Let us not shy away from ideas that might daunt us because they are new or untried. I do not think that we have time to be timid. I am disappointed that the fast train network proposal has been shelved—disappointed for Canberra and disappointed for the nation—due to a failure of vision to prevail. In the process that I am seeking to initiate today, I want vision to prevail and inform all our deliberations. Let us, like Macbeth, be bloody, bold and resolute. Some may say, and indeed already have said, that this motion is too broad in scope. Let me say to that: well and good. Let us not rule anything out because we are too cautious, too timid, too afraid of the future and too wedded to the past.

Much of the technology that I am talking about is already here. Recently, I had the opportunity to visit the truly amazing Geoscience Australia building in Symonston, fronting Hindmarsh Drive, and that drove home to me that the future is already here. All we have to do is to reach out and grasp it. This building is one of Canberra's—indeed, the nation's—modern day wonders. It utilises in its design and technology advance passive solar energy efficiency and geothermal heating and cooling. What struck me

most about this building, and I see its application as applicable to other areas in Canberra, is that all the equipment used, all the technology, was bought off the shelf. None of it is whiz-bang stuff; it is all available to us today. If we in Canberra dream, if we imagine, if we reach out, we can do it.

Alternative energy technologies are already at hand that can satisfy thermal, power and load reduction needs for a wide range of residential, commercial, institutional, small industry, tourist and transportation needs. Renewable energy technologies include biomass, microhydro, minihydro, photovoltaic, small geothermal, solar thermal and wind energy systems. Let me mention, for a start, wind power as an alternative energy source. We are already experimenting with its possibilities at a number of sites in Australia. The majestic turbines at Crookwell and near Bathurst are an inspiration. I would like to see the ACT added to the growing list, if possible.

Wind is a significant and valuable renewable energy source. It is safe and abundant and can make an important contribution to a future of clean, sustainable and diversified electrical supplies. Unlike other energy sources, it does not pollute the atmosphere and it does not create any hazardous wastes or residues. Wind power is already science fact, not science fiction, and its use is growing rapidly. Let me demonstrate.

Europe is at the forefront. Last year, a further 4,500 megawatts of wind power were added to the electricity grid, bringing the total number of megawatts produced in Europe to 17,000, which is roughly equivalent to the energy requirements of 10 million average European households. Had that amount of electricity been produced from coal-fired plants, it would have required the burning of 16 million tonnes of coal—160,000 train loads or 640,000 truck loads of coal. Most importantly, the electricity produced from the 17,000 megawatts of installed capacity in Europe will prevent the emission of 24 million tonnes of carbon dioxide annually.

Great strides are being made in the United States, where big electrical companies have become involved, and the Third World from India to Morocco is now turning wind power into a viable energy resource. A Danish report quite plausibly predicts a tripling of the global wind power capacity in the next few years and it is by far the fastest growing energy source. Already there are forecasts that wind will overtake gas in Europe as an energy source and will replace coal-fired plants in China and India, which will be only to the benefit of all mankind.

The industry itself is clear about what is required—political support. That is where we come in. Whilst power generation from wind remains relatively expensive at this stage, it is largely a matter of scale. Sweden's energy agency has predicted that wind power prices will be almost halved by the end of the decade at the current rate of investment. A long-term study by the British government's performance and innovation unit has predicted that power generated from onshore wind power stations in the UK will undercut fossil and nuclear sources within 20 years. The unit has estimated that as much as 30 per cent of the UK's electricity will be generated from wind by 2020.

The previous Humphries Liberal government took a positive step in investigating and recommending minihydro plants for the Corin and Cotter dams. I would like to see this local application further explored. Solar energy is already advanced and many Canberra households take advantage of it. However, when I was consulting with the conservation

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council, they highlighted to me the need for targets. The conservation council would like to see a target of 80 per cent of the market being solar in the next 15 years. We need to explore its potential and possibilities.

Energy innovation is by no means confined to the advanced and industrial world. I am heartened by a report that Asia Power International, a small Manila-based company, is working with the Philippines government to develop a prototype power plant using tidal currents off the southern island of Mindanao. The Philippines government is also investigating ways of using differentials in ocean temperature for power generation. Wind power is also being harnessed in the Philippines and solar energy is the key to the ongoing rural electrification program in that country.

The projects have been limited so far, but have had an important effect in drastically reducing fuel imports, which has in turn stabilised domestic power prices, and the flow-on effects from that are many. Let us not be left behind. Indeed, let us become, not just followers, but pioneers.

I am generally wary of setting targets, but one thing I dearly hope we can achieve in the process is an examination of the feasibility of setting realistic targets for Canberra to become the first major city in the world to be dependent entirely on energy self-sustainability.

We rely on energy for all areas of our lives. A secure supply of energy is vital to our economic and social development. We need to have a vision. We need to have long-term goals. Most of all, we need to have the information at hand to make these long-term commitments and we need the political will to implement them. That is why I am proposing, in consultation with members of my committee, that this Assembly look at this far-reaching reference.

In commending this motion to the Assembly, I ask members to join me in helping to usher in the future and make it happen. History will judge us harshly if we do not make this effort. Let us not falter in our commitment to a cleaner, sustainable future, a city that the world will look to as an example of what is possible.

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

**MR SPEAKER:** The question now is: that the resumption of the debate be made an order of the day for the next sitting.

Amendment (by **Ms Dundas**) agreed to:

Omit “for the next sitting” and substitute “for a later hour this day and, notwithstanding the provisions of standing order 77, consideration have precedence over Executive business after consideration of the Matter of Public Importance”.

Motion, as amended, agreed to; debate adjourned to a later hour.

## **Health—Standing Committee Report No 1**

Debate resumed from 9 April 2002, on motion by **Ms Tucker**:

That the report be noted.

Question resolved in the affirmative.

## **Education—Standing Committee Report No 1**

Debate resumed from 9 April 2002, on motion by **Ms MacDonald**.

That the report be noted.

**MS MacDONALD** (11.02), in reply: Mr Speaker, I am happy to speak to this report, which was presented on Tuesday. I am particularly happy to note that the committee received 24 written submissions and 11 verbal submissions for this inquiry. The committee was extremely pleased at the number of organisations and stakeholders within the education system that made a submission, particularly given the short amount of time for the inquiry. The committee was also pleased to hear from a number of organisations that have not previously been involved with such processes; that is, they were not the usual suspects.

Some key themes arose from the submissions. These were grouped under five headings—early intervention and children at risk; students with disabilities; vocational education; IT resources; and teachers' conditions. The committee was pleased specifically to have submissions from the vocational training sector, an area which we believe previously has been overlooked and one into which the committee is discussing making further inquiry.

It was no surprise to the committee that a number of the submissions talked about a shortfall in education funds. Such is the nature of education that more money can always be spent on it, but there is not always the money there to spend. However, the committee did feel that there was a perception by people operating in the education sector that education funding had declined in preceding years.

I would like to thank the other members of the committee for their cooperative approach and to thank David Skinner, the committee's secretary, for interpreting the committee's ramblings.

*Debate having been closed by reply, debate, by leave, continued.*

**MR PRATT** (11.05): Mr Speaker, I would like to commence by commending my committee colleagues and Mr David Skinner for putting together this fairly comprehensive report. A substantial report has been prepared with much care, but in a timely fashion. The review of the budgetary aspects was undertaken fairly quickly. Nevertheless, it is apparent that a good cross-section of all the education interest groups

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was able to report substantially. I also commend the various stakeholders for their diligence in coming forward and presenting their arguments in some balance and in sufficient detail.

The report, in accordance with the appropriate terms of reference, was essentially aimed at collecting and reporting on a broad range of opinion. It was never meant to be an analysis of budgetary resource allocations or priorities. Indeed, it is fortuitous that the committee was not required to examine the resources that the government is considering allocating to the sector, as the Treasurer's budget consultation document for 2002-03 was not received by the committee until some four working days before the reporting deadline. The chair, Ms MacDonald, has outlined some of the priority areas. I would simply say that I fervently hope that the government will take this report and wisely allocate the resources needed to best meet the community's priorities.

I would remind the government that the ACT education system is a rich tapestry of diverse educational capabilities. Diversity and choice are the strengths of one of this nation's leading jurisdictional education systems and the government will need essentially to keep this model in place. We would hope to see the government add value and further develop the capabilities already in place. Reinforcing diversity is important because the balance among the government sector, Catholic systemic, independent and special schools is the secret of success in the ACT. That is what the community expects.

Mr Speaker, there is always more that can be done in the government school sector, and the attitude of the Education Committee in this place reflects that. We are all agreed on and see the need to address children at risk, children with disabilities, class size reduction, safe and harmonious teaching and school environments as perhaps the first group of priorities. Whilst not seeking to dramatise the situation as it stands in the ACT, I think we would all wisely acknowledge that there are signs of significant pressures building on the government school sector in the ACT as well as anywhere else in the country.

I believe that, as well as addressing the government sector priority needs, the government must also ensure that increased resources go to systemic and independent schools to reinforce their programs for children at risk and disabled children. Indeed, for those programs, I believe that the government has a moral obligation to ensure that resources are allocated equally for every child identified in these categories across all sectors.

Mr Speaker, there are other priorities I would hope to see the government address. They are vocational education and training and perhaps further developing our international baccalaureate capability in at least two more colleges, setting aside money for scholarships for children who do not have the means to undertake international baccalaureate programs. I would like to see resources put into obligatory drugs education. I would like to see better strategies put in place to support our teachers and our school staff in respect of bullying and violence. Finally, I would like to see teacher training and ongoing teacher development. I should also add that I would like to see the government looking at putting further resources into boys education as well.

Mr Speaker, I commend this report to the government and will watch with close interest the way in which the government approaches the budgeting exercise.

**MS DUNDAS** (11.10): I gave a speech on Tuesday detailing my concerns with the budget inquiry process that Ms MacDonald has briefly commented on today. Like Ms MacDonald and Mr Pratt, I would now like to draw the attention of the government and the Assembly to a number of key points in this report from the Education Committee.

I believe that students with disabilities should be a main area of concern for this Assembly and this government. Currently, up to 70 children and their parents are suffering from the failure to provide adequate diagnostic services. That should not be news to the government; it is an area that I have already touched upon in this Assembly. Potential reductions in support for some of the children who are most in need also should be of great concern to this Assembly.

As Advocacy Action Incorporated mentioned in their submission, for most students with disabilities the resources appear to barely cover their care needs. The resources certainly are not adequate enough to support meaningful pursuit of education outcomes. I believe that this is an area of great concern and that the government should be prioritising it as part of the budget. In fact, I believe that education is an area that should be a priority for the Assembly and this budget as it plays such an important role in the development of our community.

I commend this report to the Assembly and hope that the government will take note of the key areas that we have raised.

Question resolved in the affirmative.

## **Suspension of standing orders**

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

That so much of the standing orders be suspended as would prevent order of the day No 1, Assembly business, being again called on forthwith.

## **Health—Standing Committee Report No 1**

Debate resumed.

**MR SMYTH** (11.13): The report of the committee expresses the concerns that other committees have expressed about the lack of time and the lack of guidance from the Treasurer in particular about how this consultation was to be conducted and what would be done about the consultation when it was reported to the Assembly. In paragraph 1.4 the committee recommends that the Treasurer undertake a detailed analysis of the community needs.

We received a number of submissions. We had a number of groups and individuals come and speak to us as a committee. Some key themes did emerge and they are addressed in what we have put into our report. Respite care was something about which there was a cross-sector concern. The effects of things outside of what you would strictly call

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health were raised by a number of groups, particularly in regard to young people. I note the proposal being put forward by Ms Dundas for debate this afternoon. It will be interesting to explore some of those issues then. The ability to pay bills, housing expenses and transport expenses and how those areas interact with one's personal health emerged quite clearly as a theme.

Another issue, particularly from the mental health groups, was about the need for early intervention in the process for those people who come to the attention of authorities, whether it be in health or in the judicial system, and how we deal with those people in our community who have a mental health problem. The Junction raised issues about how we deal with young people and the Mental Health Advisory Council put together a particularly good submission that canvassed a number of issues, particularly dual diagnosis and how the problems of those people who may have a mental condition as well as a drug or alcohol problem are addressed. Over the last couple of days you will have heard me talking about the need to find a way of dealing in a more sympathetic manner with the episode that they are currently dealing with rather than putting these people into the criminal justice system.

Both the Mental Health Advisory Council and ATCOSS made reference in their submissions to a sobering up place. They were uncomfortable with those words. The words that seem to have been adopted now are "a time out facility". There was a large area to be covered by this report. It is unfortunate that we had a lack of time and that we had no guidance from the government, but I would commend the report, particularly the submissions. The mental health submissions were particularly pleasing.

Another group to appear before us was the Abortion Counselling Service, which raised the issue of whether there were adequate services to meet the needs of special conditions in the ACT. They were questioned on that and, thankfully, afterwards we had another group appearing before us which thought that there were lots of services in the ACT, but some of the training needed to be lifted and some of the specialisation needed to be appreciated. I would commend that notion to the government as well.

Ms Tucker, as chair, will give a broad overview of what we have done on some of the other issues, but I would thank particularly those groups that put submissions together and came and spoke to us. I would also like to thank Derek Abbott and the new secretary of the committee, Siobhan Leyne, for the work that they did in getting this report together for us to table and speak to today.

**MS TUCKER** (11.17), in reply: I thank my fellow committee members for the work they did on this report. It was carried out under a fairly pressured timeframe, as were all other committee inquiries into community consultation on the budget. I would echo the general comments made by other chairs and members of various committees about the process and the timing of the document from the Treasurer. That was a disappointment for the committees and the members of the community who were hoping to have time to consider the content of the document before they responded on their concerns and understanding of the needs and desires for spending.

We did not, as a committee, make particular recommendations about how we thought money should be spent and for what purpose because the timeframe that we worked under, as I have already said, was quite constrained, which meant that we could not go

out into the community in a proactive way and do an assessment of the needs there. The process is conducted slightly at random because we receive a number of submissions in response to an advertisement about there being a consultation process, but that gives us an incomplete picture of the actual needs as only the people and organisations with the capacity, will and commitment to go ahead and make a submission will be the ones represented in this report.

Mr Smyth has chosen to raise a couple of submissions and say that we need to look at them as being of particular importance, but I am saying that we need to make clear to the government, as we have done as a committee in this report, that we do not see this report as a comprehensive picture of the need in the ACT. We have asked the government to undertake a detailed analysis of community need. For us to have done that, we would have had to have gone out in a much more proactive way. We certainly did not do that; we did not have the time to do so. I say again that this report gives a very incomplete picture of the need. Nevertheless, the submissions that came in are important and worthy of consideration.

The general themes that came out through this process were consistent in that they did present a persuasive case for the importance of the community sector as an efficient and cost-effective vehicle for the provision of health services. The committee has been supportive in its report of efforts to integrate service provision and to take a broad approach to treating health problems, recognising that social, cultural and economic factors may be at least as important as clinical factors.

The committee also has expressed its support for the development of a social plan based on sound data and a variety of needs mapping exercises. We also supported the fundamental need to reduce and minimise the need for institutional care and excessive medicalisation of health issues. We believe that early intervention programs, health promotion, education programs, transitional facilities and community care programs must be adequately supported. The committee made the comment that such programs have to be properly supported if they are to provide improved health outcomes in the long term.

On the question of broader unmet community needs, I have explained that the picture is incomplete. An example of that is that we did not get one submission on the question of support for children with a disability in special schools. A report on a review of therapy services for school students with a disability was produced in August 2001. It is a comprehensive document that clearly points to underresourcing in the area of therapy services. I would assume and hope that the government will be seriously looking at this area. Work in the area has produced the report that I have just mentioned and the responsibility of government is to take that broad approach and look at the issues of broader unmet need. That is a very good example of how the picture we have presented in this report is incomplete.

As I said, the committee, while not making recommendations, did choose to make very supportive statements on a number of broad areas. One was the development of a social plan; we certainly supported that. We also supported the need for a review of the purchaser-provider model used for community services in the ACT. The government has announced that it will review that model. We support such a review occurring and will take an interest in continuing to monitor that area. The committee has supported the need

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for a review and study of unmet need for advocacy services for disadvantaged people who are unable to independently defend their rights. That is a fundamental system issue that the committee was quite comfortable in supporting.

We had a comprehensive submission from the Junction and the Youth Coalition on the health of young people. That is something else on which we have had a number of other reports and the government should be well aware of them, as it should be well aware of the questions of respite care.

The midwifery question is a current issue that does need urgent attention from the government. The government needs to respond to that fundamental issue for health in our community. There was a strong reference in the ACTCOSS submission to indigenous health. Aged care has come up as another area that is becoming increasingly urgent.

Mental health was mentioned in most submissions. There was a comprehensive submission put in on behalf of the advisory council which covered the broad issues of mental health. I would urge the government to take that document very seriously. I know that the funds are limited and I know and understand what the Treasurer is saying about the need to become aware of increasing budget constraints and the calls for assistance in so many areas, but mental health is an issue that has come up. I chaired an inquiry in, I think, 1997 and there have been numerous reports by consultants on the issue. Basically, something has to be done about it. I commend this report to the government and to the Assembly.

Question resolved in the affirmative.

## **Legal Affairs—Standing Committee Report No 1**

Debate resumed from 9 April 2002, on motion by **Mr Stefaniak**:

That the report be noted.

**MR HARGREAVES** (11.26): I think this is an absolutely terrific report, Mr Speaker. It was compiled by a bunch of people who are absolutely brilliant and I commend it to the Assembly.

**MS TUCKER** (11.27): I have just made similar comments about process on behalf of the health committee. I would also qualify this report with the same remarks I made in respect of the health committee report, which is that we have an incomplete picture.

However, having said that, I also think some important issues have been raised. I would particularly like to focus on the issue of equity and access to legal support and legal services. I think a number of issues need to be addressed, and perhaps our committee will look at community legal centres and so on. But we have a situation in this city where there are a number of calls now, through submissions, for programs that do ensure access for people who are disadvantaged to legal assistance. I would like to stress that this is a very fundamental part of a democratic society.

**MR STEFANIAK** (11.29), in reply: Mr Speaker, I thank my two colleagues for their comments. I agree with Mr Hargreaves' very short and succinct comments about the committee. Its wonderful secretary, Rod Power, did a very good job of putting the report together, ably assisted by the secretariat. Might I also extend the committee's thanks to, and appreciation of, those who participated in the inquiry.

Mr Speaker, I would like to make a few points. We invited public input into the inquiry by way of an advertisement placed in the public notices section of the *Canberra Times* on 9 February. We also put a advertisement in the *Chronicle* the following week, and the closing date for submissions was 8 March. I also wrote to a number of usual suspects, I suppose, asking them to put in their submissions. I must say I was, in a way, a little bit disappointed at the lack of responses from some of those groups. I appreciate that many of them are very busy people and maybe they did not want to make a submission.

We received some six submissions plus a letter from the Law Society, the summary of which has been put in the report. I thank those groups in their submissions, although, as I said, I guess I was a little bit concerned that there probably was not a little bit more interest in this inquiry. I cannot comment on the reasons for that—I merely make that observation. However, I thank ATCOSS, the Canberra/Queanbeyan Attention Deficit Disorder Support Group, Care, the Law Society of the ACT, the Welfare and Legal Rights Centre, the Youth Coalition of the ACT and Toora Women Inc for their submissions.

I am not going to go through any of those submissions. However, one thing in the ADHD submission that jumped out at me, which I have heard a fair bit of in the past and which I might highlight, is that special diets without preservatives, additives and colouring should be implemented at Quamby and at the jail, should it be built in the ACT. The submission pointed out that there is evidence that these additives in food cause many problems with children, adolescents and adults with ADHD. I highlight that point because it was made to me on a number of occasions when I had responsibility for Quamby. I think there is great strength in that point.

Such a program would not be terribly expensive to implement and certainly I think there is a lot of merit in it. That is something that the government could have a serious look at. I would certainly hope that the current government isn't going to drop the ball on the building of a jail in the ACT, which it seems to be doing, because I think we need such a facility.

I note that there was reference in a couple of the submissions to the government continuing to develop and implement a range of progressive alternatives to sentencing of offenders. I think, as I said in an earlier debate, we probably have more of those than in any other jurisdiction. Whilst that is always a good thing, I think we need to look at the other side of the coin, and that is the community expectation that prisoners who deserve to go to gaol, in fact do go to gaol. Once in there, of course, I think it is very important that proper programs be put in place. This is something we could do and ensure happens if we had our own jail.

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The committee was concerned about the absence of a government submission to the inquiry. The committee felt that it did not have the necessary data to determine the priority issues for service delivery in the 2002/03 budget. I refer to areas such as police and emergency services, law and order, consumer affairs, consumer and individual rights, civil liberties, industrial relations and governance generally.

On 28 March this year the government provided the committee with a document entitled *2002-2003 Budget Consultation*. As we know, the document invited input from the public. For starters, the request for public input was a bit late, given that public submissions had closed earlier that month. The document went on to say that it was intended to promote improved information about the major issues currently facing the ACT.

The report refers to one part of the document, which I will note. The document indicated that for this government's budgetary cycle the forward estimates would indicate a deficit position. It also indicated that the government was seriously considering a number of revenue and savings proposals in conjunction with a review of existing and proposed expenditure proposals. Further, it indicated that it anticipated that borrowings would be required in 2003/04. Given that in this financial year we are currently in a surplus situation, I would just sound some warning bells.

*It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.*

**MR STEFANIAK:** As I was saying, the comments in relation to borrowings should sound some warning bells in that the 2001/02 budget is currently in a surplus situation. I think it would be very bad for the territory if we were to lapse into a series of borrowings and spending beyond our means. I commend to the current Treasurer that he bear that very much in mind when cabinet policies are being considered during his budget deliberations. They will be doing no-one any favours if they go down the path of borrowing to fund promises that cannot be afforded.

Mr Speaker, we listed four items relating to the Department of Justice and Community Safety. The problems, which effectively relate to Appropriation Bill (No 3), are being looked at by another committee and so we made no further comment on them. I think the reasons were detailed and, if I might make a comment, they did appear to be quite logical in terms of those additional expenditures. Certain things like court cases that blow out are very difficult to anticipate. Indeed, the deliberate lighting of the extreme bush fires that we experienced incurred additional costs which one would not have necessarily foreseen.

The committee indicated its concern—and in fact it was disturbed—that the process of this inquiry might have generated hopes in our local community about a meaningful input to the budget process. It was particularly concerned about the absence of timely government input to the inquiry. Because of that lack of government input and time considerations, community expectations could not be realised.

We also had concerns about the language of the 2002/03 budget consultation document. That language made it very difficult to engage laypersons in the community or indeed community groups and encourage their participation in the process. Apart from timing issues, which I would suggest made that impossible, the language is not user friendly. We said that was especially disappointing, given that the document purports to be designed to encourage community engagement.

The committee accordingly made two recommendations. The first recommendation was:

that the Assembly note the difficulties for any committee inquiry into Budget-related matters that does not have the benefit of a whole-of-government perspective to be provided to the community and the committee at the beginning of the Budget development process.

In other words, if the government is going to have an input and put out budget papers, it should do so at the start of the inquiry, not towards the end.

The second recommendation was:

that the government carefully and thoughtfully consider matters raised in the submissions to this committee as it formulates the 2002-03 Budget.

We, of course, authorise publication of all the submissions. The full submissions have been forwarded to the Chief Minister and Attorney-General, along with a copy of this report.

Again, in closing, I thank my committee colleagues and Rod Power for their diligence in the conduct of this inquiry.

Question resolved in the affirmative.

## **Planning and Environment—Standing Committee Report No 2**

Debate resumed from 9 April 2002, on motion by **Mrs Dunne**:

That the report be noted.

**MR HARGREAVES** (11.37): Mr Speaker, I have no further comment on that matter.

**MS DUNDAS** (11.38): I would like to draw the attention of the Assembly and the government to some key points in this report. As there appears to be broad support in this Assembly for sustainability, we must provide the resources to ensure that the opportunities to secure a sustainable future are not passed over. As some of the organisations in their submissions to the inquiry stated, funding for the environment and heritage was largely insufficient to attend to the basic tasks of maintaining the environment, let alone develop any services. I think this is a sad reflection on how we value the environment.

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In the last budget, the appropriation for the environment and heritage represented 1.1 per cent of the total budget. If we are to take sustainability on as a key part, we must look at the environment, we must look at heritage, we must look at planning. Obviously, that is going to take resources. The funding in the last budget was not adequate to match the pretty words that have come from government about the environment. I hope that we see an increase in funding in this year's budget to match the words that we have heard and the commitment that has been made to the environment.

**MRS DUNNE** (11.39), in reply: Mr Speaker, this is the second report of the planning and environment committee of the Fifth Assembly. I think all members of the committee have mixed feelings about the report. All members were grateful for the opportunity to consult widely with the community in our area of responsibility.

As all the committee members are neophytes, it was a great opportunity to get to know, in a formal sense, the members of the community and to see the issues that they wish to bring before us. The issues that they brought before us were quite diverse and, although many of them were not necessarily budget related, they helped to inform the committee about things that we might have to consider at a later time. I would like to mention a couple of those.

The re-design of the energy efficiency rating scheme was raised by a number of groups. The efficiency rating scheme has been here for a long time, and there has been considerable discussion in the ACT media just this week about its efficacy or otherwise. The need to look at compliance and inspectorate systems in the areas of planning, environment and urban services was also raised. I think when we have the time to consider them, those matters might be referred to our committee.

I would like to highlight some budget issues, and one has been referred to by Ms Dundas. One of the issues is the extent to which environment and heritage is funded in the budget. We are concerned about the small proportion of the budget that is available to environment and heritage. As Ms Dundas has said, this does not reflect a new-found desire for sustainability. I do not believe that the Office of Sustainability, tucked away in the ivory tower of the Chief Minister's Department, can do this by itself. There needs to be an increase in environment and heritage and conservation funding. We work from a low base, and it was the view of the community groups who came to us that any improvement would be good. But in this case I feel I need to flag that the evidence that came before the estimates committee about the possibility of a 2 per cent across-the-board cut would be extremely detrimental to the work of conservation, land management, environment and heritage.

Another issue that was raised, which I refer on to the minister and the Treasurer without much comment one way or the other, is the wood heating rebate scheme and the issues of particulates that that raises. This is an issue that has had some coverage in the media as recently as this week. Other issues include the need for more rangers to help with the enforcement of our environmental regulations and the proposal for a community planning adviser.

At the risk of sounding like a cracked record, I have to draw to the attention to the Assembly the lack of commitment to the process by the Treasurer and this government. The committee took on the reference to undertake a review of service delivery for the 2002-03 budget on the understanding that by late February we would receive the government's document on the future of the budget. When it did arrive on 28 March—which was nearly two weeks after we had conducted our public hearings and after we had commenced the process of drafting the report—it was next to useless. The timing was entirely inappropriate and we have recommendations in our report about the timing of such a document.

It is absolutely utterly unacceptable that community groups should have such a short lead time. No matter where you go in the community, these people are volunteers. They meet once a month at best and they need at least six or eight weeks to receive the document, go away, work out what they are going to do with it, come back and approve it. You cannot expect community groups to work in any less time than that. This is the task that we as a committee set ourselves when we consult with the community and it is unreasonable that the government should set the bar any higher.

The budget consultation, and this tool is part of it, is a far cry from the open and accountable government that this Labor Party promised us before election. It goes to show that making promises is easy—keeping them is much more difficult.

I would like to thank the people from the community who contributed to the committee's consultation on service delivery for the 2002-03 budget. They did it under difficult circumstances. I would like to thank the other members of my committee and my secretary Maureen Weeks.

Question resolved in the affirmative.

## **Public Accounts—Standing Committee Report No 1**

Debate resumed from 9 April 2002, on motion by **Mr Smyth**:

That this bill be agreed to in principle.

**MR HARGREAVES** (11.44): Mr Speaker, I doubt very much whether we will hear anything different on this occasion than we have for the last five reports.

**MS TUCKER** (11.45): I want to make a few comments about this report. I would like to respond to something Mrs Dunne said about the process. I think, to be fair, it has to be put on the record in this Assembly that there have been problems with this process. The process under the Liberal government was also problematic. The Greens worked in good faith on the notion of a draft budget, which the Liberal government was interested in pursuing. The notion of a draft budget is obviously different to just consultation on the budget—not that you cannot have both, but they are two distinct things. The Labor government has not said this is a draft budget process. It has said that this is a consultation process.

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As I said, the Liberal government's draft budget process—and I tried to work with it—was not successful. That was not altogether the fault of the government although in part, of course, they obviously have to take responsibility. But I think it was a learning process to a degree as well, because one of the problems I saw was literally the amount of time that was available to have a very thorough draft budget process. We were not able to do it.

But there was another issue as well, which was the whole notion of having the draft budget and what it meant for our system of governance. I still have interesting questions for discussion. I realised during that process that to have any meaningful draft budget you basically had to have full access to financial information of the government of the day. I do not think any government would be particularly open to giving absolute full access to every piece of information about the financial state of every department. In other words, we would need to have the same degree of access to the chief executive officers of departments that the government does if we are seriously going to make decisions or have a view on exactly how all money should be spent.

If you follow that proposal then there is the potential of co-option, or the budget becoming the document of the whole Assembly and not the government. If the budget becomes the position of the whole Assembly, then obviously we will lose scrutiny, and there are concerns there. There is a potential for us to still have that full information, to come up with suggestions, and then take a position of opposition if we do not like what the government comes up with. So you could argue that it would still be the government's budget. But the process that would lead up to that is very time consuming and, as I said, would require a great deal of good faith from the government of the day.

I am open to different views on that. I do not have a totally closed mind on draft budgets. I know that some jurisdictions around the world have a participatory budget process which involves the community and the parliamentary assembly in that jurisdiction in real decision-making about how money is spent. I am still interested in the possibilities, but they are far from resolved in my mind. The processes in this Assembly have been an attempt to address this matter, but we certainly have not ended up with anything that we could all agree was workable.

As I understand it, what the Labor government is doing is saying that it is quite happy for committees to be involved in consultation with the community about the budget and what they want. That is what I saw this process doing. It wasn't useless. The people who had the opportunity and capacity to talk to committees did so. This was an interesting experience for all of us. In particular, the new members of the committee found it to be a good way to get across certain issues. One of the real merits of a committee system is that we learn through that process that we have an opportunity to hear the community.

The qualifications that I outlined in previous speeches here this morning are about how complete a picture we are getting. The fact that the document promised by the Treasurer was made available at a late stage is an issue of concern. I think there is an argument about how useful that document was anyway in terms of the consultation process and so on. So it will be interesting to hear Mr Quinlan's comments on that. Those are the comments I wanted to make on the whole budget process, and particularly on consultation and draft budgets.

The terms of reference of the public accounts committee make it pretty clear that we are looking at the broader government's issues, and that is what the committee picked up. We received a couple of submissions that were more related to education and health. Although the comments were interesting, I do not think they fit in very clearly with our terms of reference.

Various submissions were certainly within our terms of reference. One of these was from the ACT Council of Social Service, which had a number of recommendations about broader governance issues, including developing a people's charter, which is a similar notion to a bill of rights. The notion of the charter is that it would affirm the rights and entitlements of all members of our community, including people experiencing poverty, and ensure that all members of our community are treated with dignity and respect. That is an important broad issue.

ACTCOSS have a very strong position on poverty, social exclusion and so on. They talked about people in poverty and how best to address poverty. They made comments—as has my committee, the health committee—about the need for a purchaser/provider review which, as I have already said, the government is going to undertake. The need for increasing consumer and service provider participation is also very important in terms of democratic processes.

Access to and awareness of community services was also stressed by ACTCOSS. Their concern about reducing financial inequality was also very relevant to the PAC. They are wanting to see a community-based review of taxation that focuses on increasing revenue and boosting equality by ensuring a progressive taxation system. This is something that has been called for by ACTCOSS and the Greens for years, and I would hope to see a positive response to this by the new Labor government. Housing and transport were also raised as general issues. Other issues included advocacy needs and improved data collection to inform how government works and social plans fit into that. They are all very important points.

The Canberra Business Council also put in a comprehensive submission which raised a number of issues of concern to them, and they are listed in the report. I do not necessarily agree with everything that they said but they made some very good points, some of which I do agree with. I was interested in the discussion that occurred with the Canberra Business Council about revenue, business incentives and the competitive bidding between states that occurs to try to encourage businesses to come to the ACT.

The Business Council said that they were concerned about social issues such as the need to provide proper support for an ageing population and the changing demographic of our city. We had an interesting discussion about how they thought government's capacity to earn revenue sat with their desire and the desire of other business groups to see this competitive bidding occur between states. Obviously it suits them if they are being provided with incentives to set up business in different places. But this does have a consequence, which is loss of revenue capacity by governments which have responsibility for addressing social needs. There was an interesting discussion that I hope we will see continued in this place and in the broader community.

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The Tourism Industry Council, which also comes well within our terms of reference, did not make a submission but talked to us about the importance of proper support for tourism industry. It is very important that the tourism industry be squarely based on the objectives within its governing regulations, one of which is environmental sustainability. I agree that tourism is an important industry and that we need to be supportive. As well, it is a sustainable industry.

We also received submissions from the Junction Youth Service and Catholic Education Office and we were interested in listening to representatives of those organisations.

**MR SMYTH** (11.55), in reply: Mr Speaker, as others have made comment about the process, I will not dally on that too much, except to say that the lack of information and the lack of time did hamstring the process somewhat. I would agree with Ms Tucker's comment that it was interesting to talk to some groups face to face and get information on how they saw what was going on out in the community. I think it is very important that members, through committees, do that as much as they can in this regard.

Some of the groups expressed the view that they did not understand the context of what they were being asked and how they might deliver their information. So perhaps we need to have a discussion about whether it is really a draft budget process or simply just budget consultation; which is more effective; how might we get the best out of it for the people of Canberra; and how all here can be assisted in doing our jobs.

The three key groups that we spoke to were ACTCOSS, the Canberra Business Council and the Tourism Industry Council. They had a great deal to say. The first two certainly gave quite wide-ranging submissions. I think the contribution that ACTCOSS wants to make to reduce poverty and help people avoid or climb out of poverty, is very important not only to the personal wellbeing of Canberrans but also for the economic wellbeing and the stability of Canberra in achieving the triple bottom line of being environmentally, socially and economically sustainable.

They gave a number of examples, some of which were quite practical. For instance, they told us that some of the information that the government puts on the net is inaccessible to people with disabilities, and would urge the government to particularly look at that. They then went through some suggestions as to how we could improve accessibility to services and how we could reduce financial inequalities. These are important matters. The theme of access to affordable housing and transport and how that had an effect on the status of people in our society came up again.

They felt there was need to fund a study into unmet advocacy needs in Canberra, and that is also a theme that came across in the health committee as well—that there were people who did not know about services that were available. It is important that we help them use the system to their advantage.

Another theme that came out across a number of the groups was data collection. ACTCOSS said we needed to improve data collection. The Canberra Business Council said that we need to monitor demographic changes because we will see a change in Canberra's population over the next 15 years, particularly in the ageing population, and that will put pressure on things like health, transport and housing.

The Business Council in its submission was clearly representing the businesses, large and small, of the ACT and they had a number of suggestions about the regulatory and taxation frameworks. They wish to see further reform of the workforce regulations. Of course, we are yet to see the workers compensation and the occupational health and safety regulations that might come forward from this government. They had concerns about decision-making processes, particularly decisions on land usage taking too long, and were keen to see the reduction of government charges on business, particularly payroll tax. They saw the initiatives of the previous government to reduce payroll tax in particular as being very beneficial to the small and medium businesses of Canberra. Of course, the issue of insurance still continues to lurk, and the council certainly saw that there was need to make sure that the ACT government participates in a development of national solutions which the Treasurer has made quite clear they are working towards.

It is interesting that a group like the Business Council would put forward the need for monitoring demographic change, and I think it shows that they have a long-term view of the city that we might become. They appreciate the question of ageing, and those of us who moved here in the 60s and the 70s with our parents know that our parents are reaching retirement age. It is important that when the numbers peak in about 2015 we have in place services to meet their needs. So there is the potential for Canberra to be ahead of the game. It is something we worked on in government, and I would urge that the government looks at the need to monitor that demographic change.

The Business Council made a number of other specific suggestions. Indeed, they were very interested in the concept of implementing sustainable policies. They approved the establishment by the government of the Office of Sustainability, but they raised the point that it needed to be funded adequately if it was to do this job properly.

With members of the Convention Bureau and the tourism industry, they also raised the issue of what we are going to do about the facilities at the National Convention Centre. They see these facilities as the cornerstone of much of the tourism that comes with the ACT. They gave members of the committee copies of the PKF report which says there will be something like a \$1.7 billion loss in revenue over the next 10 years, and that will have, of course, effects on jobs and the viability of many small tourism businesses. They also wanted the government to take a more active role in promoting tourism.

The tourism industry reiterated much of what we had heard. In fact, some of them just shuffled the deck chairs and reappeared. The Tourism Industry Council raised the issue of event versus destination funding—something that was being addressed in the last budget, and hopefully it will continue to be addressed in the coming budget. They again indicated their support for the National Convention Centre and the need for adequate funds to be made available to make sure that it is upgraded. Both the CBC and the Tourism Industry Council brought to the attention of the committee the fact that convention centres around the country are all state funded, and it is quite an anomaly to have them in private ownership.

As Ms Tucker has mentioned, we had a number of other submissions, particularly from the Junction Health Service and the Catholic Education Office. They, of course, have a part to play in the economic wellbeing of the territory, but we decided that what they had to say would be better addressed by the health and the education committees.

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Mr Speaker, I would like to thank my fellow members on the committee for the work that we were able to achieve. In particular, I would like to thank Patrick McCormack for the work that he did. As we all would know, Patrick is new to the Assembly. He has also picked up the secretaryship of the estimates committee, and I think he has done a splendid job in getting us to the position where we are today. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Community Services and Social Equity—Standing Committee Statement by chair**

**MR HARGREAVES:** Mr Speaker, I seek leave to make a statement regarding an new inquiry to be undertaken by the community services and social equity committee.

Leave granted.

**MR HARGREAVES:** I thank members. Mr Speaker, at its meeting on 4 April 2002 the Standing Committee on Community Services and Social Equity resolved to conduct an inquiry into the rights, interests and wellbeing of children and young people in the ACT. The terms of reference are as follows:

Inquire into and report on the rights, interests and well-being of children and young people in the ACT with particular reference to:

- . children's and young people's understanding of the law and their rights;
- . the promotion and protection of the rights, interests and well-being of children and young people in the ACT;
- . the participation of and consultation with children and young people in the development of laws, policy and practices that have the potential to impact on them;
- . the role and impact of the care and protection system on children and young people;
- . the role and impact of the administration of justice for children and young people; and
- . any other related matter of Family and youth services.

Mr Speaker, it is the hope of the standing committee that the information gleaned from such an inquiry will be of assistance to the government in addressing a potential issue regarding young people in the ACT. For the sake of brevity, I use the term "young people" for the purpose of this speech to include children as well.

We want to look into the possibility that young people are not being considered as relevant elements of a system that purports to act in their interests—to provide them with care and protection at law. We often hear about issues to do with foster care problems and children being placed in care because of family disintegration. People have been fronting the law when possibly they should not have to. For as long as Mr Smyth and I have been in this place, we have been talking about the good bits and the bad bits of Quamby. I think it is timely that we had an inquiry and got the people connected with that sector to come and tell us exactly what their thoughts are.

Of course, I had a fair bit to do with the creation of the Lanyon Youth Centre, called Mura, and I pay tribute to Mr Stefaniak and Mr Smyth for their role in the creation of that centre. One of the big things about that centre—and this is unique in this town—is that it seeks to provide a solution before problems arise. A system of gateways, activities and educational pathways for things like suicide prevention have been created for the youth of the Lanyon Valley part of Tuggeranong before they reach an age where they could be in crisis. When the centre was created we were hoping the program would include kids aged 10. Now, a couple of years later, my information is that the centre has been a roaring success. I believe that they are having more demand than they can cope with, which in fact is a good sign.

I believe that the centre is conducted in such a way that it empowers young people with knowledge, education, contacts and networks. As a result, kids who are thinking about using drugs are headed off by their peers. Those people who are talking about suicide, as a lot of teenagers do because of either family dysfunction or their own lack of self-esteem, will be prevented from doing so because of the opportunity that that centre provides.

The inquiry will be very wide ranging, and the committee accepts that. I have not proposed a conclusion date for the inquiry, but off the top of my head I would suggest that it would be concluded in the second half of this calendar year. Mr Speaker, I commend the inquiry to the Assembly. I advise the Assembly that we have self-referred the inquiry. I also pay credit to the members of the committee, Ms Dundas and Mrs Cross for readily accepting the reference. I also pay credit to Ms Dundas for putting a lot of the beef on the bones of what it is we want to look into.

**MS DUNDAS:** I seek leave to also speak on this matter.

Leave granted.

**MS DUNDAS:** I believe that this inquiry is an important one and I am thankful that the committee has decided to take it on. I am very excited about this area. As this Assembly would know, since I have taken up my role in this chamber I have focused on the issue of the rights of young people, their interests and wellbeing.

This inquiry will allow and encourage great input from the community and young people. As the Youth Coalition (ACT) say in their policy platform, the needs and interests of young people must be reflected in all relevant government policy. Young people are a diverse population within the community who have a variety of changing needs, and hence government policy must be accountable to the community and should involve thorough meaningful community consultation. I believe that this inquiry will allow us to focus on the diverse population that is young people and allow them to contribute to the development of recommendations that will affect them and give them the opportunity to have input.

This inquiry, with its focus on the development of laws and young people's role in that, the rights of young people, justice, care and protection, will allow us to discover any problems that may exist in those areas. The Gallop inquiry occurred following three tragic deaths in the disability sector, and I do not want the death of a child to spark

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a similar inquiry into the care and protection system. So hopefully this inquiry will allow us to head that off.

I do not want to pre-empt the outcome of the inquiry, Mr Speaker, but I believe that we do need a commitment to the care and protection of children, and this includes more support for our children and young people who are not able to live at home due to abuse or neglect. Multiple placements, abuse in care, high case worker turn-over and adolescents being discharged from the care system without the support or networks required to succeed, are still common stories in the ACT.

As I have said, I am excited about this inquiry. I am sure that the committee will rise to the challenge of what is a wide-ranging inquiry because it is so important. I believe that young people should be involved in decision-making bodies, especially when decisions affect them, and this inquiry will allow that to happen.

**MS TUCKER:** Mr Speaker, I seek leave to speak.

Leave granted.

**MS TUCKER:** This looks like a good inquiry and I am pleased to see that the committee is taking on the work. I just would like to make one point. I think it is important that the committee recognises the amount of work that the community has already done on this subject.

Two inquiries were carried out not very long ago by the last Assembly. One was the inquiry into services for children at risk. That inquiry covered protection and care issues that I understand are in the inquiry we are now debating. The other inquiry looked at kids at risk of not completing their education.

The committee needs to be clear about what has already been done by the community so that we are not continually asking the community to present comprehensive submissions on a subject twice within three years. Those submissions are still totally relevant, and I think this is great because it keeps these matters on the agenda. But you need to be respectful of the work the community has already done. The fact that government has not picked it up is a major problem.

I think the terms of reference of this inquiry link in with a motion passed yesterday to ask this government to respond in annual reports to how they are implementing recommendations they have agreed to. Clearly, this government, which has members on committees, has not responded to those two inquiries. I think it would be very relevant for this government to now say in this debate or, if they want a bit of time to think about it, to say it in another way publicly, that they will be prepared to give this Assembly a response to those two inquiries.

It would be a good start for this committee if it was told what this government's position is on the work that has already been done. If this were done, we would also hopefully deal with the potential for duplication and make sure that the committee is able to continue its intention of keeping the issue of young people and their rights on the agenda.

**MR CORBELL** (Minister for Education, Youth and Family Affairs, Minister for Planning and Minister for Industrial Relations): Mr Speaker, I seek leave to speak.

Leave granted.

**MR CORBELL:** Mr Speaker, I wish to respond briefly to Ms Tucker's comments. This reference to the committee that Mr Hargreaves chairs is important. It is an important piece of work in highlighting the rights that young people have in the territory and the responsibilities that the territory has to protecting and providing for the well-being of children and young people in our community.

The terms of reference are very broad ranging, and a whole range of issues could potentially be looked at—everything from the statutory rights of young people through to issues around more aspirational aspects to do with the rights and the engaging of young people in the Canberra community. In that context, the government welcomes the inquiry and will be actively participating in it.

Ms Tucker raised a point about unanswered reports from the last Assembly. I didn't catch the second report Ms Tucker was referring to, but in relation to the report on young people—commonly known as “Young People at Risk”—the government will be preparing a response. In fact, that response to the report is just about complete, and I anticipate being in a position to table it in the next sitting of the Assembly.

**Ms Tucker:** Is that the children at risk of not completing education?

**MR CORBELL:** Children at risk of not completing satisfactory educational outcomes.

**Ms Tucker:** And the other one was services for children at risk.

**MR CORBELL:** Yes. The government at this stage is preparing a response to children at risk of not achieving satisfactory educational outcomes. I will certainly take the other matter on board and consider it further. But I thought it was important to respond to that report. The previous government failed to do that despite the fact that that was perhaps one of the most significant reports in terms of social policy delivered in the last Assembly. I think it is important that we respond to it and, as I have indicated, I anticipate that that response will be ready to be tabled at the next sitting.

## **Privilege**

**MR SPEAKER:** Members, you will recall that on Tuesday I advised the Assembly of action I had taken to brief counsel to seek to appear on my behalf as amicus curiae in proceedings in the Supreme Court on that day. The proceedings were in relation to the board of inquiry into disability services. The basis of my action was to ensure that the court was apprised of the possible impact of section 16 of the Parliamentary Privileges Act 1987 on the proceedings and the potential of subsection 16 (3) of the act to limit the use of any material that constitutes “proceedings in parliament”.

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Counsel was given leave to appear as *amicus curiae*—friends of the court—and the matter was addressed in the court on Tuesday. His Honour Justice Crispin ruled on the matter yesterday. His Honour concluded that, whilst it was possible that the copy of the report of the board of inquiry tendered in the court was produced for the purposes of or incidental to the transaction of business of the Assembly, there was no evidence to that effect. In the opinion of His Honour, privilege had not been established. For the information of members, I table a copy of Justice Crispin's reasons for the ruling.

The ruling, members, is one that I welcome. I believe that the guidance that it provides, together with the arguments advanced in the proceedings of the court on the matter, will be more than useful for the Assembly and its committees in the future.

It may now be timely to review any legislative provisions that we have put in place in the territory where the protection of the privileges and immunities of the Assembly is provided to documents that have been created for purposes that are not strictly related to the conduct of the business of the Assembly and its committees. In addition, the Assembly and its committees may also need to consider the tabling and receipt into evidence of documents that have a life independent of the proceedings of the Assembly. Two pieces of legislation that have been identified as requiring scrutiny are the Inquiries Act 1991 and the Auditor-General Act 1996, and there may be others.

I am proposing to write to the presiding members of Assembly committees this week to invite them to participate in a meeting of presiding members, and issues that arise out of this ruling will be one of the matters that I propose will be considered.

## **Health—Standing Committee**

### **Statement by chair**

**MS TUCKER:** Mr Speaker, I seek leave to make a statement regarding a new inquiry.

Leave granted.

**MS TUCKER:** At its meeting on 21 March 2002, the Standing Committee on Health resolved to conduct an inquiry into the health of school-age children. The terms of reference are as follows:

Inquire into and report on the health of school-age children in the ACT with particular regard to:

- . identifying current health status and emerging health issues;
- . the relationship between social, emotional and physical health;
- . mental health and body image, including gender influences and eating disorders;
- . family, cultural and socio-economic influences;
- . physical activity, diet and environment;
- . current practice in schools to foster a culture of health and well-being;
- . the role of government and non-government organisations in providing support;
- . appropriate models for service delivery; and
- . any related matter.

Mr Speaker, this is an inquiry that the committee is happy to take on. There has been quite a lot of interest in the community for some time now about the health of children in Australia generally, and the situation in Canberra is not different. I think we are all aware of the media images that are often presented to us of the children who are overweight and there is a notion that we need to do something about it. There are fitness issues for children in the computer age. Of course, it is a much broader issue than that, and certainly a relevant aspect of any inquiry is to look at the physical fitness of children and to understand the causes if their fitness is declining.

Absolutely essential in any discussion about health of children is the relationship between social, emotional and physical health. In this society we are often confronted with images in the media and in the community generally about the devastating impact of eating disorders on children. We are being given quite sensationalised pictures of very fat children or dying children, and I do not think that is particularly useful.

I think what we need to do is look carefully at what the situation is for children and how we can work as a community to support children's health so that they are physically and mentally well. If you are going to do that, you have to look at the social context as well. Obviously we have to look at the family, the school and so on.

I am hoping that this will be a positive inquiry which will result in a report which helps inform this Assembly and this government on the very critical issue of the health of our children.

## **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 5 of 2001, *The Administration of Payroll Tax*. I seek leave to table the statement.

Leave granted.

**MR SMYTH:** I present the following paper:

Public Accounts—Standing Committee—Statement on Auditor-General's Report No 5 of 2001,  
the Administration of Payroll Tax.

I will limit my comments to simply remarking that the government has the recommendations of the Auditor-General in relation to payroll tax under active consideration and the members of the Public Accounts Committee believe that a review by the committee is not warranted at this time. The committee intends to revisit this matter in September 2002.

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## **Community Services and Social Equity—Standing Committee Alteration to reporting date**

**MR HARGREAVES** (12.23): Mr Speaker, I seek leave to move a motion to amend the resolution of the referral of an inquiry into accommodation and support services for homeless men and their children to the Standing Committee on Community Services and Social Equity.

Leave granted.

**MR HARGREAVES:** I move:

That the resolution of the Assembly of 13 December 2001 referring the matter of accommodation and support services for homeless men and their children for inquiry by the Standing Committee on Community Service and Social Equity be amended as follows:

(1) Omit “by the last day of sitting in May 2002”

(2) Add

(c) “If the Assembly is not sitting when the Standing Committee on Community Services and Social Equity has completed its inquiry into accommodation and support services for homeless men and their children the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing and circulation.”.

Mr Speaker, this motion has been moved to suit the convenience of the Assembly by allowing the committee to report out of session.

Question resolved in the affirmative.

**Sitting suspended from 12.24 to 2.30 pm.**

## **Ministerial arrangements**

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): Mr Speaker, with your indulgence, I inform the Assembly that my colleague Mr Wood is not present at question time today due to his attendance at a ministerial council meeting. I am happy to take questions that may have been directed to him.

## **Questions without notice**

### **Privilege**

**MR SMYTH:** My question is to you, Mr Speaker. It concerns your submission on parliamentary privilege to Justice Crispin. You wrote to us all on Monday advising us of your decision to brief counsel on this matter. The *Canberra Times* of 10 April 2002 quotes counsel for Mr Stanhope describing Mr Stanhope as having extreme disquiet about what he considers to be your last-minute intervention in the case.

Did you write to or otherwise advise Mr Stanhope about your intentions before Monday? Do you consider that your media statement of 22 January 2002 and your statement in this place as Speaker on 19 February 2002 should have given Mr Stanhope a strong indication that you had an ongoing interest in this matter?

**MR SPEAKER:** I do not have an array of papers before me to check all the dates and comments you raise in your question. But it is a matter that has been around since before last Christmas. There has been some dialogue between me and the Chief Minister, and there has been some correspondence. I saw the report in the *Canberra Times*. I do not know on what basis that comment was made, but I do know that there has been some consultation with the Clerk and/or the law office.

I think it is fair to say there has been an understanding of the position of the Speaker in relation to this matter from the beginning. The claim that the papers might have been received late is a reasonable claim, but there has been an understanding of the issues for a long time.

I am happy to review all the pieces of correspondence and the matters to which you refer and report further to you on the matter if it will be of assistance to you. I will do that if you wish. Absent all the papers you have referred to, it is a bit difficult for me to comment in detail.

**MR SMYTH:** If you are going to take the question on notice, that is kind. Could you then please explain to the chamber how your position diverges from Mr Stanhope's and what led you to your decision to become a friend of the court?

**MR SPEAKER:** Would you repeat that, please?

**MR SMYTH:** Could you please explain to the chamber your position and how it diverges from Mr Stanhope's position on the matter and that led you to become a friend of the court?

**MR SPEAKER:** I do not think there is any difference between our positions. Mr Stanhope can speak for himself. I know from my conversations with him that he is also concerned about the privilege of the Assembly. That is the reason I have taken it on. In all the reports I have made to this place I point to that as an issue—my concern about the privileges which exist in this place. For you to say that there is a difference between me and Mr Stanhope is a bit of an exaggeration.

### **Home warranty insurance market**

**MS MacDONALD:** Can the Minister for Planning tell the Assembly what action the government has taken in response to the withdrawal of Dexta from the home warranty insurance market?

**MR CORBELL:** Members may be aware that the insurer Dexta has withdrawn from the home warranty insurance market. My office was advised yesterday that the MBA was no longer able to provide home owner warranty insurance through its agent Dexta for the

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residential sector of the building industry in the ACT. Dexta has advised the MBA that it will continue to insure those builders who have current policies for particular projects.

Members may be aware that the Building Act requires builders to take out residential building work insurance before they begin work. The insurance then protects building owners against the death, disappearance or financial collapse of the builder. After completion of the building work and the issuing of a certificate of occupancy, the insurance also provides ongoing cover for a further five years.

The collapse of HIH and the aftermath of the events of September last year have led to a series of crises for this product and many other insurance products; in particular, as most members would be aware, public liability insurance. As reported in the *Australian Financial Review* of yesterday, this issue goes wider than the ACT. Indeed, New South Wales and Victoria are experiencing similar problems.

Currently, there is a statutory requirement to provide this form of insurance, and residential building work cannot commence without it. The inability to provide this form of insurance means that builders who cannot obtain it simply cannot commence construction work.

The ACT branch of the Housing Industry Association has advised me that its insurer, Royal and Sun Alliance, is prepared to underwrite additional residential building work insurance in the ACT. However, there are limitations in relation to access to this insurance with respect to the time taken for assessments. I am advised that in some instances it may take a builder up to 16 or 17 weeks to get approval for insurance. Clearly, that is a major impediment for builders with projects about to commence.

The government is determined to ensure that residential building owners are protected as far as possible, whilst seeking to ensure that builders can continue to commence residential buildings. I want to ensure that the consumer needs of home owners and the industry's need to operate are protected fairly and as well as they can be in the existing circumstances.

As an urgent interim measure, I have asked Planning and Land Management to prepare a regulation under section 66 of the Building Act to allow builders who own the land on which a home is being built, often known as speculative builders, to postpone the requirement for residential building work insurance until the completion of work. A certificate of completion will not be issued until the insurance has been obtained. That is an important requirement to protect the ultimate home owner.

I would like to make it clear that builders who enter into a contract with an owner to build a house or to undertake extensions will still be required to obtain residential building work insurance before work commences. Again, that is absolutely to protect the consumer. The regulation that I have alluded to will not apply to the circumstances for contract builders.

Currently, this form of insurance is only available through the HIA's insurers, Royal and Sun Alliance. However, there are constraints in obtaining this insurance, including financial vetting, and, as I have alluded to, there is a lengthy time for processing applications, due to the need to ensure that builders will be able to complete the work.

My office is having urgent discussions with the HIA and the MBA on this matter. I have arranged for a roundtable meeting of all industry representatives next Monday to further develop interim strategies to ensure that the residential construction industry can continue its normal work and that consumers are properly protected in both the short and longer terms.

I have also written to the federal minister responsible for small business, Mr Joe Hockey, urging that there be a cooperative national approach to this critical issue, which is an issue that goes beyond the ACT's borders, having a significant impact on both the Victorian and New South Wales residential building markets.

I would like to place on the record my appreciation of the assistance of both the Master Builders Association and the Housing Industry Association in working with the government to speedily address these issues. I will be continuing to work with the local building industry to facilitate the provision of an appropriate response to this critical situation and I will endeavour to keep members informed on that.

**MS MacDONALD:** I have a supplementary question, Mr Speaker. How will that assist the building industry in the ACT?

**MR CORBELL:** The key issue is that the regulation I have indicated under section 66 of the Building Act will be an interim measure. It will allow speculative builders to continue with commencements. Of course, speculative builders are a significant part of the local residential building industry. The key issue that we will need to address is that of approval so that insurance is in place and homes can be occupied. That is a longer term solution that will need to be worked through. I will be working with officers of PALM and the industry to seek the appropriate response and consider appropriate legislative requirements, if required.

### **Condom vending machines**

**MS DUNDAS:** My question is to the Minister for Education, Youth and Family Services. Is the minister aware that condom vending machines exist in toilets for both males and females in Tasmanian secondary schools and have for several years? Minister, do you have any thoughts on introducing condoms into ACT schools and colleges?

**MR CORBELL:** I am not aware of the status of condom vending machines in schools in Tasmania. The second part of the question really asked me for an opinion. I do not know whether that is in order or not, but I am certainly happy to take the question on notice and provide some further information to Ms Dundas on the policy of providing condom vending machines in secondary schools.

**MS DUNDAS:** Mr Speaker, if the minister is taking the question on notice, I would express concern that he does not have an opinion about it. I also have a supplementary question: will the minister embark on a harm minimisation approach to sex education such as a trial of condom machines in schools?

**MR SPEAKER:** Under the standing orders, you are not entitled to ask him for an opinion.

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**MS DUNDAS:** And I noted that he refused to express an opinion.

**MR CORBELL:** I am quite happy to answer the supplementary. The point I was making, Ms Dundas, is that it is not in order for you to ask a minister for an expression of opinion. That is not to say I do not have one; I do have one. I am quite happy to provide further information to Ms Dundas on the current status of the provision of condoms in secondary schools and colleges. I need to get advice on what the current policy is in that regard, and I will get that information to you as soon as possible.

I have to stress that this government's approach is strictly one of harm minimisation. We do not take the prohibition view entirely. We do not accept that prohibition is the only way of addressing this issue. Harm minimisation is the key priority for this government across all those areas.

**Ms Dundas:** So does the government support condoms in schools?

**Mr Stanhope:** Some colleges are removing vending machines because nobody is using them, Ms Dundas.

**MR CORBELL:** So the answer—

**Mr Cornwell:** On a point of order: who is answering the question? I thought it was directed to Mr Corbell, and the Chief Minister is interjecting.

**MR SPEAKER:** Mr Corbell.

**MR CORBELL:** Mr Speaker, harm minimisation across all areas of the health field, including sexual health, is extremely important. It is an issue the government treats very seriously. This government went to the election with a clear and explicit policy on drugs and other areas of health, one which emphasised a harm minimisation approach. That is certainly the philosophy that continues. In relation to the specific issue of condom vending machines in schools, I am happy to provide that information to Ms Dundas, once I have it.

## **Gallop report**

**MR HUMPHRIES:** Mr Speaker, my question is to Mr Stanhope as Attorney-General. On 14 January this year on ABC radio you said in respect of the Gallop report:

I have a very strong desire to table the report ...

You made similar comments on radio 2CC and in the *Canberra Times*. However, in the judgment delivered yesterday by His Honour Mr Justice Crispin in the litigation which has sprung up over this, the following passage appears:

Mr Walker, who appeared for the Attorney-General, supported Mr Howe's submissions. He also stressed the fact that there was no evidence that, at the time he made copies available to the plaintiffs, the Chief Minister had formed any intention to table the report. He informed me that since notice of the Speaker's submissions had been received only late on the afternoon of 9 April 2002, time had not permitted

the preparation of any supplementary affidavits, but that he had been instructed that the Chief Minister, who was also the Attorney-General, had not formed such an intention by that time and would call evidence to that effect if necessary.

Mr Attorney, these statements are clearly completely contradictory, unless, of course, you intended to table the reports in the media but not in this parliament. So can you say who was telling the truth—your counsel in the Supreme Court or you on ABC radio?

**MR STANHOPE:** Both statements are true, Mr Humphries.

**Mr Humphries:** That's a puzzle.

**MR STANHOPE:** No, no.

**Mr Humphries:** So you did or didn't intend to table it?

**MR STANHOPE:** What date is the press release? The press release is dated 14 January. What date was the counsel in the court referring to? The counsel in the court was referring to 23 December. The 23 December precedes, predates, 14 January, when I made that statement, Mr Humphries. For goodness sake! Who is the brains trust who is writing your questions? Who is the brains trust responsible for the Liberal Party's questions in this place? What date was the press release that you just quoted from? A statement on 14 January. What date were the reports released to the public servants? 23 December. What comes first—23 December or 14 January?

The counsel was quite clearly referring to the release by me, or on my authorisation, of the report to the public servants named in the report. When did that occur? That occurred before Christmas. Over two weeks later—three weeks later, in fact—I had come to a decision that I would release the reports.

**Mr Humphries:** So you changed your mind?

**MR STANHOPE:** No. Absolutely not. I just can't believe how puerile this question is. I provided before Christmas the Gallop report to a number of public servants who were adversely named in the report. I arranged for that to occur. That occurred before Christmas. At that stage I had not actually made a decision one way or the other how I would proceed with the report, other than it was my intention that it be released publicly. That was the decision that I made before Christmas, that the report would be made public at some stage and I would release it. I made that decision.

But in doing so, as I have explained in this place ad nauseam, I felt it appropriate that a number of public servants who were adversely named and treated in the report be at least given the courtesy of looking at it, that they should have the opportunity to see what was being said about them before they read about it in the *Canberra Times*.

But you, of course, have made your position and your attitude towards public servants abundantly clear in this place. You have done so in this instance and in a thousand other instances—that you don't care for them, that you deride them. But I felt it appropriate that those public servants named adversely be given an opportunity to have a look at it before reading about it in the paper.

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**Mr Humphries:** But not the rest of us?

**MR STANHOPE:** At that stage, no. At that stage my intention was—this was the day before Christmas—that those public servants be given an opportunity to view the report. I stated at that time on those dates that I would give further consideration to the release of the report after I had received advice from the ACT Government Solicitor. At that stage, the ACT Government Solicitor had advised me that he would not be in a position, because of Christmas, to give me that further advice until, I think from memory, at least 7 January.

**Mrs Dunne:** 7 January, 14 January—when did you change your mind?

**MR STANHOPE:** I didn't change my mind at all. I said at all stages, I said at all times, that I would make a decision. I said at all times that it was my intention to release the reports. It was not until—

**Mrs Dunne:** Not according to the evidence yesterday.

**MR STANHOPE:** Mrs Dunne, there is a significant gap in time between 23 December, 24 December and 10 January. What are you saying, that—

**Mrs Dunne:** You just said you always intended to do it. Your representative said yesterday that you didn't.

**MR STANHOPE:** I just can't believe how puerile this is—that the Liberal Party cannot understand that at the time counsel in the court said that the Chief Minister had not made a certain decision. And I hadn't. I had basically at that stage simply arranged for a copy of the report to be provided to the six public servants adversely named, to give them an opportunity to read it. I had arranged to receive more detailed advice from the ACT Government Solicitor, which I believe he advised me would not be available before 7 January.

At that stage, I have to confess, I went to Broulee for a week and did not give the Gallop report all that much more thought for that week. Certainly, I had not decided during that week whether or not I was going to table it. But by 10 January, from what you say, I was making statements about the desire that I had to see it tabled. There is absolutely no inconsistency between the two statements—none whatsoever.

**MR HUMPHRIES:** Mr Speaker, I have a supplementary question. How does the Chief Minister reconcile his counsel's view, which he has now supported, that he had formed no intention to table the report at the time he said he handed the report to public servants, when during the preceding months of the election campaign he had consistently called for the report to be made public at the first available opportunity? If your comments are consistent with a change of mind or a forming of a view after you gave the report to the public servants, how do you account for your call before you even received the report that it should be in the public domain at the first available opportunity?

**MR STANHOPE:** Quite simply, Mr Humphries. Having regard to the amendments that you have sought to introduce to the Inquiries Act, I thought you would have understood the difference—that there are at least two ways, and perhaps more, that the report might have been made publicly available, put on the public record, by me.

One was in the circumstances that you just suggested, that I could simply have released it publicly. I could have released it to the media, I could have handed copies out in the street. That was one of the issues, of course, on which I sought advice from the ACT Government Solicitor—what the implications of that would be.

As you know, because I have provided you with a copy of it, the ACT Government Solicitor provided me with advice that, for the purposes of certainty around the issue of absolute privilege, the better course of action for me to follow was to table the report in the Assembly in order to ensure—

**Mr Humphries:** You said it had to be tabled—

**MR STANHOPE:** Listen to the answer because your assumptions are just shot to pieces. I have legal advice from the ACT Government Solicitor, a copy of which I provided to you, which advised me that, for the want of certainty, to put the matter beyond doubt, and in order to ensure that the report attracted absolute privilege, it should be tabled in the Assembly and that a motion should be moved that its publication be authorised.

**Mr Humphries:** It is a separate issue, Chief Minister.

**MR STANHOPE:** It is not a separate issue. They were the options available to me. I took advice on the options available to me.

One of the options was to simply release it broadscale. The other option was to table it in the Assembly. I took the advice of the ACT Government Solicitor and chose to table it in the Assembly.

**Mr Humphries:** It is not how you were going to table it; it is whether you were going to table it.

**MR STANHOPE:** That wasn't your question.

**Mr Hargreaves:** Mr Speaker, I rise on a point of order. You have been particularly tolerant of the disruption of the Assembly through constant interjections. I would merely ask you to invoke standing order 202 and apply it to all those members who constantly interrupt.

**MR SPEAKER:** Thank you, Mr Hargreaves, for your point of order. There seemed to be a pressing desire by members of the opposition to have Mr Stanhope tell them the story over and over again. I don't know why.

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## **Funding for ParentLine**

**MS TUCKER:** Mr Speaker, my question is to Mr Corbell. It is regarding the worrying lack of certainty about funds for the service of ParentLine. ParentLine was established by the previous government in a partnership which included substantial funding from the NRMA. I was concerned, at the time, about the long-term viability of this sort of funding arrangement.

I understand there is currently a delay in the NRMA's decision as to whether or not to commit to continue to fund this service. What is your government's position on this issue? Are you going to fund this service if the NRMA no longer so desires?

**MR CORBELL:** Mr Speaker, I am not aware of the issue Ms Tucker has raised. I will take the question on notice and get some details back to her as soon as possible.

**MS TUCKER:** I ask a supplementary question on the general issue. I do not know whether you will be able to answer this question. I have written to you about this—about three or four weeks ago. I can look that up.

As a more general question, my supplementary question is: what is the Labor government's position on this sort of funding arrangement, where you have an essential service funded basically by the private sector?

**MR SPEAKER:** If this involves the announcement of executive policy, I think you run foul of the standing orders.

**MR CORBELL:** Mr Speaker, I will be cautious in my answer. Obviously, the issue Ms Tucker has raised is one of significant concern. If important services are subject to funding through private sponsorship arrangements, there is always the possibility which appears to have arisen in the case raised by Ms Tucker. Clearly, these are issues the government will need to revisit.

This was an arrangement put in place by the previous government. We will need to revisit the circumstances of that decision and ascertain whether or not the current arrangements, as put in place by the previous government, are still appropriate. I will certainly endeavour to look at that closely, as a result of Ms Tucker raising the matter with me. I will get back to her as soon as possible.

## **Tuggeranong Community Council**

**MR PRATT:** My question is to the Chief Minister. My colleague and fellow Brindabella representative Mr Smyth received a letter from the Tuggeranong Community Council that says, if I may paraphrase the four salient issues:

Dear Chief Minister

... we have been trying to arrange a meeting with you to discuss the serious problem we have in the Lanyon Valley re Doctors/Dentists ... When we try and make an appointment we hit a brick wall ... we can not book halls and publicly announce

meetings if you are not going to attend ... In all the years I have been in office this is the first time that this Council has ever been treated in this way.

Are the allegations and statements made in this letter correct?

**MR STANHOPE:** I have not seen a copy of the letter, I have to confess. I know that my diary is extremely full to overflowing.

**Mr Humphries:** So was mine and I still got to those meetings.

**MR STANHOPE:** Is that right? I bet your diary is not as full as mine. I bet your diary was never as full as mine is and has been, Mr Humphries. I have an extremely heavy meetings diary. It is constantly full. As I said, I am not aware of the letter. I have not seen it. I will take the issue up.

**Mr Pratt:** Would you like me to table this for you?

**MR STANHOPE:** I don't know.

**MR SPEAKER:** Do you have a supplementary question, Mr Pratt?

**Mr Pratt:** Shall I table this letter for the Chief Minister?

**MR SPEAKER:** You can ask a supplementary question or you can sit down.

**MR PRATT:** My supplementary question is: Chief Minister, how do you reconcile this with your pre-election commitment to open and accountable government and the local ALP platform commitments to "listen to the community, take part in those matters that people find important and support them in their endeavours"?

**MR STANHOPE:** Ours is a very open government.

**Mr Humphries:** They can't meet with you. How can it be an open government?

**MR STANHOPE:** It is an open government. There are more members in this government than just myself. In fact, there are more members in this government than in any other government since self-government.

**Mr Humphries:** No, that is not true.

**MR STANHOPE:** You have had nine members, have you? I know that my Brindabella colleagues Bill Wood, John Hargreaves and Karin MacDonald meet constantly with the Tuggeranong Community Council. There is no more regular supporter or attendee at meetings of the Tuggeranong Community Council than John Hargreaves.

**Mr Smyth:** How do you know that?

**MR STANHOPE:** I just know it to be a fact. You know that too, Brendan.

**Mr Smyth:** We will check the attendance record.

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**MR SPEAKER:** Order! Members, you ask Mr Stanhope questions—

**Mr Humphries:** And get no answers.

**MR SPEAKER:** We will go through this at every question time if you like. I am not in a position to force Mr Stanhope to utter your words. You would like to see him immolate in front of you, I am sure, but he is not going to do that. I think that is pretty obvious, so would you please give him a chance to answer the question without the strong interference you are trying to run. You complain that he cannot answer the question. I suggest to you it is a bit hard to answer the question in the face of that barrage.

**MR STANHOPE:** Thank you, Mr Speaker. I will say no more than that, in terms of the work I do, the hours I work and the number of organisations and individuals I meet, I will match myself against anybody in this place at any time. I make the point again that the Labor Party has three members in Brindabella, which is significant. They are all devoted to their electorate. They are all regular attendees at the Tuggeranong Community Council. Indeed, Mr Hargreaves advises me that he has been, for between 13 and 15 years, in unbroken membership of the Tuggeranong Community Council. He is one of the longest continuing members of the council. The Labor Party has very significant ties with, and constant representation at, the Tuggeranong Community Council.

I will use my best endeavours to meet with the Tuggeranong Community Council when it is consistent with my diary commitments.

### **National Youth Week**

**MS GALLAGHER:** My question is to the Minister for Education, Youth and Family Services. As the minister would be aware, National Youth Week, a week of events aimed at encouraging young people to share ideas, participate in their communities and have a say on issues of concern to them, is taking place this week, celebrating diversity and achievement by young people in the community. Can the minister tell the Assembly about some of the events occurring this week and how the ACT government has recognised the contribution of young people and is supporting the youth week initiative?

**MR CORBELL:** This week is National Youth Week, a very important event. It is a period to highlight, recognise and further engage young people and the contribution they make to the Canberra community. National Youth Week kicked off last Sunday. I was very pleased to see my Assembly colleague Helen Cross at the National Museum last Sunday for the launching of youth week. There was an excellent turn-up at that event. It was the biggest launching ever and included the announcement of the name of the Young Canberra Citizen of the Year as well as some provoking and thoughtful performances from a local youth theatre group.

Youth week will continue for the remainder of this week. This morning I launched Confest 2002 at the Galilee youth haven on Kambah Pool Road, Kambah. Confest is a program put together by Galilee, the Tuggeranong Community Arts Centre, Winnunga Nimmityjah and a number of other organisations to highlight the cultural and artistic contributions that young people make in the Canberra community and show that, through artistic and cultural engagement and involvement, young people can not only make

a contribution but also help to heal and build themselves up if they have been through very difficult and pressing circumstances—not simply through support but through their engagement in cultural and artistic endeavour.

Confest is just one of the programs this week. On Monday I was pleased to launch a forum on planning and young people in Canberra, commissioned through the Youth Coalition of the ACT and involving the Australian Federal Police. That forum looked at public spaces and how young people could be better engaged in the planning process. Much of our public space, particularly shopping centres such as the Canberra Centre and the various malls around the town, is privately owned; yet those areas are very much public places for young people to meet, to gather and to enjoy each other's company. Engaging young people, property developers, the police and the broader community in the planning process for public spaces is extremely important, and this forum has sought to highlight and further the goals there.

A range of activities are taking place in youth week, which finishes next Sunday. If you have not been able to get involved, I would encourage you to get in touch with the Youth Coalition of the ACT, which has been instrumental in putting together youth week this year, as it has in previous years. It developed a very strong program this year. I would encourage everyone to get involved not only as a way of recognising the contribution that young people make to our community, a recognition that should not occur simply in youth week but should occur throughout the year, but also as a way of realising and acknowledging the significant contribution that young people make every day in our community.

**MS GALLAGHER:** I have a supplementary question. Minister, can you tell the Assembly the name of the winner of the Young Canberra Citizen of the Year award announced during the launching of youth week and what the award aims to achieve?

**MR CORBELL:** We had an exceptional winner of the Young Canberra Citizen of the Year award this year in Jonathon Lovell, who is currently a student at the Australian National University. When I was asked to approve his nomination I was given a copy of his academic transcript and it made me blush. I do not think that there has been anything much below a high distinction in the four years he has been at the Australian National University.

Jonathon's contribution was acknowledged not simply for his academic endeavour but, just as importantly, for his contribution to the community as well as his excellence in sporting fields. Of particular note was Jonathon's contribution in helping families and refugees new to our community. He has been involved in helping to mentor and provide support in a grassroots way to families which are supporting refugees in the Canberra community as well as refugees newly arrived in the community. For him to be doing that this year in particular certainly was an issue that well deserved recognition and that was able to be achieved through the Young Canberra Citizen of the Year award.

Two other nominees received special mention. The quality of the nominations this year was very high. I am sure that Jonathon Lovell will be a superb ambassador for young people in Canberra throughout the coming year.

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## **Budget expenditure**

**MR CORNWELL:** Mr Speaker, my question is to the Treasurer, Mr Quinlan. I refer to the *Canberra Times* of 23 March this year, after the state and territories treasurers meeting. You are quoted as saying:

Although two million does not seem much in a two billion budget, most expenditure was unavoidable. Only about 10 per cent was unavoidable over the short-medium term, so in this context, it was significant.

Can you advise the Assembly which areas you consider fall within that 10 per cent? You cannot? I will ask a supplementary question, if you like.

**MR SPEAKER:** You get a supplementary after.

**MR QUINLAN:** I will explain what I meant. I have to join with Mr Stanhope in querying the brain process behind your questioning process, which is: "We are going to trap you with silly stuff."

This is a general statement. Recognising the fact that the ACT government operates at both state and local level, there are a huge number of services that the government must run every day. We must have a police force and we must have all of the city services which fall within—

*Opposition members interjecting—*

**MR QUINLAN:** Excuse me! Do you want an answer or not? Do you want to hear what I am driving at, or do you want me to say—tell me what you want me to say! See if I will cop it or not. I am just telling you.

**MR SPEAKER:** Mr Quinlan, do not bait them. Do not ask them questions. They are sure to give you an answer.

**MR QUINLAN:** Because of the way the question was framed, I do not know exactly what he wants. I am trying to give the message that I was trying to communicate. The message that I was trying to communicate is that at any given time, an ACT government of any colour, for the short and mid-term, does not have \$2.2 billion of discretionary expenditure. There are so many things it must do. When you start adding those up, it is highly likely you will find that the discretion a government might have, at any given time, would be less than 10 per cent of the overall budget. That is all I will say.

**Mr Humphries:** He is asking what that 10 per cent is.

**MR QUINLAN:** A lot of that 10 per cent will be at the edge of the other 90 per cent.

**Mr Humphries:** That is very specific, isn't it?

**MR QUINLAN:** I was not being specific, you fool! Can I be specific about some time when I was not being specific? Get off it!

**MR SPEAKER:** Order, Mr Quinlan! Withdraw the imputation.

**MR QUINLAN:** What—that he is a fool?

**MR SPEAKER:** Yes.

**MR QUINLAN:** Is that the one?

**MR SPEAKER:** Yes, that is the one.

**MR QUINLAN:** I withdraw the imputation that the Leader of the Opposition is a fool.

**MR SPEAKER:** Thank you, Mr Quinlan.

**MR QUINLAN:** I am making a general statement. Am I to infer, from the question, that you are asking me to list precisely 10 per cent of the ACT budget that is discretionary? Under how many headings would you like it?

**Mr Humphries:** In general. Give us a clue.

**MR QUINLAN:** The question is a nonsense.

**MR CORNWELL:** Perhaps I could assist the Treasurer with a supplementary question. You mentioned that you had this problem with this money, and you spoke about the edge.

**MR SPEAKER:** You seem to have a problem coming to your supplementary question.

**MR CORNWELL:** I stand corrected, Mr Speaker. I ask a supplementary question. Why do you consider seeking to cut 2 per cent efficiencies from key areas like health, education and the police, when you speak about an edge with regard to expenditures in government in your overall budget? Why aren't you cutting them?

**Mr Humphries:** That is right. Why put cuts in the edge, rather than the other 90 per cent?

**MR SPEAKER:** Would you like to take further instructions from Mr Humphries on that question?

**MR CORNWELL:** That was addressed to the Treasurer, was it not, Mr Speaker?

**MR QUINLAN:** The reason we asked agencies to look for 2 per cent savings in their overall budget was that we believe that this is going to be—it has to be—a tight budget. I have read out some of the reasons why it might have to be a tight budget. If you like, I will read them out in a different order, so there is a little variety in your life. I can add to that.

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As an example, last year's budget almost doubled the normal level of annual capital budget—two years in one. At the same time, it set us on a path of running down the territory's cash to virtually zero, over the space of the budget—not a really responsible route to take. There was a government under a lot of pressure. There was a government that had—I was going to say “had been discredited”—actually discredited itself in a number of activities.

Speaking through you, Mr Speaker, to Mr Humphries and to Mr Cornwell: at the time of the election I was insisting that you come out with estimates. I was saying, “I don't think the situation is as good as you are painting it.” Lo and behold, it ain't as good as you were painting it!

There are a number of pressures which exist right now. It will all come out in the fullness of time. However, if you, on the other side of the Assembly, believe that the economy is in great shape and will just expand and expand from now on, you are delusional.

After the exhibition earlier this week, when Mr Humphries was complaining about the lack of detail in his own numbers—because he thought they were mine—I am starting to understand that maybe you are not delusional but you just don't know, and you never knew. I will point out, through time, just how irresponsible the past budget was.

I would love to be the Treasurer who came in and just spent more. I would love to be the Treasurer who came in and spent more on capital works in the coming year than you did—

**Mr Humphries:** On a point of order, Mr Speaker: I do not mind if there is a meander all over the world on this question, but the question was about why cuts were not being targeted to what Mr Quinlan calls the 10 per cent edge, which is discretionary. Is he going to get to that answer, at some point, or are we going to sit here for another quarter of an hour? Is he actually going to get to this answer at some point in this question?

**MR QUINLAN:** Do you want me to answer that question?

**MR SPEAKER:** It is up to you to respond to the question.

**Mr Humphries:** It is a question of relevance.

**MR QUINLAN:** Am I prepared to stand here for another 15 minutes? The answer is yes.

**MR SPEAKER:** I think Mr Humphries wants you to answer the question with his words, but I am sure you will want to use your own.

**MR QUINLAN:** I will give you the answer, eventually.

**Mr Smyth:** I have a point of order as to relevance. Mr Quinlan, in his election promises, said that they would limit themselves to four-minute answers. Is he breaking another election promise?

**MR SPEAKER:** According to standing order 118 (a), the answer to a question without notice shall be concise and confined to the subject matter of the question. It was a broad-ranging question, so I rather suspected you would end up with a broad-ranging answer. So far, I do not think he has drifted off the subject of the budget.

**MR QUINLAN:** Mr Speaker, in answer to the first question, I pointed out that I was talking in “the band”—at the edge, at the margin. That is a term used in economics. That can be at the margin of everything. Some things can be at the margin and some are not. When I made the first statement, I did not have with me a book of all the items, all the expenditure lines, of the territory that were included, as you well know. So, as I said, it was a dumb question to start with. I have to say that the supplementary is consistent with the original question. It was a non-question.

### **Statesman Hotel—redevelopment**

**MRS CROSS:** My question is to Mr Corbell as the Minister for Planning. On Wednesday, 27 March, some 350 people attended a privately organised public meeting in Curtin to hear proposals from prospective redevelopers about intentions for the Statesman Hotel-Motel. Does your silence to date on this proposal, which has alarmed residents, indicate sympathy with the redevelopment plans, or is this just another anxiety-causing by-product of the uneasy hiatus you have created with your neighbourhood planning process?

**MR CORBELL:** It means that no formal proposal has been presented to the government. No formal proposal has been presented to PALM. I am simply not in a position to comment on the detail of the proposal. As far as I know and as I am advised, it simply means that a lessee in the Curtin area—I understand the lessee of the Statesman Hotel—is putting together a proposal for a significant redevelopment of the Curtin shops. I have some significant concerns with some of the issues that have been raised by that developer, particularly in relation to the height and density of buildings. But these are matters which should be appropriately addressed when more detail is at hand, so that the government can take a considered approach.

This is in stark contrast to the approach adopted by the chair of the Standing Committee on Planning and Environment, Mrs Dunne. Mrs Dunne seems to be taking a very hypocritical approach to her role as chair of the Planning and Environment Committee. The key issue is that you have to practise what you preach. Mrs Dunne, in an article in the *Canberra Times* on Wednesday, 30 January this year, said:

I would like to draw back and say with every draft variation that comes before us, first and foremost, is it in the best interests of the territory to change the use of this land?

She went on to say that she wanted to see a more dispassionate and balanced approach to considering planning issues in the territory. If that is the way she wants to conduct herself as chair of the Planning and Environment Committee, that is great. That is fine by me. I do not mind how she does it, as long as she does it consistently.

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My concern is that, in relation to this proposal, Mrs Dunne, without any clear understanding of the issue or any detailed analysis or detailed proposal, has already decided that the proposal is not a goer. I refer members to a TV report on WIN Television on 1 April this year—maybe it was an April fools trick—in which Mrs Dunne said, “This proposal is dead in the water before it starts.” So much for taking a dispassionate and considered view of the proposal.

The point I make is that you have to practise what you preach. If you are going to take a different view to these issues, that is fine, but Mrs Dunne cannot have it both ways. Mrs Dunne cannot stand up in this place and say, “I am going to be dispassionate; I am going to look at the issue on its merits,” when there is no proposal, when there is no indicative proposal even. What was Mrs Dunne’s reaction? “It is dead in the water before it starts.”

This government is going to take a more principled and objective view of all these proposals. We have concerns about density and height in residential areas. Those concerns are on the record and have been on the record for a considerable period of time, since well before the election. For Mrs Dunne to say one thing and do another is very hypocritical.

**MRS CROSS:** My supplementary question is: why, Minister, did you feel it necessary to shoot first and ask questions later on important development issues like Red Hill precinct, Charnwood High School, Deakin soccer oval, Kippax, et cetera?

**MR CORBELL:** I think the big difference is that with all those issues there had been an Assembly committee inquiry before we took a view. If I recall correctly, on each and every occasion there had been a detailed investigation by an Assembly committee or, in the absence of an Assembly committee investigation, there was a clear and detailed proposal on the table.

Let me take Red Hill as an example. Red Hill is the most significant area with large-scale blocks in a garden city environment in the Western world, according to one prominent expert from the University of Western Sydney. What did this mob opposite want to do? They said, “Let us subdivide it. Let dual occupancy run rampant through the area. Let dual occupancy completely destroy the heritage character of the suburb.”

There was an Assembly inquiry into that issue. Expert evidence was presented to that inquiry, and on the basis of that investigation the then Labor opposition did the right thing and moved to protect the heritage aspects of old Red Hill. And guess what? We embarrassed that mob into it. It took a couple of times, but you were embarrassed into doing it, because you were copping too much flak on the issue.

If you are going to consider planning issues, you at least have to take the time to look at the detail of a proposal before you announce your position. You should not say on the basis of a public meeting, particularly when you are the chair of the Planning and Environment Committee, that it is dead in the water before it starts.

## Capital works program

**MR STEFANIAK:** My question is to Mr Quinlan. In providing an answer to a question from Mrs Cross in relation to the ALP position on budget cuts, you said the following:

A year or so ago, when the government brought down its budget, it brought down a capital budget which was twice the size of the normal annual budget. It does not take much to work out that the territory's finances cannot digest that sort of level of increase in expenditure. That, of course, was reflected if you looked at the cash line in the budget. The unencumbered cash of the territory was running down at an alarming rate. We are still facing, in large part, that situation.

Can you confirm that it is the view of the government that the capital works program in the 2001-02 budget was too large? If so, can you further advise the Assembly what size capital works budget you consider the territory could have afforded this year?

**MR QUINLAN:** Taking into account last year's capital budget itself and other capital expenditures, off the top of my head, we are up in the area of \$200 million. Looking at the numbers, we could probably digest about half of that in a normal year. That is what we would do if we wanted to be consistent and get an even flow of work—an even flow not just to manage our own budget but also to let businesses out there align themselves.

Unfortunately, if you have too many works for the wrong reasons or a rush of works, you will attract outside contractors who will come and knock off the work and then move away again, if that is possible. Local industry will of course miss out because, sooner or later, if you spend that sort of money, there has got to be an equal and opposite decrease.

If the capacity of the territory can sustain \$100-odd million consistently and, unless there are some minor miracles in windfall gains, sooner or later you will have to take that back out of the capital flow. If you create an inconsistency by overspend, it will create a difficulty later. In answer to your question, the capital works budget would be about half what was implied in the last budget.

**MR SPEAKER:** Do you have a supplementary, Mr Stefaniak?

**MR STEFANIAK:** Thank you, Mr Speaker. Treasurer, will the government be aiming, in the budget for the 2002-2003 fiscal year, to reduce the capital works budget to the size that you indicated in your answer? What will be the impact on employment in the building industry? Has the government started work yet on determining what capital works projects in the pipeline will be cancelled or postponed?

**MR QUINLAN:** To answer the last question first: yes, we have started work on reviewing items in the capital works budget that have not commenced, as you would anyway. That is only common-sense budgeting, isn't it?

One of the difficulties I find in looking at my first budget is the time and the capacity to actually do any zero-based stuff. You guys on the other side of the house are complaining about the arbitrariness of a possible 2 per cent cut. When successive governments have needed to, they have had razor gangs or across-the-board cuts or whatever you like to call it, mainly because the complexity of state budgets at times just

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doesn't allow you to go back to zero base. But you can go back to zero base more with a capital works budget. We certainly have. There are a number of mandatory things to be done.

I do have to say that I share the concern that you have that is inherent in the question: there will be fluctuating work levels available to the building industry or kindred industry contractors out there. That is, in fact, part of the problem that I was referring to in the answer to the original question.

Having distorted the process by overspend or by spending beyond a sustainable capacity and by creating the peak, you have just implied the trough. I have to say that I have been talking about this particular phenomenon since the budget was brought down last May—talking about the scorched earth policy that seemed to be inherent in the budget that was brought down; blow all the cash so that the opposition, us at the time, was not able to make many commitments before an election. That is a very cunning tactic. By gee, the fall-out—

**Mr Humphries:** It was about job creation, wasn't it?

**MR QUINLAN:** If it is not sustainable, Mr Humphries, it is not good management simply—

**Mr Humphries:** It was while there was a problem.

**MR QUINLAN:** Since I have been asked for my opinions by Mr Stefaniak, I will give you one opinion, Mr Humphries. It was not good economic management. If you overspend at a given period, spend beyond your capacity, then the time will come when you have to spend much less. You have to compensatingly drop the level of expenditure. Yes, there will be deleterious consequences. They are the consequences not born of the poor sap that has to bring down that tight budget but born of the irresponsibility of the originals.

## **Dragway**

**MRS DUNNE:** My question is directed to the Minister for Planning. Minister, when you sat on the opposition benches you said on many occasions that if you were the Planning Minister you would simply issue a lease for the Canberra dragway. The dragway has been a live political issue for about four years and there is growing support for granting a lease, evidenced by 8,000 signatures on a petition tabled in this place yesterday and the eye-catching sticker I hold in my hand. Mr Speaker, I seek leave to table the sticker.

Leave granted.

**MRS DUNNE:** I present the following paper:

Canberra International Dragway—sticker with text "I VOTED FOR A DRAGWAY".

Minister, when are you going to give the Canberra dragway a lease?

**MR CORBELL:** The assumption behind Mrs Dunne's comment is simply wrong. It is wrong because my comments in relation to the issuing of a lease were on the basis that the previous lease had not expired. The problem is that Brendan Smyth deliberately let it expire so that a new lease could not be issued. Again, Mrs Dunne seeks to quote me completely out of context—in fact, quote me in a quite misleading way.

What happened with the dragway was a disgrace. It was a disgrace because the previous minister refused to act. The previous minister refused to exercise an option. Doing so would not, in my view, have put the territory in the position that he claimed but would have at least allowed the dragway to continue with the option of operating at its previous lease adjacent to the Canberra airport. Clearly, the government is not able to undo every past wrong of the Liberals. This happens to be one of them.

**MRS DUNNE:** I have a supplementary question. Minister, when will you get serious about negotiating with the Canberra International Dragway, as you said on 30 August 2000 the previous government should have done? When will you get serious about finding and reaching a suitable agreement on a permanent venue, or have you stepped back from the views that you expressed on 30 August 2000 that drag racing was a legitimate sport that had economic and social benefits for the community?

**MR CORBELL:** I have met with representatives of the Canberra International Dragway. They have explained to me the details of their proposal and they have located a suitable site. That site has been assessed through a study that the previous minister, Mr Stefaniak, paid for. Currently, the dragway proposal also involves a significant request for a capital injection for the construction of the facility. Until the issues surrounding the funding arrangements are resolved one way or another, it is not appropriate to proceed further with the land and planning issues.

I have advised the dragway of that position. It is aware of that and I understand that it has met or is planning to meet with my colleague the Treasurer, Mr Quinlan, to discuss the financial assistance that it is seeking in relation to its proposal.

### **Racing industry**

**MR HARGREAVES:** Mr Speaker, my question is to the Deputy Chief Minister in his capacity as minister for racing. I ask whether the minister can update the Assembly on the current dispute between New South Wales and the ACT.

**MR QUINLAN:** This is something I did want to bring the house up to date on, and I thank you for the question, Mr Hargreaves. It turns out this is a problem which has been festering for a number of years in relation to sports bookmaking and our relationship with New South Wales. There were meetings with the previous government, but nothing was done either to redress or dismiss even the overtures from New South Wales.

Nevertheless, I now find myself facing, I have to say, a somewhat intractable New South Wales minister for racing who seems to be the leader of the push in a combined effort to try, at least, to bring not just the ACT into line but in fact to knock the ACT out of thoroughbred racing, harness racing or dog racing altogether. The dispute, of course, swings on the accommodation of sports bookmakers in the territory and an actual lack of

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contribution by those bookmakers to the racing industry and, therefore, a lack of contribution to the product upon which they, in fact, depend for business.

Across Australia there are various levels of taxation applied; there is no uniformity applied to these sports or corporate bookmakers. There doesn't seem to be a lot of hope of getting consistency.

The Northern Territory has charged ahead and is entertaining overtures from very, very substantial international sports bookmakers who do have the potential to, in fact, take a considerable slice of business away from the totalisators, the TABs, that have been used to a level of business.

We find that, under the New South Wales minister, the New South Wales TAB owns SkyChannel, which broadcasts racing across Australia. At least the New South Wales racing clubs are working in concert on a number of fronts, all of which are acts of retribution against the ACT for having done nothing in the three years since they first came to the territory for discussions on their particular concerns.

Because New South Wales and the ACT have enjoyed a number of cooperative arrangements over the years—whether it be jails, hospitals, our education systems, regional development—we have tended to work in well. I think it is fairly clear that, for the good of both the ACT and the region, harmonious relationships need to be maintained. Otherwise, the fall-out would do nobody any good and could do a considerable amount of harm.

I have expressed to New South Wales that I rather sympathise with their position and that I am prepared to bring to my own caucus, to government, proposals to bring our activities into line with those of New South Wales. For whatever reason, we are not getting very far. I have to say I am quite concerned as to what might be the fall-out.

I would like to acquaint the house of the possibility, because the ACT racing industry does depend on having a relationship with New South Wales in particular and with the Australian Racing Board, that, if we were expelled from the Australian Racing Board, then trainers, jockeys and horses from the ACT could not feature at any meetings outside the ACT; and horses, trainers and jockeys from outside the ACT could not feature at our races. It would kill the local racing industry.

We have a genuine concern and, I have to say, a not very accommodating, at this point—he might be just playing hard ball in some tough negotiations—minister for racing in New South Wales. I have written to him and said what we would like to try to do to accommodate his concerns, because we accept some of them. I have also taken the liberty of going over his head and discussing this with the Treasurer of New South Wales.

I have also gone the further mile—and I should advise the house of this—and implied in the letter I wrote to him that if, in fact, he and the New South Wales government continue along this line, and the ACT racing industry does face the fall-out that would probably put it in serious jeopardy at least, we would no longer feel constrained to be cooperative in relation to sports bookmaking. On the contrary, we would feel that the loss of our industry, the loss of our TAB and the loss of the income from there might

need to be replaced by further income from sports bookmakers. Rather than getting towards national uniformity in taxation and in contribution, we might become quite competitive as the Northern Territory has become competitive.

I would like members to understand that there may be some fall-out. If members want further detail on that, please contact my office. We would like every member of the Assembly to understand the position that we are in and the reasons why we have arrived at that particular position. I would like them to understand also that we still hold hopes of sorting this out once the hairy-chestedness has gone out of the negotiations and that it might become a thing of the past and be resolved. That is the situation.

**Mr Stanhope:** I ask that all further questions be placed on the notice paper.

### **Personal explanation**

**MRS DUNNE:** Mr Speaker, I seek leave to make a statement under standing order 46. In question time today, the Minister for Planning misrepresented my statement on the Curtin shops. I would like to make it perfectly clear that I did not make a statement as the chair of the Planning and Environment Committee. That would be inappropriate, as I had not consulted with members of the committee.

**Mr Corbell:** I do not have any choice about that. I wear different hats.

**MRS DUNNE:** Yes, you happen to wear a number of hats—and you have done it very dextrously yourself.

**MR SPEAKER:** Order, Mrs Dunne! Stick to your personal explanation.

**MRS DUNNE:** It would have been inappropriate for me to do so, as I have not consulted with the members of my committee. I was speaking as the shadow Minister for Planning, after consultation with my party room. I would like to quote briefly from the fairly lengthy press release I put out about this.

**Mr Stanhope:** Just get to the dead in the water bit.

**MRS DUNNE:** Do you like that? Yes, I have noticed a lot of people like that! I quote:

Proposals floated at a series of public meetings for a major redevelopment at the Curtin shops are unacceptable, Shadow Planning Minister Vicki Dunne said today.

I go on to say:

While no formal application has yet been made...it should be treated on its merits ...

When it is received. But it says:

The Liberals will not support—

the Liberals, not the Planning and Environment Committee—

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the proposal as it stands.

I made this statement in consultation with my party room, with the concurrence of my party room, because we were aware of the high level of local concern and the level of uncertainty in Curtin. We agreed that a strong message needed to be sent to the elderly people of Curtin, who were being told by the developer that they could get out, if they did not like it. We needed to send a message to the people of Curtin that a seven-storey building on the highest point in Woden that could be built was unacceptable.

**MR SPEAKER:** Mrs Dunne, I am not interested in what the Liberal Party wanted to do, I am interested only in your personal explanation.

### **Questions without notice**

#### **Budget—technical adjustments**

**MR QUINLAN:** Mr Speaker, I took a question on notice the other day from Mr Stefaniak in relation to Mr Humphries' technical adjustments and tabled the press release. However, I am informed that it would have been right and proper for me to table a signed answer for Mr Stefaniak. I would like to do that now. I present the following paper:

2002-03 Budget Consultation Document—answer to question from Mr Stefaniak taken on notice on 9 April 2002, concerning the effect of technical changes on the Territory's budget operation, dated April 2002.

#### **Remandees—mental health problems**

**MR QUINLAN:** Mr Speaker, I took a question on notice from Mr Smyth yesterday in relation to remand detainees and mental health. Mr Smyth asked:

Can you inform the Assembly of what percentage of Belconnen Remand Centre remandees over the past year have been identified as having some form of mental health condition? How many of them received treatment for this condition while they were in the BRC?

My advice from the ACT Forensic Mental Health Service Unit, who provide the specialist mental health staff to Belconnen Remand Centre, is as follows:

As a preamble to answering the question, it is best to explain that **all** remand prisoners are assessed by the Forensic Mental Health Service within 4 hours of their first arrival at BRC. The comprehensive assessment determines if the remandee requires a higher degree of observation than any other remandee does, and for what period. It also includes a mental status examination. **No statistics are kept on the number who are initially assessed as having a diagnosable Mental Illness or Mental Dysfunction, or conversely are determined to be 'well'.** The Forensic Mental Health Service then access a centrally held Mental Health database to determine if the remandee is currently on the database and if the remandee is currently being seen by a case manager of one of the ACT Mental Health Service Regional Teams. If they are being seen, then that Team is advised that their client has been placed in BRC, and that they should continue to monitor their progress. Any remandee, who does not have a current case-manager but is deemed to require

close monitoring, is 'case-managed' by the Forensic Mental Health Service. Finally, if the remandee is not currently on the Mental Health database, but are deemed to be 'well' they are entered without a diagnosis being given, with an annotation as having been given an 'Induction Interview' at BRC.

Anecdotally, if a strict criteria were placed on assigning each remandee a diagnosis of some type, then by the very diagnostic criteria of the disorder, a minimum diagnosis of Anti-Social Personality Disorder could be assigned to almost every remandee due to their alleged offending. In isolation this diagnosis is clinically meaningless, and therefore, this is not done.

The issue of whether a remandee has a diagnosable "mental health condition" is not an easy concept to explain. Some remandees may have had a past history of a mental health condition, but are currently 'symptom free'. They are not therefore regarded as having a mental health condition. Additionally, the very terminology of "mental health condition" is open for interpretation. If the ACT Mental Health (Treatment and Care) Act 1994 criteria were used for determining if a remandee was suffering from a Mental Illness or Mental Dysfunction (and this is currently only done on specific request by either the Magistrate's Court or by referral from the Mental Health Tribunal), then each remandee would need to be comprehensively assessed, and this would be prohibitive in cost terms.

A figure, which may be of some use, is that of 'Occasions of Service (OOS)' which is a record of every interaction between a member of the Forensic Mental Health Service and, or on behalf of, a remandee....Some remandees require a greater degree of input than others do, but records of how many 'individual remandees' are included in the overall 'Occasions of Service' figures are not currently able to be extracted from the database. It is important to further qualify these figures however, as an 'Occasion of Service' on behalf of a remandee by the Forensic Mental Health Service does not necessarily suggest that they have a "mental health condition", and indeed an 'Occasion of Service' figure is recorded in the very process of determining such an answer.

There are a list of occasions of service, from July 2001 to March 2002. I will give you a copy of this, if you want one. They range from a low of 134 to a high of 379. I continue:

Statistics are not kept on the relationship between current daily 'bed-state' remandee numbers and the number who may assessed or monitored by the Forensic Mental Health Service.

I trust that this answer is satisfactory.

I will get my office to send you a copy.

### **Condom vending machines**

**MR CORBELL:** Mr Speaker, in question time today, Ms Dundas asked me a question about condom vending machines in ACT government schools and colleges. I have further information for Ms Dundas.

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Within ACT high schools, educational programs provide, and include, information on the use of condoms, and the prevention of sexually transmitted diseases. There is also a focus on the provision of information on HIV-AIDS transmission.

Currently, it is policy to permit condom vending machines—and condom vending machines are available in secondary colleges. Nowadays, however, due to the increased availability of condoms in many other places, condom vending machines are not broadly used within the school system. The experience with condom vending machines at secondary colleges showed that not a great many condoms were accessed from the machines. The reason behind this seems to have been a lack of privacy and anonymity for students accessing condom machines in colleges.

Moreover, I think it would be fair to say that there has been a very significant change in the availability of condoms over the past decade. Community attitudes have undergone a major shift in relation to safe-sex practices. This is reflected in the provision of condom vending machines in numerous outlets, such as public toilets, shopping centres, supermarkets, service stations, and many other venues. There are, of course, other ways in which young people access condoms. The government remains committed to a harm minimisation approach. This relates as much to sexual health as it does to many other areas of the health portfolio.

## Papers

**Mr Stanhope** presented the following paper:

Health Regulation (Maternal Health Information) Act—Approved facilities—Quarterly report ending December 2001, dated April 2002.

## Commission of Audit report

**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:

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

I ask for leave to make a statement.

Leave granted.

**MR QUINLAN:** As members will recall, I tabled a report on the territory's finances as at 31 October 2001, prepared by the Commission of Audit on 7 March 2002.

The report provided a snapshot of the territory's financial position on that date and included financial results for 31 October 2001. The estimated outcome for 2001-02 and the forward estimates are based on the issues known—and the policies—as at the time.

Mr Speaker, I have requested the Auditor-General to review the report and provide some further assurance of the validity of the financial results in the report. That review has been completed. I am advised by the Auditor-General that, based on his review of the results of 31 October—which was not an audit—an unqualified opinion has been provided.

I am also advised that a copy of his opinion is being provided to members. In his management letter, the Auditor-General has identified some errors in the statement in the forward estimates. I table a corrigendum of those errors. I do so in the confidence that, with Mr Humphries' familiarity and affinity with figures, he would have picked them up already.

These errors relate mainly to the balance sheet and the statement of cash flows for the public trading enterprise sector. I am advised that the individual line items are correct, but some of the totals are incorrect—because of 'typos'. There are no flow-on effects of these to the conclusions of the report.

One significant error noted, since the report was tabled, is the total territory operating result for the last forward year, which has decreased from a surplus of \$77 million to a surplus of \$23 million. Mr Speaker, I commend the corrigendum to the Assembly.

### **Estimates 2001-2002—Select Committee Report—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): Mr Speaker, for the information of members, I present the following paper:

Estimates—Select Committee Report—Appropriation Bill 2001-2002 (No 3) (*presented 9 April 2002*)—Government Response.

I ask for leave to make a statement.

Leave granted.

**MR QUINLAN:** Mr Speaker, I present the government's response to the report of the Select Committee on Estimates 2001-2002 on Appropriation Bill (No 3). This bill will provide funding to address a number of issues raised by the commission of audit. It is largely mechanical.

The report addresses all 10 recommendations provided by the committee. We are happy to address the recommendations of the committee, but consider that the greater part are not relevant to the appropriation bill.

The government will pursue the housekeeping issues raised by the committee in relation to the on-passing of the first home owners grant, and a completion of financial statements after administrative orders.

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I note, and would reiterate to the Assembly, that the committee did not state any concerns with the items listed in the bill, or concerns which would present the bill passing this afternoon. The committee did, however, spend much time pursuing issues related to the 2002-03 budget. I suggest these issues are better suited to next year's budget.

## **Paper**

**Mr Quinlan** presented the following paper:

National Crime Authority—Report for 2000–2001, including financial statements and the report of the Australian National Audit Office, dated 9 November 2001.

## **Council of Australian Governments meeting Ministerial statement**

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.00): Mr Speaker, I seek leave to make a statement.

Leave granted.

**MR STANHOPE:** Mr Speaker, members of the Assembly will recall that, last Thursday and Friday, three important interjurisdictional events were held in Canberra. Firstly, a leaders forum was held on Thursday afternoon. Then, on Friday morning, the Council of Australian Governments met. On Friday afternoon, a summit on transnational crime and terrorism was held.

A number of significant issues were discussed at the three events. Today, I propose to touch briefly on the outcomes of the leaders forum, the COAG meeting and the summit on transnational crime and terrorism.

The Leaders Forum of First Ministers discussed the COAG agenda, which was human cloning, foot and mouth disease, national action plan on salinity and water quality, reconciliation and, under other business, public liability insurance. A number of other significant national issues were also on the leaders forum agenda. These were insurance arrangements for acts of terrorism; health and aged care; education; gas reserves; optimising the national interest; industrial relations; COAG reform, and the goods and services tax intergovernmental agreement.

Following the leaders forum and COAG meeting, joint communiqués were released, covering the outcomes of the meeting. The COAG communiqué provides an overview of COAG's agreed position on each of the agenda items.

The leaders forum communiqué addresses a number of issues that leaders wish to progress on a national level. Leaders have called on the Prime Minister to place these items on the COAG agenda, thereby giving COAG a leading role on these national issues.

I begin by detailing the matters that were the primary discussion points at the leaders forum. The meeting concentrated on issues of stem cell research and the Premiers' and Chief Ministers' plan on terrorism and multijurisdictional crime. Leaders have already agreed on the need for reform of the COAG model as it currently operates.

I do not propose to dwell on the issue of stem cell research, as it was raised at either the leaders forum or at COAG. Those matters were canvassed in the debate on a matter of public importance in this place yesterday.

Health leaders expressed their disappointment that the issues of health, aged care and education, which are of national importance, were not considered by the Prime Minister for inclusion on the COAG agenda.

Leaders agreed with the position proposed by the Northern Territory that offshore gas resources should be developed so that the net benefits to the nation are optimised, keeping in mind commercial realities.

Mr Speaker, leaders remain resolute on seeing COAG processes reformed. They have expressed their concern at both the Commonwealth's refusal to include issues of national significance, such as health, aged care and education, on the agenda and the Commonwealth's failure to provide adequate notice of agenda items or papers.

Leaders have already written to the Prime Minister proposing a number of COAG reforms, including, firstly, that COAG should meet at least annually; secondly, that when supported by the majority of jurisdictions, special meetings on subjects of high sensitivity and/or urgency can be called; thirdly, when supported by the majority of jurisdictions, all jurisdictions should have the right to nominate agenda items; fourthly, COAG agenda must be agreed by the majority of jurisdictions three weeks prior to the meeting; and, fifthly, arrangements for monitoring progress of issues addressed at COAG should be reviewed.

Leaders also expressed strong concern at the Commonwealth's intention to break the intergovernmental agreement on the introduction of the goods and services tax. They noted the Commonwealth's unilateral breach of agreement, which would undermine revenue security for the states and territories. They proposed that arbitration on the interpretation of the clause regarding the Commonwealth's commitments to maintain minimum agreed funding levels be undertaken by a retired High Court judge or judges. They expressed strong concern about the Commonwealth's recent decision to pass on the cost of its election commitments to states and territories, particularly with respect to the Commonwealth seniors health card and the new requirement for states and territories to match funding for the extension of the natural heritage trust, without recognising existing state and territory-funded programs.

As I said earlier, I do not propose to detail the deliberations of COAG over the issue of stem cell research. Suffice it to say that the debate indicated the depth of feeling in the community about this issue. I consider that the outcomes of COAG have due regard for the scientific imperatives and ethical concerns involved in the matter. The way is now clear for our scientific community to use stem cell research that may have the prospect of

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creating cures for some of the most debilitating diseases present in the community. Even the possibility of cure is argument enough for this research to be undertaken.

A foot and mouth disease task force was established by COAG in June 2001. The role of the task force was to coordinate a review of national whole of government frameworks for the prevention of, preparedness for and management of, a major animal emergency disease outbreak. The lesson learnt from the United Kingdom experience was that to deal effectively with such an outbreak requires central agency leadership, coordination and cooperation of all levels of government.

The task force comprises representatives of each jurisdiction's first minister and agriculture departments. Since June 2001, the task force has prepared a number of recommendations in relation to adequate prevention, preparedness and response capability to mitigate the extensive social and economic impact that an outbreak of either foot and mouth disease or bovine spongiform encephalopathy—mad cow disease—would have on Australia.

Members of the Assembly will recall that on 19 March 2002, my government signed the government and livestock industry cost-sharing deed in respect of emergency animal disease responses. This deed will provide some assistance for the ACT in meeting the costs of an outbreak. Sharing of costs is subject to review, once the costs of controlling the disease outbreak reach 1 per cent of the gross value of production of the affected industry.

The council agreed that major animal emergencies, and their consequences, must be tackled on a national basis. It agreed a national coordination framework to ensure close integration of responsibilities and actions within and across jurisdictions, building on existing animal disease and emergency management plans. It agreed that further work is required to improve national prevention, preparedness and response capability. This activity has been coordinated through the Primary Industries Ministerial Council.

The council considers it important for industry to continue to develop and implement, as soon as possible, industry-wide and farm-level measures to reduce the likelihood of disease establishment, rate and extent of spread and impact. It agreed that a full-scale national simulation is to be held in September 2002 to test peak-level arrangements across and within jurisdictions, and emergency roles and linkages across all relevant agencies. It also agreed that a further report be submitted to the council by December 2002.

The ACT has a relatively small livestock holding, no large concentrations of stocks such as feedlots, and an uncomplicated system of government, which makes coordination relatively easy. However, a local exotic disease outbreak, including foot and mouth disease, would almost certainly cross the ACT-New South Wales border. Discussions are under way to prepare an MOU between the ACT and New South Wales, to ensure that border issues do not impact on the control of the disease.

Following the Prime Minister's announcement in October 2002 of a national action plan, COAG endorsed, on 3 November 2000, the plan for salinity and water quality. The plan was the basis for developing an overarching intergovernmental agreement, supported by jurisdiction-specific bilateral agreements.

The outcomes of the meeting were that the council reviewed the progress of a national action plan for salinity and water quality. It emphasised its ongoing commitment to working with communities to undertake an integrated approach to natural resource management on a reasonable scale.

It agreed to accelerate the implementation of the NAP, firstly, by the signing of the intergovernmental agreement by all parties; secondly, concluding the remaining bilateral agreements by the end of June 2002, including progress on foundation funding and priority projects, and, thirdly, making substantial progress on regional plans, in all jurisdictions, by the end of 2002.

The council noted that substantial progress is being made on national water reforms, and re-affirmed the importance of water property rights issues, in dealing with the nation's salinity and water-quality problems.

The ACT is working with the Commonwealth and New South Wales to reduce the impacts of salinity, and to improve water quality. The ACT is currently negotiating with the Commonwealth concerning the bilateral agreement. This will be done in the context of the Murrumbidgee River catchment priority region.

In November 2000, COAG endorsed, and agreed on, a framework to advance reconciliation with three priority areas—leadership, reviewing programs to better meet the needs of Aboriginal and Torres Strait Islander people, and economic independence. Subsequently, ministerial councils were asked to develop action plans and report back to COAG.

To date, only four councils have fulfilled their obligations in this regard. Those are the Ministerial Council of Aboriginal and Torres Strait Islander Affairs—MCATSIA—housing ministers, community services ministers, and the Ministerial Council on Employment, Education, Training and Youth Affairs.

The Ministerial Council on Education, Employment, Training and Youth Affairs already undertakes regular Aboriginal and Torres Strait Islander Affairs performance monitoring, and has agreed to publish strategies to improve outcomes for Aboriginal people.

One of the outcomes of the meeting was that the council reaffirmed its continuing commitment to advance reconciliation, and address the social and economic disadvantages experienced by many indigenous Australians. It considered a report on the progress in implementing the reconciliation framework, noting that all governments have made progress in addressing the COAG priorities of leadership, reviewing and re-engineering programs to assist indigenous families, and promoting indigenous economic independence.

The council noted that progress under the reconciliation framework will continue to be reviewed, and requested that the next progress report on government and ministerial council outcomes be provided to the council no later than the end of 2003.

It noted that ministerial councils continue to progress the development of action plans and performance-reporting strategies, but that progress has been slower than expected.

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It agreed that, to underpin the council's commitment to reconciliation and to drive future work, trials will be undertaken in 10 communities or regions with a whole of governments cooperative, with the aim to improve the way governments interact with each other, and with communities, to deliver more effective responses to the needs of indigenous Australians.

It noted that it would continue to review progress under the reconciliation framework, with the next detail report on progress of government and ministerial councils to be provided to the council by the end of 2003.

Mr Speaker, my ministerial colleague Mr Quinlan has made a statement about the outcomes of the ministerial meeting on 27 March, to discuss the issues associated with public liability insurance. Given the importance of this matter, First Ministers also considered medical indemnity insurance, and insurance cover for terrorist acts under this agenda item.

I am pleased to report that the council endorsed the outcomes of the March 27 Commonwealth-state ministerial meeting on public liability insurance.

Additionally, the council noted that the Commonwealth has initiated a national medical indemnity forum, to be chaired by the Commonwealth Minister for Health and Ageing, on 23 April 2002.

The council noted that the Commonwealth has been undertaking consultations with key stakeholders on the withdrawal of insurance cover for terrorist acts.

There was discussion at the COAG meeting about the future of COAG meetings. The council agreed that, in addition to its normal agenda, it would have a strategic discussion of one broad national public policy at each of its future meetings. It agreed to meet at least annually and, depending on the circumstances, would meet more often if required.

In the lead-up to the federal election in October 2001, the Prime Minister announced his intention to develop an enhanced approach to dealing with transnational crime and terrorism. The summit was held on 5 April. It considered items under the general headings of transnational crime and terrorism. Those items included transformation of the National Crime Authority, strategic intelligence, modernise the criminal law in priority areas, and better tools for law enforcement.

The Premiers and Chief Ministers entered the meeting with a 12-point plan that would put in place an effective framework to deal with terrorism and major organised crime. Following negotiations with the Commonwealth, the summit developed the Commonwealth and states and territories agreement on terrorism and multijurisdictional crime. The summit's agreement substantially mirrored the plan of the Premiers and Chief Ministers.

The agreement is founded on effective cooperation between jurisdictions, and the need to build on arrangements currently in place for dealing with terrorism and multijurisdictional crime.

Key elements of the agreement with respect to terrorism include the Commonwealth having responsibility for dealing with national terrorist situations, which would include attacks on Commonwealth targets, multijurisdictional attacks, threats against civil aviation, and those involving chemical, biological, radiological and nuclear materials. Agreement of affected states and territories would be sought before such a situation was declared.

Jurisdictions will take whatever action is necessary to ensure that terrorists can be prosecuted under the criminal law. The states will refer power through specific, jointly-agreed legislation. Amendments to the new Commonwealth legislation will require consultation with, and agreement of, the states and territories.

Another key element of the agreement in respect of terrorism includes reviews by all jurisdictions to ensure that legislation and counter-terrorism arrangements are sufficiently strong. Included also is a commitment from all jurisdictions to strengthen anti-terrorist intelligence capabilities, and a central coordination capacity, so that states and territories may respond more effectively to terrorist incidents.

With respect to fighting crime, the agreement included a new body to replace the National Crime Authority called the Australian Crime Commission—the ACC—that focuses on criminal intelligence collection. The body will have a task force investigative capacity to support its intelligence functions, and support its overall operations.

There is to be the appointment of a new board for the ACC, comprising representatives of all states and territories, under the oversight of an intergovernmental committee of state and Commonwealth ministers.

The ACC will have the capacity to use coercive powers to investigate criminal activity of national significance. It will have streamlined processes for obtaining investigative references. The ACC will come into effect by 31 December this year, after the additional details of its operation have been mutually agreed.

With respect to multijurisdictional crime, the agreement included reforming laws relating to money-laundering to create effective offences. The states may do this through a reference of power.

The agreement included legislating, through model laws for all jurisdictions, and by mutual recognition, for a national set of investigative powers for cross-border investigations covering controlled operations and assumed identities, electronic surveillance devices, and witness anonymity.

The Federal Police will be allowed to investigate state offences incidental to Commonwealth offences. There will be modernisation of the criminal law by legislating priority areas of model criminal procedures and model computer offences during 2002, and model serious drug offences during 2003.

The agreement will ensure adequate access to radio spectrum for effective interoperability between national security, police and emergency services agencies, and enhancement of the capacity, in each jurisdiction, to create DNA profiles and to

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contribute to a national database. It also includes undertaking further work in the areas of control over the importation of criminal contraband, extradition between states, recognition of expert evidence, firearms trafficking, identity fraud, vehicle rebirthing gangs, and cyber crime.

The summit provided a good result for the ACT. The ACT government retains its role in the national effort to combat terrorism, and would be consulted on any declaration of a national terrorist incident affecting ACT interests. The proposed Australian Crime Commission will have an enhanced capacity to fight organised crime, and the ACT will have an enhanced role in its day-to-day management. The new agreement to deal with multijurisdictional crime will develop more effective measures to address crime, where it crosses state and territory borders.

The government will continue to be involved in the further development of the details of this agreement. Particular areas of focus will be to ensure that civil liberties are taken into account when developing the new national set of powers of cross-border investigations, and to monitor the impact on policing arrangements for the ACT of any changes to national law enforcement structures.

In conclusion, Mr Speaker, I consider the results of the leaders forum, COAG, and the summit on transnational crime and terrorism, a good outcome for the ACT. There is further work in a range of areas, and members will be involved, through the pieces of legislation that I have described above. I, or my ministerial colleagues, will keep the Assembly informed of developments across the COAG and leaders forum issues, as governments continue to develop the full details of the agreements made.

I table my copy of the speech. I present the following paper:

Council of Australian Governments Meeting—5 April 2002—Ministerial statement, dated April 2002.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

## **Young people—role in the community**

### **Discussion of matter of public importance**

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

The recognition of the role of young people in our community, especially during National Youth Week.

**MS DUNDAS (4.17):** I thank the Speaker and the Assembly for recognising this as a matter of public importance. I will speak today on the role young people play in Australia and in our community and also some of the challenges young people face in our community.

National Youth Week, an annual feature of Australia's youth calendar, provides a platform to reach the 3.8 million young people aged 12 to 25 in every state and territory. National Youth Week is run for young people by young people. At the national level six youth representatives play a vital role in directing the shape and the success of National Youth Week. National Youth Week is coordinated by the Youth Bureau of the Commonwealth Department of Family and Community Services in collaboration with the departments responsible for youth affairs in all states and territories.

We have seen a number of activities across Canberra showcasing the art, talent and drive of young people. I had the pleasure of launching National Youth Tobacco Free Day yesterday. At the launch the Chief Minister announced an exciting health promotion initiative. I commend him and his government on this initiative.

Young people are often seen as going through a transition to adulthood. This transition period of adolescence is a fairly modern concept. In most previous societies a specific ceremony marked the change from child to adult. In modern society, however, growing up has extended. We are marrying and having children later. We are in education longer. We are being paid to work later. The responsibilities and the benefits of being a full functioning member of our community are being delayed for longer and longer.

I read with interest in the weekend *Sydney Morning Herald* that the age distinctions of only a generation ago have changed greatly. They started with age 60 being the new 50 and finished by saying that 30 is the new 20. A generation ago, by age 20 family formation, full-time work and home ownership were certainly on the agenda. This relied on a linear transition from school to work, and with work came full adulthood at an age in the late teens.

Now, with schooling for most students going through to age 17 and strong expectations for further education through universities, technical colleges or on-the-job training, education does not formally stop until the early 20s and, for many, lifelong learning means that education never stops.

The dramatic changes in the labour market over the past 20 years mean that a substantial group of young adults are finding it difficult to gain a foothold in adequately paid work. This has serious consequences for the economic wellbeing of individuals over their whole lifetime. The ability to accumulate income from full-time work to finance household formation and support children has fallen significantly for many young people. Government policies such as those which tie the level of unemployment benefits and student financial assistance to parental income reinforce this extended period of dependency.

Policy-makers and community leaders have to recognise that this is a massive social change and that the life cycle has changed. Think of this change next time you ask teenage children to go and get a real job. Think of this change and remember that although the youth of today are doing different things in their leisure activities some things do not change.

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Young people need to be recognised not only as going through a phase or a transition before they grow up. Young people are not just the future; we are part of the now. Young people use buses; young people walk through town centres; young people do voluntary work. They use the Internet for information and education. They control about \$5 billion being injected into the Australian economy on leisure activities. Yes, young people are part of the economy, and we are part of the community. What young people think and what we feel is the result of our experience, just as valid and worthy as anybody else's.

The greatest challenge for young people and for the community at large is to retain a sense of possibility and more than a hint of optimism. This year's National Youth Week theme is "Bring it on", which shows a high level of optimism, symbolising that young people are willing to take on life, embracing the challenges and looking to the future.

Being involved in politics means that I am often met with comments about youth apathy. But we should not confuse cynicism with apathy. In politics, we must always remember that every individual wants their views listened to, their concerns addressed and their faces reflected in decision-making bodies.

Young people need from governments a key commitment to helping children and young people. This will include job programs and government/small business partnerships to lower the extreme 16 per cent youth unemployment rate. Many young people are ready and willing to work, and they are actively seeking work and need meaningful jobs to keep them in Canberra and to get them a head start in their working lives. These young people are looking for work. They are saying, "Employment, bring it on."

I want to conclude by talking about young people and public space. On Monday this week, an all-day forum was held at the National Museum on this issue facing our community. I have raised in this chamber earlier the dangerous metal objects that appear in our streetscape to prevent the riding of skateboards. It is well documented in this jurisdiction and others the way young people are being treated when they just happen to be hanging out in public spaces such as shopping centres and bus interchanges. In most other jurisdictions, the answer has always been using move-on laws to crack down on young people's access to public space. Thankfully, this idea has not been tried here, although I hear that the shadow Attorney is floating the idea around in his speaking engagements. I sincerely hope that this path is not being pursued by this government. One has to ask: what is public space for? And aren't young people part of the public?

National Youth Week is about participation. My message to young people when speaking at community groups or school groups is always that, whatever the question, participation is the answer. It is through participation in events such as those showcased by National Youth Week that young people will be heard, acknowledged and included.

**MRS CROSS (4.23):** Mr Speaker, I commend Ms Dundas for the MPI. The youth of Canberra are truly a matter of public importance. The term "youth" is generally applied to roughly the first third of a person's life. These years are rightly sometimes referred to as the "wonder years". They are filled with wonder, because it is during this phase that a person acquires most of their knowledge and finds their place in life. They plot their

course, so to speak. It is only with hindsight that you can appreciate the true value of this time.

National Youth Week is a time for us to celebrate youthfulness. Unfortunately, all we usually hear about young people is negative. It is true that the challenges of children, adolescents, teenagers and students are often not easily traversed. However, the mistakes and waywardness of a few often stigmatise and overshadow the achievements and social progress of the many.

To hear some people speak about youth—no-one here, of course—you would think they were all troublemaking, dope-smoking, unwashed, foul-mouthed freaks. Of course, we know that is not true. Young people do sometimes struggle, but we need to remember something: they are adjusting to the world that older generations have shaped for them to live in.

A feature of young behaviour that is often interpreted as a negative is actually an important role for any community. Part of growing up and developing as an individual involves challenging the boundaries of society. That is a good thing. It is not rebellion. It is natural. It is healthy and ensures that humanity does not stagnate. It may not always be done in ways that are appreciated or perhaps appropriate but youth are exuberant. Their impatience with the world, their energy and their stubborn determination to make a contribution can be refreshing.

It is natural for older people to resist change, but let us not forget that humankind has benefited greatly from young people who continually push the envelope. Some of the world's greatest leaders and discoverers were under 25 years old when they did their thing. I am thinking of historical figures like Alexander the Great, who was 20 years old when he became king. Cleopatra, who most people mistake as an Egyptian but who was actually a Greek, was 18 years old when she became Queen of Egypt. She came from the Greek Ptolemy family.

Others who pursued dreams and made great strides were people like William Shakespeare, and Wilbur and Orville Wright.

**Mr Quinlan:** Was Bill a Greek too?

**MRS CROSS:** No, Mr Treasurer. I am sure he was related to you. I am not sure how to view this next achievement, but my next example is something of a youth cult figure these days. I refer to Gentleman Jack Daniel, who was just seven years old when he built and illegally commercially operated his first whisky still. He later legally founded the Jack Daniel's distillery in 1866. More recently, Bill Gates, founded the Microsoft company in 1975 at the age of 20.

There have also been significant achievements on the local front. Entrepreneurs like Poppy King, who founded a sizeable international cosmetics empire at the age of 18, have been a shining example of young people who are willing to have a go.

Mr Speaker, that list was plucked out of the ether by my staff this morning, but I think it shows that young people can, and do, make a sizeable contribution to the world they live in, whatever the era.

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Unfortunately, society in general has few outlets from which to hear positive messages about young people. Unless an achievement is extraordinary, it seldom makes the news. Sometimes we become so focused on an achievement that we forget the tender age of those concerned.

William Wills was still a young man at 24 years of age when he set off with Robert Burke in 1860 to explore the Australian interior. Our sports men and women we regularly applaud on the world stage are also young. For example, swimmer, Ian Thorpe, still only 20 years old today, became the youngest male ever to qualify for the Australian swimming teams, aged 14. The Australian Institute of Sport has many residents who still attend school and who will one day become legends in their field.

Canberra's young people do face challenges. More and more they need education that will translate into a good job. Statistics show us that without this foundation a growing number of our youth will eventually struggle. Consider ACT prisoners, for example. More than half did not finish high school. Three-quarters did not have a job when they committed their offence. Obviously, not all who leave school early will end up in prison. But these are common factors in the cycle of behaviour that indicates the value of gaining a good education.

To further emphasise this, the two most common risk factors for youth suicide are education and employment. One of the biggest favours this generation can do for our young people is to give them the best education, one suited to individual needs, so they can plug into the work force. We need to ensure that services are available for those who find that the pressure of life is about to overwhelm them.

While on challenges, I would like to lay down a series of challenges for our young people. Youth generally consider that they have creative minds. Here is a way to exercise them. I came across a website recently that listed inventions that are needed, and I would like to throw some of them out as a challenge. If our youth can solve some of these, they not only will be rich and famous but will have done great good for mankind. Inventions that are needed are as follows:

- erasable paper—that is, paper that can be wiped down with a scanner or some such device so it can be used again;
- a remote control gun disabler—a device that can, by remote control, disable any other loaded weapon;
- truth print—ink that prints, or a device that converts print, to show the truth in black, fiction in red and what cannot be determined as either true or false in blue or purple (imagine the difference that could be made to the world);
- poker machines that do something useful when operated by people addicted to noise and jingles;
- appliances that are durable, mendable, multiuse and have available updateable modules;
- more computer games where knowledge and thinking, not violence, win the game (an added suggestion being a youth-to-age game where you grow older as you play);

- a conflict simulator so that, instead of wars, people could use some kind of device or process, perhaps a bit like a simulation deck on the *Enterprise* in *Star Trek*, and national leaders could vent their frustration before sitting down to talk problems through;
- ways to use money as a means of exchanging goods and services without it flowing overseas or being accumulated by the already hyper-wealthy;
- re-uses for plastic bags; and
- edible packaging.

About a third of the price of a grocery item, for example, is packaging. How much better would some kind of spray-on edible substance that could be washed and eaten cooked or fresh be than packing that has to be sent to landfill?

The final suggestion relates to social education, the things that people should know and that no-one should leave school until they do.

Some of the items on that list are obviously a little light-hearted, but most of them are serious. A young person's suggestion for a pocket typewriter was laughed at by electronics experts in the early 1980s. The technology had been invented, but it was thought people would not be able to handle the tiny buttons. Now electronic notebooks are commonplace, as my colleague Steve Pratt will attest. So, young people of Canberra, get to work on this challenge. My only suggestion to those interested in taking it up is to get started straightaway instead of waiting until you are thirtysomething and too busy paying off a mortgage.

Lastly, I congratulate the organisers of National Youth Week here in Canberra, the Youth Coalition of the ACT. While on that topic, I would like to acknowledge the hard work that Neil Pharaoh does on their behalf. I attended their opening last weekend, and I found it one of the best run and most entertaining events I have ever attended. Along with Mr Corbell, I was also impressed with the 2002 Young Canberra Citizen of the Year, Jonathon Lovell. I would also like to take this opportunity to congratulate all the finalists and wish them well in their future.

**MS GALLAGHER (4.33):** It is great to have the opportunity to speak on this matter today, and I thank Ms Dundas for bringing it to the Assembly as a matter of public importance. Two members have already spoken eloquently on this subject. I am grateful for the opportunity to raise in this discussion a pressing issue for youth in the territory and in Australia—youth wages—which potentially impacts on all youth issues.

Youth wages are one of the worst examples of age-based discrimination. They are also an outdated and divisive reflection on a society which is confronting the issues of gender, race and disability discrimination in legislation across the country. The system of wage differentiation on the basis of a vague and ill-defined category like youth, rather than approaching remuneration for work on the basis of the actual work performed, is offensive to many young people.

The debate around the societal need for youth to be segregated from mainstream wages also sounds remarkably similar to the arguments used consistently to deny women the right to equal wages and fair conditions. We were told in the 1970s that increases in pay

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for women would lead to widespread job losses, that companies would fold and that women were doing their cause a disservice by raising the issue.

Women not only raised the issue as one of wage justice but also recognised that independent futures and wellbeing depended on them being able to support themselves through their own labour. Thirty years on we can see that women have not lost jobs. They have in fact increased their participation in the labour market and continue to make a strong contribution to the work force.

The situation relating to youth employment conditions has this same timeless dimension to it, but it also has an immediate and direct political relevance for anyone and everyone concerned with youth. What better time to revisit this issue than National Youth Week?

There have been many inspiring stories to come out of this week's activities, and we have collectively, as a community, celebrated individual achievements and community work. But we must also address the generalised issues of youth in the community. This is why I am raising this issue today.

I am also raising this issue because there is continuing political pressure either to lower the rate of the youth wage or to increase its scope to cover older workers. Barely a year goes by when the federal government or employers do not argue these points. We only have to go back to 1999, to the Howard government's attempts to cut youth wages and extend junior wage rates to employees under 25 years of age. The government also ensured the retention of junior wages in employment awards by exempting them from anti-discrimination laws.

In 1997 there were 400,000 young workers employed on adult or training rates and 420,000 young people on youth rates. The last two decades have seen deep wage cuts to youth employees, with an impact on living standards. Studies conducted by the ANU have shown that for 20 to 24-year-olds, the decline has been around \$147 a week. This downward trend in wages has been exacerbated by the push to part-time and casual employment in the public sector, retail, hospitality, manufacturing and tourism.

Mr Speaker, in National Youth Week this Assembly should be vocal in supporting the principle of a fair day's pay for a fair day's work. Cheap labour from exploited teenagers is an unacceptable situation. Already in Australia we have industries which claim dependence on the retention of youth wages, when the evidence at hand suggests that equal wages for young people would not necessarily affect employment levels. Retail and fast food giants have led the way in threatening to eliminate jobs if junior rates are replaced by training and competency rates.

I refer to the media release of YWCA of Canberra of earlier this week. They have announced that they have abolished youth wages for all staff, which is particularly important for their staff in children's services. In their media release, they say the needs and cost of living for young people are no different from those for adults. Youth wages do not take into account the real cost of living. Do we really expect young people to be able to support themselves on as little as \$5 per hour, and in some cases even \$3 per hour? Youth wages cause hardship and poverty amongst young workers and place pressure on low-income families. They reinforce negative stereotypes and deny young people equal pay for equal work.

Mr Speaker, youth in the ACT know they are being ripped off by youth wages, and so do their parents. It is time the government at a federal level recognised the determinants of poverty and social marginalisation and, most importantly, recognised the impacts of wages and conditions in the mix. The downward pressure on youth wages and their very continuance are making Australia a country where working literally does not pay.

During National Youth Week I would like to congratulate the hundreds of thousands of young Australians who support themselves and others on inadequate and unfair wages for the contribution they make to this community. I take this opportunity to say that I am against youth wages and for youth wage justice.

**MR STEFANIAK (4.38):** Mr Speaker, I think it is very appropriate in National Youth Week to congratulate Ms Dundas for raising as a matter of public importance recognition of the role of young people in our community.

I had the honour for close on six years to be the youth minister here, which probably makes me the longest serving youth minister. Whilst I am now over 50, I look back fondly on that time, and it never fails to amaze me the great contribution young people make to our community not only here in Canberra but in Australia and throughout the world.

A young person is defined as someone between 12 and 26. That age group forms about a quarter of our community here in the ACT, some 75,000 people. During the time I was youth minister, I had great pleasure in meeting large numbers of young people very active in our community. I was well served by the Youth Advisory Council. I compliment them. Mrs Cross mentioned young Neil Pharaoh, who continues to work on the council. He was on the council while I was minister, as were some very fine young people from all walks of life. I was pleased the council was very representative of young people in the ACT. There were young people who were in difficult situations, young people who represented the less fortunate in our community and young people who would perhaps be described as more mainstream. We had some particularly impressive young people on that council.

I mention too the very splendid young people we have had as ambassadors for the ACT since the young Canberran of the year award was inaugurated in 1996. I could be corrected there. It might even have been earlier. Three spring to mind from the time I was youth minister. The first, a star athlete with a disability, Lisa Llorens, is an absolute inspiration. As a schoolgirl at 17, she became young Canberran of the year in 1997. She was followed the next year by Michael Zorbas, who was an excellent ambassador. He was a little bit older than Lisa. He was probably closer to 25 and already in the work force. He was active in going around to all the youth centres and throwing himself into that particular job. He was followed by Michael Quall, at the time the Aboriginal liaison officer with the Australian Federal Police, now working at the Department of Education and Community Services. He was a young married man with two or three children at the time. They are just three. I have not met the current young Canberran of the year, but he sounds very impressive as well. I knew those three well during my time as youth minister.

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Young people are involved in a wide range of activities in the territory. Every generation says that young people are too noisy; they are too loud; they cause problems. Indeed, some young people do. Some older people do as well. But young people also contribute greatly to charities. They assist others less fortunate in our community. We have been particularly blessed in the ACT with many fine young sports men and women. Recently in the Assembly we celebrated the achievements of our women's soccer team and the Canberra Capitals basketball team. Many splendid fine young Canberrans are involved in those two sides, which this year for the first time ever won national competitions. In fact, it is the first time two Canberra teams have ever won national competitions in the same year.

There are splendid young athletes, female and male, throughout Canberra—international stars like Steve Larkham and Joe Roff in rugby union. Up and coming star Mark McLinden also served with great distinction on the Youth Advisory Council. He is now going on to bigger and better things as one of the more prominent players in the Canberra Raiders. He is a splendid young man I had the honour of having on my committee. I was most impressed with his input there, putting something back in another area.

Australia is the oldest country in the world in many respects. It has been populated for 40,000 years or so and settled by Europeans for the last 200 years. Yet as a participant on the world stage we are a young country.

The splendid efforts by Australians in time of war need to be recognised. Young Australians forged a legend at Gallipoli. On the Kokoda Track many 18-year-olds thrown into battle in the defence of Australia stopped the Imperial Japanese Army in its tracks. Young Australians served with distinction in Vietnam. Having visited that country as a tourist recently, I know that Australians were held in very high regard by our former allies in South Vietnam. The North Vietnamese also had great regard for our fairness and great respect for our troops who were over there, even though they were once enemies.

Many 19-year-olds served in Timor. A young Australian corporal in charge of a patrol which shot dead one Indonesian managed not only to extricate his patrol from a difficult situation but to calm an out-of-hand situation that probably should not have occurred. The patrol clashed with a regular army patrol led by a young second lieutenant in the Indonesian army. The young corporal—who was about 23 or 24 and well educated, as many of our young people are—spoke some Indonesian and was able to converse with the commander of the Indonesian army platoon, and they started negotiating. It was a border incursion. The Indonesians were about half a mile on the wrong side of their border. It was sorted out and the Indonesians withdrew. Tragically, one person had been killed, but it was cool thinking in a difficult situation by a most competent young Australian.

I will comment on a couple of things other speakers said. I do not think William Shakespeare was Greek, but it was lovely that Mrs Cross mentioned that Cleopatra was. That is something I did not know. You learn something every day.

I do not know about youth wages. It is a vexed issue. I can recall doing some work on it in the late 1980s and talking to a number of young people. Youth wages enable a lot of young people to get a start in a job which then leads to better wages. Without youth wages they might not be able to get that start. There are a number of issues. To blanketly get rid of youth wages may not ultimately assist young people. A reference saying that you worked for McDonald's is one of the best ways for a young person to get a job somewhere else because of the training and discipline involved there.

Ms Dundas mentioned the move-on laws we have in the territory. When we had a committee inquiry in 1989 into the desirability of those laws, evidence was produced that they benefited a number of young people. It is young people who get out and congregate, who go to night spots, who stay out at night and who party on and who sometimes can be threatened. Laws like that often benefit young people. A survey the *Canberra Times* did showed some 58 per cent of young people between 18 and 25 supported the laws because of the protection they offered law-abiding young people. Those laws have been back now without any dramas for probably four or five years. I think Mr Osborne reintroduced them. Looking at the positives and not wanting to criticise other speakers' comments, I merely make those points.

It is important to have a debate like this as a matter of public importance during National Youth Week. It is important to recognise the magnificent contribution young people have made to Australia over many years and specifically here in Canberra. It is important to thank and congratulate the many impressive young people all of us come across in our daily lives in this place, knowing full well that more young people will be coming forward to do equally impressive things in the years to come. It is particularly important in National Youth Week to recognise that fact and the wonderful contribution so many young people make and will continue to make to our society, enriching it as a result.

I join with other members in the celebration of National Youth Week and in thanking young people in the ACT for their continued contribution to our great society.

**MS TUCKER** (4.48): Young people come in all shapes and sizes, starting off small of course. We come blessed with different possibilities and gifts, and we are born or grow into all sorts of situations. As young people we face a diverse range of challenges, sometimes carrying enormous burdens, we have various and different needs and we require or deserve different degrees and forms of support and guidance. So in talking generally about the role of young people we will, by necessity, fail to acknowledge the issues that confront and are important to very many of us as individuals.

You could say the role of young people is to grow up into contributing, positive and resourceful adults, whatever that may be. As communities and as government we need to provide the support and the opportunities to maximise the chance of everybody to do that.

But childhood and youth and all the stages of our lives are not merely steps along some road.

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It is important that young people, like old people, be valued for their experience and perceptions and their contribution to our world. The Greens take the view that the measure of how we are valued lies in how meaningfully we can participate in decisions that affect us and in shaping the world we live in, and that there is a role for government and civil society in facilitating and resourcing such participation.

This is particularly the case when we are young, as we do not generally have access to resources then or necessarily the experience to assert our involvement in decision-making processes. In this context some aspects of our policy on young people and some of the commitments we have continually made in election campaigns are worth revisiting.

At the most obvious level, we would like to give young people the option to vote from the age of 16. On a more immediate level, the views and perspectives of young people should feed into urban planning, public transport timetabling, venue licensing, public housing management, health service design and so on.

The usual technique strategy is to include a youth representative on any pertinent consultative committee. But, as anyone young who has sat on such a group will attest, it often appears to be simply cosmetic. True participatory decision-making requires wide-ranging engagement with young people in youth friendly environments, youth representation at all levels of organisation, thoughtfully conducted focus groups that reflect a range of young people with an investment in the topic and, where appropriate, the engagement of professionals with sympathy and expertise in working with youth and facilitating their involvement and participation.

This all might seem a bit of a drag and an overwhelming consultative burden, except that we are not talking about consultation. We are talking about the incorporation of such processes into the operations of government and community to enable genuine participation.

I was fortunate last year to meet Dr Walter de Oliveira when he was out from Brazil conducting a series of workshops on working with young people. I subsequently spent some time with him in January this year at the World Social Forum in Brazil. He was one of the organisers of that function.

Dr de Oliveira started working in the streets of Brazil at a time when the World Health Organisation said there were 37 million street children in Latin America. He participated in groups that worked to promote discussion of social issues amongst the street children. They had to develop creative ways to hold the attention of these young people. Dr de Oliveira used the word “psychodramaturgy” to describe the mixture of drama, education and psychology they employed to start dialogues. They were also heavily influenced by the work of Paulo Freire. If people are not aware of his work, one very important one was the *Pedagogy of the Oppressed*, which deals with these sorts of issues. The focus was not on the education process as in schools but on the learning process so that the child or young person’s attention is captured without a disciplined framework.

The outcome of these workshops, however, was not limited to a learning experience for those young people. By engaging with the needs and perspective of young people arguably at the bottom of the economic and social pecking order, they were able to uncover guidelines for more equitable planning and social policy.

In Dr de Oliveira's methods there was a strong focus on creative and artistic components. National Youth Week in Canberra this time around also celebrates youth creativity in quite a big way. The structure and regulations of our society, however, do not always encourage youth participation in creative and expressive environments.

Public transport can and should be subsidised to service major youth events. Changes could and should be made to licensing laws to encourage entertainment venues to support live music and to run events for young people of all ages. Tertiary education can and should be free.

In providing services that support young people in their role in the community and in regard to their health and wellbeing, there are areas of need that have been well established through committee inquiries of this place and in the exemplary work of the Youth Coalition of the ACT, among others.

Clearly, for young people who are carers we could offer more support. For those who live in poverty, live under threat of violence or abuse, or have substance abuse issues, resources can be better targeted and coordinated. Students are struggling to live in Australia with the sort of income support they get, or do not get.

The question of youth wages is also very important. The way the federal government is breaching young people who are on social support has brought about terrible situations for young people. In Canberra the requirement for community organisations to provide emergency relief has increased significantly.

Access to justice for young people is also important and will come up in this place through the committee inquiry that was announced today. Many needs have been identified. One of the measures of us in this parliament and of this Labor government will be how well we address these needs.

It is correct, as Mr Stefaniak said, that we have move-on powers here. My view on how effective or useful they are would be very different from the view put by Mr Stefaniak. We do not have proper data collection. Mr Stefaniak said that it has gone on without a problem over the last few years. For several years two gentlemen on the crossbench supported the government totally on this approach to social issues. I would suggest that that is why there has not been a lot of fuss about it in this place.

There have certainly been concerns about it in the broader community. In several debates in this place, I have asked that much better data be collected about how and when move-on powers are used and what the impact is. It is a discriminatory law in that it affects only young people, and to a large extent only young people of certain types. This is worthy of further discussion, and in this new Assembly I intend to get that discussion going again.

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In conclusion, this is a good opportunity to talk about the sorts of issues people are covering. I look forward to the two committee inquiries that were announced today. My Health Committee and Mr Hargreaves' committee will be looking at issues related to young people in our community. They will give us an opportunity to improve how we deal with these issues in this place.

**MR PRATT** (4.56): Mr Speaker, I rise as shadow education minister and as a proud father to support and congratulate Ms Dundas on this MPI on youth and National Youth Week. There is no doubt—I suppose it is something of a motherhood statement—that our youth are our most important asset. Consequently, it is my view that the majority of our resources as a community should focus on creating the conditions for our youth to develop—schooling and level playing fields.

Focusing on children at risk and children with disabilities is now as important as pursuing the objectives of excellence.

It is our responsibility as a community to ensure that our schools and communities are safe, imaginative places for our youth to thrive so they can exercise their imagination and get a chance to contribute to the community in energetic and positive ways as we silly old buggers perhaps do not as much as we used to.

I have had the good fortune in the last 2½ years since returning from overseas to address a large number of school classes and a large number of youth associations both here and outside the ACT. I have had the good fortune and the good fun to get involved in discussing international affairs and community issues with the likes of the mini-United Nations, a collection of high school children. I have enjoyed very much plunging into robust debates with young folk. They can tell us and teach us a lot about the values that our communities ought to be developing. These are very important occasions we must always foster.

Somebody mentioned Neil Pharaoh. A couple of days ago, in a business forum that my party organised, I met Neil Pharaoh, the president of the youth forum. He played a very important role in the debates we had about where this community ought to be going. That was a good example of youth in action and was nice to see in National Youth Week. It was a shining example of the contribution youth can make.

I congratulate our youth in this week and hope that as a community we will continue to create the environment in which they can continue to perform their refreshing and positive roles.

**MR CORBELL** (Minister of Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (4.59): Mr Speaker, I am very pleased to have the opportunity to speak today on this matter of public importance on the role of young people in our community and as Minister for Education, Youth and Family Services to publicly acknowledge the contribution they make to Canberra.

*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.*

**MR CORBELL:** The Stanhope government recognises the role and contributions of young people to providing various opportunities and events like National Youth Week. Last Sunday I announced the Young Canberra Citizen of the Year, Jonathon Lovell, whose contributions are an example of those made by young people every day and in every way in Canberra. We received a range of nominations for this award, which highlighted the fact that every day many young people make valuable contributions from which the wider community benefit.

Tomorrow I will be announcing key initiatives which highlight the important emphasis the Stanhope government places on youth in Canberra. I will also be identifying what we believe are priority areas for young people and how best to reflect them in policy.

As I have stated on other occasions since taking on the role of Minister for Education, Youth and Family Services, this government has its focus on the improvement of participation and inclusion for all young people. Participation and inclusion in education, employment and recreational activities is a basic need of all young people.

Beyond this it is also important to include young people in decision-making and in influencing government policy direction. I have been impressed by the enthusiasm and knowledge of the young people who are members of my Ministerial Youth Advisory Council. The quality of advice and support I have received to date from that body has been important and significant and appreciated by me. One of the initiatives I will be announcing tomorrow will significantly extend the youth advisory arrangements of the previous government.

Concepts of inclusion and participation do not happen without commitment and action, including the allocation of resources. The provision of a range of accessible opportunities is an integral element of enabling young people to be heard and to take action on issues important to them. This is particularly important for young people who have experienced disadvantage and who sometimes do not have strong connections with their families or the broader community. These young people have a range of strengths and may make many contributions to the community that are all too frequently overlooked.

Of course, a large number of young people are students in our schools and tertiary institutions. The role of young people in government schools has been a key focus of the government for many years. Our secondary schools have student representatives on their school boards, and in some schools student representatives have been elected as board chair. Student representative councils made up of students elected by their peers are another key factor for secondary school students.

In 1995 the government schools student network was formed with the support of the Department of Education and Community Services. Officers in the department support meetings of four representatives from all secondary schools. The network has two main aims: encouraging students to develop their leadership skills and providing a support network from various schools to discuss common problems.

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I attended the first student network meeting for this year and was impressed with the range of knowledge and confidence of these young people. I again appreciate and value the input they have made. Their unique perspective on their own schools and schools across the system is useful to the government in its policy-making.

Another way we publicly recognise young people is by holding a public ceremony for year 12 students and their families at the end of each school year. We recognise at this ceremony those students who have achieved excellence in academic results as well as young people who have been chosen by their schools to be recognised for their achievements in service to the community, vocational studies and the performing or visual arts.

The government seeks to recognise the role of young people in our community in a variety of ways. In May students will be participating in the Student Participation Active Citizenship Conference at Parliament House as part of the ACT Discovery Democracy program. In March they also hosted a dinner for young people from all over Australia who were attending the 2002 National Schools Constitutional Convention. The confidence and knowledge of these young people would impress all members in this place and make a few of us worry about our future prospects.

Later this year the Legislative Assembly, in cooperation with my department, will be hosting the ACT Schools Constitutional Convention. ACT representatives to the 2003 National Schools Constitutional Convention will be selected at this meeting.

These are just some of the events that demonstrate our continuing commitment to youth, and importantly the promotion and encouragement of the values of civics and citizenship.

As well as supporting and recognising all these young people, funding support is available to language other than English students in the ACT for overseas school excursions. The participation of students on these excursions promotes useful intercultural learning and provides insights into other cultures.

Another very good example of how we value and recognise young people in Canberra is in the year 9 exhibitions program that is a key part of the new generation high schools project. Students are engaged in real-life research, which promotes learning and increases students' self-esteem. The year 9 exhibitions program values young people through:

- units of work that are built around the issues that are confronting and interesting to them;
- units that recognise and encourage diversity among the student body in ways of learning, interests, expertise and values; and
- development of roundtables where students are able in a public forum to demonstrate and celebrate their skills.

Some of the units from last year were a group house looking at lifestyle choices and their impact; volunteer work in a community with a disability; researching salinity in the environment; and researching nutrition and youth lifestyles.

As you can see, our schools are working together with the community and government to recognise the achievements of young people. Achievement should be measured not only through academic activities or the winning of awards but also by the development of resilience and strength of character.

I will be continuing to work to make sure that the government supports all young people and encourages them to reach their full potential. The directions I will be announcing tomorrow in my statement will provide a comprehensive strategy that will go part of the way towards achieving this goal. Announcing this blueprint is a way forward for youth affairs in the ACT, and I look forward to our continuing discussion on the role and contribution of young people in Canberra.

**MR SPEAKER:** The discussion has concluded.

## **Planning and Environment—Standing Committee Proposed reference**

Debate resumed.

**MS DUNDAS (5.08):** I seek leave to move three amendments together.

Leave granted.

**MS DUNDAS:** I move:

- (1) Paragraph 1, omit all words after “with particular reference to” and substitute the following “the feasibility of options for increasing the proportion of renewable energy consumed in the ACT using existing or emerging technologies such as solar, wind, mini-hydro, biomass and geothermal, from facilities with the ACT region.”.
- (2) Paragraph 2, section (1) omit the word “all”.
- (3) After paragraph 2, add new section (3):
  - (3) any other strategies to reduce the consumption of fossil fuels in the ACT.

There has been a lot of discussion by members outside this chamber about this proposal for a committee inquiry. I hope that these amendments pick up most of the main points of concern. The purpose of this inquiry, as Mrs Dunne said in her opening speech, is to investigate and report on options for a renewable energy strategy for the ACT. I am happy to add the Democrats’ support to the call for this inquiry as we have a long history of promoting renewable energy sources. I have moved the amendments to ensure that the inquiry has the scope to look at both the supply side and the demand side of the energy debate. I hope that the amendments address the concerns expressed by other members.

Electricity accounts for the majority of the ACT’s greenhouse gas emissions and so is a crucial area for reform if we are to achieve a serious reduction in emissions. Looking at ways of generating energy using cleaner technologies is an important part of this process. Another area that should not be overlooked is the benefits of energy management and better ways of using energy more effectively by implementing strategies that improve the efficiency of electricity use. The benefits of using efficient technology are more than just the positive effects for the environment.

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ACT government support for developing clean technologies could enable the establishment of new industry in the territory and enhance economic activity, as well as create jobs. I believe that the committee should have the scope to look at social solutions in addition to engineering ones.

While the Democrats are highly supportive of using new technologies to reduce greenhouse emissions, we also have to look at our social attitudes and behaviour towards energy consumption. If we are looking to establish a sustainable future for the territory, we cannot simply impose these ideas from above. We need to work with the people of Canberra and consider education and community partnerships as just as important as power sources.

I hope that the inquiry process will be able to feed into the work of the newly established Office of Sustainability as well as support the ACT greenhouse strategy. Sustainability is not just about building wind turbines instead of gas plants; it is about working together as a society to ensure that our use of resources can be maintained into the future without eroding the quality of our environment or disrupting the natural processes of the biosphere. It is also a learning process, and a continually evolving one.

It is important that time be taken to learn from experience elsewhere and to be flexible enough to take on new ideas. I hope that this committee inquiry will be part of this process.

**Mr Quinlan:** I need some guidance, Mr Speaker, because I had already circulated an amendment with some of these words in it. I gather that, in rising first, Ms Dundas' amendments must be dealt with first.

**Mrs Dunne:** No, it's smart, Ted.

**Mr Quinlan:** Was it deliberate?

**Mrs Dunne:** Yes, because some of these amendments will obviate some of yours which we would oppose, but we will support these amendments.

**MR SPEAKER:** My assessment of the situation is that we should proceed to Ms Tucker's contribution to the debate. You may like to have a further look at that in discussion with the Clerk and see how you should deal with it.

**Mr Quinlan:** It might be appropriate to adjourn the debate.

**MR SPEAKER:** It might be appropriate, but it can only be appropriate if you move for that.

**Mrs Dunne:** Don't do that, Ted; we can sort it out.

**MR SPEAKER:** On that basis, Mr Quinlan having resumed his seat, would you like to make your contribution to the debate at this point, Ms Tucker?

**MS TUCKER** (5.14): Yes, I would. I want to make a general comment on the reference and the amendments put by Ms Dundas. The Greens support this inquiry, because the promotion of renewable energy has long been a policy of the Greens. We initiated in the Assembly the setting of a greenhouse gas reduction target for the ACT, which the former Liberal government took up. The setting of targets for renewable energy use in the ACT would be a great contribution to achieving the overall greenhouse target.

Electricity use is the biggest contributor to the ACT's greenhouse gas emissions, at over 50 per cent, although these emissions are actually produced at the power stations in other parts of the country that supply the ACT. The ACT's greenhouse gas target acknowledges that and includes emissions produced elsewhere as a result of electricity consumption in the ACT.

There are few examples of renewable energy facilities in the ACT at present, so there is much potential to expand this capacity. There is the minihydro plant at Mount Stromlo, built by Actew, and investigations have begun for placing minihydro plants on the other dams. There are also landfill methane plants at the two tips, but they cannot be regarded as truly renewable forms of energy as they rely on people continuing to dump rubbish. Such plants can only be regarded as a transitional measure.

I have a few comments on the terms of reference that I hope the committee will take up. The committee does need to recognise that the introduction of renewable energy cannot be divorced from the need for more efficient energy use or demand management. Reducing the overall demand for energy would make any target easier to achieve. This is not about reducing our quality of life; it is about being smarter in how we use energy so that we do not waste it. The committee should also consider the potential of passive forms of solar energy collection; for example, passive solar building design and solar hot water heaters. Heating is a big issue in the ACT's climate, but we do not necessarily need high technology to tap the sun's energy for that.

In looking at the development of new generation facilities, the committee needs to consider who is going to build and own these facilities and who will pay for doing so within the deregulated national energy market that we now have. When you are thinking about the feasibility of renewable energy, you have to look at the economic and political climate in which you are working. It cannot be just about feasibility related to technology. Private or semi-private electricity companies are not going to invest in these facilities unless they are encouraged or forced to do so by government, or there is some economic incentive to do so.

Currently, Australia has a range of green power schemes, but they rely on the generosity of a limited number of environmentally aware people who are prepared to pay higher electricity charges. These schemes cannot be relied upon to achieve the large-scale adoption of renewable energy that this inquiry would be investigating, so the committee would need to think about other mechanisms. It would also have to deal with the framework of the policy of the Liberals and Democrats federally which, unfortunately, far from supports the provision of renewable energy. In fact, they have set that whole process back.

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Related to the whole topic is the potential for establishing a renewable energy industry in the ACT. World-class research on solar energy is already being conducted at the ANU, so there may be scope for encouraging greater commercialisation of this research in the ACT as a way of meeting the demand for new renewable energy facilities. The committee should also look at this issue in a regional context, as the ACT is an integral part of the New South Wales electricity network. Just looking at what could be built within the borders of the ACT may limit the potential for accessing more suitable sites. For example, there may not be many sites in the ACT suitable for wind energy, but there are good sites to the north and there is already a major wind energy plant at Crookwell.

I wish the committee good luck and look forward to seeing the report of this inquiry. I support Ms Dundas' amendments, which, I understand, were a bit of a compromise and picked up some, but certainly not all, of Mr Quinlan's points.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.18): I presume I am speaking to the amendments at the moment, one of which has a typo in it, by the way. Mrs Dunne told me that it was smart. One of the amendments refers to facilities "with" the ACT region, but I think Ms Dundas means "within". Is Ms Dundas around to amend her amendment? I will do so. I move the following amendment to Ms Dundas' proposed amendment No 1:

Omit "with" and substitute "within".

Out of respect for members, I circulated an amendment early in the piece with a view to seeking to make the work of this committee effective and implementable, rather than a noble sentiment that may never be implemented. I recall that Ms Dundas was very passionate about renewable energy in her introduction. One of the problems that we are going to have with the sentiment of this study, if it does come out and find ways of producing sustainable energy within the ACT, is the fact that we are part of a national grid and we have an electricity supplier that we do not own.

The economic rationalist side of the Liberal Party, the one that is not passionate about sustainable energy, wanted to sell the whole of Actew a few years ago and eventually sold half of it and virtually all effective control. If we did come up with good ideas that would change the world, if there were ideas for wind power at the top of Black Mountain or a thermal mass below us, I think we could use it in the ACT if it was very small in nature. I think that a certain amount of local generation could be used in a local jurisdiction—I am not sure of the rules—and not have to be fed into the national grid, but there are protocols in place that mean that the ACT is tied to the national grid.

Under the competition policy, inevitably the ACT will move to full retail contestability. It is my opinion at this stage that inevitably it will do so, but that has not been absolutely finalised. It will therefore be the choice of the customer to buy from wherever. If we are looking towards renewable energy consumed in the ACT, there will have to be a fairly subtle process, let me say, in order to get renewable energy consumed in the ACT. As I said, I am not sure about the limits. I have to say that I think the terms of reference were originally written to come up with a set of answers of which the Greens would have been proud.

**Mrs Dunne:** And that stuns you, doesn't it?

**MR QUINLAN:** Only the schizophrenic stance, Mrs Dunne, of a member of the Liberal Party—the party that wanted to sell all of Actew, sold half of it and forfeited virtually all control over it—now bleeding for sustainable energy. Yes, I am stunned—stunned at the massive contradiction involved therein.

At the end of the day, I am not going to die in a ditch over any of this because, if you produce stuff out of your committee at the soft end and it is idealistic and stunning but totally useless, it will be over to you. I was trying, through my proposed amendment, to get some material out of it that I could take to the national energy market. I am on the council for the national energy market and I am also on the energy ministers ministerial council and we do discuss matters like this one.

If the committee comes up with some findings here, I am sure that, as the minister for energy or representing that sector, I will be directed or something to take it to the council. That can be done at the ministerial council in two ways, quite frankly. I can say, “G’day, ladies and gentlemen. I’ve got this lot, but you will have to remember that I am from a minority government”—some of the others are from minority government as well—and they will go, “Hi, Quinlan. Got it, saw it,” and put it away, or we could come up with some strategies that might be transportable across Australia for encouraging the use of sustainable energy. That would be a stunning outcome. I would be very happy with that.

I will leave it at that. I do not intend to move any amendment to the terms of reference because I know that the numbers are not there. All I can say is: enjoy your committee.

**Mr Quinlan’s** amendment agreed to.

**Ms Dundas’** amendments, as amended, agreed to.

Motion, as amended, agreed to.

## **Duties Amendment Bill 2002**

Debate resumed from 7 March 2002, on motion by **Mr Quinlan:**

That this bill be agreed to in principle.

**MR HUMPHRIES** (Leader of the Opposition) (5.28): The Liberal Party will be supporting the amendment to the Duties Act. The amendment is straightforward. It corrects an omission that occurred in the drafting of the Duties Act 1999, with respect to the payment of stamp duty on reinsurance. The argument is that, where a person pays stamp duty on a contract of insurance and that contract is then subject to a contract of reinsurance, it would be improper or inappropriate to have stamp duty imposed on that second contract of reinsurance for basically the same insured risk. The bill before the house effectively clears up that mistake by ensuring that the payment of duty occurs only once on any one insured risk. As such, the matter is merely mechanical and has the support of the opposition.

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**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.29), in reply: 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.

## **Treasury Legislation Amendment Bill 2002**

Debate resumed from 7 March 2002, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

**MR HUMPHRIES** (Leader of the Opposition) (5.31): Mr Speaker, this legislation has the support of the opposition. The Treasury Legislation Amendment Bill is a series of omnibus amendments dealing with the methods of determining interest rates and of determining certain exemptions from payroll tax. The objective of the amendment is essentially to simplify the administration of these matters.

The key amendments propose a more appropriate method for establishing the interest rates to apply to various activities, including tax defaults, overdue rates and any other payments dutiable when rates have been deferred. Essentially, the bill links the setting of the interest rate to the Reserve Bank's monthly 90-day bank bill rate. The rate will apply automatically, except in circumstances where the Treasurer believes that a separate determination is appropriate. That, of course, is disallowable.

The legislation also deals with the question of making separate determinations to exempt training organisations from the payment of payroll tax, and provides that an automatic linking with the provisions of the Vocational Education and Training Act occurs so that organisations appropriately identified under that legislation will automatically receive a payroll tax exemption. Again, this amendment appears to be designed to aid the efficiency of administration and does not make any substantive changes to the law. The bill has the support of the opposition.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.32), in reply: 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.

## Appropriation Bill 2001-2002 (No 3)

Debate resumed from 19 February 2002, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

**MR HUMPHRIES** (Leader of the Opposition) (5.33): Mr Deputy Speaker, I move:

That the debate be adjourned.

Question resolved in the negative.

**MR HUMPHRIES**: Mr Deputy Speaker, the opposition indicated in debate on the Select Committee on Estimates report on Tuesday that it would be supporting this bill, and it will do so very clearly in this debate today. I understand that there was some scuttlebutt which said that the motion to adjourn this debate was about allowing the opposition to oppose the bill. I am pleased to say that the ACT opposition has never opposed an appropriation bill in this place.

**Mr Smyth**: ACT Liberal opposition.

**MR HUMPHRIES**: The ACT Liberal opposition, a very important distinction to make, has never opposed an appropriation bill in this place.

**Mr Quinlan**: There goes half my speech.

**MR HUMPHRIES**: Sorry, Ted. As far as we are concerned, elected governments deserve the right, as a matter of course, to bring down their budgets and to amend their appropriations as appropriate. Whether they should do so without the possibility of amending the budget at some point is an issue that remains to be decided in this place. Perhaps the Assembly will see fit to amend appropriation bills in the future.

If my party seeks to oppose an appropriation bill, it will be on the basis that we wish to move what will effectively be a motion of no confidence in the government. Much as we might have wished for a different result from the election of October last year, we do not believe that bringing the government down is appropriate in these circumstances.

As I said the other day, the appropriation bill contains a series of items to supplement the budget that are for the most part entirely mechanical. They are items that are designed to deal with unforeseen cost pressures, which are inevitable in any given financial year. In this particular situation, a number of pressures might have been anticipated, but could not accurately have been dealt with earlier than at the time of the bringing down of the 2001-2002 budget.

Some items we might expect to come up almost as a matter of course. For example, the appropriation for the Director of Public Prosecutions covers expensive cases, which the DPP seems to incur every year, and which are in fact part of the base of the office of the DPP. Nonetheless, they need to be allowed for in appropriations such as this. Other items fall into that category as well.

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The government has characterised this bill as clearing up some kind of financial mess. I simply adopt the comments that I made the other day on this subject, which indicated that to characterise it in that way is foolish, because there will be second or third appropriations, I suspect, in every year from now on, in this place. While we have this system of appropriating for the operations of government, there will always be second and third appropriations, or at least second appropriations. To characterise those, ipso facto, as being the result of some mismanagement of the framing of the original budget is very foolish indeed, but that statement has been made and Mr Quinlan will have to live with it.

Today we have received the response by the government to the Select Committee on Estimates report. That response is, as one might expect, a fairly brief document. The response was put together in light of the knowledge that there was some resistance to the passage of this bill while the recommendations of the select committee had not been addressed. As a result, this report purports—and I emphasise “purports”—to respond to the recommendations of the select committee.

Mr Deputy Speaker, one can read in the words of this report the extreme testiness of the Treasurer about the recommendations that the select committee has made. The government rarely sees fit to indicate directly whether it supports or does not support a particular recommendation. Indeed, it is impossible to decipher whether some of the replies provided to the committee’s recommendations support or oppose those recommendations.

The Treasurer and the Chief Minister smirk at that comment. Perhaps they think that doing that is very cunning.

**Mr Stanhope:** We were not listening.

**MR HUMPHRIES:** I think that it is an unfortunate response to a committee. I think this committee deserves to have its recommendations taken seriously.

It is also true, as the Treasurer notes in his presentation speech to go with this response, that the report does not deal strictly with issues solely within the bill itself. That is perfectly true, but what is interesting about that is that Mr Quinlan, the Treasurer, bridles at a state of affairs that persisted throughout the time that he has served in this place, and before it, when estimates committees on which he served, and those before that time, regularly, in fact almost inevitably, reported on matters touching on any aspect of the budget whatsoever. I complained about that at the time, as Treasurer, but I accepted it, and I think Mr Quinlan will have to learn to do the same thing.

I come back to the response that has been tabled today. It is a contemptuous response to what the committee has done. In some cases, it simply fails to take up in a fulsome way the issues that have been raised. The committee, for example, recommended that the recycling education campaign should be extended, by time and scope, to ensure that the ACT’s effort on recycling is not allowed to fall backwards. The government is responding by simply describing its existing education program, and giving no indication whatsoever of whether it intends to accept the recommendation for an extension.

Recommendation 7 calls for work on the policy framework for the Office of Sustainability to be accelerated to allow it to operate for the 2002-2003 budget. It was put to the committee that the government would be unable to have that policy framework in place in time to allow it to operate for the 2002-2003 budget. The committee called for that to be accelerated, to allow that to happen.

The government's response is interesting. The Treasurer says, "The Office of Sustainability cannot be formally established until the Legislative Assembly has approved the Appropriation." With great respect, Mr Treasurer, that is hogwash. You do not need an appropriation in order to establish a new administrative unit in the government. Governments can and do create new administrative units all the time. Indeed, on the change of government last November, a number of new administrative units were created, and no appropriation was made specifically for those.

The Financial Management Act specifically provides that money can be moved backwards and forwards to deal with the restructuring of government departments. Of course, we do not appropriate money for line agencies, units or offices within particular departments of the ACT government: we appropriate for the department as a whole. If the government of the day wants to fund a single office from that bucket, or 55 different offices, it may do either. It is simply disingenuous to say that the Office of Sustainability cannot be formally established until the Assembly has approved the appropriation. It is not true.

The Treasurer might want that to be the case for the sake of cleanness, but that goes back to the question of why this policy framework cannot be established in time for the 2002-2003 budget. It can be, if the government chooses to give it that focus and that priority, but it obviously does not wish to give it that focus and priority.

The committee has also made reference to the late tabling of documents, and to the delay in answering questions. I would have thought that there would be a more fulsome response to those questions, but there is not. The committee has also raised the question of amendments to section 17 of the Financial Management Act. I have asked a question of Mr Quinlan's officers about that, and I understand that they are preparing an answer for me or preparing an answer for Mr Quinlan to provide. However, I have to say that the tenor of this entire response is extremely unfortunate.

I think that there are serious problems with the process that the government has used. I again say to this Assembly that I believe it is a mistake for the Assembly to approve appropriations within the short time frame that the government has chosen to allow for this matter. It was the government's intention, originally, that this bill be passed last month. The Assembly prevailed upon the government to extend the time frame by that month to allow an estimates committee hearing to occur.

It was also our view that it would have been more appropriate to have an estimates committee look at the second appropriation bill as well. However, we accepted the argument that that bill contained urgent items, and that it was not possible to do have a hearing and to meet the appropriations that could not be dealt with in any other way, for particular areas of government that needed immediate funding.

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I might remind members that one of those areas was the hospital. We were told that the hospital urgently required funding in order for it to be able to operate beyond Christmas. We were told that there would be a crisis in the hospital by Christmas if funding was not provided. We received an answer, courtesy of the Treasurer, in the last sitting period, to the question about exactly how the money appropriated in the second appropriation bill was to be used to assist the hospital.

The answer demonstrated that there were a number of components of that extra money for the hospital that were clearly not a matter of urgency, or which had not yet been the subject of drawing down by the hospital. In this Estimates Committee, Mr Smyth asked the health minister about the nature of the request that the department of health or the hospital made for this extra funding. Members of that committee will be aware that no answer was provided to that question.

Again, this question of why the appropriation is urgent remains unanswered. Today, we are again being asked to pass legislation through this place without being provided with a full set of answers to questions, and without a full explanation of the urgency of the matter.

The Treasurer did make this point in the course of the hearings of the Estimates Committee: he said that he believed that the Assembly needed to pass the appropriation bill relatively promptly, because he wanted to know whether the Assembly would approve the appropriations at all. Presumably, if the Assembly rejected the appropriations, it would be possible for the government to restructure its program, knowing that it did not have the money to spend on these extra items.

As I have said, first of all that argument is nonsense, given the often stated position of my party that it does not block appropriation bills. The government knew that, with its own votes and those of the opposition, it could not possibly lose its own appropriation bills. The result of passing the bill in this time frame—and presumably the same thing will apply to a fourth appropriation that is moved later this year—is that, because the Treasurer chooses not to spend the money until he has the appropriation for it, the chance of having full scrutiny by an estimates committee and of having proper consideration of the government's responses to recommendations, is limited.

The recommendations were brought down on Tuesday of this week. The government responded to them, as I have said, in a very cursory and desultory way on Thursday, today, and the Assembly is now expected to pass this bill in the next hour or so. I think that is a process which is unfortunate and unsatisfactory.

I have also predicted, and I do so again, that there will be a fourth appropriation for this financial year and, when that happens, again there will have to be consideration of whether an estimates committee is appropriate.

**Mr Quinlan:** What don't I know?

**MR HUMPHRIES:** What you do not know apparently, Mr Quinlan is that budgets inevitably face difficulties as the year goes on. With the best will in the world, the people you appoint to manage budgets throughout the government's administration cannot

predict certain factors that occur from time to time. When they occur, you need to deal with them by moving funds, and sometimes a Treasurer's Advance is not appropriate for that.

At the very least, if a fourth appropriation is not required, a much more fulsome use of the Treasurer's Advance will be needed than has been admitted to in this appropriation. The Treasurer said that he did not believe it was appropriate to use the TA, and that he believed it was more appropriate to put an appropriation bill before the house.

**Mr Quinlan:** And you are confirming it for me, brother.

**MR HUMPHRIES:** I do not think we have had adequate time to examine your response.

**Mr Quinlan:** Response to what?

**MR HUMPHRIES:** To our recommendations. I think that a better course of action would be to have the matter dealt with at a later time. However, the Assembly has decided on that and I will not therefore reflect on the vote of the Assembly.

I think that the \$27 million extra for education is an issue that should be clarified quickly and urgently by this government, and I think that that, by itself, is a good reason why this Assembly should not be passing this bill this afternoon.

**Mr Quinlan:** We do not share that opinion, so maybe you could tell us why, while you are up there.

**MR HUMPHRIES:** Because you have asked for extra money, including extra money in education—although that came as something of a surprise to the education minister when he was actually before the Estimates Committee, I might say. The committee asked, quite reasonably, how that fits in with your plans for an extra \$27 million for education and with your plans to ask the education department to offer up, at least hypothetically at this stage, 2 per cent savings across the board in education. Education makes up \$400 million, or something like that, of the territory's annual budget. It is not likely to escape attention when it comes to making across-the-board savings.

I and others have pointed out that, if you make a cut of 2 per cent to your base education budget, or even of something less, but still a significant proportion, and you then add \$27 million, to be generous let's say over four years, you will not have an extra \$27 million going into education.

The government responded to that question by saying, "We do not have to tell you what we are going to do with our budget before it is brought down," but of course it did tell us. It did tell us what it was going to do with its budget before it was brought down, when it said that there would be an extra \$27 million for education. The education minister was absolutely categorical about it—absolutely crystal clear—and he spelt it out with nauseating repetition, before and after the election.

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However, when it came to the detail on this, that is, whether you are really standing by the claim that this is going to be an extra \$27 million for education on top of what the previous government was spending, suddenly the answers were much less specific: "Sorry, you will have to wait." I think those questions need to be answered, and I think that the government has failed to do so in this response to the report. That is most unfortunate.

I repeat that the opposition does not oppose this legislation, but believes that it highlights some serious inadequacies in the government's process, particularly as far as the production of documents and the answering of questions are concerned. Given the lecturing and the hectoring that went on over what the government said were inadequate previous budget consultation processes, I think that this document and this process fall very far short of what you might expect if you have read the rhetoric in the Labor Party over the last six years. However, again I say that this appropriation bill should pass.

**MS DUNDAS (5.53):** I rise to add the Australian Democrats' support to Appropriation Bill (No 3). It contains funding for the Office of Sustainability which, as I have said, is an initiative that we do support. We think it is a very good initiative on the part of the government.

However, I do echo Mr Humphries' concerns about the lack of information from the office available to feed into the 2002-2003 budget. We should be capitalising on this initiative as soon as possible, and using it to govern how we spend our money over the next year, as well as into the future.

There is debate raging across this chamber about the report of the Estimates Committee and the response to that report. I believe that having the Estimates Committee was important and that it allowed us to explore a number of financial issues in relation to the territory. It is not important, however, at this stage, to continue the debate about who is the better treasurer.

The report did raise a number of important recommendations, not just about Appropriation Bill (No 3), but about the financial management of the territory, how estimates committees conduct themselves, and how governments conduct themselves in relation to those estimates committees. I believe that some of the answers supplied were useful and some of the answers supplied lacked detail. I will be exploring the issues that concern me about the government's response by the Treasurer to the select committee's report. That being said, I repeat that this appropriation bill has the support of the Australian Democrats and I trust that it will go through today.

**MS TUCKER (5.55):** I will make a few comments, first on the bill itself, and then on the report and the response to it. This bill provides appropriation of \$19.5 million for some 19 items, and only one of these is for an election commitment of the ALP: funding for the establishment of the Office of Sustainability. The Greens are obviously strong supporters of the concept of an Office of Sustainability, so this money is welcome. I wondered why it was left out of the government's previous appropriation bill, which included funding for a range of the ALP's election commitments. I hope this is not a sign that the government sees the office as a lower priority. The money involved—

\$184,000—is a relatively small sum, so I regard it as just the start of a larger funding commitment over time.

I note that the Estimates Committee put forward the recommendation that the work on the policy framework for the office be accelerated to allow it to operate for the 2002-2003 budget. This would certainly be the ideal, but I do not think we should be rushing into this before the necessary groundwork has been done. Otherwise, we could end up with a half-baked or token effort.

Perhaps more important is the committee's other recommendation, which is that the government should establish a reference committee of stakeholders and experts to oversee the development of the office. I had thought of this need a while ago, and have already written to the Chief Minister requesting that an expert advisory committee be established.

The other items in the bill address cost pressures in various areas of government that were not foreseen at the time of the previous budget. Most of these seem reasonable, although I agree with the Estimates Committee that we should have been informed about some of these items before now, and that those could have been incorporated in Appropriation Bill (No 2).

I have a few comments on other items in the bill. The extra funding for community groups to cover the increased costs arising from the SACS award is very welcome. I note that we are having to give some \$3.4 million to CTEC to cover its losses on, and increased costs for, the V8 supercar race and other events. I think this government should really question the worth of this event to the ACT, and ask itself why it should so heavily subsidise such an event. I am interested, although not surprised, to see that this was not really drawn out in the Estimates Committee's report.

I find it odd that we are spending some \$1.3 million for additional labour expenses to deal with bushfire management in our forests, yet we are also spending money on a redundancy program for ACT Forests staff. Perhaps the recent disastrous bushfires show that we should be keeping up the staff numbers in ACT Forests, or increasing numbers in other areas of forest management.

One of the items in this bill involves a passing through of funding from the Commonwealth for the first home owner grants scheme, and is thus budget neutral. I agree with the Estimates Committee that there should not have to be an extra appropriation every time there is an adjustment in the Commonwealth funding for specific purposes, and that rather the budget should be adjusted automatically. Over all, though, I do not have any major objections to the bill and am prepared to support it.

Regarding the comments from Mr Humphries on the nature of the government's response to the Estimates Committee's report, I cannot agree that it is such a disaster. The Estimates Committee's report is fairly policy focused. According to my understanding of what Mr Humphries' concerns are, I think I have addressed a number of them already. He seemed to be concerned that one of the responses was not clear, and that was the response to recommendation 6: "That government gives consideration to extending, by time and scope, its recycling education campaign," and so on. I agree that it is not really clear.

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I think it would probably be useful if governments said “agreed”, “not agreed” or “agreed in principle”. Then you have a little bit more of an indication of their intent, but I do not think that that is a major issue worth adjourning this debate for or having a major concern about at all. I felt that the rest of the responses were quite reasonable.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.59), in reply: I will be as brief as I can. I thank Ms Dundas and Ms Tucker for their support and for actually talking about the bill.

In relation to what Mr Humphries has said, if I actually took away from it the expected—that is, that this response is inadequate, insufficient and too brief, that I have been testy and that I have bridled—I would actually say that, on the Humphries scale, I have pretty well unqualified support, so I will not bother responding to most of his comments.

There are a couple of points that I would like to make. I think, when Mr Humphries was debating the appropriation bill for the second time, as opposed to Appropriation Bill (No 3), he talked about the money for the hospital and asked why it was necessary. I will tell you mainly why it was necessary: because the guy sitting on his left was out trying to make a public issue of the fact that we had not given the money. I think he was screaming in the media, “Broken promises. Where is the money? The money has not arrived. You have been in government 10 minutes, and the money is not at the hospital.”

**Mr Smyth:** But you said it had to be there by Christmas. We were just reminding you.

**Mr Humphries:** But it didn't, did it.

**MR QUINLAN:** We will not address that any more. You two work it out between yourselves. You are at odds with each other, quite obviously, but we have become adjusted to the fact that Mr Humphries has a speech for all occasions.

The other point that I want to make is that Mr Humphries talked about the prediction of a fourth appropriation bill. Previously, he had been saying that I should be using the Treasurer's Advance. I did stand in this place before and say that the reason the third appropriation bill is necessary is that I really do think that I should not burn the Treasurer's Advance, because I might get some more nasty surprises, such as those I have had since I have been in this job. I think you have totally contradicted yourself.

**Mr Humphries:** You can replenish it, Ted.

**MR QUINLAN:** I would also like to remind the Leader of the Opposition of the Auditor-General's attitude towards the use of the Treasurer's Advance, because I think he was quite critical of the previous government. In fact, I have brought legislation into this place in order to put at least some flexibility into the process.

As I said, the committee report had very little to do with the appropriation bill itself. However, we respect the right of the committee to make some wider comments, and we have answered those wider comments to the extent that we thought those comments and

recommendations warranted a response. Other than that, all I can do is thank all, including Mr Humphries, for what I judge to be quite fulsome support.

Question resolved in the affirmative.

Bill agreed to in principle.

**MR DEPUTY SPEAKER:** Standing order 180 states that, in considering an appropriation bill for the ordinary annual services of the executive, any schedule shall be considered before the clauses. As this bill does not contain a schedule, it is intended that it will be dealt with in the same way as other bills of the Assembly.

I therefore present the following paper:

Advice from Clerk to the Speaker—Schedules to Appropriation Bills, dated 4 February 2002.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Suspension of standing orders**

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

That so much of standing orders be suspended as would allow private Members' business, order of the day No 12 (relating to container deposit legislation) being called on forthwith.

## **Container deposit legislation**

Debate resumed from 10 April 2002, on motion by **Ms Tucker**.

That this Assembly calls on the Government to:

- (1) take note of the independent report on container deposit legislation prepared by the Institute of Sustainable Futures at the University of Technology Sydney which was recently released by the NSW Minister for Environment, Mr Bob Debus; and
- (2) support the establishment of a national container deposit scheme at the National Environment Protection Council.

**MR HUMPHRIES** (Leader of the Opposition) (6.05): Mr Speaker, the Liberal Party's position on this motion is that we acknowledge very clearly the urgent requirement that Ms Tucker raised earlier in this debate for Australia as a nation to consider ways of being able to reduce the amount of material which it disposes of each year, fails to recycle and fails to reuse, and measures such as container deposit legislation clearly go some way towards doing that.

I do not think any of us would doubt that having an effective container deposit scheme operating in Australia, to the extent that it encouraged people to reuse material, prevented material going into the waste stream and reduced the use of energy, would be

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a good thing. I believe that the only question that any of us would have in our mind about that is whether a scheme of this kind would have the potential to do that.

I know that Ms Tucker has argued that the report of an organisation in Sydney says that a scheme of this kind is feasible for Australia. I would set those recommendations against the background of earlier work on such a proposal, at least in the context of the ACT, including work by earlier committees of this place, that suggested that it may not be feasible. I would like to believe that such a scheme would work. Therefore, I am open-minded about the concept and supportive of it.

The question is whether it is possible to demonstrate that it is feasible now and whether it is possible to produce a direction to government, or at least an urging to government, in this motion that it take that view, on behalf of this Assembly, to the next meeting of the relevant ministerial council, the National Environment Protection Council, and have that argument pushed there in that context. My colleague Mrs Dunne will amplify that position, but the question is one of feasibility, of how we, as members of a relatively small community, and the rest of Australia can contribute to a process whereby such legislation is made to operate feasibly, to the advantage of the environment as a whole and within sustainable economic parameters.

**MR CORBELL** (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (6.08): I wish to speak to this motion on behalf of Mr Wood, the environment minister, who is unable to be here this afternoon due to commitments with the Murray-Darling Basin Commission.

The government has noted with interest the recent report on container deposit legislation prepared by the Institute for Sustainable Futures for the New South Wales Minister for the Environment, Mr Debus. Container deposit legislation describes legislation that establishes a deposit and refund system for used containers, such as drink bottles and cans. The report found for New South Wales—I emphasise that this finding applies only to New South Wales—that the potential environmental and economic benefits of introducing container deposit legislation exceed the costs.

The report also identified some impediments to the introduction of container deposit legislation. For example, the report notes that container deposit legislation is supported by local government, which currently carries the cost of recycling, but is opposed by industry, to which the cost of recycling effectively would be transferred. I should add that the government does not, as a matter of principle, believe that the transfer of costs to industry is necessarily a problem for recycling schemes in general.

The government has received advice that there have been some legal problems relating to the mutual recognition guidelines under the national competition policy. That is an issue the government believes needs to be further investigated to try to achieve a national approach. South Australia, the only jurisdiction to have container deposit legislation, has had to argue strongly for an exemption from the mutual recognition guidelines.

The ACT government recognise the need to research and consider all options that lead to increased and continued waste reduction, both to help achieve the ACT's 2010 waste targets and to contribute towards sustainable development within the ACT. The ACT's unique position of combining both local and territory government functions meant that

the pressures experienced in the implementation of effective kerbside recycling by the former Labor government were in marked contrast with the pressures experienced in other jurisdictions. Because of the kerbside recycling initiative introduced by the Follett government, we have managed to achieve significant and impressive rates of recycling within the territory.

The Beverage Industry Environment Council's national recycling audit for 1997 provides the most recent data with which to compare recycling achievements between jurisdictions. I think this data will be of particular interest to members. In South Australia, which has had a container deposit scheme for quite some years, the recovery rate for aluminium cans was 9 per cent, compared with 70 per cent for the ACT's kerbside recycling scheme. For glass containers, the comparable figures were 35 per cent for South Australian and 75 per cent for the ACT. That is a very strong record for recycling, but we need to continue to work to improve it.

Container deposit legislation is one potential way of promoting the principle of extended producer responsibility. The ACT is a signatory to the national packaging covenant, which aims to reduce the amount of consumer packaging in use. Signatories to the covenant develop action plans, which include targets for the recovery of packaging. It is worth noting that the New South Wales container deposit legislation report recommends that container deposit legislation be introduced or that industry recycling targets be strengthened.

New South Wales has referred the issue of container deposit legislation to the Environment Protection and Heritage Ministerial Council, which includes the National Environment Protection Council. This issue will be debated in this national forum and that will be an appropriate opportunity to see that all the issues are canvassed more thoroughly.

It is worth noting also that the container deposit legislation only targets a somewhat limited range of commonly littered materials, such as glass, plastic bottles and aluminium cans. It does not make any provision for addressing other materials that make up a significant part of the ACT waste stream. Whilst it is important to pay close attention to the possibility of introducing container deposit legislation in the ACT, we would still need to focus strongly on other parts of the waste stream, including paper, organic material and builders' waste, and our efforts to reduce the amount of material which ends up in landfill also needs to be directed at these areas in which significant gains must be made if we are to achieve a target of no waste by 2010.

Mr Wood, as the minister, will be discussing this matter when it is raised at the Environment Protection and Heritage Ministerial Council. The government is very happy to provide in-principle support to Ms Tucker's motion.

**MRS DUNNE (6.13):** Until Ms Tucker brought this matter to my attention recently, I would have thought that the notion of container deposit legislation was dead in the water; but I am glad to say that, with this report, it has been revived. The report of the independent review of container deposit legislation in New South Wales makes extremely interesting reading and increased my enthusiasm for revisiting this issue. CDL will do nothing by itself; there has to be a holistic approach. But I am firmly in favour of

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the principle of extended producer responsibility as a means of decreasing waste and packaging in the waste stream.

The time has come for us to revisit this issue and I am happy to support Ms Tucker's motion that it be taken on in a national approach. Previous assemblies have looked at an ACT approach to the issue. The ACT, in isolation, could never make such a thing succeed. Perhaps the ACT, in concert with New South Wales, could make significant inroads. Certainly, as part of a national approach, we could make very significant inroads.

The Minister for Planning cited statistics for South Australia showing the relatively poor performance of CDL in that area, but the thing that we need to do is to go back to the fact that it cannot stand alone as an option; there has to be an option which is integrated with a whole range of waste management strategies to reduce the amount that we turn to waste. With that in mind, the Liberal Party will be happy to support Ms Tucker's motion.

**MS DUNDAS (6.15):** The Democrats will be supporting this motion. We believe that it is a very important initiative. Container deposit legislation has existed in South Australia for some time, as we have all noticed in buying drinks that have a label on them referring to a 5c deposit there. When this legislation was brought in, 5c was a lot of money and many young kids would spend a lot of time collecting bottles and taking them back to recycling centres.

This motion has been brought forward to bring attention to the report prepared by the Institute for Sustainable Futures at the University of Technology Sydney and launched by the New South Wales Environment Minister. I hope that members of this Assembly will take a look at it. I thank Ms Tucker for bringing forward this motion and hope that its passage will be the end result.

The introduction of container deposit legislation would support kerbside recycling, which, as we have ascertained from a number of debates, is becoming expensive, but is still a vital operation. I believe that some local councils in areas of New South Wales are struggling to meet recycling demands. That is why we need a national approach to recycling. As we know, the environment does not stop at state borders. Container deposit legislation would help reduce the cost of kerbside recycling and provide a popular alternative for the collection and reuse or recycling of virtually all beverage containers.

There is no reason to believe that products in refundable containers would be more expensive. In fact, savings due to the efficiency of a national-based scheme could lower prices. Another benefit is that the collection costs would be funded by unclaimed deposits, that is, consumers who did not return their containers would fund the system. Why should all Canberrans, through their rates, subsidise the beverage and packaging industries by collecting their containers? The introduction of container deposit legislation would end this unjust situation.

I finish by repeating that this motion will receive the support of the Australian Democrats. I hope that this proposal will move forward at the national level.

**MS TUCKER** (6.18), in reply: I thank members for their support. I do not think I need to do more than to respond to Mr Corbell's comments on the mutual recognition provision. I just want to make the point that it is not the Bible—

**Mr Corbell:** I agree.

**MS TUCKER:** Mr Corbell agrees, which is good. It is about having a national will to deal with these issues. The application of any law, obviously, is something that can be changed. If the political will is there and if there is an understanding of the public good that comes from particular initiatives, it should occur. You can argue for an exemption under it anyway, as South Australia has done. As I mentioned in my introductory speech, we had such a problem with Ms Horodny's legislation on battery hens and the production of eggs. Whether an exemption is granted by the states and territories comes down to the question of public benefit. All I am doing is asking that we take a strong and supportive position to any national discussion on this issue.

Question resolved in the affirmative.

## **Adjournment**

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

That the Assembly do now adjourn.

## **Belconnen Blue Devils**

**MR STEFANIAK** (6.19): I rise to wish the Belconnen Blue Devils well in their semi-final in Sydney on Sunday at Leichhardt and, secondly, to congratulate them on reaching the semi-finals this season; it is the first time that they have. After the demise of the Cosmos as Canberra's No 1 soccer team, the Belconnen Blue Devils have filled the gap very ably in the New South Wales premier league summer competition. This year they have made the semi-finals, following the very good 2-nil victory last week which took them into outright fifth place.

I will be going there with them on a bus, which will be a lot of fun, even though the game will clash with a Brumbies game. It is a very good effort to get there after being in the competition for only a short time. The under-18s narrowly missed out on the semi-finals. I wish the Belconnen Blue Devils first grade side all the very best. They are coached by Lino Fiorese, an excellent coach who has done a wonderful job with them. To Lino and the boys, all the very best, and go you Blue Devils!

## **Murray-Darling Basin**

**MRS DUNNE** (6.20): Mr Speaker, I rise to speak today in recognition of the fact that the minister for the environment is at Corowa for the 100th anniversary meeting of the Murray-Darling Basin Commission, marking 100 years of cooperation in the Murray-Darling Basin. It is a very important meeting about a very important issue. I would like to take the opportunity to put on the record some of the comments I made at a recent conference on the Murray-Darling Basin.

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One of the things that we have to remember is that the Murray-Darling Basin supports one-quarter of the cattle herd, half the sheep flock, half the crop land and three-quarters of the irrigated land in Australia and supports 16 major cities, including Canberra and Adelaide, and numerous other urban centres. We know that the Murray-Darling Basin is being transformed by salinity and low flows from an oasis into a wasteland. In our lifetime we are seeing how human activity can impact on a highly productive, but nevertheless fragile, environment and we are at risk of losing it forever. We have seen much in the 100 years of operation of the Murray-Darling Basin, but in many ways it seems to me that the ventures in the Murray-Darling Basin have been a triumph of hope over experience.

The recent state of the environment report issued at Parliament House was very grim on the state of our salinity and the failure of institutional arrangements to be effective in meeting environmental and heritage management issues. We should not underestimate the great work that is done by the staff and committees that make up the Murray-Darling Basin Commission, but it is hopelessly mired by interstate politics, rivalries and inefficient decision-making processes. The Jagiellonian veto that is part of the structure tends towards the status quo as the only acceptable means.

When I made these comments some time ago, I drew the attention of the audience to the adverse impact that irrigation, particularly the irrigation of rice, has on the basin. I have asked the minister for the environment to take these comments with him to the Murray-Darling Basin Commission. He has undertaken to do so. We should be looking at a rural adjustment scheme to phase out the production of rice in Australia. To do that, I should illustrate what a thirsty crop rice is.

To produce one dollar's worth of rice in the husk takes 7,459 litres of water. If we were buying that in the ACT, a dollar's worth of rice would cost \$7.59 to produce. Rice is a thirsty crop and we must ask ourselves whether its production is sustainable, whether it is a judicious use of water and whether it is an appropriate management practice. When I made these comments some time ago the rice industry, understandably, was angry; but I made the point at the time that I was not blaming the rice growers. The rice growers are the victims, just as much as the land of Australia is the victim, of this practice.

Although the rice industry has been very vociferous and has undertaken to inundate my office with complaints, I can report to the Assembly that I have had one phone call, one fax and one email criticising my stance, but wherever I go I am constantly confronted by Canberrans who support my stance and who encourage me and encourage the people in this place to think actively and creatively about water conservation issues. Wherever I go and whenever I open my emails, from Shellharbour to Castlemaine, I find somebody has rung or written to me to support this approach. It is now time, as we are talking about radical action, for all legislators to take radical action on salinity and water issues for the future agricultural benefit of all in Australia.

Question resolved in the affirmative.

**The Assembly adjourned at 6.25 pm until Tuesday, 7 May 2002, at 10.30 am**

## Answers to questions

### Canberra Nature Park—erection of steel barrier gate (Question No 29)

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to the erection of a steel barrier gate in Rani Road, off Caswell Drive, Canberra Nature Park, Black Mountain:

- (1) What was the:
  - (a) reason for erecting the gate; and
  - (b) cost of erecting the gate.
- (2) When was the gate erected.

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

- (1) (a) Since the construction of Caswell Drive, Rani Road was left as a 'cul-de-sac'. Over the years anti social behaviour has become common place in and around the Rani Road precinct. Activities such as the illegal dumping of rubbish; drug injection and subsequent syringe disposal; drag racing/burnouts, nighttime drinking parties and subsequent glass bottle smashing; and the regular destruction of the gate and fences by persons ramming cars (usually stolen) into the infrastructure. The cleanup of this area was significant in terms of being time consuming and costly. The road has been gazetted as temporary closure to assess the effects of the new gate. Since the erection of the gate no anti social behaviour has been detected.
  - (b) Approximately \$1500.00 including materials and labour
- (2) The gate was erected on 20<sup>th</sup> July 2001

**Mount Painter/Cook area—installation of steel gates  
(Question No 30)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to parks and forests:

- (1) How many steel gates have been installed in the Mt Painter/Cook area.
- (2) When were the gates installed.
- (3) What was the (a) cost of installing the gates and (b) purpose of installing the gates.
- (4) Who has access to the opening of the gates.
- (5) Is there a levy/cost for those who have access to opening the gates.
- (6) During the recent fires in the agistment paddocks at Mt Painter were the gates open or locked when the fires commenced.
- (7) If the gates were locked who opened them during the recent fires in the agistment paddocks at Mt Painter.
- (8) How much land was burnt in the recent fires in the agistment paddocks at Mt Painter.
- (9) What was the cost to the taxpayer of putting out the fires and the damage caused in the agistment paddocks at Mt Painter.
- (10) Did any animals die as a consequence of the fires in the agistment paddocks at Mt Painter.

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

(1) Six gates have been installed in the Cook Horse Holding Paddocks. One is a heavy security gate placed at the entrance off McKellar Crescent, Cook. Some fencing realignment and additional sub division fencing was undertaken at the paddocks prior to the installation of the security gate with 5 internal gates being added to facilitate access between paddocks. One gate has been installed into the Mt Painter reserve on the western side. The current horse paddock licensee has installed another into an internal holding yard.

(2) The last of the horse paddock gates that were installed in this area would have been done in 1996/97. Subdivision fencing and additional installation of gates took place over a number of years commencing in about 1994. The gate into the Mt Painter reserve was installed about 2 years ago. A gate into a "founder paddock" within the Cook Horse Paddocks has been installed by the horse paddock licensee in the past 12 – 18 months.

(3) (a) A conservative estimate of material and labour costs associated with the installation of each unit would be in the order of \$300.00 - \$600.00 depending on the type of material used.

(3) (b) the main security gate to the horse paddocks was installed at the request of horse paddock clients and adjoining residents in an attempt to restrict unauthorised access to the area. The area was frequently visited by people not generally associated with agisting horses at the paddocks. Vandalism and the use of the carpark for "burnout" purposes, drinking, drug taking, illegal fires etc was not uncommon.

The installation of the internal gates was to facilitate livestock movement and vehicular access to paddocks as a result of paddock subdivision

The installation of the gate on the western side of Mt Painter was to facilitate access for ACTEWAGL to undertake civil engineering works and rehabilitate a disturbed area.

(4) The main security gate at the Cook Horse Paddocks is locked with a combination lock for the convenience of clients.

Gates into the horse paddocks can be accessed by the licensee and ACT Parks and Conservation Service.

Access to the Mount Painter Nature Reserve is restricted to ACT Parks and Conservation Service and ACTEWAGL. Residents and/or contractors can apply for permits to access the rear of residential properties which adjoin the reserve.

(5) Two permit fees exist to facilitate access for commercial and non-commercial use. The respective costs are: \$740 for the commercial (includes a \$500 deposit) and \$75 for the non-commercial (\$50 of which is a deposit). No levy exists for agencies.

(6) The main security gate to the horse paddocks was unlocked and open when fire appliances arrived at the fire. This gate is generally only locked at night. Access to the paddocks was gained via locked gates using general issue keys to AG5 locks.

(7) The gates into the horse paddocks were locked and were accessed by the crew of the heavy fire tanker, PARKS 12. Fences were cut as required by Mr Lee Carmody of Horse Farms ACT

(8) Approximately 4 - 5 hectares of paddock No 4 at the Cook Horse Paddocks was burnt.

(9) A number of fire appliances from various brigades attended the fire and a full costing breakdown is not available at this stage. A conservative estimate of the suppression, mop up and attendance over a number of days to follow up on sighting of smoke would be in the order of \$3,000 – \$5,000.

A conservative estimate of damage to fences, tree plantations, pasture and follow up weed control would be in the order of \$2,500. This would have been covered by the licensee's insurance policy.

(10) No animals died as a result of the fires in the agistment paddocks at Mt Painter.

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**Mount Painter/Cook area—installation of steel gates  
(Question No 31)**

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

In relation to parks and forest:

- (1) How many steel gates have been installed in the Mt Painter/Cook area.
- (2) When were the gates installed.
- (3) What was the (a) cost of installing the gates and (b) purpose of installing the gates.
- (4) Who has access to the opening of the gates.
- (5) Is there a levy/cost for those who have access to opening the gates.
- (6) During the recent fires in the agistment paddocks at Mt Painter were the gates open or locked when the fires commenced.
- (7) If the gates were locked who opened them during the recent fires in the agistment paddocks at Mt Painter.
- (8) How much land was burnt in the recent fires in the agistment paddocks at Mt Painter.
- (9) What was the cost to the taxpayer of putting out the fires and the damaged caused in the agistment paddocks at Mt Painter.
- (10) Did any animals die as a consequence of the fires in the agistment paddocks at Mt Painter.

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

It is considered that all of the above questions are the responsibility of the Minister for Urban Services. However, in relation to question number 9 I would like to respond that on the 31 December 2001 the ACT Bushfire Service did attend a fire in the horse paddock at Mt Painter in Cook. One tanker and two light units attended from that service and the ACT Fire Brigade responded two units. There was no direct attributable cost incurred in relation to this incidence. With regard to the cost of the damaged caused in the agistment paddocks at Mt Painter, this is a question for the Minister for Urban Service

**Housing—staff  
(Question No 33)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to employment of staff at ACT Housing.

- (1) How many people are employed (a) full time and (b) part time
- (2) What is the total budget allocation for this financial year for those staff employed (a) full time and (b) part time
- (3) How many consultants are contracted (a) full time and (b) part time
- (4) What is the total budget allocation this financial year for consultants contracted (a) full time and (b) part time.

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

- (1) The number of people employed as at (13 February 2002) (a) full time is 208 and (b) part time is 10 people.
- (2) The total budget allocation for direct salary costs, including wages and salaries and leave, payroll tax and worker's compensation costs is (a) \$13.753m for full time staff and (b) \$0.134m for part time staff. These direct costs do not include some employee on-costs such as training, OH&S costs and uniforms etc.
- (3) The number of consultants contracted (a) full time is 0 and (b) part time is 3. The hours of work for the consultant engaged to assist with the implementation of the Oracle Financial System depends upon the work requirements for the project.
- (4) The total budget allocation for consultants contracted (a) full time is \$0 and (b) part time is \$0.221m.

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**Housing—managed by body corporate  
(Question No 34)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to ACT Housing accommodation managed by a body corporate:

(1) How many properties in complexes are run by a body corporate in:

- (a) North Canberra;
- (b) Belconnen;
- (c) Weston;
- (d) Woden;
- (e) Tuggeranong;
- (f) Oaks Estate;
- (g) Gungahline (and Hall) and;
- (h) South Canberra

(2) How many properties in complexes are run by a body corporate for the following types of accommodation:

- (a) Bedsit;
- (b) 1 bedroom flat;
- (c) 2 bedroom flat;
- (d) 3 bedroom flat;
- (e) 4 bedroom flat;
- (f) 1 bedroom house;
- (g) 1.5 bedroom house;
- (h) 2 bedroom house
- (i) 3 bedroom house
- (j) 4 bedroom house
- (k) 5 bedroom house
- (l) aged persons units with (i) 1, (ii) 1.5 and (iii) 2 bedrooms;
- (m) townhouses with (i) 1, (ii) 2 and (iii) 3 bedrooms; and
- (n) other

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

- |     |     |     |
|-----|-----|-----|
| (1) | (a) | 101 |
|     | (b) | 52  |
|     | (c) | 16  |
|     | (d) | 70  |
|     | (e) | 111 |
|     | (f) | Nil |
|     | (g) | 74  |
|     | (h) | 68  |

- (2) (a) nil
- (b) 135
- (c) 139
- (d) 1
- (e) nil
- (f) nil
- (g) nil
- (h) 1
- (i) 2
- (j) nil
- (k) nil
- (l) (i) 5
- (ii) nil
- (iii) 6
- (m) (i) 8
- (ii) 89
- (iii) 103
- (n) nil

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**Housing—lead-based paint  
(Question No 35)**

*Mr Stefaniak asked the Minister for Urban Services, upon notice:*

In relation to lead-based paint in ACT Housing properties:

(1) What is the current policy for accommodation affected by lead-based paint in the following types of accommodation:

- (a) Flats;
- (b) houses;
- (c) aged persons units;
- (d) townhouses; and
- (e) other.

(2) What is the breakdown of the above accommodation affected by lead-based paint in:

- (a) North Canberra;
- (b) Belconnen;
- (c) Weston;
- (d) Woden;
- (e) Tuggeranong;
- (f) Oaks Estate; and
- (g) Gungahlin

(3) How much of the above accommodation affected by lead based paint is:

- (a) currently occupied; and
- (b) currently vacant.

(4) If vacant, for how long has it been vacant.

(5) What was the total budget allocation for maintenance of accommodation affected by lead-based paint for:

- (a) 1999;
- (b) 2000;
- (c) 2001; and
- (d) 2002

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

(1) The current policy on lead-based paint is that properties with young children as residents are the highest priority for remedial action but that any tenanted property with lead-based paint should have the necessary remedial action undertaken when repainting is required. All work is undertaken within Australian Standards and within the attached protocol.

The bulk of ACT Housing properties affected by lead-based paint are in the inner North and inner South of Canberra as sale of lead based paint became illegal in 1970, but there are some rural properties and some in the Woden and Weston Creek area.

However the original parameters for testing included all houses built to and including 1975 to allow for pre-existing stocks of lead based paint having been used by the builders.

After sample testing, and given the age of the properties, both Belconnen and Tuggeranong have been cleared for lead. Similarly after a test of a sample of flats in Oaks Estate, they are all regarded as negative.

Given their dates of construction, properties in Gungahlin, Dunlop and south Tuggeranong have not been tested.

(2) The lead based paint program commenced in December 1996. Unfortunately, a lot of the computer data from the first two years of operation was lost and has proven difficult to retrieve in a form which is 100% accurate, particularly as many affected properties have since been disposed of.

As at 30 June 2001, approximately 1960 properties had been tested for lead with a total of approximately 1219 proving lead positive.

(3) No properties are vacant because of lead based paint. Where the lead painted surfaces do not require immediate action, properties may remain tenanted and untreated until the next time painting is required.

(4) Not applicable. Any properties held vacant at present are either undergoing maintenance, awaiting allocation or held pending sale or redevelopment.

(5) Information on expenditure is held in financial years. The relevant figures are:

1998-1999: Expenditure:	\$1,086,715
1999-2000: Expenditure	\$996,672
2000-2001: Expenditure	\$2,180,135
2001-2002 Expenditure to date	\$74,032

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**Housing—payments  
(Question No 36)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to payment to ACT Housing, what is the current policy for the payment of:

- (a) rent
- (b) bond; and
- (c) arrears

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

- (a) and (c)

Cash or cash equivalent at Shopfronts or via mail  
Bank Direct Debit  
Centrelink Deductions  
Austouch Kiosks  
B pay  
Internet

(b) ACT Housing tenants are not required to pay a bond. However, ACT Housing grants bond loans on application from eligible applicants who are leasing on the private rental market pending allocation of public housing. The bond loan is paid directly to the Office of Rental Bonds. At the expiration of the lease the Office of Rental Bonds pays ACT Housing the bond less any amounts deducted for repairs and maintenance. In this circumstance ACT Housing claims the deducted amount from the applicants who can pay as per (a) above.

**Housing—tenant specialist team  
(Question No 37)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to ACT Housing Tenant Specialist Team:

- (1) What are the functions/tasks of the unit.
- (2) How many staff comprise the unit
- (3) How many staff are employed (a) full time and (b) part time
- (4) How many staff are on contract
- (5) What are the hours of work for members of the unit
- (6) Are members of the unit contactable by mobile phone
- (7) Are members of the unit provided with cars and if so how many cars are available to the unit
- (8) What is the budget allocation for 2001/2002.
- (9) Where is the unit located.

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

- (1) The Housing Manager specialists deal with customers who need more complex housing assistance packages linked to support their needs. This is achieved by:
  - Providing greater expertise in dealing with customers with severe/multiple support and housing needs that may affect their current or future tenancies;
  - Ensuring continuity of specialist assistance to those customers;
  - Providing a contact point for other referring and support agencies such as Health and Community Services;
  - Providing specialist assistance to the tenancy teams in managing complex cases; and
  - Assisting the team with high-level community liaison.
- (2) 5 plus 1 GAA short term
- (3) (a) 5 plus GAA(all officers are employed on a full time basis)  
(b) nil
- (4) nil
- (5) 8.30-4.51 with flex time
- (6) Yes
- (7) ACT Housing Manager Specialists have access to ACT Housing fleet vehicles.

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- (8) \$0.500m each year.
- (9) 4 Housing Manager Specialists and the GAA are located at Nature Conservation House  
1 Housing Manager Specialist is located at Swanson Plaza.

**Housing—vacant properties  
(Question No 38)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to vacant ACT Housing properties:

(1) How many properties are currently vacant in:

- (a) North Canberra;
- (b) Belconnen;
- (c) Weston;
- (d) Woden;
- (e) Tuggeranong;
- (f) Oaks Estate; and
- (g) Gungahlin

(1) How many properties are currently vacant for the following types of accommodation:

- (a) bedsit;
- (b) 1 bedroom flat;
- (c) 2 bedroom flat;
- (d) 3 bedroom flat;
- (e) 2 bedroom houses;
- (f) 3 bedroom houses;
- (g) 4 bedroom houses;
- (h) 5 bedroom houses;
- (i) 6 + bedroom houses;
- (j) aged persons units with (i) 1, (ii) 1.5 and (iii) 2 bedrooms; and
- (k) townhouses with (i) 1, (ii) 2 and (iii) 3 bedrooms.

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

(1) Properties as at 26 February 2002 were vacant in:

- (a) 83 (North Canberra is known as City area)
- (b) 23
- (c) 8
- (d) 65
- (e) 29
- (f) 14
- (g) 1
- (h) 2 (Rural area)

- (1) (a) 13
- (b) 34
- (c) 51
- (d) see (f)
- (e) 6
- (f) 77 \*
- (g) 11
- (h) 2
- (i) 1

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- (j) (i) 17
  - (ii) 5 (Please note only 1 and 2 bedroom OPA's)
- (k) (i) 1
  - (ii) 4
- (iii) 2

\* This includes 3 bedroom flats, townhouses, duplexes and 3 bedroom houses. The majority of the properties are undergoing maintenance and repairs between tenancies.

**Housing—stock  
(Question No 39)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to valuation of ACT Housing stock;

- (1) What were the (a) dates (b) individual total values of the previous two valuations of stock.
- (2) What was the name of the valuer who undertook the valuations.

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

- (1) (a) 31 March 2000 and 31 March 2002.  
(b) \$1,346,339,000 and \$1,495,310,000
- (2) Egan National Valuers (ACT).

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**Parents—court summonses  
(Question No 42)**

**Mr Cornwell** asked the Attorney-General, upon notice, on 19 February 2002:

In relation to court summons of parents under the *Children and Young People Act 1999*:

- (1) Are local news reports (15 January) correct in saying that a warrant had been issued for the arrest of a mother of a 15 year old alleged firebug for her failure to appear at Court.
- (2) Is it true that, as reported in the same newspaper on 16 January, the arrest warrant against the mother was withdrawn despite her continued failure to appear at Court.
- (3) What is the purpose of including such penalties in the *Children and Young People Act 1999* if they are not to be enforced.
- (4) Following this precedent, how will subsequent failures to appear in Court be treated.

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

- (1) No. On 14 January 2002, the then Children's Court Magistrate, Shane Madden, ordered that a warrant be issued to bring the mother of a 15 year old person before the court.

However, as the court could not confirm that the mother was aware of the proceedings, no warrant was actually issued. Instead, with Mr Madden's consent, the court issued a notice to the mother explaining the provisions of section 60 of the *Children and Young Persons Act*. Police attempted to serve the notice on the mother but could not find her.

- (2) No. No warrant was issued.
- (3) It is not an offence for a parent to fail to appear at a hearing involving his or her child before the Children's Court. Therefore there is no penalty for such non-appearance to enforce.
- (4) The Children's Court is not bound by the rules of precedent to follow its own decisions and will deal with subsequent failures to appear on a case by case basis. It must be left to the court to assess each case on its merits, and to act as it considers appropriate.

**Domestic Violence Crisis Service  
Question No 44)**

**Mr Cornwell** asked the Minister for Education, Youth and Family Services, upon notice, on 19 February 2002:

In relation to the Domestic Violence Crisis Service:

1. How many (a) women and children (b) men and children (c) women and (d) men have been accommodated in ACT hotels/motel by the service in the 2000-01 financial year.
2. What was the cost of this accommodation in each of the above categories.

**Mr Corbell:** The answer to Mr Cornwell's question is:

1. I am advised that in the 2000/01 financial year the Domestic Violence Crisis Service provided motel accommodation to 44 women accompanied by 90 children, one adult male accompanied by two children, 12 single adult women and one single adult male. The total cost of the accommodation that year was \$17,000 and \$4,000 was provided in emergency assistance (in the form of food, personal and transport needs). Motel accommodation is purchased for clients when all local refuge or other forms of safe accommodation are unavailable.
2. This level of break down is not available as it was not a requirement of the Government of the day.

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## **Men's Reference Group (Question No 45)**

**Mr Cornwell** asked the Minister for Education, Youth and Family Services, upon notice, on 19 February 2002:

In relation to the Men's Reference Group with Marymead Child and Family Centre who have responsibility for running the Men's and Children's Crisis Services (MACCS) refuge and outreach service

1. Who are (a) the Men's Reference Group and (b) how many members are there.
2. Will a committee manage the MACCS refuge and if so, who will be its members.
3. Will there be accommodation for couples at the refuge under its new management and if so, why.
4. When will the refuge reopen under the new management.
5. What funding was given in 2001–02 to (a) the Lone Fathers' Association and (b) to the Men's Reference Group to run this refuge.
6. Who by (a) name and (b) position was on the committee/panel who decided on the tender for the MACCS refuge.
7. In relation to the refuge, is the Minister able to advise why did Ms Dennise Simpson, Manager, of the ACT Domestic Violence Crisis Service, state "she accepted a need existed for a men's centre" but said it "needed to be accountable to women's services" (CT 9/11/01 p3).
8. Will the new management of MACCS be accountable to women's services and if so (a) how and (b) why.

**Mr Corbell:** The answer to Mr Cornwell's question is:

1. The Men's Reference Group was formed in 1998 in response to requests from service providers for assistance to develop better service responses for male clients. This voluntary group provided advice in the development of the ACT MensLine. MensLine assists men whose lives are affected by domestic violence, including those troubled by their own violent behaviours and those who are subject to violence.

Members of the Men's Reference Group have participated in the development of initiatives which support men and their families both locally and nationally. The group have considerable collective experience working with men and fathers in policy and program development, program management, research, education, skills training, counselling, supervision and group work.

Individual members of the group are currently employed in direct service provision to men and fathers, including separated fathers. These members are well known and highly respected amongst professional community service providers both locally and nationally.

Mr Anthony Rochester is a professional psychologist registered in NSW and the ACT. He was responsible for the development and implementation of Marymead's *Fathering After Separation* program and provided direct service to men experiencing domestic violence through the MensLine from 1998 to January 2002.

Mr Gerry Orkin was until recently the Assistant Director of the Prevention, Education and Early Intervention Section in the Family Relationships Branch of the Commonwealth Department of Family and Community Services. In this position Mr Orkin was responsible for the development and implementation of the Commonwealth Government's *Men and Family Relationships* initiative which was the first national program to recognise that men have particular needs when seeking assistance with relationship matters. In a voluntary capacity Mr Orkin has been involved in the development and delivery of school-based programs focusing on bullying, sexual assault and domestic violence. He has facilitated a range of community groups for men including those for fathers and male survivors of sexual assault.

Dr Michael Flood is a Lecturer in Gender Studies in the Centre for Women's Studies at the Australian National University. He is also the Sexual Health Promotion Coordinator at Family Planning ACT. Dr Flood's involvement in men's issues is extensive both in the academic realm and the community context. He has run a range of workshops with children in schools and with community workers on physical and sexual violence, sexuality and relationships in collaboration with a range of community services including the Canberra Rape Crisis Service.

Mr David Jones is a senior counsellor at Relationships Australia. Mr Jones is a PHD student who holds a Bachelor of Applied Science in health. He has trained extensively in individual, couple and family therapy both in Australia and USA and has tutored and lectured at the Universities of Sydney and Canberra.

Mr Chris Higginson is a qualified teacher, with a Bachelor of Commerce from the University of NSW and a Master of Science in Counselling Psychology from the ANU. Until recently he was a senior lecturer in Health Physiology with the University of Canberra. Mr Higginson is a facilitator of the *Fathering After Separation Program* and the *Perpetrator Education Program* (this program works with men who use violence in relationships), he is also an official mental health visitor for the ACT.

2. Canberra Fathers' and Children's Service is auspiced by Marymead Child and Family Centre. The members of the Men's Reference Group and the Director of Marymead Child and Family Centre, together with representatives from other family support and accommodation services will oversee the day to day management of this service to ensure that it is run as a highly professional, effective and accountable service to homeless men with children.

Auspicing arrangements are commonplace in human service purchasing throughout Australia. A similar arrangement was used between the department and the Lone Fathers' Association to purchase the pilot accommodation service provided by the Men's Accommodation and Crisis Service (MAACS). Auspice arrangements facilitate an integrated service response, which can be particularly effective in supporting people who have multiple and complex needs.

3. The service has three eligible client groups. These are fathers with children who are homeless or at risk of homelessness and fathers whose access to their children is contingent on their obtaining and maintaining safe and secure housing.

Couples with children who are homeless or at risk of homelessness are also eligible to receive accommodation and support in the event that there are no sole fathers requiring accommodation at that time.

This provision was made to ensure that the service operates at maximum capacity at all times.

4. CANFACS began providing services on 1 February 2002.

5. In 2001-02 the Lone Fathers' Association received \$67,926 to manage the men's and children's accommodation service (note this is pro rata funding for seven months) in 2001-02. I am advised that the department also made available an additional \$5,000 per year for the Lone Fathers' Association to purchase professional supervision for their staff.

CANFACS have received \$41,465 in this financial year (note this is pro rata funding for three months January - March 2002).

6. The tender process was undertaken with full regard to the current procurement guidelines. Panel members were selected with consideration to their expertise, experience and relevance to this process

Let me add by noting the ACT Auditor-General has recently undertaken an examination of the department's tender process. He concluded: "the department has demonstrated sound procurement practice in the face of difficult circumstances. Nothing has come to my attention during the review that causes me to believe there was impropriety of any kind".

**Panel members:**

**Chair - Ms Sue Birtles**, Executive Director, Children's, Youth and Family Services, ACT Department of Education and Community Services.

**Mr Doug Limbrick**, Director, Housing Support Branch, Commonwealth Department of Family and Community Services (FACS). Mr Limbrick has over ten years experience in the purchase of refuge services and extensive experience in tendering processes.

**Mr Simon Bronitt**, senior lecturer in Law at the Australian National University and is also the Chair of ACT Domestic Violence Prevention Council. This council was appointed by the former Minister, Mr Bill Stefaniak MLA.

**Mr Tony Carmichael**, Manager, Youth and Community Services in the ACT Department of Education and Community Services. Mr Carmichael is responsible for the purchase and delivery of professional accommodation and support services for homeless people in Canberra. He has extensive experience in service purchasing and as a former service provider has many years experience in the provision of accommodation services to people in crisis.

**Ms Michele Briggs**, Senior Policy Officer in the Criminal Law and Justice Group in the ACT Department of Justice and Community Safety. Ms Briggs is also a member of the ACT Domestic Violence Prevention Council established under the former Government.

7. I am advised that Ms Simpson did not make that statement.

8. Services are accountable to the purchasing agency under the terms of their purchase agreement.

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**Women's reguges  
(Question No 46)**

**Mr Cornwell** asked the Minister for Education, Youth and Family Services, upon notice, on 19 February 2002:

In relation to the audit of ACT Women's Refuges:

1. Are women's refuges subject to annual financial audit and if not, why not.
2. Can the audited results for each women's refuge by name for 2000/01 be viewed by interested parties, including myself.
3. What is the amount of Government funding to (a) each women's refuge by name (b) the MAACS program (c) each youth refuge for the financial years (i) 2000-01 and (ii) 2001-02.

**Mr Corbell:** The answer to Mr Cornwell's question is:

1. All community services receiving over \$20,000 per annum of ACT Government funding, are required to provide annual audited financial statements to their relevant department.

Schedule 4, Item 4 of every such purchasing agreement states:

"The provider shall provide the purchaser with:

annual financial reports comprising an audit report on the statement referred to in Item 2(2)(a), prepared by a qualified accountant who is to an office holder or employee of the Provider and who is a member of the Australian Society of Certified Practising Accountants, which audit report shall include an opinion as to whether the purchase price has been expended in the manner required by the contract.

2. Incorporated organisations are bound by the ACT Incorporation Act to provide an Annual Report which includes audited financial statements, I understand that these are required to be publicly available.
3. See attachment A.

## Attachment A

(Note the following outlines the recurrent purchase price paid for service provision and does not include additional one off payments, which may have been made for equipment replacement etc).

(a)

Name of Women's Refuge Organisation	Name of Women's Refuge Service	Funding provided in 2000-01 (inc GST)	Funding provided in 2001-02 (inc GST)
Beryl Women's Refuge	Beryl Women's Refuge	\$493,957	\$505,073
Beryl Women's Refuge	Niandi Half Way House	\$80,902	\$82,721
Doris Women's Refuge	Doris Women's Refuge	\$359,325	\$367,410
Doris Women's Refuge	Lucille Half Way House	\$77,107	\$78,842
Inanna	Inanna Women's Service	\$383,447	\$464,060
St Vincent de Paul	Caroline Chisholm House	\$247,936	\$253,515
St Vincent de Paul	Monica House	\$174,468	\$178,392
Toora/Likaya Single Women's Shelter	Toora/Likaya	\$512,203	\$523,728
Toora/Likaya Singles Women's Shelter	Heira Single Women's DV Service	\$421,159	\$430,635

(b)

Name of Organisation	Name of Service	Funding provided in 2000-01 (inc GST)	Funding provided in 2001-02 (inc GST)
Lone Fathers' Association	MACCS Refuge	\$113,883	\$67,926

(c)

Name of Youth Refuge Organisation	Name of Youth Refuge Service	Funding provided in 2000-01 (inc GST)	Funding provided in 2001-02 (inc GST)
ACT Youth Refuge Association	Canberra Youth Refuge	\$321,546	\$328,782
Castlereagh House	Castlereagh House	\$129,386	\$132,297
Lions and Salvation Army Youth Centre	George Lloyd House	\$79,551	\$81,340
Lions and Salvation Army Youth Centre	LASA Youth Centre	\$359,207	\$367,290
Lowanna Young Women's Shelter	Lowanna Young Women's Shelter	\$341,771	\$349,461
St Saviours Neighbourhood Centre	Belleden Youth Service	\$342,907	\$350,623
Tumladden Medium Term Service	Tumladden	\$169,744	\$173,564

**Men's Accommodation and Crisis Service  
(Question No 47)**

**Mr Cornwell** asked the Minister for Education, Youth and Family Services, upon notice, on 19 February 2002:

In relation to the Men's and Children's Crisis Services' (MAACS) new management:

1. Is the Men's Reference Group an incorporated body and, if not, why was it awarded the tender for MAACS.
2. If it is incorporated, on what date was it incorporated.
3. If the Men's Reference Group is an arm of the Marymead Child and Family Centre, is it not Marymead who will run MAACS and, if not, how long will it take the Men's Reference Group to fulfil its requirements to be legally responsible for management the MAACS Kaleen house.
4. While legal requirements at (3) are being completed, on what basis of liability will MAACS accommodation operate or will it remain closed for this period.
5. Why was the tender decided effective 31 January 2002 when the original lessee's lease ran out in June 2002.
6. What was the (a) annual grant to the previous operators of the service and (b) what is the annual grant to the new operators.
7. Will single abused men be accommodated under the new administration and if not, why not.

**Mr Corbell:** The answer to Mr Cornwell's question is:

1. The Department of Education and Community Services entered a purchase agreement with the Trustees of the Roman Catholic Church for the Archdiocese of Canberra and Goulburn, represented by Marymead Child and Family Centre for the provision of the Canberra Fathers' and Children's Service (known as CANFACS).

This service is not an incorporated body, it is a registered company and is responsible and accountable to the department for the provision of this service in accordance with the purchase agreement.

2. See 1 above.

3. See 1 above.

4. The service has continued to be provided to homeless men and their accompanying children with no cessation to service provision through this process.

5. The Lone Fathers' Association's fixed lease agreement with ACT Housing expired in March 2000. From that time the Lone Fathers' Association was on a standard two week Community Organisation Rental Housing Assistance Program tenancy agreement. The Lone Fathers' Association was served with an eviction

notice on 21 January 2002, when the organisation made it clear that they would not vacate the premises when their purchase agreement with the Department of Education and Community Services expired on 31 January 2002.

6. The Department of Education and Community Service's purchase agreement with the Lone Fathers' Association allocated \$105,859 per annum (excluding GST). An additional \$10,000 per annum was recently allocated to MAACS under the Community Capacity Building initiative.

In addition, the department allocated an additional \$5,000 per annum to the Lone Fathers' Association to purchase professional supervision services to improve the performance of their workers.

The service tendered for was an extension on that previously purchased by the department. An additional \$50,000 was made available from the Supported Accommodation Assistance Program (SAAP) for the purchase of outreach support to families who have either recently left a refuge or who are at imminent risk of becoming homeless.

7. CANFACS will not provide accommodation to single men, single women, or single mothers with children. The evaluation of the MAACS service found that single men, living alongside fathers and their children within a relatively small family home was not suitable for vulnerable children.

Other accommodation and support options are available for single men (for example Samaritan House and Ainslie Village).

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## **Community organisations—requests for assistance (Question Nos 48, 49, 50 and 51)**

**Mr Cornwell** asked the Chief Minister, upon notice, on 19 February 2002:

In relation to all agencies within your portfolio (Government, outsourced and organisations which receive government funding) and ACTCOSS' claims that community services organisations surveyed in the ACT were forced to turn down 15,000 requests for assistance in the six-month period from January to June 2001" (media release "Community Sector Under Pressure", 14 December 2001).

- 1) Which organisations/agencies were unable to cope with such demands?
- 2) What a) types and b) numbers of requests were turned down by each of these organisations/agencies?
- 3) Of those turned down requests, how many were multiple refusals of assistance to one individual as opposed to once-only requests from the individual?
- 4) Are all requests for assistance to all organisations / agencies recorded? If so, in what detail and if not, why not?

**Mr Stanhope:** The answers to the member's questions are as follows:

### Preamble

The media release that Mr Cornwell MLA refers to, entitled " 15,000 Requests for Assistance Knocked Back - Community Sector under Pressure" was prepared by the ACT Council of Social Services (ACTCOSS) and published in the Canberra Times on Friday 14 December 2001. The essence of the article pertains to a series of surveys that the Australian Council of Social Services (ACOSS) and the State and Territory Councils of Social Services conducted. Their report *Australians Living on the Edge IV - October 2001* examines key changes in the operating environment of community organisations, major issues of concern to these organisations, and some ideas on how the community services sector is responding.

The questions asked by Mr Cornwell MLA appear to refer specifically to the community service organisations mentioned in the ACTCOSS report, for the period January - June 2001. Government agencies were not included in this survey.

In respect to Government Services, it should be noted that Government agencies do not 'turn down' requests. Individuals are either, eligible or ineligible for a given service based on particular criteria.

- 1) The *Australians Living on the Edge IV* report does not specifically name the community service organisations that were unable to cope with demands. The information can, however, be extrapolated from the data at Table 7 of the report (a copy of which is attached), which lists the types of service provided to clients who sought but did not receive the core service(s) provided by the not-for-profit organisations (January to June 2001) (ACT).

2a) As can be seen from Table 7 of the *Australians Living on the Edge IV* report (a copy of which is attached), the types of requests are related to core services for which the various individual organisations were established - refer to the first column of Table 7 for type of service.

2b) The number of requests declined by each type of service can be seen in the second column of Table 7 of the report (a copy of which is attached).

3) The information requested is not available in the *Australians Living on the Edge IV* report. ACTCOSS advises that the community organisations were not asked to supply this information.

4) The information requested is not available in the *Australians Living on the Edge IV* report. ACTCOSS advises that the community organisations were not asked to supply this information.

This table has been extracted from page 7 of the ACTCOSS report entitled *Australian's Living on the Edge IV- October 2001*.

**Table 7: Number of people who sought but did not receive the core service(s) provided by agencies (January to June 2001) (ACT)**

<b>Type of service</b>	<b>No. of clients*</b>	
Aged Care	419	
Disability	242	
Individual and/or family support		8,665
Children's services	35	
Employment	30	
Advocacy	1,060	
Crisis	150	
Housing	250	
Multi-Service	750	
Health	1,500	
Community development and/or support		1,917
<b>Total</b>	<b>15,018</b>	

The results for the six months July to December 2000 show that there has been a 3.3% increase in the numbers of people who did not receive the service they sought between July and December 2000 and January and June 2001 (moving from 14,535 to 15,018 people) in the ACT. This compares with a national increase of 4%.

\* These figures may include some people who were not eligible for the service.

**Computers—stolen or unaccounted for  
(Question Nos 52, 53, 54 and 55)**

**Mr Cornwell** asked the Chief Minister, the Deputy Chief Minister, the Minister for Urban Services and the Minister for Education, Youth and Family Services, upon notice, on 19 February 2002:

In relation to each of your portfolio responsibilities, in the calendar year 2001:

1) how many computers in each department were

(a) Stolen?

(b) Unaccounted for?

2) what was the value of (a) and (b) above?

**Mr Stanhope:** The answers to the member's questions are as follows:

1) Stolen PCs

The numbers and value of computers reported stolen in each department in calendar year 2001 were:

<b>Department</b>	<b>Items Stolen</b>	<b>Value</b>
Chief Minister's Department	1 PC	\$717
Department of Urban Services	2 Laptops and 2 PCs	\$6,047
Department of Treasury (including InTACT)	Nil	\$0
Department of Education and Community Services (including CIT)	1 Laptop and 5 PCs	\$12,701
Department of Health and Community Care (including the Canberra Hospital)	3 Laptops	\$17,150
Department of Justice and Community Safety	1 Laptop	\$4,736
Legislative Assembly (including the Executive)	Nil	\$0

The value of the equipment was calculated based on the cost of the remainder of the lease (total lease costs for the period from when the item was stolen to the expiry of the lease) plus the residual cost component of 15% of the original purchase price.

**2) Unaccounted for Computers**

During calendar year 2001, InTACT had responsibility for the provision of PCs. These PCs are provided under lease. The lease arrangements during this period were complex with leases let through two different companies and tracked via a number of systems including an asset management system developed by Macquarie Bank. The complexity of these arrangements and the failure of the new asset management system to perform effectively have meant that difficulties have been encountered in achieving an accurate and agreed reconciliation between InTACT and agencies of PC assets during stocktakes. For this reason, it is not possible to provide a validated figure for the numbers of PCs unaccounted for in 2001 at present.

To overcome this significant limitation, revised PC asset management arrangements are being established whereby Departments will have responsibility for assets while in their control. A rolling stocktake of PC assets is currently under way as part of the asset refresh. A baseline will be agreed as part of moving to the new asset management arrangements. Recording systems are being put in place to ensure that accurate figures can be maintained in future. Further advice on the outcome of this process of the stocktake will be provided when it becomes available.

**Festivals—funding  
(Question No 56)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to funding allocated for festivals:

(1) How much funding was allocated to (a) Australia Day in the National Capital (b) the Multicultural Festival and (c) Canberra Day in (i) 2002 (ii) 2001 (iii) 2000.

(2) Is there a (a) discrepancy between years, and if so (b) why.

**Mr Wood:** The answer to Mr Cornwell's question is as follows:

(1)  
Funding 2000 – 2002

	1999-2000	2000-2001	2001-2002
<b>Australia Day in the National Capital Inc.</b>			
CTEC – Event Development Fund	\$30,000	\$35,000	\$30,000
Festivals ACT – Festival Development Fund			\$10,000
ACT Centenary of Federation – Event Fund		\$15,000	
<b>National Multicultural Festival</b>			
CTEC – Direct budget allocation	\$350,000	\$350,000	\$290,000 <sup>1</sup>
Additional funding to CTEC to cover 1999 losses	\$190,000		
Business ACT			\$20,000
ACT Arts Funding Program			\$28,000
ACT Multicultural Grants Program			\$40,000

	1999-2000	2000-2001	2001-2002
<b>Canberra Day</b>			
CTEC – Direct budget allocation	Included in National Multicultural Festival	Included in National Multicultural Festival	\$60,000 <sup>2</sup>
Festivals ACT – Festival Development Fund			\$85,000
ACT Centenary of Federation		\$450,000	

<sup>1</sup> The roles and respons

<sup>2</sup> Portion of CTEC direct budget allocation of \$350,000 allocated to Canberra Day celebrations

(2) Funding for the National Multicultural Festival (which included Canberra Day until 2002) has been consistent with the budget allocation of \$350,000 across the three years, but supplemented by funding sourced through government grant processes such as the ACT Arts Funding Program and ACT Multicultural Grants Program.

Funding for Australia Day has been provided on a year to year basis in response to applications for funding.

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**Mugga Lane waste facility  
(Question No 57)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to the Mugga Lane Waste Facility:

1. What is the cost of the large shed under construction for Revolve;
2. Who paid for the shed;
3. Will Revolve:
  - (a) continue to operate the facility; and
  - (b) where do Revolve's profits go;
4. What is the involvement of Thiess Services in this waste facility/operation.

**Mr Wood:** The answer to Mr Cornwell's question is as follows:

1. The large shed for Revolve is a component of improved recycling facilities and the small vehicle transfer station being constructed at the Mugga Lane landfill. The shed cost approximately \$500 000.
2. The cost of the shed is included in the payment for the construction of new waste management infrastructure at Mugga Lane landfill which is being paid for by ACT NOWaste. However, Revolve will pay rental for the site based on turnover, which will contribute towards paying for the new infrastructure.
3. (a) Revolve will continue to operate the Revolve facilities at Mugga Lane as a sub-contractor to Thiess Services.
  - (b) Revolve is a 'not for personal profit' company and any profits generated are reinvested in creating jobs and recovering resources.
- (4) Thiess Services are under contract to ACT NOWaste for the construction and operation of the new waste management facilities at Mugga Lane.

## School enrolment figures (Question No 58)

**Mr Cornwell** asked the Minister for Education, Youth and Family Services, upon notice, on 19 February 2002:

In relation to enrolment figures:

What were the (a) forecast and (b) actual enrolment figures for the beginning of the 2002 school year for (i) Forrest (ii) Narrabundah (iii) Red Hill and (iv) Yarralumla Primary Schools and (v) Telopea Park High School.

**Mr Corbell:** The answer to Mr Cornwell's question is:

Total projected February 2002 school enrolments and 20 February 2002 actual total enrolments at the ACT Government schools you nominated are as follows:

	Projected Enrolment	Actual Enrolments as            at 20/2/02
1. Forrest Primary School	470	456
2. Narrabundah Primary School	92	80
3. Red Hill Primary School	480	481
4. Yarralumla Primary School	196	170
5. Telopea Park High School	646	696

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**Aged care facilities  
(Question No 63)**

**Mr Cornwell** asked the Chief Minister, upon notice, on 19 February 2002:

In relation to the ACT Budget, what was the total for all services nominating aged persons as clients in (a) 1999-2000 (b) 2000-01 (c) 2001-02.

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

The majority of the services provided by the ACT Government have aged persons as clients. Those which nominate aged persons as their sole client group are detailed in the table at Attachment A.

The total funding for the services listed in (a) 1999-2000 is \$4,638,960.00 (b) 2000-01 is \$4,905,195.00 (c) 2001-02 is \$7,033,482.00

It should be noted that the Commonwealth Government is responsible for funding aged care services. In the ACT, the following services are funded by the Commonwealth:

- Residential (nursing and hostels) aged care places;
- Aged care assessment team;
- Commonwealth National Respite Care Program;
- Veteran's Home Care; and
- Community Aged Care Packages.

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Attachment A unable to be incorporated. Copy available from Chamber Support Office.

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**Aboriginal tent embassy  
(Question No 65)**

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

In relation to the total fire ban that was in force in the ACT in the fortnight following Christmas Eve 2001:

(3) Why was the fire at the Aboriginal campsite in front of old Parliament House not extinguished.

(4) Why were the camp occupants not prosecuted for failure to comply with the total fire ban.

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

(1) For some years, a small, ceremonial fire has been maintained by the occupiers of the aboriginal tent embassy in the vicinity of old Parliament House. The size location and surrounds of the fire have been assessed by the Fire Commissioner who determined that it does not present a danger to life or property.

(2) After taking into account the nature and purpose of the fire and the cultural significance ascribed to it by the occupiers, it has not been considered necessary to take formal action in relation to it. This approach was developed in 1998 under the former Liberal Government and has continued since that time.

**Planning and Land Management—qualifications of directors  
(Question No 72)**

**Mrs Dunne** asked the Minister for Planning, upon notice:

In relation to the Executive Director and Directors of Planning and Land Management, what are the relevant qualifications of the Executive Director and Directors (substantive or acting).

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

The qualifications of the Executive Director and Directors (substantive or acting) of Planning and Land Management are:

*Executive Director:*

- Master of Business Administration
- Graduate Diploma in Local Government Management
- Certificate in Town & Country Planning (NSW DLG)

*Director, Development Management Branch:*

- Bachelor of Urban and Regional Planning (Honours)
- Master of Business Administration

*Acting Director, Development Management Branch:*

- Bachelor of Architecture (Honours)
- Diploma of Town and Country Planning
- Diploma in Environmental Studies

*Director, Land Information and Building Services:*

- Bachelor of Arts (Law and Politics)
- Graduate Certificate in Change Management.

*Director, Territory Planning Branch*

- Bachelor of Arts (Accounting and Australian History)

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**O'Connell Education Centre and Griffith Library  
(Question Nos 75 and 76)**

**Mrs Dunne** asked the Minister for Planning and the Minister for Education, Youth and Family Services, upon notice:

In relation to the O'Connell Education Centre and Griffith Library.

(1) What plans does the Government have for the future of the (a) O'Connell Education Centre and (b) Griffith Library.

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

The Department of Education and Community Services is scheduled to vacate the Griffith site by March 2003 at which time the surplus property will be transferred to the Department of Urban Services.

The Government has made clear statements in regard to the immediate future of Section 78 Griffith.

- The site is being removed from the Government's Land Release Program;
- Work by the Planning and Land Management (PALM) on the finalisation of the development control plan for the former proposal has ceased;
- PALM is undertaking a Community Facility Needs Assessment for South Canberra. Following the outcomes of this assessment alternative appropriate uses for the O'Connell Education Centre buildings may be considered;
- The remainder of the site will be considered in the context of a future Neighbourhood Plan. In particular, the area considered to be open space will be included in the broader review of the Canberra Open Space Network; and
- Canberra Urban Parks and Places is proceeding with stage 1 of the local centre refurbishment.
- The Griffith Library will stay in this location.

**Inspectors and rangers  
(Question No 77)**

**Mrs Dunne** asked the Minister for Health and Minister for Community Affairs, 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 Stanhope:** The answer to the member's question is:

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

*Public Health Act 1997*

*Food Act 2001*

*Tobacco Act 1927*

*Smoke-Free Areas (Enclosed Public Places) Act 1994*

*Radiation Act 1983*

*Drugs of Dependence Act 1989*

*Poisons Act 1933*

*Pharmacy Act 1931*

**(2) How many inspectors/rangers are so employed**

The Department of Health and Community Care has authorised a total of 29 officers as inspectors under the aforementioned legislation. The majority of inspectors authorised under the *Public Health Act 1997* are also authorised as inspectors under the *Food Act 2001*, *Tobacco Act 1927* and *Smoke-Free Areas (Enclosed Public Places) Act 1994*. The 2 inspectors authorised under the *Radiation Act 1983* are not authorised under other legislation. The 2 inspectors authorised under the *Drugs of Dependence Act 1989* are also authorised under the *Poisons Act 1933* and the *Pharmacy Act 1931*.

*Public Health Act 1997*

Twenty-five staff are authorised as inspectors under the *Public Health Act 1997* however only 14 are full-time field officers. The remainder are office based staff (managers, policy officers) who are available to provide assistance when required.

*Tobacco Act 1927*

Twenty-three staff are authorised as inspectors under the *Tobacco Act 1927* however only 12 are full-time field officers. The remainder are office based staff (managers, policy officers) who are available to provide assistance when required. Australian Federal Police Officers are also authorised inspectors under the *Tobacco Act 1927*.

*Smoke-Free Areas (Enclosed Public Places) Act 1994*

Twenty-two staff are authorised as inspectors under the *Smoke-Free Areas (Enclosed Public Places) Act 1994* however only 12 are full-time field officers. The remainder are office based staff (managers, policy officers) who are available to provide assistance when required.

*Food Act 2001*

Twenty-one staff are authorised as inspectors under the *Food Act 2001* however only 12 are full-time field officers. The remainder are office based staff (managers, policy officers) who are available to provide assistance when required.

*Radiation Act 1983*

Two staff are authorised as inspectors under the *Radiation Act 1983* however only 1 is a full-time field officer. The other officer is the manager of the unit who is available to provide assistance when required.

*Drugs of Dependence Act 1989*

Two staff are authorised as inspectors under the *Drugs of Dependence Act 1989* however only one quarter of their time is spent undertaking inspectorial duties. The remaining time is spent undertaking managerial and policy work.

*Poisons Act 1933*

Two staff are authorised as inspectors under the *Poisons Act 1933* however only one quarter of their time is spent undertaking inspectorial duties. The remaining time is spent undertaking managerial and policy work.

*Pharmacy Act 1931*

Two staff are authorised as inspectors under the *Pharmacy Act 1931* however only one quarter of their time is spent undertaking inspectorial duties. The remaining time is spent undertaking managerial and policy work.

**(3) What powers are they authorised to exercise in the performance of their duties**

*Public Health Act 1997*

Part 5 of the *Public Health Act 1997* details the powers of inspectors (authorised officers). It provides that the officer may at any reasonable time, with consent of the occupier, or with a warrant:

- enter and search, inspect, take photographs or otherwise record, or test any material, document or item on a premises that they consider necessary;
- make copies, take samples or seize anything that may be evidence of an offence;
- require an occupier of a premises to answer questions and provide whatever assistance the officer requires to carry out his/her powers;
- stop, detain and search a vehicle that the officer believes is involved in an offence, or contains something which may be evidence of an offence;
-

- 
- require a person to state their name and address if the officer believes they have committed an offence against the Act.

The Act also specifies that the Chief Health Officer (CHO) may hold an investigation in respect of any matter concerning public health or the administration of the Act. The CHO may:

- require a person to appear and give evidence, answer any relevant question, take an oath or to make an affirmation; or
- take evidence on oath or by affirmation, take statements and receive affidavits, require the production of any relevant document; or
- exercise any other power the chief health officer considers to be necessary for the purpose.

#### *Food Act 2001*

Part 5 of the *Food Act 2001* details the powers of inspectors (authorised officers). It provides that the officer may at any reasonable time, with consent of the occupier, or with a warrant:

- enter and search, inspect, take photographs or otherwise record, or test any material, document or item on a premises that they consider necessary;
- make copies, take samples or seize anything that may be evidence of an offence;
- require an occupier of a premises to answer questions and provide whatever assistance the officer requires to carry out his/her powers;
- stop, detain and search a vehicle that the officer believes is involved in an offence, or contains something which may be evidence of an offence against the Act;
- require a person to state their name and address if the officer believes they have committed an offence against the Act.

#### *Tobacco Act 1927*

Part 6 of the *Tobacco Act 1927* details the powers of inspectors (authorised officers). It provides that the officer may at any reasonable time, with consent of the occupier, or with a warrant:

- enter, inspect and take photographs of anything on a premises that they consider necessary;
- make copies or seize anything that may be evidence of an offence;
- require an occupier of a premises to answer questions and provide whatever assistance the officer requires to carry out his/her powers;
- require a person to state their name and address if the officer believes they have committed an offence, or has information relating to an offence against the Act.

#### *Smoke-Free Areas (Enclosed Public Places) Act 1994*

Sections 8, 10 and 14 of the *Smoke-Free Areas (Enclosed Public Places) Act 1994* detail the powers of inspectors. They provide that the inspector may at any reasonable time enter an enclosed public place and on producing his or her identity card:

- do all things necessary or convenient to be done in the performance of his or her duties including the inspection of the premises, testing of the air quality of the premises and inspection of records; and
- direct a person to cease a contravention of the Act and require the person to furnish his or her name and usual address.

*Radiation Act 1983*

Division 2 of Part 2 details the powers of inspectors under the Radiation Act 1983. It provides that an inspector may, at any reasonable time, or with a warrant, enter a premises licensed under the Act and:

- search, inspect, or test any material, document or item on a premises that they consider necessary for the purposes of determining whether the Act is being complied with;
- make copies, take samples or seize anything that may be evidence of an offence under the Act.

*Drugs of Dependence Act 1989*

Part 2 of the *Drugs of Dependence Act 1989* details the powers of inspectors. It provides that an inspector may enter a prescribed premises at any reasonable time and:

- inspect the premises and test or take samples of any drug of dependence or prohibited substance or anything associated with a drug of dependence or prohibited substance;
- inspect and copy any documents and seize any thing which the inspector believes to be connected with an offence against this Act; and
- require the occupier of the premises to supply the occupier's name and address.

*Poisons Act 1933*

Section 8 of the *Poisons Act 1933* details the powers of inspectors. It provides that an inspector may enter any premises and inspect any documents and any stocks of poisons, poisonous substances, biological preparations, restricted substances and any schedule 4 substances. The inspector may also make copies of any documents.

*Pharmacy Act 1931*

Section 8 of the *Pharmacy Act 1931* details the powers of inspectors. It provides that an inspector may enter any pharmacy at any reasonable time and inspect the premises.

**Inspectors and rangers  
(Question No 79)**

**Mrs Dunne** asked the Minister for Urban Services, upon notice:

In relation to legislation administered in your portfolio.

- (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 Wood:** The answer to the member's questions is as follows:

(1) Acts administered by the Department of Urban Services that requires the deployment of inspectors and rangers to police regulations include:

1. *Trespass on Territory Lands Act 1932*
2. *Nature Conservation Act*
3. *Collections Act 1959*
4. *Hawkers Act 1936*
5. *Roads and Public Places Act 1937*
6. *Litter Act 1977*
7. *Uncollected Goods Act 1996*
8. *Cremation Act 1966<sup>1</sup>*
9. *Public Baths and Public Bathing Act 1956<sup>2</sup>*
10. *Nature Conservation Act 1980*
11. *Animal Welfare Act 1993*
12. *Animals Diseases Act 1993*
13. *Clinical Waste Act 1990*
14. *Domestic Animals Act 2000*
15. *Environment Protection Act 1997*
16. *Fisheries Act 2000*
17. *Lakes Act 1976*
18. *Land (Planning and Environment) Act 1991*
19. *Plant Diseases Act 1934*
20. *Pounds Act 1928*
21. *Stock Act 1991*
22. *Tree protection (Interim Scheme) Act 2001*
23. *Water Resources Act 1997*
24. *Road Transport (General) Act 1999*
25. *Road Transport (Vehicle Registration) Act 1999*
26. *Road Transport (Dimensions and Mass) Act 1990*
27. *Road Transport (Safety and Traffic) Act*

<sup>1</sup> The roles and responsibilities of inspectors under the Cremation Act are currently under review, resulting from findings of the National Competition Review

<sup>2</sup> Many of the powers, including offences under this Act are outdated and will be reviewed as part of the review of this Act. A safety management regime is entered into with contractors of public baths and pools.

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In addition, in the area of Road Transport, Rangers and Inspectors enforce subordinate Legislation (Regulations). These include:

1. *Road Transport (Safety and Traffic Management) Regulations 2000, Part 13*
2. *Road Transport (Driver Licensing) Reg 2000*
3. *Road Transport (Vehicle Registration) Regulations 2000*
4. *Road Transport (Vehicle Registration) Regulations 2000*
5. *Road Transport (Bus Services) Regulations 2000*

(2) How many inspectors/rangers are so employed.

There are 147 employees within Urban Services where the primary duty is to undertake the roles of inspectors / rangers under the above legislation.

In addition:

- 39 officers within ACTION are authorised under the *Road Transport (General) Act 2000* to enforce offences under *Road Transport (Bus Services)* regulations. However, this is a small aspect of their role; and
- two employees of the RSPCA are authorised under the *Animal Welfare Act 1993*

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

See Attachment A for a list of powers related to each piece of legislation

Attachment A page1

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**Chilean needle grass  
(Question No 80)**

**Mrs Dunne** asked the Minister for Urban Services, upon notice:

In relation to Chilean Needle Grass:

- (1) Is the Minister aware of the threat posed by the invasion of Chilean Needle Grass.
- (2) What investigations have been carried out to determine how the grass is spread.
- (3) What contingency plans are in place and what is being taken to rid the Territory of this most noxious and voracious weed pest.

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

(1) Yes, I am aware of the national and local concern of the threat posed by Chilean Needle Grass (*Nasella neesiana*). In response to the threat, the weed is listed as a Weed of National Significance (Agriculture and Resource Management Council of Australia & New Zealand, Australian & New Zealand Environment & Conservation Council and Forestry Ministers 2001), and is declared a pest plant in ACT pursuant to the *Land (Planning and Environment) ACT 1991*.

(2) Results from extensive surveys undertaken by Environment ACT staff, local botanists and volunteers have been collated by Environment ACT to provide a statement on the extent and abundance of Chilean Needle Grass in the ACT and surrounding region. The species is most abundant in urban areas, particularly the older suburbs, but also is present around the urban edge of Canberra and on some rural leases. It is widespread throughout the region, especially to the north and east.

The surveys confirm interstate studies that Chilean Needle Grass seed is spread mainly by vehicles and other machinery, especially mowers. The seed may also be spread by attaching to animals and clothing and through introduction in contaminated hay.

(3) Current actions to combat Chilean Needle Grass include:

The ACT Weeds Working Group (comprising representatives of major government and non-government land management agencies in the ACT and the Conservation Council of the South East Region and Canberra) is promoting consistent and co-ordinated control actions in the ACT.

A management plan is being prepared for the ACT by the Weeds Working Group to ensure that management actions are strategic and targeted. This plan is likely to be completed in March 2002.

Sites having the highest conservation values are a priority for spray programs and other control activities.

Mowing contractors are required to clean machinery prior to entry into sites of conservation significance so that they reduce the likelihood of spreading seed into new areas.

The Department of Urban Services has a permit (PER4935) to use glyphosate and flupropanate to control Chilean Needle Grass.

The need to increase public awareness of Chilean Needle Grass and its impacts is a priority amongst the Weeds Working Group and its member agencies. Initiatives include Chilean Needle Grass workshops for landholders and agency staff, provision of information at field days and on other suitable occasions and support for on-going notification of outbreaks in new areas.

Actions undertaken in ACT are consistent with the Strategic Plan for Chilean Needle Grass developed by the National Weeds Strategy Executive Committee of the Agriculture & Resource Management Council of Australia & New Zealand, Australian & New Zealand Environment & Conservation Council and Forestry Ministers (2001).

**Registered charities  
(Question No 85)**

**Mr Cornwell** asked the Treasurer, upon notice:

In relation to charities registered in the ACT:

- (1) Is there a requirement to provide the ACT Government with annual audited balance sheets.
- (2) Do such balance sheets show funds contributed by outside organisations and individuals, eg service groups.
- (3) Are such reports available to Assembly Members, including myself.
- (4) If the response to (1), (2) and/or (3) is negative, why.

**Mr Stanhope:** As the Attorney General and having responsibility for this area of law, the answer to the member's question is as follows:

- (1) No.
- (2) No.
- (3) No.
- (4) There is no over-arching law in the ACT that requires registration of charities or sets out record keeping requirements for charities.

In the ACT there are a number of laws which make special provision for charities. For example, a number of taxing laws contain special definitions of charities. Section 26 of the *Discrimination Act 1991* exempts certain charitable bodies from section 21 of the Act (these provisions have the effect that it is not unlawful for a charity to discriminate when providing accommodation). The *Door-to-door Trading Act 1991* exempts contracts for the supply of goods or services by a charity from the operation of the Act. The *Lotteries Act 1964* exempts charities from the operation of certain provisions of the Act. The *Trustee Act 1925* makes particular provision about charitable trusts. The *Perpetuities and Accumulations Act 1985* also makes special provision about charitable trusts in relation to the rule against perpetual trusts. The *Unlawful Games Act 1984* provides that the game of two-up on Anzac Day is not unlawful in certain circumstances when associated with a charity. The *Collections Act 1959* requires an organisation (including a charitable organisation) to obtain a license before undertaking an appeal for donations.

Charities that are incorporated associations, cooperatives or companies are required to keep financial records and reports as part of other regulatory regimes, such as under the *Corporations Act 2001 (Cth)*. The records required under the *Corporations Act 2001 (Cth)* can be accessed via the Australian Securities and Investments Commission. In addition, there are special record-keeping requirements for contributions made by the holders of gaming machine licences to community groups.

Division 7.2 of the *Gaming Machine Act 1987* requires the holder of a gaming machine licence to keep records of the contributions made each financial year to community groups. Within three months of the end of each financial year the Gaming Machine Commission gives a report to the Minister for Sport, Racing and Gaming setting out the extent to which revenue received by licensees was used to make community contributions during the year. This report is tabled in the Legislative Assembly.

**Nara and Beijing sister city relationships  
(Question No 87)**

**Mr Cornwell** asked the Minister for Economic Development, Business and Tourism, upon notice, on 19 February 2002:

- (1) Since the agreements were signed, what is the amount of financial benefit gained by the ACT from (a) Nara (b) Beijing twinning?
- (2) How many ACT (a) politicians (b) public servants (c) business people have visited each city since the agreement was signed.
- (3) If the figures for (1) and (2) are not available, why not.

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

1(a) The value to the ACT of the Nara- Canberra relationship is measured by more than the financial benefit to business. In addition, records are not kept of private commercial transactions.

(b) The same concept of value, rather than simply financial benefits applies to the Beijing-Canberra relationship. The known direct revenue as a result of the Beijing Sister City relationship indicates a sum in excess of \$1 million arising from the work of the taskforce that assisted Beijing with its 2008 Olympic bid and \$40,000 for training provided to staff of the Beijing Environment Protection Bureau. There is no data available for private sector outcomes. The Sister City agreement has, nevertheless, raised the profile of the ACT as an education destination. It is estimated that over the last two years Chinese students have injected approximately \$17.6m into the ACT's education institutions.

2(a) Three Ministers have visited Nara and five Ministers have visited Beijing.

(b) Twenty-nine public servants, including 14 exchange teachers, have visited Nara. Nineteen public servants have visited Beijing.

(c) The ACT Government does not keep a record of the number of business people who travel outside the ACT.

(3) See above.

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## Litter—infringement notices (Question No 91)

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to littering, for the financial years (a) 1999-2000 (b) 2000-01 (c) 2001-02 to 31 December 2001:

- (1) How many charges for littering have been attempted;
- (2) How many of these were successful;
- (3) How much revenue was collected from fines;
- (4) Were other penalties imposed apart from monetary fines and if so,
  - (a) what were they and
  - (b) how many in each of the years.

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

- (1) Littering is dealt with by issuing a Litter Infringement Notice under the *Litter Act 1976*.

YEAR	INFRINGEMENTS ISSUED
1999-2000	49
2000-2001	49
2001-2002 to 31 Dec	28

- (2) Infringement notices must be either paid or disputed either by internal review or court action.

YEAR	INFRINGEMENTS PAID	INFRINGEMENTS DISPUTED & WITHDRAWN	INFRINGEMENTS CANCELLED	ACTIVE	COURT ACTION
1999-2000	31	6	10	2	0
2000-2001	35	4	3	5	2
2001-2002 to 31 Dec	17	1	0	10	0

Infringements are usually withdrawn due to either: the offender providing evidence of extenuating circumstances; or lack of sufficient evidence to commence court action.

Infringements are cancelled when sufficient evidence to commence court action cannot be established within the statute of limitations, which for the *Litter Act 1976* is 12 months.

Infringements are still active if court action is in progress.

In both of these court cases the infringement was upheld and monetary penalties imposed.

(3) How much revenue was collected from fines;

<b>YEAR</b>	<b>REVENUE COLLECTED</b>
1999-2000	\$5,700
2000-2001	\$7,750
2001-2002 to 31 Dec	\$3,700

(4) Were other penalties imposed apart from monetary fines and if so,  
(a) what were they and  
(b) how many in each of the years.

The Litter Act 1976 only allows for Litter Infringement Notices, Litter Warning Notices or court action. Other penalties would be at the discretion of the court.

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## **Men's Accommodation and Crisis Service (Question No 92)**

**Mr Stefaniak** asked the Minister for Education, Youth and Family Services, upon notice, on 20 February 2002:

In relation to the Men's Accommodation and Children's Services tender process:

1. Who were the (a) members of the tender assessment panel, (b) the organisations they represent and/or belong to and, (c) can you provide a curriculum vitae for each member.
2. What was the criteria for being chosen to sit on the tender assessment panel.
3. What is the (a) Men's Reference Group (MRG) (b) list the (i) names and (ii) positions of each of its members and (c) can you provide a curriculum vitae for each member.
4. What other community organisations and organisations within the sector were each of the members involved with.
5. Can you provide the names of those members of the MRG who will be directly involved with the running of the new service, now known as Canberra Fathers and Childrens' Service (CANFACS).
6. What is the relationship between Marymead and the MRG and how is that relationship to work in regards to the running of this service.
7. What is the name of the person and his/her title who is directly responsible to the Department for the operation of the service.
8. Which members of Marymead are (a) involved or are proposed to be involved in the running of the service and (b) can you provide a curriculum vitae for each of those members listed.
9. Why was the condition put in the tender that the successful tenderer should have good relationships with womens' services and in particular the Domestic Violence Crisis Service (DVCS).
10. What are the (a) names, (b) positions and (c) salaries of those persons who will be running services from the premises in Kaleen.
11. Will the service be open seven days a week, including public holidays, such as Easter and Christmas day.
12. What are the operating hours of the services.
13. What is the current financial annual contribution by the Department of Education to the MRG and will MRG and/or Marymead be (a) contributing additional monies for the service and if so (b) how much.

14. What were the (a) names of the groups that tendered for the MRG and (b) can you provide the tender of the successful tenderer and the tender of the Lone Fathers' Association (LFA).

15. How much money was expended by the department on upgrading the service prior to the MRG commencing operations in February 2002.

16. Did the LFA have a contract to run the previous service until June 2002. If so, was the contract terminated or altered in any way.

17. If it was terminated, when was it terminated

18. If it was altered, when was it altered and can you provide all relevant documentation in relation to its alteration, including the agreement to it being altered by the LFA, and explain why the contract was terminated prior to June 2002 and tenders called to have a new service operate from 1 July 2002.

19. What measures were put in place for those persons requiring accommodation and emergency accommodation during the time the contract with the LFA to run MAACS was terminated on 31 January 2002 and the MRG service (CANFACS) commenced at the Kaleen premises on 11 February 2002.

**Mr Corbell:** The answer to Mr Stefaniak's question is:

1. See response to Question on Notice 45 (6).

2. See response to Question on Notice 45 (6).

3. See response to Question on Notice 45 (1).

4. The Canberra Fathers and Childrens' Service members bring many years of expertise and experience to the ACT men's sector. Individually and collectively the organisation can demonstrate extensive community sector networks.

5. A number of Group members are directly involved in the running of the new service as interim support workers and as members of the interim management committee. A recruitment process is in progress, which will lead to the appointment of permanent staff.

6. The Trustees of the Roman Catholic Church for the Archdiocese of Canberra and Goulburn is the legally accountable and responsible entity for the provision of this service and is represented by the Marymead Child and Family Centre. A purchase agreement between the Department of Education and Community Services and Marymead Child and Family Centre was signed on 1 February 2002. The legal entity auspices the Men's Reference Group for Marymead.

Auspicing arrangements are commonplace in human service purchasing throughout Australia. A similar arrangement was used between the department and the Lone Fathers' Association to purchase the pilot accommodation service provided by the Men's Accommodation and Crisis Service (MAACS). Auspice arrangements facilitate an integrated service response, which can be particularly effective in supporting people who have multiple and complex needs.

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7. The Director of Marymead Child and Family Centre is responsible for the operation of the service.

8. See response to Question on Notice 45 (1).

9. The condition in the tender in respect of good relationships with women's services, in particular the Domestic Violence Crisis Service (DVCS), was to ensure there was a recognition by the tenderers that collaborative service systems are needed to support families to achieve these outcomes.

Members of the Men's Reference Group have participated in the development of initiatives which support men and their families both locally and nationally.

10. Interim arrangements are in place for running the service at Kaleen. A recruitment process is in progress to appoint permanent staff.

11. The service will be available in accordance with the individual needs of the families supported. A support worker will be available 365 days per year.

12. The service will be provided in accordance with the needs of the individual families receiving support. A support worker will be at the house between 9am and 10pm each weekday. Out of hours support will be available if necessary on a 24 hour basis. This is a common and acceptable practice across the refuge sector.

13. The full year effect purchase price for the service to be provided by CANFACS and paid to Marymead as the legally responsible entity is \$182,445 (including GST of \$16, 585).

14. Four services provided submissions to this tender process. The names of the unsuccessful tenderers are not relevant. The tender panel assessed that the submission by Men's Reference Group and Marymead was significantly superior to that of other submissions.

15. Nil.

16. The Lone Fathers' Association's purchase agreement with the Department of Education and Community Services for the provision of the men's and children's accommodation service expired on 31 January 2002.

17. See 16 above.

18. See 16 above.

19. CANFACS commenced service provision from 1 February 2002. The first family was provided accommodation on Monday 3 February 2002.

**Air pollution—alerts  
(Question No 93)**

**Ms Tucker** asked the Minister for Urban Services, upon notice:

In relation to the “don’t burn tonight” campaign run by Environment ACT:

- (1) how many pollution alerts were issued to the media in 2001;
- (2) on what days and times were these alerts issued;
- (3) which media outlets were sent these alerts;
- (4) which media outlets passed on these alerts to the public and in what manner; and
- (5) are any changes proposed to the “don’t burn tonight” campaign for Winter 2002.

**Mr Wood:** The answer to the member’s questions is as follows:

- (1) Three pollution alerts were issued to the media in 2001.
- (2) These were issued on the 2<sup>nd</sup>, 3<sup>rd</sup> and 24<sup>th</sup> of August. The notice was faxed to the media by 3.30 pm to enable it to be included in afternoon/evening programming.
- (3) The notices were sent to WIN, Prime, Ten, ABC Radio, 2CC, FM 104.7, FM 106.3, The Canberra Times, The Chronicle, The Valley View, Canberra City News. Note: The Valley View and the Prime & Ten Capital local news bulletins no longer exist.
- (4) Prime, ABC Radio and 2CC broadcast the alerts. Radio interviews were also conducted with both radio stations regarding the campaign. Other stations may have passed on the alerts but they did not contact the EPA regarding the campaign.  
The alerts were broadcast during Prime’s weather bulletin and on ABC Radio & 2CC’s afternoon and evening news bulletins.
- (5) No. There are no changes proposed to the “don’t burn tonight” campaign for Winter 2002.

**Summernats—burnouts  
(Question No 94)**

**Ms Tucker** asked the Minister for Health, upon notice, on 20 February 2002:

In relation to the burnout events at the Summernats:

- (1) How toxic or harmful is burnout smoke.
- (2) What is the (a) volume and (b) frequency of burnout smoke which spectators are exposed to over the three days at Summernats.
- (3) What risk does this smoke pose to children and people with respiratory problems, (a) attending the event and (b) in the nearest residences to the event.
- (4) Have there been any indications, from facilities such as first aid stations or ambulance staff at Summernats, that medical treatment to persons has been required as a result of exposure to the smoke.
- (5) Has the ACT Government done its own health assessment of the burnout events.
- (6) Has the ACT Government consulted expert literature or sources, to the extent that they exist, on the health impacts of burnout smoke.
- (7) Has the ACT Government considered whether they are jeopardising the health of spectators and nearby residents through exposure to burnout smoke.

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

**1. How toxic or harmful is burnout smoke.**

A search of environmental and medical literature has revealed no specific information on this specific issue. Nevertheless, like any smoke, exposure may cause airway irritations in some people.

Sources checked include the *State of Knowledge Report: Air Toxins and Indoor Air Quality in Australia 2001* (Environment Australia), *Dangerous Properties of Industrial Material 9<sup>th</sup> Ed.* 1998 (Sax, I. and Lewis, R.) and Medline. In addition to this the ACT Fire Brigade, ACT Workcover, Environment ACT, Poisons Information, and NSW Health were all consulted.

**2. What is the (a) volume and (b) frequency of burnout smoke which spectators are exposed to over the three days at Summernats.**

The organisers of the Summernats have confirmed that there were 70 cars competing on the first day (Friday) and at least the same number on the final day (Sunday). The Burnout competition was not held on the Saturday.

It is not possible to estimate the volume and frequency of burnout smoke, as they were not measured. The volume and frequency are also highly dependable on factors such as engine size of the cars, the tyres fitted to the cars, the drivers' skill and wind direction.

Without a detailed understanding of what compounds are contained in the burnout smoke, it is not possible to determine either the volume or frequency of the smoke.

**3. What risk does this smoke pose to children and people with respiratory problems, (a) attending the event and (b) in the nearest residences to the event.**

Without information on the detailed composition of the smoke, possible dispersion and transport factors, and therefore likely doses received by (a) spectators, or (b) people in nearby residences, no assessment of risk can be made.

**4. Have there been any indications, from facilities such as first aid stations or ambulance staff at Summernats, that medical treatment to persons has been required as a result of exposure to the smoke.**

Information obtained from the Summernats organizer is they have no record of anyone having received treatment from ambulance staff or the first aid stations for smoke related exposure. There is no record of anyone being treated for this type of exposure in the 15-year history of the event.

Information provided by the ACT Ambulance Service and First Aid Australia (the company that provides first aid services at the Summernats), is that no one at the event required medical treatment as a result of exposure to the smoke.

**5. Has the ACT Government done its own health assessment of the burnout events.**

The ACT Government has not undertaken a health assessment of the burnout event.

**6. Has the ACT Government consulted expert literature or sources, to the extent that they exist, on the health impacts of burnout smoke.**

As per answer to Question 1, while expert literature has been reviewed, no information exists on the health impacts of burnout smoke.

**7. Has the ACT Government considered whether they are jeopardising the health of spectators and nearby residents through exposure to burnout smoke.**

The Health Protection Service will investigate this matter during the next Summernats.

**Service station site, Torrens  
(Question No 92)**

**Ms Tucker** asked the Minister for Planning, upon notice:

In relation to the old service station site on the corner of Beasley and Batchelor Streets, Torrens:

- (1) When did the service station cease trading
- (2) Who is the current lessee of the site
- (3) Have the petrol tanks been removed from the site and if so
  - (a) when and (b) who by
- (1) Has any other remediation work been done on the site in relation to soil contamination and run-off and if so
  - (a) What was the nature of this work, (b) who undertook this work (c) when?
  - (2) Has any monitoring been undertaken by the Department of Urban Services since the site's closure of
    - (a) The condition of the site and (b) the impact of seepage through the retaining wall at the back of the site on the adjoining laneway.
  - (1) Will the department be taking action against the lessee to recover costs incurred to make safe the recent collapse of the brick retaining wall at the back of the site onto the adjoining laneway.
  - (2) Are there any lease conditions on the site in relation to
    - (a) How long it can remain vacant and (b) what the site can be used for.
    - (3) Are there any
      - (a) Proposals being considered by Planning and Land Management (PALM) for redevelopment of this site and (b) when are these likely to be finalised.

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

1. The service station ceased trading on 30 September 1996.
2. The current lessee is Ampol Property Holdings Limited now Caltex Petroleum Australia Pty Ltd (Caltex).
3. The petrol tanks have been removed from the site
  - (a) In mid August 2000.
  - (b) By Caltex.
- (4) Remediation work has been completed in relation to the soil and water contamination.
  - (a) The contaminated soil was remediated by landfarming to a level suitable for residential development. Contaminated water was removed by a licensed contractor.
  - (b) The remediation works were undertaken by Coffey Geosciences Pty Ltd for Caltex.
  - (c) The remediation work commenced August 2000 and the majority of the work was completed in February 2001. A draft audit report and audit statement dated 9 August 2001 from an independent accredited auditor, Chris Jewel, confirmed the remediation work has been completed by Caltex. Mr Jewel is waiting for some further paperwork from Caltex before finalising his report and audit. Environment ACT received a final budget report and statement on 7 March 2002 which confirms that the remediation of the site has been completed and the site is suitable for residential development.

4. (a) Periodic monitoring took place during the remediation of the site.

(b) Ground water extraction and monitoring occurred in the early stages following a report in May 1997 of water seepage from the site, which appeared to have hydrocarbon sheen. Caltex organised for the installation of an extraction well for the excess water to be removed. The seepage was through the concrete slabs to the side of the site and not the rear retaining wall. Environment ACT is not been directly aware of any incidents of seepage through the retaining wall at the rear of the site.

5. The department will not be taking any action to recover costs. The clean up involved the removal of a few bricks to make the footpath safe. No damage was done to the footpath.

6. (a) and (b). A new lease commenced on 5 January 2000 which allows the lessee to construct up to eight residential units on the site. The lease also requires the lessee to commence that development within 12 months and to complete it within 24 months of the commencement date of the lease.

A precedent condition in the approval for the unit development is that the soil on the site be remediated to a standard suitable for residential redevelopment. This condition has not yet been met.

8. (a) Caltex has been requested to formalise an application for an extension of time for both the conditions of the development approval and the development covenants of the lease. It is expected that an extension would be granted to cover the time necessary to complete the remediation of the site and for a reasonable construction time.

8. (a) A proposal has been considered by PALM; and

(b) An approval was granted on 20 May 1999 to erect 8 residential townhouses subject to conditions which included the remediation and independent audit of the site to the satisfaction of Environment ACT to ensure its suitability for residential use.

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## **Community gardens (Question No 96)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to the garden centre on the corner of William Hovell Drive and Bindubi Street (Cook).

- (1) How many garden centres have been established in the ACT region.
- (2) For each site, what were the establishment costs, ie fence, seeds etc.
- (3) For each site, (a) when were the gardens established? (b) what is grown? (c) is water provided on site and if so (d) who pays for the water usage and (e) how many people are involved in the daily running of the centre?
- (4) Are the gardens under contract and if so could you name the persons and/or companies involved.
- (5) Are there leases involved and if so could you name those persons and/or organisations involved.

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

(1) There are 10 community gardens administrated by the Canberra Organic Growers Society (COGS) within the Canberra region. They are located at: Cook, Cotter plots (near the Yarralumla Woolshed), Holder, Kambah, Erindale, Theodore, Oaks Estate, Mitchell, Charnwood and Queanbeyan.

The Old Narrabundah Community Council is currently establishing a community garden on land behind the local shopping centre in Kootara Cres.

The ACT Public housing complex at Gowrie Courts has also established a community garden for their tenants.

(2) The Community Renewal Program funded three of the COGS Community Gardens for a total of \$30,000, located at Kambah, Cook and Holder. The funding covered fencing, in ground water pipes, taps and standpipes, a garden shed with concrete floor and a ride on mower that services all the COGS gardens. The COGS organisation was able to network through businesses and community to obtain materials, labour and donations in kind to achieve this work within the available funding. The other seven COGS gardens were primarily funded from sources other than government, therefore, detailed establishment costs are not known.

Nine thousand dollars has been contributed to the establishment of the Narrabundah Community Garden through the Community Renewal Program. Other contributions, from community "in kind" support are estimated to be to the value of \$20,000. The Narrabundah community garden is part of a larger project that includes the upgrading of the old Narrabundah tennis courts, clubhouse, and sensory garden.

(3)

a) The three gardens at Cook, Kambah and Holder were established during 2001 and the other seven were established during the 1980's and 1990's. Narrabundah is yet to be established.

b) Each person is allocated a plot of approximately 50 m<sup>2</sup> in which they generally grow vegetables, herbs, companion plants and sometimes flowers. Growers purchase their own seeds. The produce is for their own personal use and the COGS rules of the gardens is that it is not allowed to be grown for commercial use or financial gain. All ten COGS gardens follow these rules and Narrabundah is in principle following these rules even though they are not affiliated with COGS.

c) Yes water is provided through in ground piping and standpipes with tap connections, individual gardeners supply their own fittings and hoses at all the garden sites.

d) For the 10 COGS gardens, when they were established ACTEW had to approve the plans and a separate meter was put into each garden. Each person within the gardens is allocated a plot at a cost of \$0.75 /meter per annum to cover generic running costs of their garden. A similar process is being followed with Narrabundah.

e) The community gardens generally have between 20– 40 gardeners, one of whom is the convenor for each individual garden who reports to the peak group of the Canberra Organic Growers Society. Each individual garden has their own autonomy with the general rules being administered by COGS. A similar process is being followed with Narrabundah.

(4) The gardens are not under contract, they are administered by the Canberra Organic Growers Society and the Old Narrabundah Community Council and run along the same principles as 'Commons' in European countries.

(5) The COGS gardens are on government land managed by a range of agencies. None have been required to take out leases, aside from the new garden being established at Narrabundah. Leases were not required on the earlier gardens, as they were not deemed by the land managers to be a permanent use. The lessee at Narrabundah will be the Old Narrabundah Community Council.

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**Common trenching  
(Question Nos 97 and 98)**

**Mrs Dunne** asked the Minister for Urban Services and the Minister for Planning, upon notice:

In relation to common trenching.

- (1) Is common trenching an accepted practice in jurisdictions other than the ACT.
- (2) How long have discussions been underway between land managers, utilities and land developers on this issue.
- (3) What are the impediments to agreement.
- (4) Do the Ministers anticipate a resolution of the impediments.

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

- (1) Common trenching is an accepted practice in other jurisdictions. There are five Joint Trenching Agreements in place between electricity and gas suppliers throughout New South Wales. It is also common practice in the ACT. Telstra lines and gas have been sharing trenches in the ACT since 1989. In 1996, following successful trial installations, the Joint Trenching Agreement was expanded to also include electricity cables.
- (2) Discussions have been underway between land managers, utilities and land developers for at least 13 years in the ACT. Implementation of the three way trench on a trial basis took place about six years ago with progressive adoption since that time.  
A new Joint Trench Agreement is currently being negotiated by the service authorities to include Transact Communications services.
- (3) At present common trenching is restricted to telephone, gas and electricity with provision now also being made for additional broadband communication cables. Sewer and stormwater are constrained by gravity. Water is constrained by lack of flexibility in pipes and is also considered a hazard to other services in the event of a burst. It is also not considered safe to have electricity and water in close proximity in the event of leaks from either service. It is also not feasible to use in some areas where there is rock just below the surface which prevents trenches from reaching the required depth.
- (4) The Government is ensuring that all new Land Developments include a requirement in their Deeds of Agreement that Joint Trenching be adopted wherever practical.

**Canberra racecourse  
(Question No 99)**

**Mr Stefaniak** asked the Minister for Sport, Racing and Gaming, upon notice, on 5 March 2002:

In relation to the Canberra Racecourse:

- (1) List (a) the names of the persons/organisations and (b) the type of business that the persons/organisations are operating from the above premises.
- (2) What is (a) the current lease term and (b) rent for each of the persons/organisations currently operating from the above premises.
- (3) What facilities are provided to each of the premises.
- (4) Who has responsibility for the management of those facilities.

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

- (1) Refer to table at Attachment A.
- (2) Refer to table at Attachment A.
- (3) Refer to table at Attachment A. In addition, a telephone recording system was put in place by the ACT Government to record telephone conversations of the sports bookmaking licensees. The calls are recorded to aid in the resolution of telephone bets should a dispute arise between a sports bookmaking licensee and a client. The recording system was purchased by the Government and installed by InTACT. The system provides a number of lines to each sports bookmaking licensee in the sports betting auditorium and utilises the Telstra Spectrum system. Telstra send a monthly bill to InTACT of \$42 per line rental charge plus STD calls. InTACT seeks direct reimbursement from the sports bookmaking licensees according to the number of lines allocated and usage. ACTTAB Ltd and Sportodds Systems Pty Ltd own telephone recording systems which are secured and to which the Commission has access if required. Both ACTTAB and Sportodds pay for the charges in respect of usage of these systems.

Furthermore, access to the Australian Prices Network (APN), (formerly known as the Bookmakers Pricing Service), is utilised by businesses at the ACT Race Club. The APN service provides bookmakers odds from race meetings throughout Australia and is owned jointly by the Australian Jockey Club and Victorian Racing Club. The APN is provided to the ACT Racing Club at \$280/day. This cost is split amongst the following users:

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ACTTAB Ltd (33%);  
ACT Racing Club (33%) which provides the service to professional punters; and  
City Index (Australia) Pty Ltd and Sportodds Systems Pty Ltd (33%) for assisting in  
determining markets on racing events.

The ACT Racing Club has a contract with Sky Channel to show the Sky Channel service at the  
racecourse and to telecast the picture of ACT Racing Club race meetings in return for a rights  
fee.

(4) Refer to table at Attachment A.

Table unable to be incorporated. Copy available from Chamber Support Office.

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## **Schools and preschools—maintenance of sandpits (Question No 100)**

**Mrs Dunne** asked the Minister for Education, Youth and Family Services, upon notice, on 5 March 2002:

In relation to maintenance of school and preschool sandpits:

- (1) How often is sand replaced in sandpits.
- (2) What maintenance is carried out to ensure that the sand is clean.
- (3) How often is routine maintenance performed and what does it entail.
- (4) How is maintenance monitored to ensure that it is carried out effectively.

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

(1) In preschools, inspection of sandpits is undertaken monthly by the appointed maintenance contractor. Sand is topped up and/or replaced as necessary, any foreign objects are removed and any other necessary maintenance to sandpit surrounds is carried out. In addition to this, the preschool teacher-in-charge inspects their preschool sandpit daily and any maintenance required is reported to the department. For those primary schools that have sandpits (around 15), the school is responsible for topping up the sand and maintaining the sandpit surrounds as part of their overall grounds maintenance responsibilities.

(2) In preschools the teacher-in-charge is responsible to cover and rake the sandpit daily. At primary schools daily inspection of the sandpit takes place, usually by the janitor. The schools grounds maintenance contractor would usually attend to any maintenance works required.

(3) This is covered in points (1) and (2) above.

(4) For preschools, the maintenance contractor provides a monthly report to the department on works and inspections performed. In addition to this the preschool teacher-in-charge reports any problems to the department. For schools, monitoring is undertaken by school staff who are in a good position to directly follow up any problems with the principal or contractors.

**Correspondence—ministers and members  
(Question No 101)**

**Mrs Dunne** asked the Minister for Planning, upon notice:

In relation to Ministerial and Members' correspondence:

- (1) How many letters, since taking office, have you received from:
  - (a) other Ministers
  - (b) Government Members
  - (c) Cross Bench Members, and
  - (d) Opposition Members
- (2) How long has it taken to respond to correspondence in each of these categories.
- (3) What are your office guidelines for responding to correspondence.
- (4) How well are these guidelines met, and what circumstances intrude that cause these guidelines not to be met.

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

- (1) (2)& (4) I am not prepared to authorise the resources required to respond to the Member's question.
- (3) As a general guideline, depending on the urgency and complexity of the issue, my office requests response turn around times in the Department of two weeks.

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**Correspondence—unanswered  
(Question Nos 102 and 103)**

**Mrs Dunne** asked the Minister for Planning and Minister for Education, Youth and Family Services, upon notice:

In relation to unanswered correspondence:

(1) Will the Minister indicate when he proposes to respond to the following correspondence from me regarding:

- (a) Latham shops (19 December 2001);
- (b) Animals-A-Float (19 December 2001);
- (c) Phillip Traders (19 December 2001);
- (d) social worker (23 January 2002); and
- (e) unanswered correspondence (13 February 2002).

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

(1) Responses have been provided to the Member.

**Graffiti  
(Question No 104)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to graffiti on ACT Housing properties:

- (1) What is the policy on graffiti.
- (2) How much was spent on the removal of graffiti in the years;
  - (a) 1995
  - (b) 1996
  - (c) 1997
  - (d) 1998
  - (e) 1999
  - (f) 2000
  - (g) 2001 and
  - (h) 2002.
- (3) In the years in (2) above, how much was spent on the removal of graffiti by
  - (a) region and (b) suburb.
- (4) In the years in (2) above, have there been any convictions by ACT Housing for graffiti offences.

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

- (1) ACT Housing has a policy of removing graffiti from its properties as quickly as practicable. The contract for graffiti removal provides for a routine of roving inspections as well as responding to advice about specific sites by tenants or members of the public. Once graffiti is identified it is programmed for removal. Graffiti is more an issue for the multi-unit sites.
- (2) The amount spent on graffiti removal in each of the following financial years is:
  - (a) Records are not available in this format for that period
  - (b) 1996-97 - \$26,826
  - (c) 1997-98 - \$23,917
  - (d) 1998-99 - \$63,783
  - (e) 1999-00 - \$104,225
  - (f) 2000-01 - \$58,924
  - (g) 2001-02 - \$11,726 (to end of February 2002).
- (3) This information is not available breaking down the expenditures by region or suburb.
- (4) There have been no prosecutions or convictions for graffiti initiated by ACT Housing.

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**Housing—general, water and sewerage rates  
(Question No 105)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to rates on ACT Housing properties:

- (1) What is the policy on rates.
- (2) What was the value of rates received for the years:
  - (a) 1995
  - (b) 1996
  - (c) 1997
  - (d) 1998
  - (e) 1999
  - (f) 2000
  - (g) 2001 and
  - (h) 2002
- (3) In the years in (2) above, what was the value of rates received by (a) region and (b) suburb.

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

- (1) ACT Housing is required to meet the cost of general rates and water and sewerage rates.
- (2) The amount spent on rates (general, water and sewerage rates and the water abstraction charge since its inception in March 2000) in each of the following financial years was:
  - i) Records are not available in this format for that period
  - ii) 1996-97 - \$12.130m
  - iii) 1997-98 - \$12.348m
  - iv) 1998-99 - \$12.142m
  - v) 1999-00 - \$12.078m
  - vi) 2000-01 - \$12.011m
  - vii) 2001-02 - \$8.370m (to end of February 2002).
- (3) The information is not available breaking down the expenditures by region or suburb.

## **Housing—properties (Question No 106)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to the sale, purchase and building of ACT Housing properties:

- (1) What is the policy on the sale, purchase and building of properties.
- (2) How many properties were (a) sold and (b) what was the total value received for the years
  - (i) 1995
  - (ii) 1996
  - (iii) 1997
  - (iv) 1998
  - (v) 1999
  - (vi) 2000
  - (vii) 2001 and
  - (viii) 2002.
- (3) In the years in (2) above, how many properties were (a) sold and (b) for how much by (c) region and (d) suburb.
- (4) In the years in (2) above, how many properties were (a) bought and (b) what was their total value.
- (5) In the years in (2) above, how many properties were (a) built and (b) for how much by (c) region and (d) suburb.
- (6) In the years in (2) above, how many properties were (a) bought and (b) for how much by (c) region and (d) suburb.

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

(1) The policy for disposal and acquisition of ACT Housing properties is set out on pp27-28 of the Ownership Agreement which formed part of the 2001-2002 Budget.

In summary, vacant houses are sold where they are beyond their economic life, are high maintenance properties and/or are over 40 years old. Similar factors are relevant when complexes are sold and a further factor in the case of most recent sales of complexes has been that the size and type of units no longer meets ACT Housing's needs. For example, both Lachlan Court and McPherson Court were almost entirely comprised of bedsitter units.

Stock is acquired to meet areas of need identified through allocation times from the applicant list with a preference for spot purchase rather than construction.

(2), (3), (4), (5), and (6)

ACT Housing statistics are kept on a financial year basis – see Attachment A.

However, a summary of ACT Housing's property holdings by suburb as at 28 February 2002 is enclosed for information – see Attachment B.

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The preparation of the answers broken down into suburbs would be very time consuming, and as such, it is not justified to spend significant amounts of time on it. Questions on Notice are to elicit information and this has been provided based on financial years.

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Note: Attachment B (stock analysis figures and adjustments to stock) unable to be incorporated. Copies available from Chamber Support Office.

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**Fireworks industry  
(Question No 107)**

**Ms Dundas** asked the Minister for Industrial Relations, upon notice, on 6 March 2002:

1. What is the total value of the fireworks industry?
2. What is the regulatory regime for the (a) sale, (b) manufacture and (c) use of fireworks?
3. Is there a licensing system for the sale, manufacture and use of fireworks?
4. What are the requirements for a person to obtain a license for the sale or manufacture or use of fireworks?
5. How many inspectors are employed by the department or regulatory authority to monitor the sale, manufacture or use of fireworks?
6. Is it usual for the Commissioner for Occupational Health and Safety to attend inspections at premises where fireworks are either sold, manufactured or used?
7. If yes, how many inspections has that officer attended, (a) when, (b) where were the inspections held?
8. How many charges or prosecutions (civil and criminal) have been initiated by WorkCover against traders in the fireworks industry?
9. What were the outcomes of these civil and criminal actions?
10. How much money has been expended by Workcover in charges and prosecutions against members of the fireworks industry since 24 June 2000?
11. Has the Commissioner for Occupational Health & Safety, provided advice to (a) the Minister or (b) a public servant, on the closure of the fireworks industry?
12. How many civil actions have been commenced against the Government and/or its agencies from members of the fireworks industry?
13. What is the nature of these claims?
14. What are the amounts of compensation and/or damages of these claims?
15. For fireworks displays, does the Government or its agencies purchase goods and services from the local fireworks industry?

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

1. What is the total value of the fireworks industry?

Unknown. The Commissioner for Occupational Health and Safety provided estimates of possible industry value in reports on the last three fireworks seasons. As stated in the first of the reports, it is difficult to ascertain the exact value of the fireworks industry to the ACT economy as there is no reliable data.

- *Review of the Sale, Use and Availability of Fireworks in the ACT 1999*. An estimate provided by industry for the 1999 report was approximately \$2 million per annum. As noted in the report, advice received from the industry in 1986 was that the two weeks 'fireworks season' was worth \$15 million.
- *Status Report on the Fireworks Season 2000*. No estimate of dollar value made, number of containers for one retailer estimated to be 18.
- *Status Report on Fireworks 2001*. Based on anecdotal information where a container of fireworks can retail from between \$200,000 to \$1 million - then based on 7 containers that were notified by Customs, the value may have been between \$1.5 million and \$7 million. It is not known if all these fireworks were retailed in the ACT.

2. What is the regulatory regime for the (a) sale, (b) manufacture and (c) use of fireworks?

Licenses are required for the sale and manufacture of fireworks and permits are required for the use of fireworks. The licensing regime is contained in the *Dangerous Goods Act 1975* and its regulations.

3. Is there a licensing system for the sale, manufacture and use of fireworks?

Yes. See Question 2 above.

4. What are the requirements for a person to obtain a license for the sale or manufacture or use of fireworks?

A person must apply to the Chief Inspector of Dangerous Goods. Matters that the Chief Inspector of Dangerous Goods must consider are specified in the *Dangerous Goods Act 1975* and its regulations.

There are specific provisions in sections related to the various licence and permit provisions. Generally the criteria are that:

- the licence holder must be a fit and proper person
- the goods must be manufactured and stored in a safe manner
- information about the storage arrangements is provided and approved
- information about the type of explosive is provided so that appropriate storage can be assessed
- the class of fireworks called 'shopgoods' must be certified before sale
- sales of shopgoods fireworks must only be to permit holders
- sales of display fireworks can only be to persons with either a special permit, general permit or shotfirer's licence.

The issuing of licences requires the provision of specific information for each situation/location and the Chief Inspector of Dangerous Goods takes into account public safety issues where relevant.

5. How many inspectors are employed by the department or regulatory authority to monitor the sale, manufacture or use of fireworks?

There are five inspectors in ACT WorkCover who inspect nine classes of dangerous goods under the Dangerous Goods Act. During the fireworks season other staff within Government are delegated specific powers under the Act.

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6. Is it usual for the Commissioner for Occupational Health and Safety to attend inspections at premises where fireworks are either sold, manufactured or used?

No.

7. If yes, how many inspections has that officer attended, (a) when, (b) where were the inspections held?

The current Commissioner for Occupational Health and Safety (the first to be appointed since that office was established) has not attended any inspections at such premises as Commissioner.

Prior to appointment to the position in June 2000, the Commissioner was the General Manager of ACT WorkCover. That position was also Registrar under the Occupational Health and Safety Act and an Inspector under the Dangerous Goods Act.

The General Manager attended two inspections. These inspections were conducted in Watson and Fyshwick. The General Manager attended these sites in a support role for WorkCover inspectors designated to carry out the inspections.

8. How many charges or prosecutions (civil and criminal) have been initiated by WorkCover against traders in the fireworks industry?

ACT WorkCover does not initiate prosecutions; it refers briefs to the Director of Public Prosecutions (DPP) for consideration of laying criminal charges.

There are no provisions for civil charges under the *Dangerous Goods Act 1975*.

The DPP has commenced action for ten charges for breaches of the *Dangerous Goods Act 1975* since the 24 June 2000.

9. What were the outcomes of these civil and criminal actions?

Of these criminal charges, one matter was withdrawn by the DPP, and all other matters are at mention or hearing stage in the ACT Magistrates Court.

One charge under the Crimes Act 1900 for an assault against a [female] WorkCover inspector was finalised during this period. The charge was found proven and upheld on appeal.

10. How much money has been expended by WorkCover in charges and prosecutions against members of the fireworks industry since 24 June 2000?

To date, no figures in relation to charges and prosecutions have been compiled. The matters are still ongoing and costs cannot be provided until matters are finalised.

11. Has the Commissioner for Occupational Health & Safety, provided advice to (a) the Minister or (b) a public servant, on the closure of the fireworks industry?

No.

In the *Status Report on Fireworks 2001*, the Occupational Health and Safety Commissioner recommended (at page 18) that:

The current arrangements for the sale of fireworks to the public during the Queen's Birthday long weekend be removed;

The sale of fireworks only be to licensed pyrotechnicians and licensed resellers;

Fireworks should not be allowed to be stored in retail premises, they should be stored in magazines like all other explosives.

That the penalties for breaches of the *Dangerous Goods Act 1975* should be brought into line with the *Occupational Health and Safety Act 1989*.

The Commissioner noted that if these recommendations were adopted then the use of fireworks would be limited to notified displays conducted by licensed pyrotechnicians.

12. How many civil actions have been commenced against the Government and/or its agencies from members of the fireworks industry?

The Government is aware that members of the fireworks industry have filed seven civil matters with the ACT Supreme Court.

13. What is the nature of these claims?

Civil actions against the Government include reviewing administrative decisions, questioning the validity of fees and questioning the validity of legislation. Some members of the fireworks industry have requested review of a range of decisions in the Administrative Appeals Tribunal.

14. What are the amounts of compensation and/or damages of these claims?

One matter has been finalised. The finalised matter was found in favour of the Government

15. For fireworks displays, does the Government or its agencies purchase goods and services from the local fireworks industry?

Canberra Urban Parks and Places has been responsible for the planning and implementation of the Christmas and/or New Year's Eve fireworks celebrations since 1998. An open national tender process is used in accordance with ACT Government Purchasing Policy and the *Government Procurement Act 2001*.

**Schools—clean-up day  
(Question No 108)**

**Ms Dundas** asked the Minister for Education, Youth and Family Services, upon notice, on 6 March 2002:

In relation to Friday schools clean up day:

- (1) Why were public schools unable to take part in 'Friday Schools Clean Up Day' as part of the Clean Up Australia Day events.
- (2) What specific advice on public liability was received by the Department of Education which led to the halting of 'Friday Schools Clean Up Day'.
- (3) Will the Minister table this advice in the Legislative Assembly and if not, why not.
- (4) What specific advice was provided to public school principals by the Department which led to the halting of 'Friday Schools Clean Up Day'.
- (5) Will the Minister table this advice in the Legislative Assembly and if not, why not.
- (6) Will government schools be able to participate in 'Friday Schools Clean Up Day' as part of the Clean Up Australia Day events in the coming years.
- (7) Are there any government school syllabus requirements to educate children on the impact of litter on the environment.
- (8) How many non-government schools participated in the 'Friday Schools Clean Up Day' as part of the Clean Up Australia Day events.
- (9) Will non-government schools be able to participate in 'Friday Schools Clean Up Day' as part of the Clean Up Australia Day events in the coming years.
- (10) Are government school students able to pick up papers and litter on other school days.

**Mr Corbell:** The answer to Ms Dundas' question is:

- (1) Departmental policy and practice requires that school environments are areas which should be kept neat and tidy at all times.

Schools have a duty of care to take all reasonable steps to prevent harm to students from risks of injury that can be reasonably foreseen and should ensure that any litter collection is undertaken with consideration to risk management principles.

Information from Clean Up Australia Day, "School Supervisor Responsibilities", draws attention to the potential dangers of the activity by providing information about harmful objects such as syringes and sharp objects and about safety and first aid procedures.

Clean Up Australia advised that its total General Public and Products Liability cover was \$10,000,000.

Following previous verbal advice from the ACT Government Solicitor's Office, and advice from the ACT Insurance Authority (ACTIA), the department took the view that the risks to students and the Territory's potential exposure to litigation were unnecessarily high and advised schools to not participate in litter collection activities associated with Friday Schools Clean Up Day.

(2) Advice was received from ACTIA on 6 February 2002.

(3) Yes, see attached advice.

(4) All principals of Government schools were advised of the department's position by way of Principals' Alert 11/02.

(5) Yes, see attached Principals Alert No 11/02.

(6) Schools are encouraged to participate in Clean Up Australia activities such as recycling programs; environmental awareness activities; poster and colouring competitions etc.

(7) Curriculum in ACT government schools is largely developed in schools. The ACT has guidelines for the development of curriculum in the form of ACT Curriculum Frameworks and Across Curriculum Perspectives documents.

These are complemented by the Curriculum Profiles which describe the progression of learning typically achieved by students in years K-10 in each of the learning areas.

The study of the environment is included in the learning areas of Studies of Society and the Environment (SOSE) and to a lesser extent in Science.

Discussions on maintaining a clean environment would also be carried out on a regular basis in classrooms and at school assemblies.

(8) The department is unable to answer this question.

(9) The department is unable to answer this question.

(10) Departmental policy and practice requires that school environments are areas which should be kept neat and tidy at all times. Schools have various strategies through which this may be achieved including preventative programs which discourage students from littering and raise awareness of environmental issues.

The collection of litter at schools by students is a management issue for schools but should be undertaken in line with risk management procedures. Individual schools need to weigh their duty of care responsibilities with other relevant issues such as the age and capabilities of students, supervision, safety precautions and known dangers in determining the appropriateness of litter collection in their school environment.

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TEXT OF E-MAIL ADVICE FROM ACT INSURANCE AUTHORITY

- 6 February 2002

Subject: RE: Schools Clean Up Day - Friday 1 March 2002

while we all applaud the initiative of having students clear up their own mess, I agree with the GSO that, irrespective of the cover held be Clean Up Australia, if schools agree to participate, then the whole cost could come back on the school and territory, irrespective of how much insurance CUA has, as the actions will be on school grounds and with the cooperation of the school and P&C. CUA would just be standing back in the wings and publicising themselves, while the schools would be taking on the risk.

I would recommend against the schools and P&C's getting involved. We have school cleaners who are trained, paid and insured to do the job. If a child suffers needle stick injury, all hell will break loose.

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TEXT OF ALL PRINCIPALS ALERT N0. 11/02 - 25 February 2002

The ACT Department of Education and Community Services acknowledges the efforts of the Clean Up Australia organisation and the support and participation of the community in Clean Up Australia Day activities. However, collection of litter is not an appropriate activity for students during school hours, or on school premises at any time. This applies regardless of whether the activity is organised by the school or by another organisation/group. Support for the Friday Schools Clean Up and Clean Up Australia Oays may be demonstrated by schools through participation in alternate activities offered by Clean Up Australia Ltd such as recycling programs and poster competitions.

School environments are areas which should be kept neat and tidy at all times. Schools have various strategies through which this may be achieved including preventative programs which discourage students from littering and raise awareness of environmental issues.

Circular Minute 27/1990, Playground Litter and Legal Implications, advises that if a child is injured (or diseased) as a result of being directed to pick up litter on school premises the department will be liable regardless of any safety precautions in effect. Recent advice from the ACT Insurance Authority confirms previous advice from the ACT Government Solicitor's Office that irrespective of the Insurances held by other organisations, the department may bear the whole cost of any actions arising from Clean Up Australia Day activities. In the circumstances, the risks are unnecessarily high.

Schools which have any difficulties and need further advice should contact Workforce Relations and Legal Services on 620 59149.

**Housing—Block B, Henty Street, Braddon  
(Question No 109)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to ACT Housing:

- (1) What was the cost of replacing glass in the stairwell of Block B, Henty Street, Braddon, after a relative of a tenant smashed the window early this year.
- (2) What was the name of the contractor who replaced the window.
- (3) Was a cherry picker used in the removal and replacement of the window and if so, what was the cost of using the cherry picker.
- (4) Has the tenant been billed for the cost of replacing the window, and if not why not.

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

- (1) \$414.84
- (2) The repairs were arranged through ACT Housing's Total Facilities Manager, Resolve FM.
- (3) Yes. \$160.70
- (4) No. Legal advice is that there are no grounds for doing so.

**Public liability insurance  
(Question No 110)**

**Ms Tucker** asked the Minister for Planning, upon notice:

In relation to (a) the lease held by the Fairbairn Park Control Council for Block 306 Majura and (b) the lease held by the National Capital Motorsports Club for Block 601 Majura for the purposes of motor racing activities:

(1) What level of public liability insurance are the Fairbairn Park Control Council and the National Capital Motorsports Club required to have under the terms of their respective leases?

(2) Is this requirement currently being complied with, and if not, what steps have been taken to ensure that the requirement is met?

(3) What assessment has been undertaken of whether (a) the scheduled, formally organised racing meets; and (b) ad hoc racing activities conducted at other times and sometimes without supervision by club officials undertaken on these blocks is adequately covered through the lessees' present level of public liability insurance?

(4) Is the Government protected from any possible damages claims arising from motor racing activities on these sites?

(5) Does public liability insurance for these sites depend on each racing track having a current, valid licence from the Confederation of Australian Motor Sports (CAMS)?

(6) Does each track hold a current, valid licence from CAMS for all of the motor racing activities carried out there?

(7) How much land rent does each lessee pay for their blocks under the motor racing activities?

(8) Is payment for the land rent up to date, and if not, what is (a) the level of arrears and (b) have any penalties been applied for late payment?

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

(1) The Fairbairn Park lease, which was granted in 1976, requires the lessee to insure against public risk in the amount of not less than \$200,000. The National Capital Motorsports Club lease, which was granted in 1989, does not have equivalent requirements.

(2) The Fairbairn Park Control Council is made up of four member clubs. I am advised that each club has public liability and accident insurance in place with a coverage of the order of \$10m. The Government's insurance adviser has been asked to examine the policies to ensure that the Government's requirements are being adequately met.

I am also advised that the National Capital Motorsports Club has a similar \$10m insurance coverage.

(3) (a) The issue of adequate coverage for scheduled events will be addressed as part of the Government's insurance adviser's assessment;

(b) I am advised that ad-hoc racing activities without adequate supervision are not conducted on either lease. It should be noted that the tracks are either supervised by a track manager and/ or locked when not in use.

(4) As the Commonwealth is the landowner of the ACT, and the Territory manages the Territory Land component on behalf of the Commonwealth, there is nothing to prevent a damages claim being made against either Government. In order to protect the Commonwealth from such claims (noting that both leases were granted by the Commonwealth prior to self Government), each lease requires the lessee to indemnify the Commonwealth against all actions and omissions by the lessee. As this land is now Territory Land, this indemnity now extends to the Territory. The indemnity is, of course, only as good as the each lessee's capacity to pay. The extent of protection for the Territory against such a damages claim will be confirmed as part of the Government's insurance adviser's assessment.

(5) Any prerequisites needed to obtain the relevant insurances are matters of internal policy for each insurance company in the motor sports market. These prerequisites vary, and may or may not include requirements to license tracks.

(6) The Fairbairn Park lease contains four club tracks. I am advised that each track is licensed; either by the Confederation of Australian Motor Sports (CAMS), or by the relevant national or NSW peak body or association. I am advised that the National Capital Motorsports track is not licensed.

(7) The Fairbairn Park lease has a rental of \$1,430 per quarter, and the National Capital Motor Sports Club lease has a rental of \$770 per quarter

(8) Each lessee is up to date with rental payments.

11 April 2002

**Glebe Park food court site  
(Question No 111)**

**Ms Tucker** asked the Minister for Planning, upon notice:

In relation to the old Glebe Park Food Court site, Block 19 Section 65 City:

- (1) Who currently holds the lease for this site.
- (2) Why isn't the open space section of the block that is part of Glebe Park not being maintained to the standard of the rest of Glebe Park.
- (3) What action has the Government taken to ensure that the site is maintained to the same standard as the rest of Glebe Park.
- (4) What plans is the Government aware of for redevelopment of this site, and what is its response to these plans.
- (5) Why has a section of the site containing a stand of trees been surrounded by temporary fencing.
- (6) Did the Government give authority to fencing off these trees and (a) if so, what were the reasons why this fencing was approved or (b) if not, does the Government approve of this fencing.
- (7) Has the Government received any application to cut down these trees, and if so, has this application been approved.

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

- (1) The lessee of this block is Glebe Park Pty Ltd (Volume 1255 folio 92).
- (2) There is a responsibility for the lessee to maintain the open space section of Block 19 as a park. The current lessee has neglected their responsibility to satisfactorily maintain the public park area.
- (3) Following discussions, PALM wrote to the lessee in January 2002 requesting they meet their maintenance responsibilities. The lessee has fenced the area including where the pine trees are located and has requested an arborist's report on the condition of all trees. The fence will be removed once remediation is completed.
- (4) The lessee of the block submitted a Site Analysis and Design Concept Report for residential accommodation in four linked buildings ranging in height from 17 to 4 stories. The proposal was considered to be inconsistent with the Territory Plan provisions for this precinct and the lessee has been advised.
- (5) One of the mature pine trees recently fell causing damage to a seat and fencing. The area has been fenced with public access restricted for safety reasons as a precaution until the status of other trees in the area is known.
- (6) The Government did not approve fencing the area. The lessee's agent carried out the work in the interest of public safety and it is development exempt from requiring approval by Land Act Regulations given it is work carried out to protect the health or safety of the public.
- (7) Environment ACT, who administer the *Tree Protection (Interim Scheme) Act 2001*, has not received an application for any tree damaging activity on Block 19.

**Motor racing—noise complaints  
(Question No 112)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to Fairbairn Park Motorsport Complex (currently comprising the Motor Cycle Track, Go Cart Track, The Historic Racing Car Track (formerly called the Formula 500 Track), and the Hill Climb Track:

- (1) How many noise complaints have been received in each of the following years:
  - (a) 1992;
  - (b) 1993;
  - (c) 1994;
  - (d) 1995;
  - (e) 1996;
  - (f) 1997;
  - (g) 1998;
  - (h) 1999;
  - (i) 2000;
  - (j) 2001; and
  - (k) 2002.
- (2) List the number of persons who made complaints in each year referred to above.
- (3) List the number of times those persons in (2) above made complaints in each year.
- (4) For each of the above years, (a) list the number of complaints made by each of the co-convenors of the Ridgeway Residents Action Group, and (b) list the names of those co-convenors who made the above mentioned complaints.
- (5) List the number of complaints for each of the above mentioned years that were substantiated, and detail the action taken by Environment ACT or its predecessors.
- (6) Detail for each of the above mentioned years the cost of investigating each of the complaints referred to in (1).
- (7) Is the Minister able to list the name of every motor sport facility in Australia.
- (8) Is the Minister able to list details of lease arrangements for each of the above mentioned motor sport sites in Australia specifying (a) type of lease, (b) term of lease and (c) relevant details governing motor sport activities contained within the lease.
- (9) With regard to the latest draft currently being considered by the Government for what is called the “Fairbairn Park cluster” (which contains the sites currently within Fairbairn Park and under the auspices of the Fairbairn Park Control Council and also the site to the west used by the National Capital Car Club), why has Environment ACT told the Motor Sport Council it will deduct one credit this year prior to agreeing to its race program for the year and prior to the review being finalised.

11 April 2002

(10) Given that Environment ACT and the Fairbairn Park Control Council were in the middle of discussions to agree upon a long term noise regime and given that in your own draft policy Environment ACT has lumped in the National Capital Car Club with Fairbairn Park, why was that credit not taken from the National Capital Car Club instead of Fairbairn Park.

(11) Can you supply details of all the lease arrangements in relation to the Fairbairn Park cluster since the start of that complex in the 1970s, specifically the area covered by its lease/leases and the term of each lease.

(12) Is the Minister able to give details of any other State or Territory within the Commonwealth of Australia where noise measurements have been stipulated by legislation or by subordinate legislation to be measured from a site located in another State or Territory.

(13) Is the Minister able to supply details of noise restrictions and noise control regimes for motor sport events in the six Australian states and the Northern Territory, giving details and copies of any relevant state legislation and any relevant local government laws, regulations, etc.

(14) For the years mentioned in (1) above, detail the number of tracks operating at Fairbairn Park (ie, the area currently comprising the four tracks mentioned prior to (1) above that are to my understanding under the auspices of the Fairbairn Park Control Council) and list for each area the relevant noise restrictions applicable to those tracks, including hours of operation and any restrictions in relation to times or days events could not occur.

(15) List for the years mentioned in (1) above, the number of tracks operating at Fairbairn Park and name those tracks.

(16) Supply a map detailing exactly where motor sport tracks are in the area of the Fairbairn Park cluster.

(17) The draft noise policy asks for submissions which closed at the end of February 2001: (a) how many submissions were received; (b) how many persons signed the petition supporting motor sport and calling for not less than 30 noise credits for Fairbairn Park and not less than 10 noise credits for the track controlled by the National Capital Car Club and of the other submissions, (c) how many were in support of motor sport activities at Fairbairn Park; and (d) how many called for further restrictions on motor sport at Fairbairn Park.

(18) Apart from the submission from the co-convenors of the Ridgeway Residents Action Group, were there any other submissions calling for further noise restrictions or other restrictions to motor racing at Fairbairn Park. If so, (a) how many, (b) who were they from and (c) provide details of the suburb and town of the persons making the submission.

(19) Provide copies of submissions (a) in favour of increasing credits for motor sport, (b) further restrictions in noise credits for motor sport, and (c) maintenance of the status quo.

**Mr Wood:** The answers to the member's questions are as follows:

(1)–(19)

The preparation of the answer to the question would be very time consuming, and as such, it is not justified to spend significant amounts of time on it. In addition questions without notice are to elicit information and not to undertake research.

Nevertheless, it is the case that there have been persistent noise complaints over many years emanating from one source. During 2001, for example, 19 complaints were received while 27 events were conducted.

Currently, Fairbairn Park Control Council (FPCC) operates five tracks—Hill Climb, Historic Automobile Racing Association track, Karts, Motor Cross and Motor Cycle Flat track. National Capital Motorsport Club operates a sixth track independently of FPCC.

11 April 2002

**Fairbairn Park—hill climb track  
(Question No 113)**

**Mr Stefaniak** asked the Minister for Sport, Racing and Gaming, upon notice, on 7 March 2002:

In relation to the Fairbairn Park facility/hill climb track:

(1) Can you supply all documents pertinent to the deliberations by the Bureau of Sport and Recreation and the Sport and Recreation Council in relation to the application by the Motor Sport Council in its submission for 2002 which seeks between \$59,000 and \$60,000 to resurface the hill climb track,

(2) Given that the monies sought in (1) above were not included in the 2002 grants, will the Minister indicate that his department will provide money to refurbish this track and if so give details of when the money will be available, and if not why not.

**Mr Quinlan:** The answers to Mr Stefaniak's questions are as follows:

(1) All documents pertinent to the deliberations by the Bureau of Sport and Recreation and the Sport and Recreation Council in relation to the application by the Motor Sport Council in its submission for 2002 which seeks between \$59,000 and \$60,000 to resurface the hill climb track are attached.

(2) I cannot indicate at this stage whether funding will be provided to Southern District Motor Sports, through the Motor Sport Council, at any stage in the future to refurbish the hill climb track. Should the organisation submit a grant application for funding in 2003, it will be assessed along with every other application received.

Note: Documents unable to be incorporated. Copies available from Chamber Support Office.

**Political party activities and school students  
(Question No 114)**

**Mr Pratt** asked the Minister for Education, Youth and Family Services, upon notice, on 7 March 2002:

In relation to political party activities and school students:

What is the Department of Education's policy on the unsupervised distribution of political material to school students and (b) the undertaking of political party activities eg, demonstrations, incitements to action, without Departmental or school authority approval, as recently demonstrated at a Canberra college.

**Mr Corbell:** The answer to Mr Pratt's question is:

(a) The Department of Education and Community Services had informed schools in writing of the need to make every effort to ensure that unauthorised political information and materials are not distributed to students when they are in the care of the school/college.

In relation to the recent incident at a Canberra college, the Principal was informed that the participants were students of the college holding an information stall on a topical issue. Young people's participation in our democracy is desirable.

(b) The Department of Education and Community Services had informed schools in writing of the procedures, which apply to student absences during school hours. Particular mention was made that these procedures are especially important in the context of students being encouraged by outside organisations to attend demonstrations or rallies during school hours.

In primary and high schools, students must not be absent from school without written permission from parents. In the case of colleges, students and parents are made aware each year of requirements for course attendance. These requirements apply at all times.

(c) To reiterate my views, the provision of such information in a pluralistic and democratic society is one that I do not have a problem with. Indeed, I welcome the fact that young people are engaging in the political process. Schools too have a role in encouraging the spirit of thinking that comes with young people choosing to engage in the political process.

11 April 2002

**Fairbairn Park—draft noise policy  
(Question No 115)**

**Mr Stefaniak** asked the Minister for Urban Services, upon notice:

In relation to draft noise policy which asks for submissions concerning noise at Fairbairn Park Motor Complex:

- (a) how many submissions were received from residents of the Ridgeway;
- (b) how many of those submissions either supported motor sport or had no problems with motor sport activities at Fairbairn Park; and
- (c) how many submissions wanted further restrictions placed on motor sport at Fairbairn Park?

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

- (a) Two submissions were received from residents of the Ridgeway—one from the Ridgeway Residents' Action Group (RRAG) and another from an individual resident.
- (b) The individual resident has no problems with motor sport activities at Fairbairn Park.
- (c) Two submissions (RRAG and Commissioner for the Environment) sought restrictions on the amount of motor sport noise produced at Fairbairn Park.

**Lyons oval  
(Question No 116)**

**Mr Cornwell** asked the Minister for Urban Services, upon notice:

In relation to Lyons Oval.

- (1) What is the annual cost of maintenance.
- (2) What is the programmed level of maintenance.
- (3) What is the state of the underground sprinkler system.
- (4) What would be the cost to have that system operational again.
- (5) What would be the annual maintenance cost if the oval was irrigated.

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

- (1) The current cost is approximately \$1,500 per year.
- (2) The current specification essentially requires the contractor to maintain the grass between 75mm and 150mm, with a cutting height of 75-100mm. No other maintenance is normally carried out at present, apart from occasional litter picking as required.
- (3) The condition of the irrigation system is difficult to assess without detailed testing but it is likely that extensive repairs would be necessary if it was to be reinstated, as the system has not been operated for some years.
- (4) Many of the sprinkler head components are likely to need replacing as they are an obsolete model and parts are not available. This work is estimated to cost about \$4000 - \$5,000. The oval would also need the installation of a new controller to connect it to the computerised management system that is used to operate all sportsground irrigation. This would cost around \$12,000. To bring the whole oval back to a normal maintenance standard would require spraying out of the current weed infested cover, fertilising, scarifying, top dressing and re-seeding with quality turf grasses. This work would cost around \$14,000.
- (5) The annual cost of maintaining the oval, the surrounds and public toilet block if it was to be reinstated to normal standards for a neighbourhood oval would be in the order of \$35,000, depending on seasonal variables, such as water demand.

11 April 2002

**Disabled persons—group housing  
(Question No 117)**

**Mr Cornwell** asked the Minister for Health, upon notice, on 9 April 2002:

In relation to group house accommodation for disabled persons:

- (1) What is the approximate annual cost to Government for a disabled person in a group house.
- (2) What is the breakdown of these costs by item of service, eg accommodation component, staffing component etc.

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

1) The approximate annual cost ranges from \$9,900 to \$303,000 depending on the level of care and support required, the complexities of the individual's needs, and the sources of funding for organisations providing accommodation services for people with disabilities.

2) From this total cost, the approximate proportions of individual costs in the Government run service are:

Direct support staff	92%	
Management support	6%	
Administration and overheads		1%
Household costs	1%	

**National capital motor sports complex  
(Question No 118)**

**Mr Cornwell** asked the Minister for Planning, upon notice:

In relation to the National Capital Motor Sports complex adjacent to Fairbairn Park:

- (1) What are the (a) lease details of this complex and (b) when were they issued?
- (2) Does the lease differ from that of Fairbairn Park and if so, how in all specifics?
- (3) Will copies of each of these two leases be made available to interested parties, including myself and if so, when and if not, why not?

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

- (1) (a) and (b) Block 601 Majura is leased to the National Capital Motorsports Club Incorporated for a term of 50 years commencing on 22 September 1989.
- (2) There are a large number of differences between the National Capital Motorsports lease and the lease for Fairbairn Park, Block 306 Gungahlin (now part of Majura), which was granted to the Fairbairn Park Control Council Incorporated on 17 December 1976.

The specific differences are best compared by examination of each lease document.

- (3) A copy of each lease document is attached for your perusal. Interested parties can also obtain copies of the leases at the Registrar-General's Office upon payment of the applicable fee.

Note: Attachments unable to be incorporated. Copies available from Chamber Support Office.

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**Police driver training centre  
(Question No 119)**

**Mr Cornwell** asked the Minister for Planning, upon notice:

In relation to the former Police Driver Training Centre on the Sutton Road:

- (1) When was this established and what was the cost?
- (2) When did it cease functioning as the Police Driver Training Centre and why did it cease this function?
- (3) When was the facility sold or leased to another party and who was that party or organisation?
- (4) If sold, for what price; if leased, on what terms, for what period of time and for what annual costs?

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

- (1) The former Police Driver Training Centre (now Block 474 Majura) was constructed in 1977 and 1978 by the former National Capital Development Commission. The capital works budget was \$845,000.
- (2) It is understood that the Centre ceased to function in 1991. On 1 May 1991, the site was de-gazetted as National Land, therefore becoming land to be managed by the Territory (ie Territory Land). Police driver training was relocated to the Block 622 Majura, which is National Land. It is understood that the Block 622 the track was purpose built to meet newer police driver training requirements, and includes a four wheel drive vehicle track and a skid pan.
- (3) A lease for Block 474 was granted by the Territory to the ACT Regional Transport and Distribution Industry Training Council Incorporated on 19 January 1993.
- (4) The lease was granted for a term of 10 years at a rent of 5 cents per annum, if and when demanded.

## International Women's Day awards (Question No 120)

**Mr Cornwell** asked the Minister for Women, upon notice, on 7 March 2002:

In relation to the ACT International Women's Day Awards:

- (1) What is the cost to ACT taxpayers and ratepayers of this presentation.
- (2) How many people are involved in the preparation and organisation of this presentation annually (a) full-time, (b) permanent part-time (c) daily contract, and (d) hourly contract, and (e) what is the cost in each case.
- (3) When does the ACT International Men's Day Awards occur.
- (4) What is the cost of (3) above compared to (2).
- (5) If no Men's Day awards are celebrated, why not and has advice been sought as to whether this breaches ACT discrimination laws.
- (6) If discrimination laws are not breached, why not.

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

- (1) The cost to ACT taxpayers and ratepayers of this presentation is \$12,393.73.
- (2) The number of people involved in the preparation and organisation of this presentation annually and the cost in each case is:

	<b>Number of people</b>	<b>Cost</b>
(a) full-time	of 2 staff (1 X ASO 5 & 1 X ASO 6) for 3 months	\$5,182.37
(b) permanent part-time	0	0
(c) daily contract	0	0
(d) hourly contract	0	0
- (3) International Men's Day is not celebrated, therefore ACT International Men's Day Awards do not occur.
- (4) As the ACT International Men's Day Awards do not occur, the cost cannot be calculated and therefore cannot be compared to (2) above.
- (5) & (6) The ACT Discrimination Commissioner has advised that ACT's Discrimination Act 1991 contains at least one provision which allows for special programs, services etc of benefit to particular groups in the community, such as women. The Act provides that such measures are not unlawful discrimination. The relevant section reads:

### **27 Measures intended to achieve equality**

- (1) Noting in part 3 renders it unlawful to do an act a purpose of which is -

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(a) to ensure that members of a relevant class of persons have equal opportunities with other persons; or

(b) to afford members of a relevant class of persons access to facilities, services or opportunities to meet their special needs.

The Commissioner has advised that, in her view, the International Women's Day Awards would constitute a special measure under section 27.

**Cost to ACT taxpayers and ratepayers of this presentation**

<b>Item</b>	<b>Cost \$</b>	<b>GST \$</b>	<b>Total Cost \$</b>
Staff (details below)	5,182.37	00.00	5,182.37
Advertising	1620.80	162.08	1782.88
Nomination forms	1080.00	108.00	1,188.00
Postage for invitations	32.32	3.23	35.55
Artwork for prizes	900.00	00.00	900.00
Lapel Pins (purchased pre GST)	250.00	00.00	250.00
Certificate Paper	11.81	1.18	12.99
Frames	227.27	22.73	250.00
Video cassette	83.64	6.36	90.00
freight on video	9.00	00.00	9.00
Video Recorder hire	40.60	4.00	44.60
Lunch for selection panel	29.20	00.00	29.20
String Trio	225.00	1.50	226.50
Stage	227.28	22.72	250.00
Balloons	52.00	00.00	52.00
Carry bags	36.15	3.61	39.97
Ribbon	9.33	.93	10.26
Catering	1,645.45	164.55	1810.00
Refreshments	364.23	36.42	400.65
Staff	327.28	32.72	360.00
Flowers	40.00	00.00	40.00
<b>Total</b>	<b>12,393.73</b>	<b>570.03</b>	<b>12,963.97</b>

**Calculation of the cost of the number of people involved in the preparation and organisation of this presentation annually**

	<b>Number of people</b>	<b>Cost</b>
(e) full-time	of 2 staff (ASO 5 & ASO 6) for 3 months	\$5,182.37
(f) permanent part-time	0	0
(g) daily contract	0	0
(h) hourly contract	0	0

**(a) ASO 5**

Salary	On costs (72.32% of Salary)	<b>Total</b>
\$44,349	\$32,073.20	\$76,422.20
of \$76,422.20 = \$9552.78 / 12 = \$796.07 X 3 = <b>\$2,388.20</b>		

**(b) ASO 6**

Salary	On costs (72.32% of Salary)	<b>Total</b>
\$51,888	\$37,525.40	\$89,413.40
of \$89,413.40 = \$11,176.68 / 12 = \$931.39 X 3 = \$2,794.17		

**Total Salary Cost**

(a) \$2,388.20 + (b) \$2,794.17 = **\$5,182.37**