



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

6 June 2002

Thursday, 6 June 2002

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The Assembly met at 10.30 am.

(Quorum formed.)

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

Standing order 130

MR SPEAKER: Members, this morning Mrs Dunne lodged an MPI concerning the condemnation of the government for its inaction on the building of the Gungahlin Drive extension. Standing order 130 states that a matter on the notice paper must not be anticipated by a matter of public importance, an amendment or other less effective form of proceeding. Private members business order of the day No 13 listed on today's notice paper is entitled "Proposed timetable for the completion of the Gungahlin Drive extension". Having carefully considered the issues, I have concluded that the MPI would be anticipating debate on the item listed on the notice paper. I am therefore ruling Mrs Dunne's MPI out of order as it contravenes standing order 130.

Artificial Conception Amendment Bill 2002

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

Title read by Clerk.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (10.33): I move:

That this bill be agreed to in principle.

Mr Speaker, the Artificial Conception Amendment Bill 2002 has a simple purpose. That purpose is to extend the period of operation of the provisions of the Artificial Conception Act that give the Supreme Court power to make parentage orders in favour of the genetic parents of children born under surrogacy arrangements rather than the birth parents.

These provisions were included in the act in 2000 following the passage of a bill put forward as a private members bill. During the debate on that bill I moved a number of amendments, one of which was the inclusion of a sunset clause in the legislation. That sunset clause will come into effect on 1 July 2002, so that the genetic parents of children conceived on or after that date under a surrogacy arrangement will not be able to apply to the Supreme Court for a parentage order.

I sought to include the clause because the Labor Party had reservations, and still has reservations, about the process that had been pursued in relation to the development of surrogacy legislation in the ACT. To put it simply, we were concerned that the Legislative Assembly was legislating in a piecemeal fashion in response to emotional arguments rather than on the basis of empirical data or a reasoned community debate.

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The Labor Party was of the view that it would be appropriate for the assisted reproductive technologies reference that the former Attorney-General had issued to the ACT Law Reform Commission to proceed. This would allow for a consolidated legislative approach to the issue following on from a detailed community debate and consultation on all issues in relation to surrogacy.

At the time the legislation was passed, I sought a reassurance that the ACT Law Reform Commission would be given the resources necessary to complete its work. Unfortunately it seems that the commission has not been able to pursue its reference on assisted reproductive technologies as anticipated. The 1 July 2002 sunset date is imminent. There is no report, and we are no further forward in resolving these issues.

One of the considerations in giving the reference to the Law Reform Commission is that other jurisdictions with far greater resources to devote to research are also currently examining these issues. New South Wales, for example, is currently developing assisted reproductive technologies legislation following on from a discussion paper issued in 1998. The Council of Australian Governments has also recently agreed to develop a nationally consistent approach on assisted reproductive technology. It may be a more appropriate use of the ACT Law Reform Commission's resources if it had the flexibility to plug in this other work in respect of this reference.

I am looking at revised terms of reference for the ACT Law Reform Commission that take account of this wider national discussion but also focus more specifically on the particular issues in this legislation.

The amendment proposed in this bill will extend the period of operation of the relevant provisions of the Artificial Conception Act 1985 until 1 July 2004. The amendment is intended to preserve the current law so as to allow further time for consideration of the matter by the community and the Assembly.

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

Workers Compensation (Acts of Terrorism) Amendment Bill 2002

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

Title read by Clerk.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (10.37): I move:

That this bill be agreed to in principle.

Mr Speaker, many of us here today, together with a substantial group of our partners in the community, have demonstrated their commitment to the reform of the ACT workers compensation scheme. The bill I bring forward today will ensure that the work of all involved in the reform of the ACT workers compensation scheme is sustained and invigorated.

I am sure that everyone in our community was shocked at the events which took place in New York on 11 September last year. I am equally sure that at that time most of us were unaware of the full implications that would flow from that act of terror.

Mr Speaker, the impact of the terrorist attacks did not take long to find their way to Australia. On 1 November last year the Insurance Council of Australia contacted the ACT government to inform us that, as of 1 January this year, reinsurance for acts of terror would no longer be available to general insurers.

The withdrawal of reinsurance would have an immediate and potentially catastrophic impact on the workers compensation scheme. An inability to reinsure the full range of risks encompassed by this statutory class of insurance would render each of the territory's approved insurers incapable of complying with their obligations to the scheme and, through it, to injured workers.

The government, in consultation with other state and territory jurisdictions and the Commonwealth government, immediately set about commencing discussions with the Insurance Council of Australia in order to resolve both the immediate and the ongoing threat to the continuation of the scheme.

With a problem of this size and complexity, the government's preferred option was for the Commonwealth government to take the leadership role in this important area and provide a national solution to the problem. Unfortunately, after initial indications that it would do so, in early December last year the Commonwealth withdrew its involvement and effectively left the resolution of this important issue to each individual state and territory.

Given the short period of time between the indecision of the Commonwealth of this matter and the real-time withdrawal of cover, the ACT government wrote to the Insurance Council of Australia offering a short-term solution to maintain the scheme operation until a longer term solution could be found. Mr Speaker, the bill I have tabled today is that long-term solution.

The Workers Compensation (Acts of Terrorism) Amendment Bill 2002 is designed to protect the integrity of the ACT workers compensation scheme. Mr Speaker, at the outset I must state that the probability of the ACT and its work force being subjected to an act of terror is remote. However, as we witnessed in New York, we can no longer assume that it cannot or will not happen here.

The bill deals with what is effectively the breakdown in the financial relationship between our approved insurers and the reinsurance industry. The effect of the bill will be to have the territory stand as the reinsurer in case of an act of terror. It will do this by the creation of a fund. The purpose of the fund is to ensure that injured workers are able to receive their entitlements if their injuries are sustained due to an act of terror.

Unlike the current workers compensation supplementation fund, the terrorism fund will not be required to exist permanently. In fact, the terrorism fund will only come into existence once three separate triggers have been activated. The three triggers that need to be activated are: an act of terror as defined in the bill has occurred; the affected approved insurer(s) had approached and made the maximum demand possible on their own

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existing reinsurance cover; and the insurer(s) had paid the fund threshold amount as defined in the bill.

After these triggers have been met and the cabinet consulted, the government will appoint a fund manager. The fund manager either will be able to seek a direct appropriation from the government or will be allowed to borrow such moneys as are required to fund the entitlements of the injured workers. The fund manager will then be able to levy approved insurers to recover moneys paid out to injured workers.

Whilst the solution offered in the bill provides the certainty needed by insurers to continue to operate, it is not as effective a solution as the return to the market of private reinsurers. To encourage the return of reinsurers to the market, the bill has been given a finite life. The amendments will therefore expire on 1 April 2004.

The two-year period provided for in the bill will give the territory's approved insurers and their reinsurers time to reassess the real risks they face and return to the market an effective and financially viable product for the territory. During this period the government itself will monitor the relative positions of the approved insurers and the reinsurance market.

The bill also contains a number of provisions that are consequential and necessary to the introduction of these amendments, together with further provisions deemed necessary to the commencement of the scheme on 1 July this year.

Mr Speaker, I commend the bill to the Assembly.

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

Land development—proposed joint committee inquiry

MR SMYTH (10.43): I move:

That:

- (1) the Standing Committee on Public Accounts and the Standing Committee on Planning and Environment jointly inquire into and report on methodologies and outcomes proposed for resumption by the government of the process of land development and the restructuring of planning arrangements including but not limited to:
 - (a) the sustainability of the economic models;
 - (b) the impact on land and house affordability; and
 - (c) the likely impact on the current rights of leaseholders.
- (2) The Standing Committee on Public Accounts and the Standing Committee on Planning and Environment shall meet, deliberate and report jointly and not individually, and on matters in paragraph 1 of this resolution.
- (3) At the joint committees' first meeting, before proceeding to other business, the members present shall elect a presiding member and a deputy presiding member.

- (4) A quorum for joint meetings of the committees for the purpose of this resolution shall be four members.
- (5) Joint minutes of proceedings on this inquiry shall be recorded for all joint meetings of the Committee.
- (6) Except where provided for in this resolution, the standing orders of the Legislative Assembly shall govern the conduct of business of joint meetings of the committees.
- (7) This motion shall cease to have effect on the presentation to the Assembly of the joint report.
- (8) The foregoing provisions of this resolution have effect, notwithstanding the provision of the standing orders.

Mr Speaker, this motion is about the future, we have been warned by the activities of Labor governments in the past. The government proposes to take back land development in the ACT. This motion says that that proposal needs to be scrutinised properly. If this motion is passed, it will give us the potential to save on a lot of work later.

We on this side believe that government's proposal is fraught with danger. It is driven by ideology rather than by existing problems in the market. The existing system versus the future system is a debate that needs to be had after some work has been done. That is why we believe this matter should be referred to the Public Accounts Committee and the Standing Committee on Planning and Environment sitting jointly.

The government's proposal would have wide ramifications for planning and the finances of the territory. The government briefing said that the required amount to get into land development would be something like \$75 million to \$150 million over two years. There would be an offset later when there was a return. But experience tells us that it will take some time before any money comes back to the government.

Mr Corbell has been spruiking to the press about how he can double the profit. When quizzed about that in the planning committee the other day, he did not know whether that doubling of profit was gross or net. That says quite clearly that the Planning Minister does not know what he is doing and that the Assembly needs to be quite cautious, because we do not know what the government intends to do. We, representing the people of Canberra, are not being given any detail.

Assertions have been made that planning in the ACT is not as good as it could be. Again, Mr Corbell, in the committee hearing the other day, said that he would be interested in a Landcom model. I would like to see the detail on that. I do not have the detail on that. The government is hiding behind the excuse that it is waiting on the budget.

The Landcom model exists in a state where they have two levels of planning: state planning and local planning. We do not have that dilemma here. The government here has direct control of planning. It has all the safeguards it needs. Supposedly the Treasurer would like to spend more on health and education but is short of money. Why then would the government become a land developer when they already have players in marketplace who can do that?

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This raises issues to do with independence, the cash needed and national competition policy. It also raises whether compensation should payable to firms in the land development industry that suddenly have thrust upon them a government monopoly that excludes them from carrying out their business.

I would like to speak initially about the government's need for cash to get into the land development market. It is quite clear that this is not a simple business to get into. Fluctuations in the marketplace can mean risk. Why would the ACT government be willing to risk taxpayers' money when, from 1991 to 1995, they could not achieve the outcomes Mr Corbell is so desperate to achieve now? They had the opportunity then to make sure that the planning regime was adequate and suitable and produced good planning outcomes. But we all know that the dilemmas that exist in suburbs in south Tuggeranong and parts of Gungahlin developed under the Labor Party.

Labor's record in land management makes this motion even more important. The motion is about holding the government accountable before it gets to this work and then as it does the work. That is why we propose a reference to a joint committee. This is about planning and the financial liability of the territory.

The Treasurer says that cash is desperate; that there is no loose cash. On the other hand, the Planning Minister is proposing something which, according to his briefing, has the potential to cost up to \$75 million in the first year. We can fund that expenditure in several ways. We can perhaps fund it off line. We can perhaps cash manage it. We can perhaps do it through other budgets. Given the Chief Minister's commitment to honesty and openness in the way his government deals with issues, I want to see in the budget later this month exactly how much cash the government is willing to put into this proposal.

This proposal will draw away from other parts of the budget where supposedly the Treasurer is already under pressure, and it will not produce a return for a minimum of two years. The start-up capital needed is large. The return, if the system is appropriately managed, will not appear for some time down the track. That should be a worry when we already have a system which I believe is working quite well. If you want greater control of planning outcomes, you should do that through the planning laws. The government does not need to get into land development itself.

The minister always talks about independence. In the briefing to the planning committee the other day, when he was asked whether he would keep the call-in powers, he said he would. If he wanted a truly independent planning authority, perhaps they should have the call-in power. The minister was also asked whether it would direct. He said that advice would be given to groups like the Gungahlin Development Authority so that they would know what the government wanted. I am reminded of that famous statement at the Gungahlin Community Council meeting: "PALM's will is my will." The whole concept of independence is somewhat misleading.

On several occasions when the minister been asked how the system would work he has either said, "I do not know," or hidden behind the cabinet and the budget process. He does not know whether the profit he is going to double is gross or net. He wants to adopt a model that is appropriate for New South Wales with its many levels of planning authority, a difficulty we do not have in the ACT.

This is a serious matter. It has implications for national competition policy and competitive neutrality. The minister will be pulling all the strings. We currently have a marketplace in which developers in the main do a reasonable job. The minister is about to exclude all of them from the field. Does this contravene national competition policy—policy the previous Labor government of this place signed up to, policy the previous federal Labor government espoused and policy that returns to this territory competition policy payments. I wonder how much will be put at risk by the minister's ambition to be a developer. How much will that impact upon the Treasurer's bottom line and the provision of services to the people of the ACT?

If it is found that the government has contravened national competition policy guidelines, will it leave the government open to compensation claims from firms squeezed out of the market? That is an issue we have not touched on. It is an issue that needs to be addressed. The minister's policy will expose us to a reduction in payments from the National Competition Council and may open us up to claims for compensation from people unjustly forced out of the market.

There has been no analysis of the model. That is because we do not know how the model will work. We want the committees to look at the methodologies and the outcomes proposed for the resumption by the government of the land development process, so that we can work out whether or not the process is sustainable. From 1991 to 1995, Labor did not indicate that they knew how to run sustainable land development.

We want to see what the impact on land and house affordability will be. Since this government came to power, we have seen a tightening of the amount of land in the market. Something like 1,000 blocks that it was intended be put on the market this financial year, with a return of something like \$25 million to the territory, have not been put on the market. We want to know why this is going on. Why is the minister artificially manipulating the land release program so that when he becomes a developer he will get that return?

There are many questions to be answered. The Public Accounts Committee asked for a briefing and was told that a briefing was going to be given to the planning committee on Friday of last week. Members determined that they would attend, given that there is some crossover between the committees. But answers were not forthcoming. We have no answers on how this will proceed. This is a serious issue. We need answers before we go ahead rather than after, so that we do not have to look at ways of fixing what I believe will be mistakes. Prevention is better than cure. We need to work out whether the government needs to resume land development. I am not convinced that it does.

We then need to look at how land development goes ahead, remembering the history of land development in the ACT and the fact that those opposite, in government previously, failed miserably and left enormous debts that had to be covered by the incoming Liberal government. Those debts were a huge burden on the ACT. During Labor's term in office, from 1991 to 1995, the land market was flooded. Some of the development that went on in that period was less than good. Some of the ventures the then government got into were less than successful. It was left to the Liberal government between 1995 and 2001 to pay for and make up for those mistakes.

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On that history, I believe this motion is acceptable and should be supported by this Assembly. With the twin approach we propose of looking at planning outcomes and the effect on the budget, we will be able work out whether what the government is proposing is sustainable, whether it will impact on local affordability and what impact it will have on the rights of leaseholders, so that before the government gets into what can be a very risky venture they satisfy us—on behalf of the ratepayers, the taxpayers and the voters of the ACT—that they have got it right.

I commend the motion to the house.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (10.56): Mr Speaker, will the real shadow minister for planning please stand up? We have just heard from Brendan Smyth, the man who through his administration managed to put nine Canberra suburbs on the endangered places register of the National Trust. Given that this is a planning and land matter, I would have thought the shadow minister for planning would have raised this matter. I look forward to hearing Mrs Dunne echo the views of the real shadow minister for planning, Mr Smyth, later in the debate. Clearly, Mrs Dunne is out of her depth and Brendan Smyth is still running the show on planning for the Liberal Party. That bodes well for us.

The motion Mr Smyth has moved as the de facto shadow minister for planning today is one the government will not support. That is not because we are worried about scrutiny or because we are worried about having our policies properly tested. We are very open and are willing to have that process occur. But we have to ask the question: what is it exactly that the Liberal Party proposes to investigate in this inquiry?

For instance, has the government made a specific announcement about the model for the implementation of government land development? No. Has the government introduced specific legislation to enable government land development, say, through the establishment of a new land development agency? No. Has the government put forward any economic modelling? No. Has the government put forward any economic analysis? No.

In the absence of any of this information, exactly what is it that the Liberal Party are proposing to investigate? It sounds to me that they are not proposing to investigate anything of substance. They are simply trying to establish an inquiry which will allow them to trot out the usual arguments they have been trotting out since the election about why this is a bad idea. In other words, they are proposing to establish an inquiry when they have prejudged the outcome and already decided that government land development is a bad thing.

This was emphasised in the comments Mr Smyth made. My Smyth said, “Do we need government land development?” With all due respect to Mr Smyth, that is not a decision for him. This government went to the election with a policy to establish government land development, and this government is entitled to seek to implement its policy. Mr Smyth is saying, “I want to thwart the government’s agenda.” He said it in black and white. It will appear in *Hansard* when it is printed later today.

Do we need government land development? The government has decided that its policy is to introduce government land development. We went to the election on a commitment to introduce government land development, and the government will seek in a responsible way to implement its election commitment.

The government is very open to the Liberal Party and crossbench members investigating the detail of the government's election commitment once we have announced how it will be implemented. The government is very open to having all of the assumptions tested through the appropriate forums. But the opposition is seeking to establish an inquiry when we do know any of the detail of the government's model. We do not yet know how the government proposes to introduce this, because the government is still finalising the arrangements. But the opposition still wants to have an inquiry so that it can roll out its prejudices on this matter. That is not an approach this government is prepared to support.

There are two very clear ways in which this Assembly will have an opportunity to scrutinise the government's implementation of its election commitment in relation to government land development. Firstly, if the government is seeking funds—start-up capital—to establish government land development, it will have to do that through an appropriation bill, Mr Smyth. Unless you are not proposing to have an estimates committee this year, which I doubt, then you will have an opportunity through the estimates committee process to test all of the things you would like to test about any possible request in the budget for government land development start-up capital. First and foremost, the opportunity is there through an appropriation bill, through an estimates committee, if the government proposes such capital expenditure in this year's budget.

Secondly—Mr Smyth should have paid closer attention when he was sitting in the audience at the briefing I provided to the Planning and Environment Committee last Friday on the government's work on this matter—we made it very clear that the government would be introducing legislation shortly to establish a statutory planning and land authority and related models in relation to government land development and a government land development agency.

When we debate a bill on those matters, there will also be an opportunity for members to have their say about the appropriateness of the models the government will propose in relation to the establishment of a government land development agency.

There you have it—scrutiny through an estimates committee, scrutiny through the Assembly's discussion of an appropriation bill and scrutiny in relation to the bill to establish a planning and land authority and set down the government's arrangements for land development. It sounds to me like a pretty open and transparent process. The government has not indicated any intention to hide anything.

The opposition is saying, "Let us do the inquiry now, when we do not know anything about what the government is proposing to do. The government has not announced its policy intention in detail, but we still want to get it all done now." The only reason they want to get it all done now is to thwart this government's commitment to establish and implement its election commitments.

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Let us look at some of the other issues which are very important. Let us remember that it was the previous government that established its own land development agency. You might not recall it, Mr Smyth, but it is called the Kingston Foreshore Development Authority. It is a statutory government authority responsible for land development at the Kingston foreshore. You yourselves established a body to do that. You also established the Gungahlin Development Authority to perform a similar role, although it has not undertaken land development itself.

Mrs Dunne: It has a very restricted role.

MR CORBELL: A very restricted role? So you want to restrict the role of the government in government land development? Is that the agenda? Is that what this inquiry is all about? If it is, just roll your prejudices on. The opposition do not have any substance to back up their request for this inquiry. Mr Smyth said it himself. He said, "I do not know whether we need to do land development." That is code for: "I want to stop this government from implementing its election commitments."

As I have stated, the government has no objection to having its proposals, once announced, thoroughly scrutinised by this place. They are important matters of policy. They deserve thorough scrutiny. To stand up in this place when the government has not announced the details of implementation and say you want to look at all these issues simply highlights that the opposition's position is about saying, "We want to take every opportunity to stop the government from implementing its election commitments."

As we have just heard, the Kingston Foreshore Development Authority, established by the Liberal Party when in government, is already a statutory government land developer. Land development is what it does. That is its role under legislation.

The government believes that land development plays an important role in our community. Land is a significant asset in our community. The government went to the election stating clearly that we wanted to implement government land development. In an unprecedented move, I have already briefed the Planning and Environment Committee on a matter still before cabinet. The committee has been briefed as far as possible and as far as appropriate.

Mrs Dunne: There was no detail.

MR CORBELL: I would challenge you, Mrs Dunne, to go to Mr Smyth and ask him whether, as minister for planning, he ever appeared in front of the Planning and Urban Services Committee? Did he ever go to the Planning and Urban Services Committee and say, "I want to brief you on the details of a bill which is still being prepared by this government to establish major reform in planning in the city"? Did Mr Smyth ever do that? No. Mr Smyth never did that. Mrs Dunne, I was not invited. I asked to come, because I thought it was important to speak to the committee and say, "This is the work we are doing. This government is prepared to be open and reasonable in the information it provides to Assembly committees." We will continue to do that.

Clearly, I am not going to divulge matters that are still the subject of cabinet consideration, and neither would you have done that when you were in government. To the extent that I could, I briefed the committee, with officers of PALM, on the work

undertaken and the key issues being addressed in relation to the establishment of a planning and land authority and related government arrangements for land development.

That is far more than the Liberal Party ever did when they were in government. For you to stand up in this place and say the government is not being open and the government is not being accountable is trite nonsense.

The government is interested in making sure that the territory and the community get a good return on their land asset. Numerous studies done both here and interstate highlight that development of a land product rather than selling land raw is one way of getting a better return for the community.

For the opposition to claim that government land development is not relevant is just nonsense. Look at every other state around Australia. They have either had or still have government land development agencies. Why do they do that? First of all, those governments recognise they can get a better return on land than if they sell it raw. Why should we not insist on the same? Why should we as a community not demand that we get the best possible return on our asset in a responsible way?

Secondly, they do it to introduce leading-edge, best practice design and development. Other jurisdictions know that the market on its own cannot deliver all of those outcomes. The market can certainly introduce good practice and in many respects best practice development. But both Liberal and Labor governments interstate believe that government land developers have a role to play in introducing best practice design and development. Why should we not seek to do the same?

Right around Australia land development agencies owned by governments are increasingly being used to deliver best practice in redevelopment activity. That is becoming the new front of activity for change in cities, and government has a role to play.

We assert that government has a role to play here. We do not assert that it is the only one who can play a role. We assert that the government has a role to play not just as a regulator but as an entity involved in developing a land product and delivering best practice outcomes for the community it seeks to serve and the best possible return on the land asset.

The empirical evidence is clear. In other jurisdictions it works effectively. The same can be said here, but this government is prepared to have those assumptions tested. This government is prepared to have the details of its proposals investigated by this place through the mechanisms I have addressed already in my speech and through other mechanisms the Assembly may deem appropriate. But to suggest that we have this detailed investigation when the government has not announced the details of its proposal or how it proposes to introduce it is simply a cheap pre-emptive strike to satisfy the prejudged outcome that Mr Smyth and Mrs Dunne want. For that reason the government will not be supporting their proposal today.

MR HUMPHRIES (Leader of the Opposition) (11.11): I made some comments on the radio this morning about the style of government the ACT has at the present time. I particularly made a comment that, when it came to criticism, the government almost invariably quickly descended into name calling, playing the man and not the ball, and diversion into irrelevancies. We have seen that again here today from the Planning Minister. His first response to the serious concerns raised by Mr Smyth was: "Who is the real shadow minister? There is some problem with who your shadow minister is." As a serious public matter facing this territory, this issue deserves greater respect and attention than was exhibited today in the speech by Simon Corbell.

This territory has had a long experience with land development. This territory has been shaped by land development. A key force in the character of the ACT has been the way in which the land of this territory has been developed. So this Assembly has a strong, necessary interest in how we develop land in order to ensure that we do it in the best possible way. We are entitled to ask whether we are doing it in the best possible way, because on occasions in the past we have not done it in the best possible way. There have been some spectacular failures of public policy when it comes to land development in the ACT, even in the period since self-government—in fact, one might say particularly in the period since self-government.

Mr Corbell chose to refer to the policy of the past government. I would like to go back a little further to ventures in land development which were attempted by the previous Labor government, Mr Corbell's successor in government. I particularly think of episodes like the development of Harcourt Hill. A \$100 million development the government proposed to enter into by way of a joint venture ultimately turned out to be an absolute disaster. To paraphrase the Auditor-General in his report subsequently, it probably cost the territory in the order of \$20 million in losses. The ACT government of the day entered into a joint venture with a \$2 shelf company on terms extremely unfavourable to the ACT taxpayer. The venture experienced difficulties, and there was no appropriate recourse against the joint venturer in those circumstances. That is an example of land development which was a disaster for this territory and cost this territory and the taxpayers of this territory dearly.

The question needs to be asked: what steps are being taken to ensure that this does not happen again, given that the government is once again moving into, according to its announced policies, the business of becoming a land developer? Their record is an abysmal one. It is a record of failure. They ask us today to take them on trust that they will be able to embark on the process of being a land developer once again without the problems that visited them and this territory when they were last in that position.

I do not think anybody in this territory ought to trust the government on such a matter. Nobody from the government benches ought to be looking other people in the eye and saying, "Hey, guys, we have just lost you \$20 million on a land joint venture. It is okay. It does not matter." That is exactly what happened under the previous Labor government. The subsequent Liberal government got out of the business of joint development of land or government development of land, and as a result its land development policies were arguably very good. They certainly were not accompanied by the kinds of disasters which Harcourt Hill typified.

The question is: can we afford to go back to the policies of previous Labor governments? Whether we can or we cannot is a matter for scrutiny, for accountability and for debate in this place. We need to know what is going to happen with these processes. We need to have them scrutinised. That is the job of this Assembly. Few measures have occasioned such serious dollars and such serious potential losses to the territory as land development. If any issue every occasioned the need for a committee of the Assembly, this is it.

Mr Corbell referred to the Bruce stadium. There were at least two inquiries by Assembly committees into Bruce stadium. Why not have that in this case as well, Mr Corbell?

Mr Corbell: I do not have a problem with that, but you should wait until the government has announced its direction and how it is going to implement it, then you can question it.

MR HUMPHRIES: Let me take that issue up. Mr Corbell said we should wait. He said that this matter is still before the cabinet and therefore it is not appropriate to have an inquiry into this matter. I have looked at my notice paper today, and the very next item of business is a motion to set up a select committee on estimates to examine the Appropriation Bill 2002-03. There must be a problem that the Clerk can look at with this. The Appropriation Bill 2002-03 is not on the notice paper. It would not still be before cabinet, would it, Mr Corbell?

Mr Corbell: That is an absolute nonsense, Gary.

MR HUMPHRIES: It is not. The appropriation bill is still before cabinet.

Mr Corbell: You are saying that we can pull that off and we can put it on after the budget has been introduced.

MR HUMPHRIES: That's right, talk over your opponent. When you are in a corner, you talk over your opponent. The fact of life is that the appropriation bill is still before cabinet. So is your land development scheme. Both matters should be properly scrutinised by committees set up in advance for that purpose, not only to find out and analyse what the government is doing with respect to these matters but also to ask the community for input on them.

As we know, there is concern in sectors of the community about the prospect of government re-entering the land development market. There are concerns that what the government is doing with this process in the meantime is restricting the supply of land into the ACT residential market especially, in order to increase its own land bank for the purposes of its own policies on land development. In the meantime the effect of that is to push up the cost of housing for people presently seeking access to the market and generally making it more difficult for the industry—

Mr Corbell: In this financial year we will release more land than you ever planned to.

MR HUMPHRIES: I am sorry, that is absolutely not true.

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Mr Corbell: We will release over 3,000 dwelling sites. You only proposed to release 2,200 dwelling sites.

MR HUMPHRIES: I am sorry, that is just not true. I think we will have to come back to that.

MR SPEAKER: Mr Corbell, I ask you to maintain order and I ask you, Mr Humphries, not to respond to his interjections. That is equally out of order.

MR HUMPHRIES: If he does not interject, Mr Speaker, I will not have to respond.

There are serious questions about the way this is going to work. I have serious questions. Everyone else on this side of the chamber has serious questions. I hope the crossbenchers have serious questions about how this is going to work. I know members of the public have serious questions. A joint inquiry by the Planning and Environment Committee and the Public Accounts Committee of this Assembly is the most appropriate way of answering those questions.

Mr Corbell suggests that the estimates committee is a perfectly acceptable alternative. I am sure that the estimates committee will get the usual one or two days access to each of the ministers provided to it. I do not see any contradiction from Mr Corbell, who has been happy to interject quite readily up till now. He has found something to write about all of a sudden. Are you telling us that one or two days is going to be sufficient for the estimates committee to find out the story with land development in this territory? I do not think so.

I repeat that in the history of self-government there is no single issue which involves so much money and so much potential for loss as land development. The taxpayers of this territory have already lost tens of millions of dollars through wrong decisions on land development.

Mr Corbell: This is from the man who presided over the Bruce stadium fiasco.

MR HUMPHRIES: I was subject to scrutiny on the Bruce stadium, as was the rest of the Liberal government in this place. What scrutiny are you proposing, Mr Corbell? As I recall, there was a select committee on the Bruce stadium. There was a committee specifically for the purpose of looking at that matter. Why not have a discrete inquiry into this matter?

Mr Corbell: After your government had started implementing its proposals.

MR HUMPHRIES: Mr Speaker, you argued about interjections—

MR SPEAKER: If you respond to them, it becomes a conversation. Order! Mr Corbell will discontinue the interjections and Mr Humphries—

MR HUMPHRIES: I will cease to respond to them.

MR SPEAKER: And you will cease to respond to them.

MR HUMPHRIES: Thank you. (*Extension of time granted.*) Mr Corbell said that the opposition has already decided that government land development is a bad thing. We have a view about that matter, most certainly. I make no secret about that fact. But it is also the case that we are entitled to scrutinise and question the decisions the government has made.

Mr Corbell characterises that as thwarting the government's intentions. Accountability and scrutiny in this place are not about thwarting government intentions. This is about finding out whether government intentions are transparent, achievable, affordable and in the public interest. None of us in this place can avoid the duty to ask questions about every major decision which is made, particularly decisions which entail such large amounts of money. The government knows—and we all know, thanks to freedom of information—that the up-front cost of producing this government land policy could range between \$75 million and \$150 million, a massive cost.

If this territory is not entitled to ask where that money is coming from and how it is going to be spent, in the context of committees expressly set up by the territory to consider such matters in concert, in a joint inquiry, then I do not know where such inquiries should more appropriately take place.

Mr Corbell also raised the Kingston Foreshore Development Authority and its approach. The same thing could be said, but he did not say it, about the Gungahlin Development Authority. In neither of those cases is the government in the business of developing the land. It is about designing and setting planning considerations for the land and it is about releasing the land to the private sector to develop.

Mr Corbell: No, you are wrong.

MR HUMPHRIES: You asked for no interjections, Mr Speaker, and I have avoided baiting Mr Corbell.

MR SPEAKER: Mr Humphries, I would also have to add that while Mr Corbell was on his feet your colleagues peppered him.

MR HUMPHRIES: You asked for no interjections and now you are saying he can interject. All right. That is fine.

MR SPEAKER: I just want to qualify your protest against that background.

MR HUMPHRIES: Yes, Mr Speaker. I will seek to do that in future.

To say that because in limited circumstances it is appropriate to have a development authority overseeing the planning and design of discrete areas of the territory it therefore follows that it is appropriate for government to become a land developer is absolutely bizarre. It is a leap of logic which I think is simply untenable.

I have serious questions about this process. I think we all do. It is not about thwarting the will of the government. The opposition does not have a majority on either of the committees named in the motion. The majority of members on those committees when they conduct this investigation will be from the government and the crossbench. It is

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about asking questions. That is our job in this place. The attention we can give to this in the estimates committee is not adequate for this purpose. It involves scrutiny which entails discussion with the community as a whole. It is a longer issue which entails appropriate involvement by community organisations that wish to have their views on this matter heard.

For the government to refuse this motion today is nothing less than an unwillingness to be subject to scrutiny, an unwillingness to be accountable for their decisions. That is utterly shameful.

MRS DUNNE (11.26): I rise in support of this motion and in support of my colleagues. I would like to echo what the Leader of the Opposition said. The minister's first response was to go after the man. If the minister had any knowledge about the forms of the house, he would understand that the Public Accounts Committee in this parliament and in any other parliament in Australia is a more senior committee to the mere Planning and Environment Committee, and therefore the protocols and forms of the house would require the set up proposed in the motion if we are to have a broad-based inquiry into planning implications and the economic implications of this policy.

Again today, as we have seen on many occasions with this government, particularly with this Planning Minister, the government has been sitting on its hands. We saw it with the GDE and now with this proposal for government development of land. The government demands to implement its policy, but we know that before they made their election commitment to that policy they did no work on it. They did not know how they were going to do it, and six months into their term they still do not know how they are going to do it.

What we see here today is this Langmore-ite minister trotting out his principles, as opposed to our rhetoric, and his usual—

Mr Corbell: I take a point of order, Mr Speaker. Mrs Dunne has accused me of being a Langmore-ite minister. I do not know about Mrs Dunne, but I have the highest respect for John Langmore, former federal member for Fraser and now an officer with the International Labour Organisation. But Mrs Dunne is using the term as a form of abuse. She is using it in a derisory and derogatory way. I am quite happy to be associated with John Langmore, Mr Speaker, but I think the way that Mrs Dunne uses the comment is both derisory and disrespectful. It is certainly outside the standing orders, and she should apologise and withdraw the comment.

MR SPEAKER: Mrs Dunne, it does not add much to the class of this place for members to try to belt up, metaphorically, former members of parliament who have significant positions in other places. I encourage you to desist on that score.

Mr Humphries: Mr Speaker, on that ruling, could I ask—

MR SPEAKER: I have not made a ruling. I have just asked Mrs Dunne to have a bit of sense about the issue.

Mr Humphries: You offered an opinion from the chair. Does that include present members of the federal parliament? Does it demean this place to attack members of the present federal parliament?

MR SPEAKER: Present members of parliament, Mr Humphries, are in a good position to defend themselves. They have privilege and all those sorts of things. Mr Langmore does not have any privilege to defend himself anywhere. He is a private citizen. We do not usually use our great talents here to rip into private citizens who do not have a right to defend themselves. All I am saying to Mrs Dunne is to ease up.

MRS DUNNE: What we saw today was this minister trotting out his principles in his usual haughty fashion and talking about his false openness and his sham accountability, when what we are talking about is a review of a very serious policy—a policy that, by the admissions of the Department of Urban Services, will cost between \$75 million and \$150 million a year.

Let me put that in context. \$75 million is roughly what we spend each year on police and emergency services, and \$150 million is roughly half what we spend on the education budget. They are substantial sums of money, and those substantial sums of money and the way we spend them should be closely scrutinised.

The policy of the public sector taking over land development needs to be the subject of objective analysis within a logical framework. Most economic activity, including housing activity, takes place in the private market, operating within a regulatory framework.

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that consideration of Assembly business have precedence of executive business until the Assembly had completed consideration of Notice No 2, Assembly business.

MRS DUNNE: The only valid argument for government to intervene in the operation of the market is that that intervention improves the way the economy or society operates. Public sector land development is potentially a very heavy-handed intervention. It involves significant direct costs, including increased public sector resources and financial risks. It involves significant indirect costs. It prohibits new entrants into land development, thus stifling innovation. It removes competitive pressures and distorts the pricing mechanisms. We have already seen the distortion of pricing in the ACT.

The public sector bears high commercial risks, as we have seen in the \$20 million Harcourt Hill fiasco. There is difficulty in subjecting the policy to periodic review or evaluation in accordance with intergovernmental agreements and national competition policy. National competition policy and principles represent a framework for undertaking an objective analysis rather than simply asserting. The government's policy on land development has ignored such principles. It has set aside any analysis necessary to identify the problem that we are trying to address. This was evidenced in the consultation the minister deigned to deliver to the Planning and Environment Committee the other day.

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When I asked about the national competition policy implications, I was assured with great blandishment that we could overcome them all. But this is something that this Assembly and its committees need to look at. The next tranche of our competition payments could be severely at risk. In the absence of any such analysis, the ACT government seems to be making decisions based merely on expediency.

Market failures in the policy intended to be addressed need to be identified, and we need to find a way ahead to address the problem of market failures. The opposition believes that the regulatory and planning frameworks need to be analysed to assess the extent to which they contribute to systems failures in the ACT government.

Land development is already highly regulated. The degree and nature of regulation can act in the public interest but can also increase costs, inhibit diversity and innovation and contribute to further systems failures.

The proposed operation of ACT land development will depend on a degree of public control, public financial underwriting of development risk and constraints in competition that are evident in no other jurisdiction in Australia and are inconsistent with an open and competitive society. The opposition believes that there needs to be an assessment of the net benefit to the community.

The control of revenue and profits has been a significant element of the ACT government's policy statements in relation to land development. Government control over taxation revenue places it in a credit position where it can use power to take over a wide range of commercial activities. This rationale can be used to justify government extending a monopoly over any area of enterprise, at the risk of ignoring the costs involved.

The opposition believes that a public sector monopoly is not necessary to achieve the objectives the government seems to want to achieve. Many of the desirable design innovations and outcomes that are pointed to as a justification for the ACT government taking over land development are evidenced in states which have no direct public sector involvement.

Good design outcomes are achieved in systems in which the planning and regulatory frameworks operate in parallel with market competition rather than as a substitute for competition. As I have said on many occasions, you do not need to drive the bulldozer to achieve good planning outcomes.

The opposition believes that the government's responsibility for ownership and management of land and the management of a land bank for future development are inconsistent with the role of land development. We believe that there is significant conflict of interest, as was raised in the planning committee in Friday's briefing but not significantly addressed.

This motion aims to have the Assembly address the many issues involved in this significant policy departure, and I commend the motion to the house.

MS TUCKER (11.36): I have no problem with committees having an opportunity to look at significant change. However, I am not supportive of this motion. I feel it would be much more efficient to wait for the government to come up with detail of how it plans to proceed with the public policy position it has taken on land development. Once the government has shown us how they intend to progress this, then it would be quite appropriate for a committee or committees—I do not have a position on whether it should be a committee or committees—to look at the proposal and invite community input. The concerns raised in this motion could be looked at in such an inquiry. I do not have any problem with committee involvement, but I do have a problem with it happening before we have something specific to look at.

It is the government's right, as the Liberals would always strongly assert—I agree with them—to proceed with the position it was elected on. The Assembly has a responsibility to scrutinise that, but if a committee is to be effective and efficient it would be much more useful for it to have in front of it the documents, the framework or whatever it is that is necessary. Structures of governance would have to be developed to support this significant change in management of land development. That is the detail a committee should look at.

Mr Humphries argued that an estimates committee is being set up today when we do not have the budget documents. I do not follow that line of argument. That estimates committee will not have hearings until we have the budget. I do not think Mr Humphries' argument is logical.

There is an important role for committees and I support their involvement, but I am not prepared to support this motion today.

MS DUNDAS (11.38): I am also not entirely happy with supporting this motion today. What Mr Smyth is calling on the committees to inquire into—the methodologies and outcomes proposed for resumption by the government of the process of land development, including the sustainability of the economic models, the impact on land and housing affordability and the likely impact on the current rights of leaseholders—is something the government should be doing as they move down the path to taking back control of land development. If they are not doing these things, then I would be terribly concerned and would have no problem with having a committee inquiry into the lack of government investigation of this process.

As was said in debate earlier, I would prefer to have something from the government to work on before this matter goes to a committee. This Assembly does have a role to keep the government accountable. I am not yet convinced that the government is not looking at these things. If greater evidence comes to light, or if we do not hear from the minister in the near future about what is going on, then I would be quite happy to see this matter go to a committee. At a later date the Assembly may call on the minister to table any studies he is doing so that we can see whether there is a need for greater investigation by the Assembly of land development control. I cannot support this motion.

Debate (on motion by **Ms Gallagher**) adjourned to the next sitting.

Estimates 2002-2003—Select Committee Establishment

MR WOOD (Minister for Urban Services and Minister for the Arts) (11.41): I move:

That:

- (1) a Select Committee on Estimates 2002-2003 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2002-2003 and any revenue estimates proposed by the Government in the 2002-2003 Budget.
- (2) the committee be composed of:
 - (a) two Members to be nominated by the Government;
 - (b) two Members to be nominated by the Opposition; and
 - (c) one Member to be nominated by the ACT Greens or the Australian Democrats; to be notified in writing to the Speaker by 4.00 pm today.
- (3) the Committee report by 15 August 2002.
- (4) if the Assembly is not meeting when the committee has completed its deliberations it 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, circulation and publication; and,
- (5) the foregoing provisions of this resolution so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Members will anticipate the great occasion it will be when they welcome the first Stanhope-Quinlan budget. I am sure they will enjoy being on this estimates committee and examining that. It is a process well established here. I think the names of the people who are likely to be nominated before 4 o'clock are already known, and I commend the motion to you.

MR HUMPHRIES (Leader of the Opposition) (11.46): Mr Speaker, the opposition supports the reference of the budget to the Estimates Committee as usual. Composition of the committee seems to be appropriate. We have traditionally had two members of the crossbench on the committee but, in the present circumstances of a smaller crossbench than usual, I think one member is adequate—and I assume the members can sort out which of them prefers to take that spot.

I think it is important that the budget receive the usual and full scrutiny which would be expected after, particularly, the first budget of a new government. It would be the view of the Liberal Party that there should be an attempt to be able to seek some public submissions on the effect of the budget and perhaps to conduct hearings involving ministers in the last two weeks of July in order that there would be a chance for the budget detail to be digested and for the ministers to explain their views about how their budget affects particular portfolio areas.

I think it might be appropriate, in a sense, to flag that matter at this stage of the debate so that it is possible for members to make suitable arrangements around that. Mr Speaker, this is supported by the opposition and I hope that we will have the chance to be able to have a full and appropriate scrutiny of the first Stanhope-Quinlan budget.

Question resolved in the affirmative.

Statute Law Amendment Bill 2002

Debate resumed from 9 May 2002, on motion by **Mr Stanhope**:

That this bill be agreed to in principle

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

Cemeteries and Crematoria Bill 2002

Debate resumed from 16 May 2002, on motion by **Mr Wood**:

That this bill be agreed to in principle.

MR CORNWELL (11.45): Mr Speaker, I shall be brief. I am speaking on behalf of my colleague Mrs Cross. The Liberal Party will support this legislation. It is virtually identical to a bill tabled last year by the former Minister for Urban Services in the Liberal government.

I understand, though, there are a number of minor matters that are still to be resolved and the suggestion was that there is a proposal to send this bill to a committee after the in-principle vote today. If that is the case, the Liberal Party opposition will support the move to a committee.

MS DUNDAS (11.46): I rise today to say that the Australian Democrats will not be supporting this bill. This bill follows the national competition policy review of the Cemeteries Act and the Cremation Act and, given the existence of the national competition policy recommendation, I expect that both Labor and Liberal will support this bill with little debate, as we have already seen, without even considering rejecting national competition policy as it applies to cemeteries.

The Australian Democrats believe in competition but we are opponents of the current national competition policy. We accept that we need a national competition policy, but not this current policy.

Right from the start in 1995, my federal colleagues told the Labor and coalition parties that they were playing with fire in introducing the national competition policy in the manner that they did. Regrettably, the Australian Democrats have been proved right on this matter.

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National competition policy was drafted at the height of economic rationalist ideology as a one-size-fits-all methodology designed to impose competitive pressure on everything, from the utilisation of water to the marketing of eggs, and now to the provision of cemeteries and crematoria.

The problem with the implementation of the national competition policy has been the under-recognition of the costs of the implementation of the policy. The focus has been almost solely on the economic pricing consequences, with too little attention paid to the economic structural effects and to social and environmental impacts. The social impacts have their own costs, which have at times exceeded the supposed economic benefits.

The public interest test needs to be applied to opening the cemetery market to privatisation and competition. The national competition policy has a public interest test that has been dominated by economic assessment ahead of the harder to measure intangible attributes in the social and environmental areas.

In this area of cemeteries, you have to take into account cultural and religious sensibilities. It is relatively easy for economists to estimate the economic impacts of the deregulation of one industry or the instigation of competition in another. It is much more difficult, however, to attribute a value to the cultural and religious impacts of these sorts of changes. But the conduct of such an assessment is essential if the real costs and benefits of the implementation of a policy are to be known. Maybe it is just too hard to measure. Maybe it is because it is a taboo subject.

It is odd that in our society issues related to death are so often not discussed. Yes, death, like taxes, is certainly one thing that everyone has in common.

So it comes as no surprise that the adequacy of cemetery planning and management is an issue that is not often discussed or reviewed, this being the first large-scale change to this act in over 60 years.

All legislators and policy makers are happy to look at demographics and declare that we need to plan more schools, hospitals or roads, yet the planning and management of cemeteries does not often come up. This leads to the general public overlooking the importance of body disposal and the memorial functions that cemeteries and crematoriums serve.

The challenge for the government and this Assembly is to overcome the taboo nature of this topic and discuss the important role that cemeteries play in our society. We need to answer questions such as: how valuable cemeteries are, what role they have in terms of heritage in this multicultural society, the costs involved in body disposal by a crematorium or cemetery, what fees and charges are reasonable and whether they should be means tested.

And should the government support the families of our disadvantaged to help them with the cost of body disposal and memorial? None of these issues is in any way solved by this bill. Rather, they leave it all to ministerial regulation—and it is probably only by debating the disallowable instruments that we will have real debate.

The only issue that seems to get any real discussion is the tenure of the grave sites. The minister said in his presentation speech that it will be perpetual, which seems to go against national competition policy as you are not allowing the market to decide what it wants.

What happens if the next minister changes the current view on tenure? Are those that are buried today assured of tenure or will this be changed by ministerial decree in the future? This then brings into question how much money should be paid for maintenance. Obviously, if you are contributing to pay for maintenance for eternity that will cost a lot more than if you are in a 25-year contract.

This debate has occurred in other jurisdictions, often at local government level, and many decisions have been made, such as that of Waverley Council where the cemetery offers interments on 25-year tenure, memorial shrubs, also on limited tenure, bronze plaques and maintenance—allowing families to choose. And they include group discounts for couples, families and families of four or six.

Albury crematorium offers memorial sites for periods of 25 years, 50 years or in perpetuity depending on the wealth and wishes of the family. However, here in the ACT, the minister has decided to set up a one-product market—that of tenure for perpetuity—and he has probably taken the most conservative line, as he does not want to risk the real debate.

I am also concerned about the practicality of the exhumation decisions of the Chief Health Officer being a disallowable instrument, as proposed by this bill. This will mean not only a waiting period following a decision but also quite possibly the members of this Assembly being lobbied to stop the exhumation of bodies, and I do not look forward at all to the day that this occurs.

In conclusion, I repeat: I will not be able to support this bill, for three reasons. One, national competition policy should not be allowed to continue unchecked. Two, the Assembly is being asked to trust that the minister will fix all the problems by regulation, which is obviously a little dangerous—and I believe that the regulations are still not written. And, thirdly, I do not look forward to the first time an exhumation order is debated in this Assembly by disallowable instrument.

MS TUCKER (11.52): Mr Speaker, basically this is the same bill as the previous government put forward. In part, it modernises the operation of cemeteries and crematoria by bringing up to date the description of the board, bringing the penalty system into line with the current practice of a system of units. And that much is fine. Indeed, as the Auditor General has pointed out in point 4.3 of the report on governance arrangements of selected statutory authorities:

The earliest Act, that is the Cemeteries Act 1933, pays minimal attention to corporate governance matters whereas the latest Act reviewed, the Stadiums Authority Act 2000, prescribes government's responsibilities for the Authorities Board and requires individual directors to be honest and diligent in their affairs.

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The Cemeteries Act predates self-government along with several others, so it is time to bring it up to date. I have not had time to check whether the Cemeteries and Crematoria Bill governance arrangements for the proposed new board fit with the recommendations of the Auditor General following this extensive review, and that would be worth looking at.

However, as well as updating the arrangements, it removes government responsibility entirely from operating the board whereas previously the cemetery system was partly government funded and partly funded by fees for burials. Now it must operate on a commercial basis.

It also removes the specified positions on the board, formerly the trust, for religious community representatives. The competition consultant, CIE, supported this change by saying effectively that those positions were wasted space compared to having someone with financial expertise.

This bill does not have the option of limited tenure in private cemeteries, which is an improvement over the last one, but it retains one of the other fundamentally problematic issues. The current government, when in opposition, was strongly and clearly critical of this change. And why has this changed? This is a very worrying trend—seeing the Labor Party now in government changing its position. I have been quite surprised by some of the positions coming out of the current opposition as well, but when it is the government changing position I think it is even more worrying. How can we have confidence in the government's integrity when the positions clearly stated less than a year ago are now not important? So I will move to send this bill to the Standing Committee on Community Services and Social Equity, under its responsibility for municipal services. This inquiry is to open up for discussion the difficult topic of cemeteries. It is hard to talk about it, but it is important.

Privatisation, commercialisation and the removal of a spiritual perspective from the operation of the cemetery are all important questions. There are other questions that local councils in other parts of Australia are grappling with as well. A competition policy review assumes certain things. A committee can, if it takes it on, actively engage in and encourage discussion in a variety of ways.

Much of the detail of how the cemeteries and crematoria are to be required to operate is to be moved into regulations and a code of practice. We have not seen these, and Labor did not like this when in opposition. In the briefing, my office was told that it would be possible to see the regulations before voting at detail stage. However, now I understand the minister does not want to do this. So we will not be supporting this bill.

MR HARGREAVES (11.56): I would like to address a couple of things that the leader of the Democrats raised about the national competition policy. It is true to say that, when we talked about this issue in the last Assembly, I also was pretty scathing about the national competition policy, because I think it is absolutely inappropriate that the policy apply to this particular issue.

However, the national competition policy—and the legislation that underpinned it—is not a creature of this Assembly; it is a creature of the federal parliament and the federal Liberal Party and we are stuck with it. So we can sit and bleat about the national

competition policy until the cows come home. We can try to grandstand on our opposition to the national competition policy and it will not make the slightest bit of difference. The fact is that we have to work within it.

So I reject the view of the leader of the Democrats that because we do not like the national competition policy we can knock off this particular piece of legislation. When I talked about it in the last Assembly, I was critical of it, but recognised even then that there was not a snowflake's hope in hell of me getting anywhere with it.

Ms Dundas mentioned her concern about the construction of regulations supporting the bill, and I address my remarks to the opposition in this particular case. In my speech on this issue in the last Assembly on 28 August, I voiced concerns about the construction of regulations and being provided with a bill without the supporting regulations to see the total picture. Actually, I likened it to the home detention legislation, which Mr Moore was running at the time, as Mr Stefaniak would remember.

My fears were overcome by the actions of the government at the time by the bringing together of a round table of crossbenchers, opposition and government members to voice their concerns about the regulations and to make sure that those concerns were addressed before the regulations were fully constructed and tabled in this place. And I have to say, that was a most satisfactory process, because, instead of us having to move for disallowance of a regulation, we were actually party to its construction.

In fact, I remember very clearly that Ms Tucker's office took an active role in changing the regulations supporting the home detention legislation. I had a few concerns, and it turned out that Ms Tucker's office and mine shared those concerns, and to her office's credit they were raised at that round table. To the credit of the government of the day, it took the concerns on board and did it. Now I am suggesting that that is the process which would be most appropriate in this instance. Referring this bill to a committee, on its face, does not seem like too bad an idea. Ms Tucker always bleats that there is not enough community consultation. I have to say, when I was involved in it last time I did not get a lot of people contacting me about it, notwithstanding a fair amount of media attention.

But let us consider that the committee to which it would be referred—and it can be referred to no other committee—is the Community Services and Social Equity Committee, on which sits Ms Dundas, who has already given us a position here today; she is opposed to it. So we could actually sit down now and write that part of the report. I am the chair of it, and I am supporting the legislation—and I will go into reasons why in a tick. So, if you like, you can write my part of the report now. And Mrs Cross is not here, but it is my belief that she is okay with the legislation in its general terms because, in fact, it was a creature of the current opposition. In fact, it would be most surprising if Mrs Cross came up with something different.

So what is the chance of getting a committee report which is of any further assistance to the deliberations of this place if we already know the positions of the people on it? Absolutely zippo.

The change in my position in relation to this piece of legislation—remembering that I opposed it in this place in the last Assembly, and it is a change I have actually acknowledged—is in the perpetual tenure. The one thing that really worried me was the

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possibility that, once you got stuck in the ground, it was not a forever thing. I did not want to support the ultimate dual occupancy. I did not want to support a cemetery-like temporary accommodation process. I wanted to make sure that, once you were in the ground, you stayed in the ground—because that is probably the best place for it. But families have to have that degree of certainty.

This legislation actually does provide that certainty. Perpetual tenure of grave sites, it says, will apply in all current and future cemeteries in the ACT, whether public, private or anywhere in the mixture. It could be a joint venture—and wouldn't that be an interesting idea, hey?

I would urge the opposition to give some thought to passing this legislation. We can send it off to a committee, and all that will really do is delay the matter. And it will be brought back here again, dare I say it, as yet another live issue. But for what purpose?

We have had this on the notice paper for some time, we have had ample opportunity as members to go out there and solicit the views of people in the community with whom we have contact, we have had no great contact from the members of the public, from my office, anyway—some yes; I won't say there wasn't any, but not anything, for example, remotely touching the size of the fires inquiry, for example.

We have debated this before; we have debated it again. The time has come to just have some courage and actually pass it or knock it off. Sending it off to a committee for a gab-fest which is totally predictable is, I think, a waste of time.

However, if that is the only thing that will keep the crossbench happy, then far be it from us to deny them their hour and a half of glee. I would not want to do that. If that keeps them happy, then fine, but I can say with some certainty—and I will predict this—it will change nothing. It will absolutely change nothing. And it will not necessarily give people an opportunity to have their say that they have not had before. I urge the Assembly and the opposition to support this, to pass the legislation straight away. It is the opposition's legislation just slightly amended to ensure perpetual tenure. That is what it is.

Now, if people think that we have had a flick in our position—certainly, I have owned up to one today. I do in fact support the perpetual tenure, and that was not in the last one. So that is the major reason why I have said, "Yes, okay, I agree to it."

As I said before, the national competition policy is not a creature of this Assembly; we have no choice. I do not like it, the crossbench does not like it, and I am sure, in fact, the current opposition do not even like it, but we are stuck with it. In fact, this legislation does not create a private cemetery operator; all it does is remove the legislative restrictions to enable somebody who's game enough to want to buy a block of land in the ACT and stick people in it.

Well, I have to say, there is not a lot of land around the place, and it is not the cheapest thing you've ever seen, Mr Speaker. So I really wonder whether or not there is an entrepreneur out there who is going to buy a massive great plot of land—where is he going to do it? Tuggeranong? Sorry, that's full. Belconnen? Sorry, that's full. North and south Canberra? Tough luck, that's full too. What have we got then? Gungahlin; that's not full.

Mr Wood: Build a tower.

MR HARGREAVES: That's the thing—yes, we could build a tower, as a cemetery. I don't think that's going to work. The fact is that it is highly unlikely that anybody will make a quid out of this in a private sector arrangement. This legislation does not sell the current trust; it does not sell the Gungahlin Cemetery. It does not sell the Woden Cemetery. But it removes the legislative restriction from somebody who wants to be a private operator actually entering into the marketplace and doing it.

Now, I do not like it; I don't like it at all, but I cannot come up with a good enough reason to stop that, particularly when the perpetual tenure is absolutely guaranteed. Of course, I say that acknowledging that in the next Assembly or any one after that you could have a government with a majority come into this house and just go bang, "We'll change the legislation," and allow it to happen anyway. That could happen.

And if you think that a majority government is not possible in this town, I refer you to what has been happening in Tasmania. It could happen. So what we have an opportunity to do now is have a round table, develop those regulations amongst ourselves, on a non-partisan basis, so that there is no reason for any other government to even think about it. Let us develop those regulations before they are targeted as disallowable instruments. Let us do it together.

It's just delaying the matter for the sake of delaying it. I do not think there is any need to. It concerns me that we are going to flick it to a committee. We have no idea of how long the inquiry would take. How long is a piece of string? I don't know. What are we going to do—advertise for the public to put in submissions? We would probably get about four or five of those. I do not think there is much mileage to be made out of that. I do—as I have said, and I will say it just one more time—acknowledge a change of heart, centred on the change in the legislation to perpetual tender. My other feelings are still the same, but it is a case of: let us face the inevitability of it all.

So I suggest, very sincerely, that the opposition consider going ahead with this piece of legislation or knocking it off.

Debate (on motion by **Mr Stefaniak**) adjourned to a later hour.

Privileges—Select Committee Establishment

MR WOOD (Minister for Urban Services and Minister for the Arts) (12.09): I move:

That

- (1) Notwithstanding the provisions of Standing Order 71, a Select Committee on Privileges be appointed to examine whether the unauthorised receipt of e-mails from Mr Wood's office was a breach of privilege and whether a contempt was committed.
- (2) The Committee be composed of:

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- (a) one member to be nominated by the Government;
 - (b) one member to be nominated by the Opposition; and
 - (c) one member to be nominated by the ACT Greens or the Australian Democrats;
- to be notified in writing to the Speaker by 4.00 pm today.

(3) The Committee report by 20 August 2002.

I am not happy to rise and move this motion, which proposes the establishment of a privileges committee to look at the email affair. I wish it had never happened. I wish that we did not have to go down this path. It was open to me, or the opposition or anybody in this Assembly, to move this motion earlier when the knowledge that my emails had been accessed by another person came to light. I could have moved then to establish the committee, but we preferred to let the police investigate and expected some outcome of that.

I have been advised a short time ago that the Director of Public Prosecutions will not be proposing any criminal charges in relation to that email incident. I accept that. It has been explained to me there was no material in the statutes that would allow a criminal charge to be undertaken.

That brings the matter back into this Assembly, because I think it is pretty clear that an offence has been committed—not just to me but to the whole Assembly.

Mr Humphries: Mr Speaker, I raise a point of order. In moving this motion the minister suggested that he feels it is clear that an offence has been committed. He did not say what the offence was against. If he is implying some offence against the law, then clearly that is a quite inappropriate way of using the privilege of this place, given that the person concerned has just had a decision of the DPP in his favour. If he suggests it is an offence against some other provision, such as a provision relating to the privilege of the Assembly, then that is a matter which pre-empts the very matter which he puts before the Assembly today by way of this motion.

If Mr Wood wants to move a motion relating to a committee of privileges, he is welcome to do so. But to comment in such a way as to pre-empt the outcome of that inquiry process is, at the very least, extremely unfair to the staff person concerned and also, I would argue, something of a contempt of the Assembly.

MR SPEAKER: Can I put it this way: members in this place are open to opinions about matters. Nobody has been named, and I would not want to see anybody named either. So I think at this stage I will not rule in your favour, but I will ask Mr Wood to mind his words.

MR WOOD: I was not going to speak for very long. I am aware of what Mr Humphries says, but I have been told from a number of sources that there is no question but that my emails were accessed. Now, I really do not think there is a dispute about that. Now, what this needs to do is to examine whether that accession of those records is an offence to me and an abuse of the privileges of this Assembly. That is what this is about. And I think it is quite fair enough to say that nowhere has anything been said that has denied access to my emails was gained.

Therefore, we take it from there. I am quite prepared to allow the committee to be established to go into the details of that. I am quite prepared for that to happen, and since I am the aggrieved party, the person concerned, I am not going to be heavily involved in that debate either now—as I have not in the last few months—or until this issue is further examined. I think other people may be saying things, but I have endeavoured to keep myself—hard as it is—somewhat distant from the activities that have been taking place.

I commend the motion to the Assembly. As soon as I was aware that this was happening, I advised the members of the Assembly, including the opposition. I understand Mr Humphries is concerned about the reporting date. Whether he seeks to amend that or not, I do not know. I can understand his arguments there. I understand them, but I am not too sympathetic to them by virtue of the whole background to this. But let us get this committee up and running and reporting as soon as it can.

MR SPEAKER: Mr Humphries, before you proceed, in addition to my comments in relation to the point of order you raised, I will refer you to a resolution of the Assembly of 4 May 1995, which says this:

- (1) That the Assembly considers that, in speaking in the Assembly or in a committee, Members should take the following matters into account:
 - (a) the need to exercise their valuable right of freedom of speech in a responsible manner;
 - (b) the damage that may be done by allegations made in the Legislative Assembly to those who are the subject of such allegations and to the standing of the Legislative Assembly;
 - (c) the limited opportunities for persons other than members of the Legislative Assembly to respond to allegations made in the Legislative Assembly;
 - (d) the need for Members, while fearlessly performing their duties, to have regard to the rights of others; and
 - (e) the desirability of ensuring that statements reflecting adversely on persons are soundly based.
- (2) That the Speaker, whenever the Speaker considers that it is desirable to do so, may draw the attention of the Legislative Assembly to the spirit and the letter of this resolution.
- (3) That this resolution have effect from the commencement of the Third Assembly and continue in force unless and until amended or repealed by this or a subsequent Assembly.

I think that spirit should continue to be observed in reference to any matter, without trying to impinge upon the rights of members to speak freely about issues they consider need to be discussed in this place on behalf of the members who elected them.

Mr Humphries: Mr Speaker, what I was seeking in making that remark before was the kind of protection-of-reputation approach from the chair that you chose to show this morning in the comments Mrs Dunne made about Mr Langmore. It seems to me that what was said about this other staff member was much more serious than what was said about Mr Langmore.

MR SPEAKER: Well, the staff member was not named.

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Mr Humphries: The staff member has been named on ABC Radio, Mr Speaker. It has been widely mentioned.

MR SPEAKER: Well, I cannot help that.

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

Sitting suspended from 12.17 to 2.30 pm.

Questions without notice

Payroll tax

MR HUMPHRIES: Mr Speaker, my question is to the Treasurer. Treasurer, in the Assembly on 8 May 2002, you said that your government was not committed to increasing the payroll tax threshold in accordance with the proposals contained in the then government's budget, brought down in May 2001. On 4 June 2002, Mr Wood spoke, in this place, about cuts to the federal government's roads to recovery program. He said:

To cut funds in a month or two in the federal budget, a month or two before that financial year, is no help at all to those people who build roads. It's the nature of those programs that any changes in funding need a long lead time.

Minister, how can you reconcile the fact that your government is critical of the federal government for giving your government just six weeks notice about the roads to recovery program change, when you are prepared to give ACT businesses only five days notice about the payroll tax threshold?

MR QUINLAN: Mr Speaker, as far as I am concerned, at this point, this government has made no indication that it intends to change the payroll tax regime.

MR HUMPHRIES: Mr Speaker, I have a supplementary question. Minister, given that you have said you cannot rule out the possibility of cancelling the former government's proposal to raise the payroll tax threshold—

MR SPEAKER: It sounds like a preamble to me!

MR HUMPHRIES: Can you tell the Assembly whether a decision, which may result in a changed arrangement to ACT businesses, would have an adverse impact on planning for employment to be undertaken by companies either operating in the ACT or planning to come to the ACT?

MR QUINLAN: First of all, Mr Speaker, it was the electorate that cancelled the former government, and I am presuming it would have cancelled any of the election promises or forward commitments it had made.

Every budget that comes out is replete with prognostication and hyperbole about what the government is going to do. I do not think a government which follows is committed to the letter of the promises made in a budget that was brought down—or outside

a budget—by a previous government. That is why we have elections—to change governments every now and then.

Police numbers

MS MacDONALD: My question is also to Mr Quinlan, in his capacity as minister for police. Minister, recent media reports and speculation have pointed to a low level of police numbers and consequent pressure on police staff, required to do a large amount of overtime to fill the consequent gaps. Can the minister report on what the latest situation is with police numbers?

MR QUINLAN: Questions have been asked in this place before, so I feel it is appropriate that that question be asked, to bring the Assembly up to date. Since December last, 40 officers have commenced duty with ACT Policing, including 22 at the end of April. A further 38 recruits will be deployed in June this year.

It is expected that 100 recruits will be specifically deployed to the ACT by December and eight lateral recruits—that is, recruits from other police forces—are due to begin work in August this year. As a short-term measure, 20 members have been recruited from within the wider AFP on six-month contracts to work in ACT Policing. They have been deployed in the last couple of weeks and will be available until November this year. Hopefully, some of those officers might be persuaded to stay on once they have experienced policing in the ACT.

It is planned to recruit a further 80 members, to be deployed by the end of 2002-03, to offset attrition and demands associated with expansion of the national AFP. To put that into perspective, the number of sworn police officers available on duty in November last year was about 545. The number of sworn officers at the end of May is now about 568. The overall sworn and unsworn force in March was 744—that is the last measure I have.

MS MacDONALD: Mr Speaker, I have a supplementary question. Given the large amount of recruiting the minister has just detailed, can he say what has precipitated what would appear to be a large shortfall in police numbers?

MR QUINLAN: Yes, I can. As members opposite will be aware, because they were involved in what turned out to be protracted negotiations with the AFP over additional funding—

Mr Humphries: Actually, we were not involved in that. It was done by the federal government.

MR QUINLAN: You were not involved at all?

Mr Humphries: No. The federal government made those decisions.

MR QUINLAN: Someone has been sticking your name on letters, Mr Humphries!

Mr Humphries: Have they? You cannot believe everything you read, Mr Quinlan!

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MR QUINLAN: Keep talking, Gary! There were protracted negotiations last year. There was correspondence between the government, the AFP, and the commissioner, Mr Keelty. As a result of it all, there was no recruitment for the best part of six months and, towards the end of last year, the numbers fell away. I know you are jumpy over there, but I did not intend to stand up and say it is all your fault. I recognise that there was difficulty with negotiations last year because there was an additional charge being laid on of something in the order of \$10 million for what is termed enabling costs. You do not know—you were not involved.

At the end of last year, we had a substantial decline in police numbers, because of the deficiency in recruiting. I am happy to advise the Assembly that your government is getting on with recruiting and making sure numbers come back up to the full complement.

Payroll tax

MR SMYTH: Mr Speaker, my question is also to the Treasurer. Mr Quinlan, in the Assembly on Tuesday, you commented along the lines that, in relation to policies on taxation matters, we should seek to put the ACT economy in a similar position to the economy that surrounds us, and on a par generally with that of the nation. We agree with that approach.

In the New South Wales budget, brought down on Tuesday, the New South Wales government announced that the payroll tax rate would be reduced from 6.2 per cent to 6 per cent—that was announced in the 1999-2000 budget as well—that apprentice wages would be exempted from payroll calculations and the payroll tax base would be extended by including the grossed-up values of fringe benefits.

Treasurer, will you ensure that the ACT's payroll tax regime remains competitive with that applying in New South Wales?

MR QUINLAN: Yes. However, you will also be aware—I am taking a wild guess that you will be aware, Mr Smyth—that the formula for our payroll tax is different from that of New South Wales. We have a substantially higher threshold, and a higher rate.

That effectively allows the smaller businesses in the ACT to go payroll-tax-free, which is, I guess, the right end of the spectrum. With that formula, obviously there is going to be a different curve. As a product of that formula, as far as I can see, you must have in the vicinity of 200 or more employees before the ACT system becomes more expensive than the New South Wales system. I think that, as it stands, the ACT system remains competitive with New South Wales.

The one issue I would like to consider further is the initiative they have taken in relation to apprenticeships. The bad news is that—I do not think I am giving away too much of a secret to say this—we have pretty well signed off on our budget already. As you know, you have to allow a couple of weeks for it to be printed. We did it without the benefit of what happened in New South Wales in—let us face it—an election year.

Mr Smyth: Not an election budget!

MR QUINLAN: Yes, one of those—with Mr Egan dipping very deeply into the higher-than-expected returns on conveyancing within New South Wales. Does that ring any bells?

MR SMYTH: Mr Speaker, I have a supplementary question. Treasurer, since the announcement of the New South Wales budget on Tuesday, have you asked your department for an assessment of how to keep the ACT's payroll tax system at least competitive with New South Wales?

MR QUINLAN: I have asked my department for an assessment of the comparative position with payroll tax around Australia. I have an informal briefing here, and a briefing on the New South Wales budget. Of course I asked for it. Wouldn't you?

Bridges

MR HARGREAVES: Mr Speaker, my question, through you, is to the Minister for Urban Services. Minister, I understand that, last year, Roads ACT commissioned an assessment of ACT bridges. What are the outcomes from that assessment?

MR WOOD: As members would appreciate, the majority of the territory's stock of bridges have been constructed since the early 1960s. Since that time, the load-carrying standards for bridge design have changed to accommodate the modern, heavier commercial vehicles, to such an extent that there has been an increase in size of over 250 per cent since the 1960s.

In May 2000, all state and territory ministers agreed to the higher mass limit, which is expected to be progressively introduced on identified heavy vehicle routes. The national heavy mass limit reforms are targeted at more efficient transport of goods throughout Australia.

In line with what is happening elsewhere, Roads ACT commissioned, in 2001, an assessment of the bridges it manages, to establish the capacity against the current load standards—as distinct from earlier standards—and to assist in developing both the routine maintenance and bridge upgrade projects to be funded through the capital works program. The final report was provided to Roads ACT in February of this year. It recommended the need to improve the load-carrying capacity of some 35 bridges.

MR HARGREAVES: I have a supplementary question. Minister, for road users in the ACT, what are the implications of this study?

MR WOOD: Roads ACT have reviewed the priorities within the maintenance program for 2002-03 and have identified \$2.5 million, specifically for upgrading bridges to the required standards. Funds of \$0.25 million have also been identified in the 2002-03 capital works program for the Morshead Drive duplication project, to upgrade the bridge over Woolshed Creek. This approach will enable an upgrade, within the next 12 months, of 26 of the 35 bridges identified in the assessment report.

While this program will be progressed to upgrade the bridges on a priority basis over the next 12 months, as quickly as practical, there is still a need to implement load limits on all but one of the locations, as a matter of urgency. This is necessary to address public

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safety issues, accepting that there may be some public and commercial—I emphasise the word “commercial”—inconvenience. For example, discussions with ACTION have confirmed that there will be no impact on normal route services or the dead running times of articulated buses as a consequence of the load limits. However, in two or three cases, it may be that fully articulated buses have to detour. Those details are being worked through. In a short period of time, appropriate signs and details will be released.

All the proposed load limits have the potential to affect heavy vehicle movements, depending on the size of the vehicle. Affected users are already being consulted, and information will be provided in the media about the extent of any detours which concern them.

The nine bridges not identified for upgrade in the next 12 months will be subject to funding requests from the capital works program over the next few years, with the bridge on the Tuggeranong Parkway considered to be the highest priority for attention.

Labor Club

MR PRATT: Mr Speaker, my question is to the Chief Minister, Mr Stanhope. Chief Minister, you will be aware of certain matters raised in the Senate estimates committee, and referred to in subsequent media reports, concerning Commonwealth land sales and redevelopment of the site occupied by the Labor Club in Civic. Is it a fact that the Labor Club is a substantial donor to the Labor Party?

Is it a matter of concern to you, as head of the government, that your Planning Minister, Mr Corbell, claimed, according to a report in the *Canberra Times* of 8 May, that he had caused the sale of another parcel of land in Civic to be tied up?

Chief Minister, does Mr Corbell have your confidence in a situation that appears, prima facie, to be riddled with conflict of interest—not to mention market rigging—on behalf of the Labor Club?

MR SPEAKER: Order! There is a very clear imputation there. If you want to move a motion along those lines, it is open to you to do that, but I am not going to allow that question. Resume your seat.

Mr Humphries: Mr Speaker, you have made a ruling. May I put a submission to you about that ruling? The question asked does not allege that there has been a breach of a conflict of interest. The question asks whether there appears to be a conflict of interest in a situation where a person administers—

MR SPEAKER: Mr Humphries, I have ruled that the imputation is that there is a conflict of interest, and I am not going to allow the question. I have ordered the member to sit down. That is the end of the matter. Resume your seat.

Mr Humphries: You are not interested in hearing an argument about it?

MR SPEAKER: I have heard you. I know what you are saying—you have just told me.

Mr Humphries: You know what I am going to say? All right, that is fine.

MR SPEAKER: No. You have just put your argument. You just said—

Mr Humphries: I was halfway through it, and you interrupted me.

MR SPEAKER: You have put your argument. You said there appears to be a conflict of interest. Well, the imputation is clear to me.

Mr Humphries: I am glad to hear it, Mr Speaker.

MR SPEAKER: That is good. In future, you will not ask silly questions like that!

Gungahlin—broadband services

MRS CROSS: Mr Speaker, my question is to Mr Quinlan regarding TransACT. Mr Quinlan, as indicated last week at a meeting in Gungahlin, and in the media, there is no realistic possibility of true broadband service delivery to families and businesses in Gungahlin, other than those which can be provided by TransACT. This is an obvious concern to many residents, especially those with small businesses, or those who work from home.

The federal government has provided incentives to Telstra to provide additional services, including broadband, to regional areas. Has the ACT government been approached by TransACT for an offer of assistance, or considered offering a similar style of assistance and, if so, what was your response?

MR QUINLAN: I will have to check if there is any connection between any application TransACT might have made for business incentives versus trying to reach regional Canberra with broadband services. I do not know that there was, in any way, a digital link between service to Gungahlin and a request TransACT might have made for business incentive assistance. Effectively, most of the import of your question I think you have asked before, or was asked before.

Mrs Cross: No, I have not asked this question before.

MR QUINLAN: It does not matter—I am happy to go over it again. I am not going to be picky about it.

The point I tried to make previously, in this place, is that the ACT is a minority shareholder in TransACT. TransACT suffered some cash, or capital, problems. That made it into the media, so I am not divulging any of their business secrets. They changed their management, they changed their CEO, they swept out a lot of the next layer of management—there were some prominent people involved—and got down to real business. To my knowledge—I have not been through it chapter and verse—they set out a business plan. That business plan stages their development, and is laced with the art of the financial—the commonsense possible. That seems to now be working, and they seem to now be in a position where they can look forward to becoming cash positive in a reasonable period of time.

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If the rollout of TransACT were to be accelerated back to the rate that they seemed to start out on and wished they could meet, we are not talking in terms of the level of incentive a government might be able to give them, whether it is a payroll tax break or even cash money. You are talking tens of millions of dollars—it is not peanuts. As you would appreciate, I am sure, the rollout of a broadband—a physical system that connects to each house in the ACT—is a very, very expensive proposition.

The sum total of it now is \$200-and-something million, or whatever—that is what it is going to be in the longer term. There is just no way that the government could come to—

Mrs Cross: On a point of order, Mr Speaker: relevance. I asked a question, I do not want a history. If I wanted a bibliography and a history, I could have made an appointment and seen him another time. The question was very simple, and this is not a relevant answer to my question.

The question was: has the ACT government been approached by TransACT for an offer of assistance, or considered offering a similar style of assistance, and if so, what was your response?

MR QUINLAN: In response to the point of order, Mr Speaker: I would suggest to Mrs Cross that she actually reads the standing orders and comes to terms with them and not stand up and say, “I don’t like your answer, therefore I am raising a point of order.” Your point of order was: “I don’t like the answer I’m getting.” You are getting an answer that says to you, “It is a dumb question.” I am trying to be polite about it, but it was a dumb question.

Mrs Cross: I do not think anyone could accuse you of being polite, Mr Quinlan.

MR QUINLAN: Well, I was being more polite than I am now prepared to be.

MR SPEAKER: Order! Mrs Cross, order! Mr Quinlan! I draw your attention to standing order 118 and, in particular, 118 (a). I am sure you were coming to the point of the question.

Mr Humphries: That is the point she was making—relevance.

Mrs Cross: Relevance.

MR QUINLAN: It is all relevant.

MR SPEAKER: Mrs Cross, can I say this to you: often you get answers in this place that do not make you happy.

Mrs Cross: Mr Speaker, it had nothing to do with being happy or not happy. It is simply a question. Standing orders permit me to bring a point of order if I am not getting an answer to a question. May I ask my supplementary question?

MR SPEAKER: Yes, certainly.

MRS CROSS: This is again to the charming Mr Quinlan. Have you approached TransACT to see if they can—

MR SPEAKER: Order! If you are going to direct questions to Mr Quinlan and you want me to acknowledge your entitlement to ask questions—

Mr Quinlan: I have no objection to being called charming!

MR SPEAKER: Mr Quinlan says he has no objection to being called charming, but I am not quite sure that that is what you meant. If you use Mr Quinlan's proper name or title, it will be much nicer.

MRS CROSS: Thank you, Mr Speaker—you are absolutely right. Thank you for your guidance.

MR SPEAKER: Thank you.

MRS CROSS: Mr Speaker, this is for Mr Quinlan. Have you approached TransACT to see if they can provide those who live in the northern areas of Canberra with the types of services they should expect from a communications company, and, if so, what was the result?

MR QUINLAN: During the many discussions I had with either TransACT or its chief executive over the position it was in and the latest financial package it has successfully put together, I discussed in some detail their business plan, as one does.

Mr Stanhope and I, through Actew, are representative shareholders and therefore have a responsibility there. In exercising that responsibility, I looked at their business plan. I cannot recite it to you. I cannot say “the big red bit at the top, which was Gungahlin” or “the green bit”, or whatever colour it was. It had a year written in it. I cannot remember exactly what year it was, but certainly TransACT has a phased business plan for the connection of Canberra.

I think it is relevant to say that that phased business plan is about doing something in a sensible, managed way. If it goes too quickly, it is going to outpace its capacity to generate revenue and it is going to need investment of such an order that the interest it accrues from that will kill the business. It has a business plan—a business plan that has been examined by the Commonwealth Bank. It has been examined by independent agents exercising the due diligence associated with the latest finance package.

It would be nice if we could reach every house. It would be nice if they could get to my place. I am in Weston—and they are in Weston. But I happen to be in an area that is undergrounded. It will be a long time before they get to me. I understand that, because there is a huge investment going into this system. It is unfortunate, but it is going to have to be done in a phased manner. They cannot go out tomorrow and hook up the whole town.

Integrated transport study

MS DUNDAS: My question is for Mr Corbell as Minister for Planning. Minister, as you are aware, the Assembly in December last year called on the government to develop a territory-wide integrated transport strategy. Since then, we have seen the first step towards the establishment of this strategy. However, the original motion, or the motion passed by the Assembly, also called on the government to consider a number of other things in detail, including the upgrade of existing roads such as Majura, Gundaroo and William Slim roads. Can the minister please inform us on how action on the remainder of this motion is progressing?

MR CORBELL: Mr Speaker, the government went to the election with a commitment to establish an integrated transport plan for the city. It was an initiative first brought to this place by the government. The government remains committed to the establishment of this strategy. The Department of Urban Services has recently completed its recruitment of a senior transport economist, to provide the necessary expertise within the ACT government to assist with development of an integrated transport strategy.

I have circulated, for the comment of members, the terms of reference for public transport planning in the city. I thank those members who chose to provide their comments in relation to that study. As a result of those comments being considered, a tender for that study should be let shortly.

Ms Dundas raises some other questions about roads. Those are matters which I imagine will be properly detailed when the budget is brought down at the next sitting.

MS DUNDAS: Mr Speaker, I have a supplementary question. Minister, the motion also referred to the construction of bus-only lanes between Gungahlin and the city. Are bus-only lanes being considered as part of the western alignment of the Gungahlin Drive extension, as the Assembly has called for?

MR CORBELL: Mr Speaker, options for dedicated public transport lanes are considered as part of any major new road construction proposal. The Gungahlin Drive extension is clearly a major new road. Provision for dedicated public transport lanes is being considered as part of the design process.

Fireworks

MR CORNWELL: My question is also to Mr Corbell, however it is in his role as Minister for Industrial Relations. Minister, yesterday you issued a media release confirming that only one fireworks retailer has been issued with a licence to sell shopgoods fireworks in the ACT. I understand this retailer is located in Fyshwick. You also warned residents that no other retailers in the ACT have had fireworks classified as suitable for retail sale and therefore cannot legally sell them.

Could you tell me, Mr Corbell, what the government is doing to ensure that those not legally permitted to sell fireworks in the lead-up to the Queen's Birthday long weekend are indeed not doing so?

MR CORBELL: Mr Speaker, the regulatory functions in relation to the enforcement of the Dangerous Goods Act, which is essentially the issue Mr Cornwell raises, are the responsibility of an independent statutory authority, ACT WorkCover.

My office is in close contact with the Commissioner for Occupational Health and Safety. She and the chief inspector of dangerous goods are taking appropriate action to monitor compliance as we go through this fireworks period.

MR CORNWELL: Mr Speaker, as a supplementary question, I ask: Mr Corbell, could you please explain, therefore, why there is an outlet operating and selling fireworks at Exhibition Park in Mitchell? Is this organisation authorised to do so, or should your office get a little closer to WorkCover?

MR CORBELL: I am aware of the operations of a number of firework retailers at EPIC. As I understand it, neither of those retailers has had their fireworks approved as being safe for sale, although they assert that they do have licences to sell. There is a distinction between these two issues. They do have a licence to sell, but they do not have goods which have been deemed, under the Dangerous Goods Act, safe to sell.

Mr Cornwell: You are confusing me, Mr Corbell.

MR CORBELL: I am happy to provide a more detailed brief to Mr Cornwell on this matter. I am not aware of whether or not those outlets are selling fireworks. If they are selling fireworks, as far as I know, they are not selling them in accordance with the act. I will seek further advice from WorkCover and provide some more information to the member.

Queanbeyan—heavy vehicle bypass

MRS DUNNE: Mr Speaker, my question is to the Minister for Planning, in relation to the proposed Queanbeyan bypass. In recent budget statements, the federal government announced that a heavy vehicle bypass around Queanbeyan CBD would be the next federally funded project to start in the national capital region. This project will be the third major road entrance to Canberra which has been partially or wholly funded by the federal government in the last five years.

The Commonwealth confirmed its commitment to the Queanbeyan bypass by allocating \$2 million, or one-third of the cost. This amount will be forwarded to the ACT government, because most of the bypass work will be built within the ACT. The remaining costs are supposed to be shared between the ACT and New South Wales governments.

Minister, has your government considered a commitment to the Queanbeyan bypass? Is a consultation or planning process under way, and is it known at what stage, if any, land resumption will be required?

MR WOOD: Mr Speaker, perhaps I can take that question, because the matter has been handled through Roads ACT. Yes, we are aware of all the information Mrs Dunne has provided in her question. I am due to meet Mr Scully, the New South Wales minister, some time at the end of this month. I do not recall the exact date. We are well aware of it.

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They have a proposition to put to us. I am aware of that proposition, but I think it would be better if I talk to Mr Scully, and see what happens, before I make any announcement. As you would expect, all the usual planning requirements would have to be maintained so that the end result is a satisfactory road.

MRS DUNNE: Mr Speaker, I have a supplementary question, through you, to the Minister for Urban Services. Do you envisage that there will be any land resumption necessary to build the road?

MR WOOD: At this stage, I am not sure that there will be. However, at the same time as planning gets under way that could become necessary, as some bends might need to be rounded out, but we are not yet that far into the debate. We will be in a position to move forward and say something more definitive after I have seen Mr Scully to find out what he is able to do.

University of Canberra

MS TUCKER: My question is to the Chief Minister and it is with regard to the University of Canberra. Chief Minister, in 1995 and 1997, *Hansard* records the then Minister for Education, Bill Stefaniak, in introducing the University of Canberra transfer bills, as declaring that the University of Canberra would be accountable to the ACT government and community, and that it would enact whistleblower legislation, which would comply with ACT legislation, to ensure open and transparent governance.

Furthermore, the legal advice you tabled on 16 May clearly stated that the Public Interest Disclosure Act applies to the University of Canberra, the University of Canberra Council and the University of Canberra union board and staff.

As you would know, in the context of the well-canvassed allegations of fraudulent activity within the University of Canberra student union, the Canberra University Council has once again refused to accept that it is subject to the Public Interest Disclosure Act.

Will you, as Chief Minister, declare the university to be a territory instrumentality under subsection (2) of the Public Interest Disclosure Act, or otherwise act to ensure that the university complies with the objectives of public interest disclosure?

MR STANHOPE: Ms Tucker, I was not aware of the last bit of information you had. Indeed, the University of Canberra has formally advised that it does not accept the advice I tabled and which, as I indicated at the time, was being provided to the university with a view to them responding to it in light of the previous position they had taken.

I need to pursue the issue further. The department, and indeed Ms Tucker, has written to both the ACT Ombudsman and the Auditor General, just this week, asking them to take further action in relation to the dispute that exists, and the different interpretation in relation to whether or not the public interest disclosure provisions apply to the University of Canberra.

I am not sure there is much more I can tell you than that. I am happy to give you a full and detailed briefing. I am happy to bring one back to the Assembly and I will seek to table it this afternoon, Ms Tucker.

MS TUCKER: Mr Speaker, I have a supplementary question. As the university union has been found not to be a separate organisation but part of the university, can you ensure that the university consolidates its accounts, incorporating the university union as it is required to do by statute?

MR STANHOPE: I am happy to take that on notice. I will give a full response to these questions this afternoon, Ms Tucker.

Housing—repairs and maintenance

MR STEFANIAK: Mr Speaker, my question is to the minister for housing, Mr Wood. Minister, recently I visited the Reid Court flats in Elimatta Street, Reid. I was very concerned to hear from tenants about a number of things, but specifically a waiting time of between four and six weeks after notification of a requirement for basic maintenance to be carried out on communal washing machines. The residents in those complexes depend on the communal washing machines.

I also received a call from a tenant at the Currong Flats, advising of a similar situation. This was again that the communal washing machines have been out of order for some time, that this fact has been notified and nothing has occurred. Also, in relation to the Currong Flats, the TV aerial there, which residents depend on for their TV reception, had been out of order, at that stage, for a week, thus depriving the residents of their only form of entertainment, in many cases.

Minister, how can you justify these delays in basic essential maintenance, when the March 2002 financial position report states that there was “an underspend in ACT housing repairs and maintenance of \$3.4 million”?

MR WOOD: Mr Speaker, we are working under the contracts your government signed with various agencies. They are your contracts and they are your people. They are now ours.

They have certain requirements as specified by the contract, as detailed by Mr Moore. I think those contracts were signed by him in the last period. They specify what is urgent work and what is less urgent. It would appear to me that washing machines are probably something that should have been done within two or three days, although I do not have a clear memory of exactly what is listed as being urgent on the list I have seen. I will make some inquiries about it.

I point out that, in the last Assembly, when I was shadow minister, I, not infrequently, referred similar requests to the minister of the day.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Minister, will you undertake to ensure that those items are repaired, as soon as possible, for the tenants in those flats? I would suggest also, minister, that you might like to check your March 2002

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financial position report. You will see that the excuse given was something to do with the facility manager's position.

MR WOOD: In consideration of your vast experience in housing and your deep interest, Mr Stefaniak, I will certainly undertake that work. Mr Stefaniak, I will give you a compliment. I recall an occasion on which you and I attended a Christmas party at the Currong Flats—so I am well aware of your interest in the personal needs of people.

I will have a look at it. Regretfully, these are not uncommon complaints. In the time I have been minister, I have been impressed by the interest of ACT Housing in their tenants, and their determination to do the best they possibly can for the tenants.

MR SPEAKER: Mr Wood, I just had a quick search of the questions, and I could not see anything about compliments in answers to questions!

Health system

MS GALLAGHER: My question is to the Minister for Health, Mr Stanhope. Is the minister aware of the release today of the National Report on Health Sector Performance Indicators 2001? Can the minister tell the Assembly what the report found about the ACT health system?

MR STANHOPE: Thank you, Ms Gallagher. Yes, the National Report on Health Sector Performance Indicators 2001 was released today. That reveals that the ACT performed well against national indicators in a range of areas, and that there are a similar and significant number of areas which continue to be of major concern here in the ACT.

One of the major concerns raised by the report was the significant and increasing disparities in health status between high and low socio-economic groups, especially between indigenous and non-indigenous Australians. The data recorded in the report reinforces the view of the government that whole-of-government approaches to the issue of indigenous disadvantaged are likely to be more successful than health system approaches alone.

The report does give the ACT a positive rating in some areas but highlights areas where we need to improve our performance and undertake further research. For instance, the ACT rates well across a range of performance indicators, including death rates for injury, poisoning, asthma, and diabetes.

We have a high participation rate for cancer screening programs. We do very well on waiting times for patients in emergency departments, and the caesarean section rates in our public hospitals are the lowest in Australia.

There are, however, a number of areas for improvement. Despite our high participation rate in screening programs, we have a very high death rate from cancer. This is clearly cause for concern for us all. The ACT Department of Health and Community Care has undertaken further investigations to determine why the rate of cancer death is as high as it is in the ACT. We also have higher than national average rates of cardiovascular disease and mental disorders—both areas that could warrant significant additional study.

We also have, as reported in other studies—and recently—far fewer full-time general practitioners than other jurisdictions. Issues around GPs, and GP numbers in support, are essentially a Commonwealth responsibility. This continues to highlight the disappointing decision of the federal government, in its budget, to exclude the ACT from an initiative to encourage GPs to locate in fringe metropolitan areas.

It is an extensive report and I recommend it to members. It contains a plethora of extremely interesting and useful information.

In summary, in relation to national health priority areas, the ACT had the lowest death rate for injury and poisoning, with 36.3 per 100,000, compared with a national average of 42. It had below national average deaths in asthma and diabetes, with rates of 1.4 and 12.7 per 100,000, compared to 2.0 and 13.5. It had the second lowest rate of hospitalisation for people with type 2 diabetes, but had a rate per 100,000 for cardiovascular disease of 229 against the national average of 225. It had a rate of 13.2 per 100,000 for mental disorders, compared to a national rate of 12.4.

Further to the issue raised by Ms Dundas yesterday, on which I have a detailed response, we have a rate significantly above—and have maintained that—the national average immunisation rate for many years. The Australian Bureau of Statistics figures reported yesterday reflects an aged assessment of the immunisation situation in the ACT.

The ACT was above the national average for participation in the national cervical screening program for women aged 20 to 69. The ACT's percentage was 67—against the national average of 63 per cent. Similarly, in the age groups 50 to 69, the ACT had a higher than national average performance.

As I say, it is a very significant report. It contains a plethora of information across a whole range of indicators. I commend it to members with an interest in the health status of Canberrans.

I ask that all further questions be placed on the notice paper, Mr Speaker.

Fireworks

MR CORBELL: Mr Speaker, I would like to provide further information about a question that Mr Cornwell asked in question time today. Mr Cornwell asked me whether there had been any inspection of fireworks retailers operating at EPIC. I am advised that WorkCover inspected those retail outlets on Monday of this week and is currently considering legal action in relation to those activities.

Paper

Mr Stanhope presented the following paper:

Administration of Justice—ACT Criminal Justice—Statistical Profile—March quarter 2002.

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Chief ministerial delegation to Beijing Report

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (3.19): For the information of members, I present the following paper:

Chief Ministerial Delegation to Beijing, Hangzhou and Shanghai—13-21 April 2002—Report.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

Papers

Mr Wood presented the following papers:

Legislation Act, pursuant to section 64—

Electoral Act—Determination of fees—Disallowable Instrument DI2002-45 (LR, 21 May 2002).

Health and Community Care Services Act—Determination of interest charge—Disallowable Instrument DI2002-41 (LR, 13 May 2002).

Sustainable bush capital in the new millennium Ministerial statement

MR WOOD (Minister for Urban Services and Minister for the Arts): On World Environment Day, I seek leave to make a ministerial statement.

Leave granted.

MR WOOD: Mr Speaker, to coincide with World Environment Day, I am pleased to be able to outline the priorities of the Stanhope government for a sustainable bush capital in the new millennium. Canberrans are indeed fortunate to live in such a unique capital, surrounded by bush parks and forests and blessed with such rich natural and cultural heritage and high-quality air and water.

Like the Canberra community, the government is strongly committed to ensuring that our natural and cultural environment is properly and effectively conserved, managed and protected in order to maintain a viable and sustainable Canberra community. That has been a consistent high priority for the Assembly and all governments since self-government, including the period some years ago when I first served as the minister responsible for the environment. Members of the current Assembly have already made it clear that this priority will continue.

As one of its key election commitments, the government will be investing \$1.5 million over the next three years to establish a new focus for nature conservation over four key areas. Firstly, additional staff and equipment are being provided for Environment ACT to increase park management, community relations and essential conservation activities. Secondly, a computer-based natural resource information management system is being developed to support nature conservation, planning and management and provide better information to the community.

Thirdly, a review of conservation priorities and management directions will be undertaken to promote a more integrated and strategic approach to conservation efforts. A review of the action plan for threatened grassy box woodlands will be a significant component. It is in these environments that much of our urban and rural development takes place and their conservation requirements must be provided for in our land use planning and management strategies. Fourthly, mechanisms for supporting volunteer groups and engaging the community in nature conservation will be reviewed and expanded to provide better guidance, more assistance and tailored education and information programs.

Other initiatives will be taken. For example, a new management plan for Namadgi National Park will be prepared in conjunction with the Ngannawal community. Bushfire fuel management plans will pay greater attention to the ecological implications of fuel hazard management programs. Partnerships with research organisations, such as cooperative research centres and universities, will continue to be supported in the areas of freshwater ecology, pest animal control and marsupial ecology. The ACT nature conservation strategy will be reviewed in light of national developments in nature conservation and progress made in the ACT. Administrative arrangements for coordinating and funding the ACT Parks and Conservation Service will be reviewed to remove inefficiencies. The recently released ACT vertebrate pest management strategy and continuing implementation of the ACT weeds strategy will guide the efficient and effective management of environmental threats that arise from feral animals and environmental weeds.

The tree-dominated landscape of our streets and suburbs is a community and tourist asset of which we are justly proud. Trees are also an important element of our biodiversity and are often of cultural significance. The government made a firm election commitment to introduce a permanent tree protection scheme and to extend this protection to trees on public land. Some elements of the current Tree Protection Act are proving to be cumbersome and difficult to administer in an equitable way. We need to be able to strike the right balance between protecting the cultural and natural heritage of Canberra and not impinging unduly on the expectations and rights of property owners who have trees on their property. As part of the process of ensuring that our permanent tree protection scheme is the best one possible, the government is preparing a discussion paper on the issues and options that need to be explored for a more efficient and equitable strategy. I want to ensure that the diversity of views that are held in the community about tree protection is fully considered.

The management of waste in Canberra is a success story of which we all can be proud. The no waste by 2010 program, introduced by the former government, continues earlier initiatives. The program demonstrates that, with sufficient will and commitment by both

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government and the community, significant advances can be made in progressing an ambitious goal with real community benefits.

The waste management initiatives will include modifying the kerbside recycling service to make it easier to use and to recover a wider range of materials; education and community programs to promote increased commitment to achieving the no-waste goal, including the ecobusiness program and a no-waste education centre at Mugga Lane; development of a waste pricing strategy that sets disposal charges at levels that provide incentives to reuse and recycle; operation of the Mitchell resource management centre and the small vehicle transfer station at Mugga Lane to maximise resource recovery; establishing a resource recovery estate at Hume as the major site for future reprocessing activities; the development and promotion of markets for recycled materials to provide alternatives to landfill disposal and to recover the true value of resources; and a focus on establishing reprocessing services for commercial organic wastes and building wastes. The future of waste management in the ACT is one of continuing innovation, increasing community support for the no-waste goal and positive outcomes in environmental, economic and social terms.

While the ACT can be proud of many of its achievements in relation to urban water management, there is a need to build on these successes in order to progress sustainability objectives, particularly through the more integrated consideration of water supply, waste water management, storm water management and land use. The concepts of water-sensitive urban design involve treating storm water and waste water as resources rather than waste products. By slowing down the movement of water through the landscape, opportunities arise to supplement potable water supplies, enhance urban forms and landscapes, support the reintroduction of ecological values into the urban area, and reduce infrastructure costs. The government has commenced the incorporation of the concepts of water-sensitive urban design into the planning and development process, and this work will continue.

Together with realistic pricing of the water supply and the continuing refinement of strategies for the maintenance of environmental flows in our streams, the ACT is making significant advances towards sustainable urban water management. As a participant in the Murray-Darling Basin Commission and other national and regional natural resource management forums, we will continue to contribute to the development and implementation of water reform initiatives. A review of the water resources management plan will be undertaken to provide a more comprehensive guide to the implementation of the provisions of the Water Resources Act and to establish a strategic policy framework for sustainable management of the ACT's water resources.

Air quality in the ACT is generally good by national standards because of the lack of heavy industry or concentrated urban areas. However, Canberra can experience high levels of air pollution during winter due to emissions from wood heaters. Continued promotion of the ACT firewood strategy and implementation of the firewood regulations under the Environment Protection Act will underscore efforts to ensure that ambient air quality meets health requirements and community standards. In addition, the government will review the regulation of solid fuel heaters, including an examination of options for a subsidy scheme to help with the replacement of older, less efficient heaters. The ACT will continue to participate in the development and implementation of national air-

quality standards and measurement and reporting protocols through its membership of the Environment Protection and Heritage Council.

The government is committed to pursuing greenhouse gas reductions in the ACT as part of our contribution to national and international efforts to reduce global warming. The ACT's greenhouse strategy establishes the framework for managing our approach to reducing greenhouse emissions and we are committed to the targets set out in the strategy. A review of the measures in the greenhouse strategy is being undertaken. The review will identify the level of accuracy of the original projected emission savings for local measures, evaluate the effectiveness of measures introduced to date, and identify any further measures that will be cost effective to introduce.

In addition to this review, the government is implementing other initiatives to build upon greenhouse reduction measures already in place. The cavity wall insulation subsidy program provides a discount to residents who wish to upgrade the insulation of their homes. The solar hot water system rebate scheme will enable 1,500 householders to receive a rebate of up to \$1,300 for a new solar hot water system. In collaboration with the ACT and Region Chamber of Commerce and Industry, the ecobusiness program assists small businesses to improve their environmental performance by reducing waste and improving energy and water efficiency. An energy performance commercial buildings program is being developed to assist larger businesses to reduce their greenhouse emissions. Cost-efficient outcomes are guaranteed. At a more strategic and broad-ranging level, the integration of land use and transport planning is being pursued as a fundamental principle of more sustainable urban forms and transport systems that include a reduction in greenhouse emissions.

The government is strongly committed to the conservation of the ACT's rich and layered natural, Aboriginal and historic heritage. I have seen at first hand a wide range of heritage places and discussed issues with the Heritage Council on a special tour of inspection earlier this year. I recognise the strong contribution of many community groups through the ACT Heritage Festival and other heritage programs. The government is proud to support the work of these groups through the heritage grants program, which provides funding to programs.

The government will shortly release for public consultation an exposure draft of new heritage legislation. This provides a streamlined process for registering places and objects of significance to Canberra. The government is working in partnership with the Heritage Council to develop a strategy to review and update the heritage places and objects registers. The registers will reflect the diversity of our heritage, including multicultural heritage and 20th century heritage. This will build on the work undertaken over the past two years to register Aboriginal heritage places in the ACT.

Clearer and more complete development controls to protect the heritage values of inner-city residential precincts are being finalised. It is also proposed to provide greater support to residents seeking advice on sympathetic development and to the real estate industry which is marketing heritage properties. The government is committed to raising the profile of heritage and history with younger audiences. This is reflected in this year's Heritage Festival and in the establishment of a heritage education program for schools. This year, 330 students in upper primary and lower secondary are undertaking heritage projects and I am looking forward to these projects being presented later in the year.

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The government has instituted a program of review and reform of environmental legislation. As mentioned, we will be tabling an exposure draft of heritage legislation. Also, we will be bringing forward a series of amendments to both the Nature Conservation Act and the Environment Protection Act to improve enforcement effectiveness. We also have on our agenda the development of proposals for best practice regulation of clinical waste. We will be carrying out a full review of the operation of the Environment Protection Act, including a review of the efficiency and effectiveness of the Environment Protection Authority. In the longer term, we will be examining the legislation underpinning nature conservation and aspects of other legislation to improve land management and address environmental issues.

The ACT Commissioner for the Environment provides expert assessments of trends in environmental conditions and advice on how we, as a government and community, are responding to environmental issues. The state of the environment reports developed by the commissioner's office are an authoritative and independent reference for monitoring and evaluating progress towards sustainability goals. The government will continue to support the office as a valued source of independent and expert advice on environment trends and issues, and anticipates the *State of the Environment Report* for 2003. I will give one indication of what the budget is saying, that is, that we will see that funding is provided to do that work.

The government has a strong commitment to seeking community and expert advice on environmental matters. In particular, I place a great deal of value on the consultative processes we have in place via the advisory committee process. I have established a more focused advisory committee structure in order to deliver our environmental commitments to the ACT more effectively. The Environment Advisory Committee, as an overarching source of expert and community advice to me on environmental matters, has been replaced by two new and, may I stress to Mrs Dunne, equally powerful committees. The world does change and we refine what we do to make sure that we are keeping up with it. I think the intentions there have been somewhat misreported by the other side.

The Natural Resource Management Committee will provide advice on operational and policy matters, such as integrated catchment management, financial grants programs and management planning. The Environment Protection Technical Advisory Committee has been established to provide expert advice to the Environment Protection Authority on performance standards for environment protection, such as water quality, air pollution and noise issues. Other existing boards, authorities and committees will remain as complementary forums for expert advice and community consultation. A real forum and an annual community forum have been established and special reference groups may be established to tackle specific approaches.

There is a strong history of community support for environmental conservation in the ACT. Each year, thousands of people freely contribute untold hours of their time to the planning and management of the things that are important to our quality of life and to our natural and cultural heritage. The role of the community in protecting, maintaining and raising awareness of our environmental assets is a vital one. The way in which we work with the community will be reviewed and specific strategies will be developed to set the framework and forward agenda for education, information and volunteer support programs.

Key initiatives to be explored include expanded extension services for rural landholders; expanded community involvement and support programs, including greater involvement by schools in management activities; and an expanded program of education and events for the general community and schools. The Tidbinbilla education centre will be a focus of activity and environmental interpretation programs will continue to feature strongly.

The Conservation Council of the South East Region and Canberra is the peak environmental organisation for community groups in the ACT. In recognition of its role as a source of community views and advice and as an environmental advocate, the government has provided dedicated funding assistance to the council so that it can continue its work with greater certainty of financial support. Similar arrangements have been made for the Canberra Environment Centre as a community environmental education and information resource.

A key characteristic of natural resource management and environmental protection is the need to collaborate in the identification and resolution of issues at a regional and national scale. This is particularly relevant to the ACT in light of its relatively small size and its potential for interaction with regional environmental processes and management programs. The government will continue support for a regional and strategic approach to conservation of our natural assets being developed by ACT and New South Wales government agencies in collaboration with local government councils in New South Wales and community and industry groups.

Membership of national and regional environmental forums is also an important way of keeping abreast of and contributing to contemporary best practice in natural resource management and environmental protection. The government will continue to participate in relevant environmental forums, such as the Ministerial Council for Natural Resource Management, the Environment Protection and Heritage Council, the Murray-Darling Basin Ministerial Council and the Primary Industries Ministerial Council.

Participation in these forums will be an important complement to the government's initiative in establishing an office of sustainability, although the focus of the new office will be much wider than just the environment. The Commonwealth government's Natural Heritage Trust and the national action plan for salinity and water quality are important drivers of regional environmental programs in terms of financial support and management priorities. The government is actively pursuing opportunities for the investment of Commonwealth funds into the territory.

Mr Speaker, I conclude by commenting that the environmental character and values of the ACT contribute significantly to the quality of life of the Canberra community. Both government and the community need to work together to ensure that we maintain these qualities for our immediate benefits and as a legacy for those yet to come. These are the signs of a sustainable community. We are well placed to make good progress towards achieving this goal. Our assets are in good shape, our professional capabilities are of a high order and there is a strong groundswell of community and business interest in securing a sustainable future for present and future Canberrans. I believe that the government has identified the key priorities and mechanisms to ensure that this goal can be advanced in an equitable, financially responsible and open manner. I commend them to you.

State of the territory's finances Paper and statement by minister

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

State of the Territory's Finances, as at 31 October 2001—Response to the Blessington Analysis of the Commission of Audit Report, dated June 2002.

I ask for leave to make a brief statement.

Leave granted.

MR QUINLAN: Mr Speaker, members will recall that the Leader of the Opposition has tabled an analysis prepared by Mr Paul Blessington in response to the commission of audit's report on the territory's finances as at 31 October 2001. The commission has reviewed the Blessington analysis and provided me with a response. Given that the Blessington analysis was put on the Assembly record, I consider it necessary to table the commission's response in the Assembly as well.

I will not make comment on this response. I will just leave it to the public and to members to judge the validity of the Blessington analysis. I commend the commission of audit's response to the Assembly.

Questions without notice Immunisation rates

MR STANHOPE: Yesterday, I took on notice a question by Ms Dundas on immunisation rates. I table a copy of the answer. I present the following paper:

Immunisation rates—Copy of answer to question taken on notice asked by Ms Dundas on 5 June 2002.

Gungahlin—broadband services

MR QUINLAN: During question time, Mrs Cross asked a question which seemed to connect a request by TransACT for ACT business incentive scheme assistance with Gungahlin. I have had that checked. There is absolutely no connection between the rollout in Gungahlin and the application that TransACT did make. I have to say that any connection made in a public statement by, say, a press release would be, at best, misguided and symptomatic of a fundamental lack of understanding of business finance and, at worst, less than honest.

Estimates 2002-2003—Select Committee Membership

MR SPEAKER: I have been notified in writing of the nomination of Ms Dundas, Mrs Dunne, Ms Gallagher, Mr Hargreaves and Mr Humphries to be members of the Select Committee on Estimates 2002-03.

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

That the members so nominated be appointed as members of the Select Committee on Estimates 2002-03.

Aboriginal health Discussion of matter of public importance

MR SPEAKER: I have received letters from Mrs Dunne and Ms MacDonald proposing matters of public importance. I dealt earlier with the letter from Mrs Dunne. Ms MacDonald's matter of public importance will be submitted to the Assembly, namely:

The importance to the Canberra community of the state of Aboriginal health.

MS MacDONALD (3.46): Mr Speaker, I rise today to speak about a long-standing issue of national concern—indigenous health. Last week we passed an important historical milestone for Australia: the 10th anniversary of the Mabo decision in 1992, which reshaped our nation's methods and ability to deal with traditional land ownership. As this historical milestone passed, I joined with many Australians in reflecting on how we as a community and as a nation have dealt with many indigenous issues.

Ms Gallagher's matter of public importance on Tuesday brought indigenous suffrage to the Assembly's attention, and I wish to thank her for that and her passion for real reconciliation.

It is a sad reality that, despite the best efforts of this country's proud and determined indigenous population and indigenous leadership, very little progress has been made in important areas. Many well-meaning governments at all levels have made determined efforts to improve aspects of indigenous health, most with mixed results. I believe that a successful and positive way forward is through addressing specific indigenous health issues through cultural needs.

Specific indigenous services have shown promising results and, as with most community or ethnic groups, success emerges from empowerment. The standard of the health and wellbeing of Aboriginals and Torres Strait Islanders is still far behind that of the rest of Australia. I am choosing deliberately not to use the term "white Australia" because the fact is that Australians of all ethnicities are far outstripping local indigenous populations in the area of health and wellbeing.

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I know that the ACT Chief Minister, Mr Stanhope, treats the issue with a great deal of concern and importance, and I am glad to see that he has indicated his desire to speak. His willingness to tackle the issue of indigenous health in the ACT is both genuine and welcome.

Labor went into government committed to making improvements in a range of areas which, taken together, should make a difference to indigenous health. More importantly, we have committed to working in partnership with the indigenous community to achieve positive change. The first example of the partnership approach that this government has adopted was seen during Reconciliation Week, when the first Ngunnawal elders council met and shared their views on matters which are of high importance to that part of the Aboriginal community.

I understand that the health of the community was raised universally by the council as a matter they saw as a priority for this government to address. Members of the council of elders reported their distress at the number of funerals they attend for members of their community. This community experiences in a tangible way the poor state of its health: funerals are frequent occurrences for them.

This government is committed to doing the things that will make a change, to take the necessary steps in redressing the imbalance between sections of our community. The government has signed up to the Council of Australian Governments' reconciliation framework. We are committed to better understanding the outcomes that are achieved for this section of our community.

The government has committed itself also to an over-arching framework to monitor progress through the Ministerial Council for Aboriginal and Torres Strait Islander Affairs. The plan will provide a basis for all ministerial councils to focus on improvements in outcomes for Aboriginal and Torres Strait Islander people. Through it we will better understand where we need to focus resources, where we need to do better and how government services can better co-ordinate to improve the circumstances of Aboriginal and Torres Strait Islander people.

This government is committed to this process and, through participating in it at a national level, will continue to address and improve the unacceptable nature and status of health in the Aboriginal and Torres Strait Islander community.

I look forward to contributions from all sides of the Assembly today. The commitment to social issues from most members of the Canberra Liberals is acknowledged, and I also acknowledge that commitment from the Democrats and the Greens. Last year's Assembly inquiry into indigenous health, conducted while the Liberal government was still in power, was an important step towards a blueprint for the future of indigenous health. I look forward to a unified, cooperative and serious approach to responding to indigenous health needs in the ACT, over this term of government and beyond.

Mr Deputy Speaker, there are many in Australia who continue to use the indigenous population as a means to score cheap political points and as a vehicle for re-election. Since 1996 the Howard government has chosen not to provide leadership, not to provide assistance and not to work towards solutions on almost every facet of problem facing Australia's indigenous peoples.

Funding for important indigenous services is lacking, with many vital services underfunded and most much needed services getting nothing. A bottomless pit of money is never the solution, but well-resourced and well-managed facilities are. Mr Howard and his government, however, have chosen to play wedge politics and divide the Australian community in a shameful bid to advance themselves.

The *Bringing them home* report should have been seized as a wonderful opportunity to advance Australia, heal our country and take a unified nation into the 21st century. Instead, we saw prejudice and political expediency rule the federal government decision-making process. It is remarkable that Mr Howard can continuously call on the Labor frontbench to apologise for minor comments but stand firmly by his decision not to even say sorry to those thousands of Aboriginal people who were removed from their parents.

Making claims that there would be financial ruin and saying that an apology means responsibility and therefore leaves the government open to land claims and monetary compensation is both shameful and misleading. In New South Wales, Premier Carr gave an immediate apology on behalf of the government and to this day, even after a test case in the courts, not one cent or one square inch of land has been ordered in compensation. Why consider morality when you can consider re-election? I think that is what Mr Howard believes.

They then had the audacity to state that the term “stolen generation” was misleading. I quote—

MR DEPUTY SPEAKER: Ms MacDonald, we are coming back, I trust, to the matter of public importance: the importance to the Canberra community of the state of Aboriginal health?

MS MacDONALD: Yes, we are, Mr Deputy Speaker.

MR DEPUTY SPEAKER: Thank you.

MS MacDONALD: I quote: “10 per cent of a population is not a generation.” It does actually go to the matter, Mr Deputy Speaker. I take some small consolation in the knowledge that future generations of Australians will look at the period of the Howard government with contempt and embarrassment. John Howard will be treated by history in the way he deserves, as a small man who chose to exploit this nation’s most vulnerable groups for political advantage.

Howard’s approach to indigenous issues is three-tiered: blame them for it, run a campaign of misinformation and then tell the voter you are going to get tough on it—no solutions, no responsibility and certainly no compassion. If you just slip in a grass covered skateboard ramp next to the National Library, voila! You have instant reconciliation.

But you are right, Mr Deputy Speaker, I do digress. The health concerns, indeed, the health facts regarding indigenous peoples are akin to a third world country health crisis. As the average Australian now lives comfortably to their 80s, Aboriginals are dying nearly 30 years earlier. Thirty years, Mr Deputy Speaker. With census statistics showing

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an older, healthier Australia, statistics for indigenous Australia are glaring at us by comparison. The average age of Australians is about 35; the average age of an ACT Aboriginal is 19. The Australian and ACT Aboriginal population is young, but instead of celebrating youth, they are literally facing an unhealthy future.

Other facts to emerge which highlight the importance of this issue are terribly disturbing. Half of all indigenous males die by the age of 49 years. For women it is 59. This compares to 75 and 82 for the non-indigenous population. Only 39 per cent of indigenous families live in homes that they own or are purchasing. This compares to 71 per cent of non-indigenous families. In 1998 the ABS reported that the average weekly income of an indigenous person in the ACT was \$306; for a non-indigenous person it was \$432. The unemployment rate for indigenous people in the ACT is over 15 per cent.

This shows that, whilst we can talk about improving health services to the Aboriginal and Torres Strait Islander community, we need to adopt a holistic approach. We all know that poor health does not occur in a vacuum. Poverty, poor housing, unemployment and poor education, as well as problems of substance abuse and violence, all play a major role in the poor health of our indigenous community. We cannot address health problems in isolation from these broader factors.

Despite tremendous advances in the treatment and knowledge of heart disease, it is a rampant killer in indigenous communities. The disease of alcoholism is still in epidemic proportions, afflicting indigenous peoples at rates well above those for the rest of the population. Diabetes, suicide, depression and other concerns, like petrol sniffing and chroming, are at incidence levels that would warrant crisis status in any other population. Trauma, poisoning, injury, hepatitis C, HIV and diseases preventable by childhood immunisation are also occurring at much higher rates in the indigenous population.

The issues raised in this matter of public importance will not even be the tip of the iceberg. My 15 minutes and the supporting 45 is almost patronising when the needs relating to Aboriginal health are considered. Health issues in every area need addressing, which is why this government has pumped millions of extra dollars into ACT health services and resolved the nurses dispute as a priority. But, quite simply, indigenous health problems occur at such disturbing rates that it is important to consider them in isolation.

The old Canberra Sorry Day Network, now known as Journey of Healing (ACT), has done a wonderful and professional job of preparing a progress report on the *Bringing them home* report that I mentioned a few moments ago. To those members who have not had the opportunity to devote some time to reading the report, which landed on our desks in the last few days, I would urge you to set aside a small part of your day to familiarise yourself with it.

The Winnunga Nimmityjah Aboriginal Health Service in Ainslie is one such indigenous specific health centre getting results. Indigenous people are often reluctant to use mainstream health facilities, but Winnunga provides the sort of environment and understanding that is needed across the ACT and Australia.

As I mentioned previously, success will come through empowerment. The ACT government's assistance with rent and medical staff within a cultural context is welcome and obviously needed. More services are needed and better premises for Winnunga are now needed. In many ways the very success of the centre has placed strains on it.

The provision of services which incorporate cultural needs and understanding is not a new approach by any means. Youth community centres, women's services and even the Melbourne Club all meet the needs of their clientele by creating an atmosphere specific to a demographic, gender or community group. The Aboriginal Health Service is a logical extension of such an approach and its success has had an immediate impact on ACT indigenous health.

I look forward to the Chief Minister outlining his commitment to Winnunga and Aboriginal health services generally. A greater range of services are needed, all with continued emphasis on working with indigenous cultural needs. While the Ngunnawal Aboriginal Corporation are providing services to elderly indigenous people, I would like to see more indigenous-run programs and services. Why, then, do I keep emphasising cultural understanding in indigenous specific services? Quite simply because it gets results. Tackling mental health issues leads to progress on substance abuse, and the education of indigenous people by indigenous people can assist in preventing heart disease, diabetes and infectious diseases.

Educating the broader community is always difficult, and it seems that this is also true of indigenous people. Many people are unaware of existing services, and there seems to be a stumbling block in access to information for indigenous people who are prepared to initiate treatment for themselves. Efforts to improve this aspect of indigenous health are obviously needed and can be made reasonably easily.

An injection of funding for an education campaign about available services invariably leads to better utilisation of those services. While an influx of service users places strains on funding, I think all in the Assembly would acknowledge the truism that prevention is better than cure. Certainly, as far as indigenous health is concerned, prevention is cheaper than cure.

The problems affecting the indigenous population are best handled nationally, and recognising their removal from their culture, family and traditional aspects of belonging to a people and race is the first step. *Bringing them home* recognises what psychologists and sociologists have always known. When you rob people of an identity and when they are disempowered, their health, sense of belonging and ability to fit into what we tag "mainstream society" are severely diminished.

Indigenous people are overrepresented in the prison system and in substance abuse programs. The health and social problems we see today and need to start treating seriously are a direct result of 200 years of mistreatment, failed government policy and failure by the European community to recognise the importance of Aboriginal culture to Aboriginal health—hence the great disappointment in our Prime Minister and those of his team who have chosen to let positive opportunities slip through their fingers.

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The indigenous health and community services that commenced in 2000 in Canberra are important foundations but not the solution. Services must be expanded, facilities must be improved and attitudes must be changed. Canberrans pride themselves—

MR DEPUTY SPEAKER: Order! The member's time has expired.

MR SMYTH (4.01): Mr Deputy Speaker, it is a pleasure to rise and speak on this issue. It is an important issue, and Ms MacDonald said she did not want to trivialise it by continuing to attack the Howard government. It is curious that she spent nine of her 15 minutes talking about the failings of the Howard government, when the matter is the importance to the Canberra community of the state of Aboriginal health.

The easy thing to do would be to poke back, but I will just make three quick points. The previous Labor federal government never apologised, they fought the stolen generation and their compensation claims in the High Court, and they fought Eddie Mabo in the High Court against his land rights push. I think you should consult your history before you make such patronising comments about the—

Ms MacDonald: The stolen generation report came out under the Howard government.

MR SMYTH: The stolen generation was occurring before the Howard government. You cannot blame the Howard government for the stolen generation. Mr Deputy Speaker, if Ms MacDonald is truly interested in the state of Aboriginal health in the territory, she should ask the health minister for a look at his incoming government brief or perhaps get a brief from the department on what is actually happening—not just in health but also in housing, education, policing, even in planning—across the territory.

Procedures, processes and programs have been put in place to start addressing the unmet needs of indigenous Canberrans. I do not believe that is enough; I believe there is more to do. We should be encouraging the new government, in their first budget, to build on the commitment and the work that was done by the previous government.

There are approximately 3,000 people in the ACT who identify themselves as being of either Aboriginal or Torres Strait Islander heritage. There are estimated to be another 3,000 people in the surrounding region. We know that the Aboriginal and Torres Strait Islander population has a much lower age profile than the non-indigenous population, a fact which reflects higher fertility rates and lower life expectancy. As the Chief Minister mentioned in an answer he gave in question time, life expectancy and other things we take for granted are still not accorded to indigenous people, even those in the ACT.

The major issues affecting the health of Aboriginal and Torres Strait Islanders include injury, alcohol, tobacco and other drugs, diabetes, cardiovascular and circulatory diseases, mental and spiritual health and trauma from poisoning. We have used the words “mental and spiritual health” because it is a recognition and acceptance of the difference of indigenous peoples. That is why one of my initiatives during the previous government was to name a suburb in Gungahlin “Bonner” after a significant indigenous Australian. The streets in that suburb will be named to give recognition and acknowledgment—to build the bridges that are so important.

Much work was done in that time. Kate Carnell, as the former Chief Minister, put out the draft Aboriginal and Torres Strait Islander regional health plan, which looked at injury, alcohol, tobacco and other drugs, diabetes, cardiovascular and circulatory diseases, maternal and child health, mental and emotional health, suicide, violence, preventable diseases, sexual health, hep C, HIV, pneumonia, influenza, child immunisation and welcoming home the stolen generation. I think it would be fair to say that the previous Assembly that welcomed Aboriginal people to the bar of this place to tell their story—which I have to say I was not here for—led the way in this country.

We also need to look at issues like men's health services. What the Aboriginal and Torres Strait Islander regional health plan was expected to do was start breaking down those barriers and allow us to work together as a community to improve the lot of indigenous Canberrans. That plan was released in October 2000 with the moving over the boundaries partnership agreement, or the MOB, as it was known. Money was put into that to address that need, but I would say to anybody here that it is still not enough. We need to build on that.

The Australian Institute of Health and Welfare with the Bureau of Statistics and the Commonwealth Department of Health and Ageing do analyses of expenditure on health services for Aboriginal and Torres Strait Islander peoples. The latest report I have been able to see—1998-99—said that in the ACT, the ratio of expenditure on health services for Aboriginal and Torres Strait Islanders to non-indigenous people was \$2.56 to \$1 in comparison to the national ratio of \$1.22 to \$1. At the time it was released some doubt was cast on the numbers, but this Assembly, through appropriation bills, has made a commitment to the Aboriginal people, and it needs to be built upon.

If you look at the social determinants of health, two that crop up time and time again are access to a job and, through that job, income and access to housing—a decent roof over your head. On 8 November 2000 we announced \$50,000 going to Winnunga Nimmityjah to run a housing support service. In that announcement we talked about housing services, the choices that are available and the responsibilities you have when you get into housing.

The money was also meant to provide information and cultural awareness training to housing providers so that the education process could go on to get better health outcomes. It is a starting point. When you take into account the low base that our indigenous brothers and sisters come from in many cases, you understand there is much more to do.

Another initiative of the previous government to increase access to jobs and full-time employment was for self-starters who wanted to get into business. The Indigenous Business Chamber was given a boost by that government of almost \$20,000 to help set itself up. I was delighted to see the current Chief Minister open that service. We know that it is there and that we are giving encouragement, which is so very important.

But the work needs to go on. We are now looking at the second framework agreement in its draft form so that we can continue that work. The ACT Aboriginal and Torres Strait Islander Health Forum has developed an ACT Aboriginal and Torres Strait Islander regional health plan. There are seven principles to that plan.

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The first is that we establish a primary health care approach and that we get it right—right from the start—the second, that we strengthen community and early intervention because we know that is far more effective than cure and rehabilitation; and, third, that we strengthen community control through empowerment, allowing the community to take control and giving them the resources, because they can do it better.

The fourth principle is that we have culturally appropriate health services that address their needs. The *Medical Journal of Australia* of 18 March this year, reporting on a recent survey, said that studies of Aboriginal health problems are difficult for a variety of reasons. During the first week of the survey, 40 people were asked by health workers if they would take part in it, and 35 of them declined. Of the five who agreed, all had scored indicating either hazardous or extreme and harmful use of alcohol. The article comments:

The low participation rate was attributed to a number of factors, but primarily the reluctance of patients to answer questions about their use of alcohol, particularly when asked by other Aboriginal people whom they knew. This reluctance also extended to non-Aboriginal staff with whom patients had ongoing contact.

So, we have to make sure that we get our approaches right.

The fifth principle of the health plan is the appropriate and relevant distribution of resources, so that there will be the resources at the coalface to carry out the job. The sixth is to recognise the role of indigenous health care workers—to boost them, train them, tell them they are doing a good job and support them in what it is that they do. The seventh is to improve data collection and evaluation. Unless we know with accuracy what we are doing, we could potentially waste money, in that it might not be being used as effectively as it could be.

A number of programs were funded in the last budget across a range of things, whether it be housing or, for instance, the Aboriginal midwife access program, which got \$74,000 over 18 months, or sexual assault services—the Canberra Rape Crisis Centre received \$85,000 for a service to deal with sexual assault in indigenous communities because that has to be approached in a sensitive way. Scholarships were funded. The indigenous home and community care service received money. We also wanted to improve access to mainstream services, so there is \$250,000 a year to progress the priorities that I have already spoken about in the regional health plan.

This is about breaking down the barriers that exist between sectors, so that mental health talks to drug and alcohol talks to accident and emergency talks to mainstream talks to housing talks to job creation. Then we get co-ordination, we get sensitivity to their needs and we come up with solutions that break the cycle and address the long term. That is how we will achieve significant results in the future. It is also about being culturally aware. That is why, back in 1999, we announced that Yarramundi had been chosen for the Aboriginal and Torres Strait Islander Cultural Centre.

But more work needs to be done, Mr Deputy Speaker. When the issue of youth homelessness came up during the term of the last government, we got the leaders in the area—Bill Stefaniak, as youth affairs minister, Michael Moore, as health minister and me, as housing minister—to come together. We said it was not just a housing problem; it

was about improving the ability to work together of all the sectors that make you viable when you get into a house so that you can remain there. The report that came from that task force and its initiatives, which are still being implemented, went a long way towards being able to say that, as a community, we can work better.

That is why I would throw on the table today the idea of establishing an ACT office for indigenous health. This would not be an office of the health department; it would be an office that looks at the far-reaching implications of having a job, having a roof over your head, being able to be proud of your culture and getting the assistance you need in the form that you need it when you need it. I therefore commend to the government the concept of an office of indigenous health, embracing all the areas that impact on the health of indigenous Canberrans.

There is much more to be said and much more to be done. The baton has now transferred to the new government, and I acknowledge their interest in indigenous health in the ACT. We have an opportunity as a city-state jurisdiction to make a huge difference. We have the opportunity to fund and put together programs to make sure needs are met, whether in the region—we service a large amount of the community that comes across the borders—or whether it is simply Gowrie Court, Narrabundah Primary School or a primary school in Holt. Wherever it may be in the ACT or across the border, we must establish—as a community, as a government, as an Assembly or as a group of individuals—a way to work together for the betterment of indigenous people and their health. I commend the motion to the house.

MS TUCKER (4.14): I will join in this debate on the importance to the Canberra community of the state of Aboriginal health, firstly, by putting on the record the report released last month, in May, by Journey of Healing (ACT), *Are we bringing them home in 2002?* I do this to make the point that we still have quite a long way to go and that we do not have only the report of the last Assembly, released in August 2001—an inquiry into Aboriginal and Torres Strait Islander health in the ACT by the then Standing Committee on Health and Community Care.

I referred that subject to committee inquiry in the last Assembly because there was obviously a lot of work to be done and because that government did not seem to really focus on these issues at the time. That work was done by the committee, and it was useful. In fact, I was considering turning this matter of public importance into a substantive motion calling on the government to put in a formal response to that report. I am not going to do that, but I am certainly raising it as something that could be useful. Perhaps government could respond to that suggestion in this debate. Most people think it was a useful report, and it would be good to get this current government's response.

Some of the recommendations are very sensible, and I think a bit of extra response could be made to some of them. To have a formal response from government would be useful. Even if they just look at those recommendations carefully, some interesting issues could be raised. If the government were prepared to respond formally, we would have an annual check-up, through the annual reports, on how we are progressing. There are, of course, other documents that are tracking what is happening in the area of indigenous health.

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As I said, *Are we bringing them home in 2002?* of May this year is one such report. It highlights a series of issues that are yet to be addressed, and I will read out, for the record, a couple of them that I think are particularly important if we are talking about health. As other members have said, health has to be seen in a holistic context; it is not just about the physical condition of people. Health is about how they feel as a culture; it is about whether they have housing, it is about whether they are being appropriately educated.

I have a reaction against pathologising a whole community, which is something that tends to happen with indigenous people. It is important to always stress, when we have this sort of discussion, that you have to look at the social context to understand how people are surviving and how people are being as individuals. There are a lot of Aboriginal people in our community who have found lots of good things in their lives, who are courageous, who are working hard and who are successful. I think we always need to acknowledge that. We could easily pathologise the whole non-indigenous community in a number of areas if we wanted to, if it was a totally different situation. I can think of several ways you could do that with the non-indigenous community. But we do not, of course.

Are we bringing them home in 2002? raised the matter of proposals that are yet to be addressed. These are that the ACT government implement the ATSIC regional countries employment strategies; that the ACT government and private sector set minimum employment targets to match the indigenous proportion of the work force rather than the population; that private enterprise address employment discrimination, especially in retail and real estate; that attention be given to funding and equities, before CDEP and mainstream job placement agencies, for similar intensive assistance for job seekers. Obviously, employment is really important.

Proposals for indigenous education and training yet to be addressed are indigenous sensitivity training for all teachers and staff in all schools and colleges; expansion of alternative education programs for indigenous young people, including girls; support for ASSPA committees to empower the parents of indigenous students in ACT and Queanbeyan schools where needed; and fee exemptions to be offered by the ACT government to indigenous students at CIT.

Proposals for housing yet to be addressed are urgent ACT government action to improve access for indigenous people to affordable and appropriate housing, including faster allocation of housing to indigenous community housing agencies; innovative solutions to the shortage of low-cost housing, including training indigenous people to build and maintain simple, low-impact housing under community management; and a survey of these by Aboriginal Hostels with a view to providing hostels in the ACT.

Another proposal yet to be addressed is for ACT and federal governments to fund preventative services, including intensive family support programs, programs for men and increased resources for supported accommodation, especially for women and children escaping violence.

In the section "Learning to avoid repetition" it is proposed that the ACT government make indigenous sensitivity training compulsory for all staff at all levels and to engage specialist indigenous cultural trainers for the purpose; that DECS establish indigenous

sensitivity training as a system priority for 2003 and set aside funds to assist school boards to provide professional trainers; that indigenous sensitivity workshops be provided for all community agencies providing services; and that ACT and federal governments have indigenous sensitivity training for all staff as a requirement of every service they fund or contract.

I think it is important that the substance abuse task force, which is obviously related in a more direct way to health, enthusiastically engage the indigenous community in a discussion to determine a good process for finding out what people think, what works and where the indigenous community sees solutions. There is a great opportunity for the substance abuse task force to show leadership in the process and show that there is a really good connection with the indigenous community.

Of course, there is the question of incarceration, which is also related. In evidence given to the Committee on Legal Affairs last week we heard that the indigenous imprisonment rate in the ACT is still the highest in the country—over 5,000 per 100,000 of the population. Incarceration not only is a health issue in itself; it reflects more fundamental problems, which I think most of us are very well aware of. For several years now I have heard from Jon Stanhope a very clear commitment to addressing this and a very clear understanding of the issues. I am not suggesting that this is news for the government in any way, but this is an opportunity for us to raise the issues.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.23): I am pleased to make a contribution to this debate as well. It is important that we continue to discuss this and a range of other issues; they are of real significance to the community. All speakers have acknowledged that we need to take a holistic approach to indigenous health issues. It is not just a question of looking at the health indicators and saying that the health of some indigenous people is crook. Each of the speakers has referred to the fact that there are a whole range of factors and, indeed, historical indicia that account for the health status of some people in the indigenous community.

I agree with Ms Tucker that we need to be careful about the way we think about the indigenous community in that we are not talking about every indigenous person. There are significant sectors of the indigenous community that do participate fully in employment and all other aspects of social intercourse and community life in general. That is very much the case here in the ACT. There is a significant proportion of the ACT indigenous population in full-time employment, and we need to be mindful that there has been significant stereotyping of indigenous people throughout Australia.

One of my sisters—and I have many—is a nursing sister and for 10 years was the director of nursing at Pomperoy, on Edwards River in the Gulf of Carpentaria, in an indigenous community with significant social dislocation and an enormous range of health and other major problems, which I used to discuss with her quite deeply.

My sister then moved to central Queensland and worked as the director of nursing at Cherbourg, an Aboriginal community of over 2,000 people. I had always thought that the issues and health indicators were the same at Cherbourg as they were at Pomperoy in the gulf and was upbraided by my sister about my assumptions. She said that the community at Cherbourg was typical of and similar to many country towns in terms of the health

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issues of the population. There was a group that had a range of problems, but the majority of that indigenous community did not have health problems at all and did not regularly attend hospital for care. So we need to be mindful not to stereotype or to assume that no significant gains have been made across the board in indigenous health.

We all know that the World Health Organisation defines health as a state of complete physical, mental, and social wellbeing and not merely the absence of disease or infirmity. The national Aboriginal health working parties, in relation to the development of the Aboriginal health strategic working plan, also describe health from an indigenous perspective as determining all aspects of their life, including control over their physical environment, dignity, community self-esteem and justice.

It is not really a matter of the provision of doctors, hospitals and medicines or the absence of disease and incapacity. Indeed, the strategic plan for national Aboriginal health refers to not just the physical wellbeing of the individual but also the social, emotional and cultural wellbeing of the whole community. This is a whole-of-life view and it includes the cyclical concept of life, death, life.

Each of the speakers has referred to the issues we need to address in order to raise the level of health of and provision of health to indigenous people and communities. All of those issues are as relevant here in the ACT as they are elsewhere, and we need to continue to be mindful of the fact that in the ACT we are faced with the same issues that all governments around Australia have that have responsibility for indigenous issues.

There is now this well-acknowledged and recognised relationship between socio-economic status and health, and it is by addressing the causes of low socio-economic status that we can best address issues of health, welfare and wellbeing. It cannot be gainsaid that, as the socio-economic position improves—for all communities—the health status of people on a particular socio-economic gradient improves. This gradient, from poorest to wealthiest, has been observed for most of the major causes death.

It is true that there is a range of programs and initiatives in the ACT, and one of the tasks facing us is the delivery of across-the-board, holistic services to indigenous people. We need to look at this seriously, and I have asked the Chief Minister's Department to co-ordinate, on behalf of the government, the development and genuine assessment of an all-of-government approach to the delivery of services to indigenous people. That is currently being done, and I am hopeful that I will be in a position within the next few weeks to make a statement on a new, focused approach to the delivery of services aimed at addressing issues affecting, in particular, indigenous people in the ACT.

Ms Tucker referred to a significant report of the health committee, which was delivered towards the end of the last Assembly and which is yet to be responded to by the government. I propose at this stage to respond to that report in the next sitting week. It goes to some of the issues affecting the indigenous community that each of the speakers has addressed today.

When we talk about indigenous health in the ACT there is always a focus on Winnunga Nimmityjah, its capacity and the services that are provided there. That service has grown enormously since it was established 10 years ago in the second Assembly, as I recall. I believe Mr Berry was the relevant minister who directed the establishment of

Winnunga after some fairly significant lobbying by Matilda House, who is out there lobbying still.

But there is a real focus on Winnunga, and we are all aware that, as a result of the rate of growth of the Winnunga service, it has outgrown its current facility. The director, Julie Tong told me at some stage last year that there are now between 22 and 25 employees working out of the Winnunga Nimmityjah facility. At the time the facility was created at Ainslie it was welcomed and embraced by the indigenous community, and it still is. The facility has an enormously warm and strong place in the hearts of the indigenous community, but there is a genuine issue there.

Winnunga, with combined Commonwealth-ACT funding, is currently developing a strategic and operational plan to identify the needs of the local indigenous community—an important piece of work in terms of the decisions the government will take in relation to indigenous health in the near future. Work on the development of that strategic plan has not been completed yet. Consultants have been engaged, and I look forward very much to their report.

As Mr Smyth said, there are programs across the board in the ACT that are designed to deal directly with issues of importance to the indigenous community: youth welfare, the interface between indigenous people and the criminal justice system and the very high levels of incarceration and arrest of indigenous people. We need a cohesive way of dealing with all these issues.

MR DEPUTY SPEAKER: The Chief Minister 's time has expired.

MS DUNDAS (4.33): I also rise to speak on this matter of public importance. We all know that Aboriginal people have the shortest life expectancy and highest infant mortality rate of any group in the Australian community, and we all know that poor health is closely correlated to lack of life opportunities. Low incomes and low levels of education certainly hamper the capacity of Aboriginal people to attain and maintain good health. But the reasons go deeper. They go back to unresolved business between Aboriginal and non-Aboriginal people.

The ACT government has acknowledged its sorrow over the stolen generations and, through gestures such as the new signs at the ACT border, has recognised that we work and live on Aboriginal land. But the Australian Democrats believe that acts of a more substantial nature are required to give the indigenous people of the ACT the political and social recognition that they need to overcome a long history of disadvantage.

Most non-Aboriginal people still benefit from Aboriginal dispossession through laws supporting inherited property. Very few Aboriginal people were awarded titles to land under European law at the time of European invasion, so they had no land that they could pass on to their children. In this way equity and wealth were institutionalised when Aboriginal people were dispossessed.

Further injustices were done to Aboriginal people when we took children away from their families, causing immeasurable grief and huge cultural damage. We see the legacies of dispossession and separated families in today's high rate of suicide and mental health problems in the indigenous population. The effects of dispossession and family

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separation are also evident in high rates of imprisonment and substance abuse, and we also see high levels of poverty related health problems, such as diabetes and heart disease.

These problems are apparent in Aboriginal communities across most of Australia, including the ACT. Only through approaches that address the cultural, social and emotional health of individuals, families and communities can we expect to see a lasting improvement in Aboriginal health. Political action is necessary to create the foundations for that broad recovery in health. Aboriginal people have been waiting over 200 years for compensation, so they have decided to do what they can while they continue to wait and fight for justice.

The Australian Democrats have consistently spoken out for self-determination for Aboriginal people in the area of health and in all other areas that affect Aboriginal lives. Almost 100 Aboriginal community controlled health organisations have sprung up across Australia in the last decade, including the Winnunga Nimmityjah Aboriginal Health Service in the ACT. These health services deliver culturally appropriate health services to Aboriginal communities under the direction of Aboriginal people.

As well as providing primary health care, these centres run important preventative health programs, most of which address the cultural and emotional foundations of good health. Winnunga Nimmityjah is running programs to address smoking and community building and to record and pass on cultural knowledge.

The service also assists indigenous people in detention and in the ACT mental health system. These community controlled health organisations deserve our unequivocal support because it is the ideas and priorities of Aboriginal people that will get better health outcomes. We already know that mainstream health services have been unsuccessful in achieving genuine health improvements, and these community controlled programs have been shown to produce results.

We should all be looking for opportunities to address the political and economic disadvantage at the root of poor Aboriginal health. I hope we look for these opportunities during our time as representatives and Assembly members.

MRS DUNNE (4.37): This is an issue of utmost importance, and I rise to support Ms MacDonald in her MPI, the importance to the Canberra community of the state of Aboriginal health. It is of utmost importance and is a seemingly intractable problem that deserves to be at the forefront of every legislature.

We now know that, before the arrival of Europeans, the Aboriginal peoples of Australia were a strong and healthy race of hunter-gatherers whose lifestyle promoted good health. Little evidence has been found of the existence of widespread illness or disease amongst them. It is unlikely that they suffered from obesity, hypertension, diabetes, renal failure, coronary heart disease, HIV, hep C, measles or any of the other diseases that, along with substance abuse, have reached epidemic proportions among Australian Aboriginal peoples today. No amount of obfuscation can hide the fact that we have a problem.

The cynics might sneer at the serious involvement of the ACT, given that it has such a small indigenous population—of around 3,000. But there are two salient points that should be made here. First, this is a problem that is of appropriate concern to all Australians, especially legislators, whatever their jurisdiction. Second, we are uniquely placed in the ACT to take a lead role in addressing social issues, being still to some extent a polity where new ideas can be road tested.

Let us take a lead role in tackling constructively the blight upon this nation. We have within our political scope here the means to establish mechanisms—admittedly, on a small scale—that can be calibrated and redefined to the point where they might serve as a model for a larger scale enterprise. I, for one, would be very proud and eager to support the initiative, suggested by my colleague Brendan Smyth, of an office of indigenous health.

In this small jurisdiction, we have the opportunity to break down the silos and, as the Chief Minister said, treat Aboriginal health in a holistic way. It is an issue on which we, as an Assembly and a representative cross-section of the community, can and should work together. In the broader context of seeking to improve the lot of Aboriginal people, let us recognise the links between the Aboriginals' burden of illness and their cultural alienation as a significant first step towards lasting and significant change.

This is a time to be bold, a time to be daring and a time to break new ground. It is a matter for regret to me to observe what is a harsh and real fact: doing what we have always done to improve Aboriginal health will only give us the same health outcomes, and the statistics will continue to show the shameful morbidity and mortality rates of Australia's first peoples. Can we make a difference? I believe we can and we must, and on this note I endorse Ms MacDonald's MPI as an acknowledgment of our wider responsibilities.

MR SPEAKER: The discussion is concluded.

Assembly business

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

That so much of standing orders be suspended as would allow the order of the day, Assembly business, relating to the proposed establishment of a select committee on privileges being called on forthwith.

Privileges—Select Committee Establishment

Debate resumed.

MR HUMPHRIES (Leader of the Opposition) (4.41): Mr Speaker, the opposition has serious misgivings about the effect of this motion and puts on record its concern about this motion. Any matter which amounts to an inquiry into privilege is a matter that needs to be taken seriously. The opposition will, of course, cooperate in that inquiry.

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Having indicated that we have respect for the process used in such circumstances, we cannot help observing that this is a matter intended to go to the conduct of a particular member of the staff of the Liberal Party.

There is no way that this inquiry will not be, in effect, a trial of this person. Yet, this same person received, today, an indication from the Director of Public Prosecutions that his conduct attracts no criminal onus, and that no criminal offence is disclosed by the evidence relating to that matter.

After being under something of a cloud for nearly four months, this individual would have been entitled to, today, be feeling a sense of relief and feeling some entitlement to be able to get back to life as usual, to the extent that this is possible after what took place. However, that clearly is not going to be the case if an inquiry of this kind is to be moved. This matter will run on for several more weeks, at least. The result will be that this person's position will be under a continuing cloud, even if, up until today, that person's name has not been mentioned in the media. But that is no longer the case, as I mentioned earlier today.

Mr Speaker, I think that this is nothing more nor less than a witch-hunt. It is designed to pursue a Liberal Party staff member in circumstances reminiscent of a number of earlier incidents in this place. It is unreasonable to view the circumstances of this matter—circumstances which I have outlined in a media release that I issued today—as a matter which appropriately goes to a question of privilege.

I said earlier today that the staff member concerned may not have been wise to have done what he did. There can be debate about the ethics of what he did, but I think that debate is conducted by politicians and journalists with somewhat less clean hands than might be the case in the broader community. Politicians and journalists constantly receive material not intended for them and material that, it might quite reasonably be argued, is not ethically to be handled or used by them, but they do do so.

I do not think this debate should be extended in this way. I think the staff member concerned should have that onus lifted from them. I believe it is difficult to see how the matters complained of—the matters which constitute the conduct in question—could amount to a breach of privilege of the Assembly.

If a person were to be involved in preventing a member of this place from receiving information sent to him or her, that might well constitute a matter of a breach of the privilege of that member, but I do not believe there is any evidence whatsoever that that has occurred in this case.

I do not wish to speak at length about the circumstances of this matter because these are matters that will now come before a committee of the Assembly. Nevertheless, it is unfortunate that the path chosen to consider this matter was to refer it to the Australian Federal Police, with the expectation that it would be dealt with as a matter of potential criminal conduct.

Mr Speaker, presumably it was open to you, at the time of that occurring, to arrange for the matter to be referred to an Assembly committee, to be dealt with as a breach of privilege. You chose not to do so. You chose to treat this matter in a particular way—that is fair enough.

The matter has now been dealt with in that way and I think that, having dealt with it in that way, it is extremely unfair to the staff member concerned to then be told that this matter is not concluded—that a further round of investigation will occur in a different forum, under different rules, to see whether the conduct of that person can be aspersed as breaching a particular set of rules, in this case the rules of privilege relating to this house. That is unfair and unreasonable. It amounts to a concept of the same kind as double jeopardy. I would hope members of this place will not engage lightly in that kind of behaviour.

Having said that, the opposition will nominate a member to serve on the committee, but believes that this matter should not take longer to resolve than is absolutely necessary. I have circulated two amendments to Mr Wood's motion. I seek leave to move those two amendments together.

Leave granted.

MR HUMPHRIES: I thank members. I move:

- (1) Paragraph (2) omit "by 4.00 pm today" substitute "by 15 minutes after the motion is agreed to by the Assembly".
- (2) Add
- (4) Should the Committee complete its deliberations before 20 August 2002, the Committee may send its report to the Speaker, or in the absence of the Speaker, the Deputy Speaker who is authorised to give directions for its printing, circulation and publication.

The first amendment provides for a different time for members to notify of their intention to serve on the committee. The second amendment allows the committee to report earlier than 20 August, if it sees fit. I acknowledge, Mr Speaker, that there may be reasons why it may not be possible for that to take place. It may be that the committee will feel it needs to report under the umbrella of the privilege available to the Assembly, not outside the Assembly. I feel fairly confident that, with reasonable alacrity on the committee's part, the report would be available in a short period of time. So it should be possible to report in that short period of time.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.49): Mr Speaker, this is a very serious matter. It is very important that the Assembly has an opportunity to undertake an investigation into this matter. Many of us do not have a clear idea of what has transpired. I know from my colleague, Mr Wood, that emails addressed to him were, in some way downloaded by another person. I do not know how that happened. I do not know who that person was.

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I know that the police investigated the office of the Leader of the Opposition. I know that the Leader of the Opposition arranged for a member of his staff to take paid leave, but I do not know the details.

I know of the allegations. I know what Mr Wood has told me. I know what Mr Wood knows. I know that Mr Wood's privacy has been grievously invaded. I know that mail that was addressed to Mr Wood has been redirected to some other person. I am advised it is likely that that other person downloaded that mail and, one would assume, read it—a grievous breach of privacy, a complete abandonment of standard.

This is not just about the law and the letter of the law—it never was. This is not about whether some black-letter law has been breached and that is the end of the matter. There are issues around the entering of the computer of a minister of state and reading that minister of state's mail, irrespective of the content of the mail.

Mr Humphries: There is no suggestion that the computer was entered.

MR STANHOPE: I see from the defence released by the Leader of the Opposition today that, in some way, the offence is not that grave insofar as the material did not seem to be of any great moment and was not used. What is the relevance of that? The defence is that there were not all that many bits of information, that the information was not very interesting and that the information was not used against the government. That is what the Leader of the Opposition says.

There is a whole range of admissions by the Leader of the Opposition in his press release today. He admits that a member of his staff had access to this mail. He gives us some indication, from his perspective, of how many bits of mail were involved. He gives his interpretation of the qualitative state of those bits of mail, and he asserts that they were not used. This is all a defence. In some way, this information then enables us to say that there is nothing to worry about. The Leader of the Opposition acknowledges that mail from a minister of state ended up in his office, but it did not amount to much and was not used, in any event.

We are talking here about some absolutely fundamental principles of privacy, morality, privilege and abuse of privilege. We are not talking about whether the Crimes Act may or may not have been breached and whether that is the end of the matter. We are talking here about fundamental principles of governance and of parliament.

I cannot believe you would suggest for a minute that it is not appropriate that this parliament inquire into all the circumstances of this incident; that this parliament should not have an opportunity to speak to officers of InTACT; that this parliament should not have an opportunity, through that committee, to speak to the Australian Federal Police; that this parliament should not have an opportunity, through that committee, to speak to members of the staff of the Liberal Party and the Labor Party, and that this Assembly should not have the opportunity, through that committee, to call members of the Assembly so we get to the bottom of this issue.

Surely it is in the interests of each of us to get to the bottom of this incident. This is the most appropriate way of doing it—through a privileges committee. That is what it is for. This is a fact finding mission to find out what happened, how it happened, who knew

about it, who intervened to try to stop it, how widespread the knowledge was and exactly how seriously people take this appalling invasion—this complete abandonment of standards, this trashing of the rights and privileges of parliament—privileges that are so important to the appropriate workings not just of the parliament but of government.

Mr Humphries: Aren't you pre-empting the findings of this report?

MR STANHOPE: I am talking about the principles. Mr Humphries, you admitted today, in your press release, that, over a period of two months, Mr Wood's mail ended up in your office and was read by a member of your staff. These are the concessions—the admissions you made today. Over January and February, Mr Wood's mail was being received in your office and opened by your staff.

Mr Humphries: You have to open it to see what it is!

MR STANHOPE: If you think that, because the DPP does not think the Crimes Act has been explicitly breached—in other words, he cannot find a specific offence—that is the end of the matter, it is not. A privileges committee is the most appropriate way of dealing with these grave issues.

MRS DUNNE (4.55): Mr Stanhope's words have confirmed my suspicions that this is just another outrageous attack on Liberal staff. I rise today as a former Liberal staffer to defend current Liberal staffers—some of my former colleagues, and some new staff.

Bagging Liberal staff has been the stock-in-trade of the Stanhope-led Labor Party. Mr Stanhope talks of a complete abandonment of standards—and he did it just now! This is an outrageous attack on a staffer who has just been exonerated—cleared—by the DPP, who said that he has determined that no criminal offence is disclosed by the evidence.

Mr Stanhope: What did he go on to say?

MRS DUNNE: I will get to that—you just wait.

What we have here is, again, an outrageous attack. We have seen Mr Stanhope's stock-in-trade over the past four years that he has been in this place. There was the infamous day, in this place, about three years ago that Mr Stanhope spent an entire day pulling down the reputation of not a Liberal staffer, but a Liberal DLO—a government DLO, who happened to work in the Liberal Party office.

Let us remember what sort of person we are dealing with. We have here today just another attempt to slur the staff of the Liberal Party in general and one staffer in particular.

You can smirk, Mr Stanhope, but you are the one talking about standards. You just threw them out the door. You just threw them out the door—the same as on 8 March this year when you implied that, because somebody had inadvertently received some emails, every member of the Liberal Party staff knew and connived about this. You defamed every member of the Liberal Party's staff in this place.

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What has happened here today, Mr Speaker, is that the government has decided that they would take a particular course of action, and they hoped for a particular outcome. They were disappointed, so they have decided to have a second bite of the cherry and conduct their own witch-hunt.

The things Mr Stanhope said here today go on the basis that he has already prejudged the outcome of this. He has said there was a breach of privilege, and he has said there was a breach of privacy—which, as a matter of fact, is not necessarily a breach of privilege. He has determined that this is the case. He is wanting to hang somebody, and he does not care who it is. This is an outrageous attack. The assertions he has made in this place today—and elsewhere—are based, for the most part, on hearsay.

The staffer at the centre of this has been the brunt of constant jibes by the Chief Minister in the past two or three months. At every opportunity, he has used this place to name the person. Fortunately for Mr Stanhope, that name has never appeared in *Hansard*.

Mr Stanhope: On a point of order, Mr Speaker: I have not ever named this person.

MR SPEAKER: That is not a point of order.

MRS DUNNE: There has been constant interjection using his name. Mr Stanhope, on a number of occasions during question time, has said, “Why isn’t X here? Don’t you miss X? Bring back X!” It is lucky for Mr Stanhope that that name has never appeared in *Hansard*. He has taken every opportunity to make that name public. That is just an example of the scurrilous attacks Mr Stanhope makes on Liberal Party staffers every day.

MS DUNDAS (4.59): I will be speaking to both the amendments and—

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.

MS DUNDAS: I will be speaking to both the amendments and the substantive motion. I believe that the core of the debate is the matter of privilege. Whilst I support the need for a committee inquiry, I do not support the Chief Minister’s comments on the outcome he is expecting from this inquiry. We have had a criminal investigation—it has been undertaken. Let us now look at the core of the matter—the matter of privilege and the matter of ethics—and perhaps find some solutions so this kind of problem can never again arise.

How can we, as an Assembly, work to ensure that we do move forward in the better governance of this city? Witch-hunts are a waste of time, and I hope the committee does not fall into the trap of becoming one. Perhaps instead we should look at the need for guidelines or standards around privilege and access to information.

We have whistleblower legislation for the public service—maybe we need to look at something similar for the governance of this Assembly. I hope this committee will be able to look at outcomes and positive solutions, as opposed to slanderous witch-hunting, because that would be a complete waste of this Assembly’s time.

MR SMYTH (5.01): Mr Speaker, I would like to address some of the comments made by the Chief Minister.

MR SPEAKER: Without being tedious or repetitious, I hope!

MR SMYTH: I will not be tedious or repetitious, Mr Speaker, but it will be the truth.

My understanding is that the Chief Minister used to be the president of the Civil Liberties Council. As Attorney-General, he is here to protect the rights of all citizens. Yet, from comments that appeared in the *Canberra Times* on 7 March, Mr Stanhope had clearly already prejudged all that was about to happen. It says:

Chief Minister Jon Stanhope called on Mr Humphries to also stand aside pending the result of the investigation.

This is the quote attributed to the Chief Minister:

We have a situation here where it was revealed today that a number of Liberal Party staff members apparently knew about what was going on.

Blanket condemnation! He goes on:

There is even the suggestion that the matter was raised at a Liberal Party staff meeting some weeks ago and that indeed every single member of the Liberal Party staff knew about these concerns.

Total condemnation! How is that natural justice? How can any citizen of the ACT have respect for the Attorney-General—a man with a law degree—when he goes out and makes statements like that in public, totally condemning people, without any evidence?

Mr Stanhope said earlier that it is a serious matter. “It was a serious matter, so we referred it to the police and the DPP.” But what we do not have with the police and the DPP—and thank God for it—is the Labor Party view. Mr Stanhope went on to say, “I have no idea what transpired”.

Then why were you making comments? Why were you using this place? Why were you abusing the privilege of this place to make comments about things you did not know? Why? Cheap, tacky, political gain. Your first witch-hunt has failed, Chief Minister. It failed because there was no substance to it. Thank God we have a DPP and a police service that is independent. They conducted thorough research and came to the right conclusion—that there were no charges to be laid.

You were out there, and, by your own admission, you had no idea of what had transpired. Does that mean, Chief Minister, that your comments to the *Canberra Times*, and the comments you made in this place, were things you made up?

Mr Stanhope: No, no!

MR SMYTH: What is true? On one hand, you did not know what transpired and, on the other hand, you are making comments. Don't you see that your credibility here just goes out the door? Your credibility goes out the door!

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Mr Stanhope made the point that it is terrible that a person would open somebody else's email. Well, Mr Stanhope, I have opened one of your emails. I received an email from a constituent addressed to you. My name was not in the 'cc' box, and it looked ostensibly to be just an email to you. There was no mention of my name. The name that appeared was Jon Stanhope. I clicked on it to open it. It was a letter from a constituent to you about midwifery services. I looked at it and thought, "Well, maybe this is not for me—maybe it has come to me by mistake." I emailed the constituent back. I said, "Dear sir, did you intend for me to get this?" He said, "Yes, I did." That is what happens with email.

Sometimes, Mr Speaker—I am sure you are well aware, being the computer-literate person that you are—when you click on the email, at first glance it is not necessarily intended for you, but you open it to see whether it is or not. Sometimes you download them and sometimes you print them—because of the blind 'cc' facility.

Mr Stanhope: Oh, it has all been just a mistake!

MR SMYTH: Perhaps somebody could explain the blind 'cc' facility to you, because you are clearly not across your computer literacy.

Putting all of that aside, Chief Minister—Mr Speaker, if you please, through you—I showed this to the police, and I then showed them the response email that I got that said the email was intended for me. You could see it on the officer's face: oh, okay—there is a way that somebody might get an email that is intended for them, but it might not look that way.

What we have here is a witch-hunt. What we have here at the behest of the former president of the Civil Liberties Council of the ACT is not natural justice. There is nothing natural about this—this is form. You have form on this. This is like you standing up here a couple of years ago, on your budget response day, and picking on not the Liberal Party, not a member of the government but a DLO—a public servant. You ought to be ashamed of yourself!

Then, in a fit of passion, you think, "Yes, we've got some dirt on the Liberal Party! We will refer this to the police! I am convinced that there is a breach of the law! The cops are going to nail this guy! We will send it to the DPP. I can see jail sentences! The Leader of the Opposition will be forced to abandon his office!" And it blew up in your face.

You are embarrassed, and you ought to be embarrassed, because there is no case to answer. So we are going to resort to the old privilege committee.

Ms Dundas makes a good point. Should this committee get up—I hope it does not—what you are going to do is set in place nothing but a set of witch-hunts because you got it wrong. You, in your anticipation of a cheap victory over Mr Humphries, thought, "We'll get the cops involved." If you were really concerned about breach of privilege, the process was to send it to a privilege committee in the first place.

If you were so certain that Mr Wood's privilege had been breached, you should have had the Assembly inquiry and from that inquiry, if something was found to be untoward, that should have been referred to the police.

That would have been the appropriate process, Mr Speaker—that is how it should be done. What happened was, in a flush of expectation, this was immediately referred to the police, because you thought, "Huh, huh—we have got you!" Well, you were wrong.

Today you are saying that the government has no faith in the investigative powers of the police and no faith in the deductive powers of the DPP. You are saying, "We don't believe you got it right. There are no charges to be laid. We will get him some other way." That is so typical of you, Chief Minister. We have seen it before. "We will do anything at whatever cost. We will abandon all our principles."

Mr Stanhope: I have a point of order, Mr Speaker.

MR SMYTH: "We will simply say that we did not know what happened."

Mr Stanhope: I do not want to interrupt the flow, or anything like that. It is probably relevant to advise the Assembly, at this stage, that the government did not refer this matter to the police. I think it was the Assembly that did so.

MR SMYTH: That is interesting. That is fine. I am glad Mr Stanhope raised that.

Mr Wood: Correct yourself!

MR SMYTH: If I have said something wrong, Mr Wood, then I withdraw the error.

Mr Stanhope: It rather destroys the flow of the speech, I admit.

MR SMYTH: No, no. Mr Stanhope now seeks to bolster his position by saying he has broken the flow of the speech. It is interesting. It was the Assembly that was responsible for this activity—I was not asked that it be referred. I certainly was not. I am not sure anybody on this side was asked that it be referred.

Where was the Attorney-General in standing up for the rights of a Canberra citizen? Where was the President of the Civil Liberties Council who was then out there spruiking about what a terrible thing it was? Where is the man who knows and loves the law, who wants honesty and openness—when he bags out the entire Liberal Party staff? Where is the natural justice in that, Mr Speaker? Where is the natural justice from the man who says he is here to look after all Canberrans?

There is no natural justice, because there is not a justice issue here. This is politics, pure and simple. It is a witch-hunt. It is a witch-hunt gone wrong. You have been exposed by your own words today, when you said you had no idea what transpired, Chief Minister—and yet you were out there spruiking it!

Would you say that is a good way to explain, protect and enhance the law of the ACT—to be passing comment on something that you do not know?—and by making statements that were, by looking at them, I would suggest, incorrect?

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These are statements which are probably actionable. Perhaps the Liberal Party staff should take action against you for your slander of them. We might even think about that, Mr Speaker, because what is happening now is just a continuation of the witch-hunt.

This committee should not be formed—there is nothing to answer here. We, on this side of the house, have faith in the DPP and we have faith in the process that has gone on. We have assisted that process where appropriate. We accept the acknowledgment of that process and what it said—that there are no charges to be laid. The matter should be laid to rest there.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.10): I had not intended to enter this debate, Mr Speaker, and I will be very brief.

Can I point out to the members on the other side that trying to make the Chief Minister the issue—I guess that, if I was in the position you were in, I would try to make the Chief Minister the issue as well.

The speeches we have heard today keep referring to what might have been and what accidents could have happened. I heard in Mr Humphries' TV interview today that "It might have even been a set-up".

Mr Stanhope: Yes, Mr Wood did it to himself!

MR QUINLAN: Yes. The 'could have beens'! But an inquiry will work through that. We walk on eggs here—let us face it. Most people in this house know, or think they know, more about this incident than we can say. "We have heard this," or "We have heard that." There is certainly enough around the place to suggest that it is worth looking at, anyway.

The only other point I wish to take up is reference to a prior incident about a DLO. I recall that incident. Really, I do not think it is a relevant call to say that, before—

Mr Humphries: It is a pattern of behaviour.

MR QUINLAN: Yes Mr Humphries. I agree that it may be a pattern of behaviour. Whose behaviour? Ask the Bender family, who were involved tangentially in the previous incident. Go and ask them, today, what they think of that incident.

I do not think it is very appropriate to revisit that. I do not think it helps your argument. I do not think it is appropriate to try to refer to that and say that, because, maybe, there are two incidents that have, maybe, some common feature, it is a pattern of behaviour. Maybe there were two incidents that were worth examining by this place!

MR STEFANIAK (5.13): Regardless of whether it was you or the government who referred this matter to the police, I wish to make a number of points. I am probably the only person in this house who has been involved as a prosecutor of the DPP in types of

cases like this, where matters are referred initially to the police and then to the DPP for investigation.

I think the normal process here should have been, as my two colleagues—Mr Smyth and Mr Humphries—said, to go to a privileges committee to start with. If anything came out of that, the next step would be a referral to the police and the DPP. That has not happened. It jumped to the second stage.

Let me say, Mr Speaker, that, from my experience with both the police and the DPP, anything like this is most thoroughly investigated—firstly by the police. Secondly, it is most thoroughly looked at by the DPP. Absolutely. I certainly hope that those opposite have faith in both the DPP and the police. If they do not, let me assure the house that my experience with things like this is that they are thoroughly investigated.

If you want any sort of proof, look at the time this matter has taken. It is a considerable amount of time. It is something that has been in the media, and it has been made out to be something like a witch-hunt too. It has been up there in the media—all the more reason, too—for thorough investigation by those two bodies. They have done that, and the relevant body—the independent Director of Public Prosecutions—has come to a conclusion which should be respected. And that should be the end of the matter.

Obviously this will be going to a committee. The only sense I have heard from people other than those from my own party today on that has come from Ms Dundas. She seemed to raise some sensible points. Let me say that this really should not be necessary. This should be the end of the matter—the fact that it has been investigated most thoroughly. The DPP has indicated a conclusion in relation to that. No charges have been, or will be, laid, and that should be the end of it.

MS TUCKER (5.15): The Greens will support the establishment of this committee. The arguments put by the opposition seem to be based mainly on the findings of the DPP. The DPP says that he has determined that no criminal offence is disclosed by the evidence. That is obviously not dealing with the question of misconduct.

He then goes on to say that whether disciplinary or other action is warranted is a matter for the relevant members of the Legislative Assembly to consider. That is what we are doing now. The majority of the people evidently consider that there needs to be a further process to establish whether unauthorised receipt of emails from Mr Wood's office was a breach of privilege, and whether a contempt was committed.

Mr Smyth said that this is politics, and that we have no faith in the DPP. This is not about reflecting on the DPP. As I have just pointed out, the DPP has been charged with looking at the question of criminal offences. The DPP has said it is up to us to decide further action. There is obviously an issue of misconduct here which needs to be looked at—and this is not just politics.

Mr Smyth said, "This is politics." This is the Commonwealth Parliamentary Privileges Act. That is what I am referring to in making this decision. The Commonwealth Parliamentary Privileges Act is linked to us—the ACT Legislative Assembly—by the self-government act.

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In that act, it says under the section 'Essential elements of offences' that conduct, including the use of words, does not constitute an offence against the house, unless it amounts, or is intended or likely to amount, to an improper interference with the free exercise by a house or committee of its authority or functions, or with the free performance by a member of the member's duties as a member.

I would suggest that, if emails were not getting through to a member, whose job it is, as a member, to receive those emails, then clearly there needs to be a look at this question. That is why I am supporting the establishment of this committee. I believe we have a responsibility, as an Assembly, to look at this. We have to show that we are prepared to take these matters seriously.

I personally do not intend to make any comments or imputations about members of staff of the Liberals. I thought Liberal staff would want to see due process. It is clear that this is no more than that, and that it is an important issue which needs to be treated seriously.

We have an act to guide us on how we should deal with this. I am hoping, as does Ms Dundas, that this committee is carried out with exactly that approach—steered by the act that guides our responses in this matter. As I will be on that committee, I can assure the Assembly that that is certainly the direction in which I will be trying to ensure that committee goes.

MR HUMPHRIES: I seek leave to make a very short further comment on this matter.

Leave granted.

MR HUMPHRIES: Mr Speaker, I rise because Ms Tucker made reference to the last sentence of the DPP statement today, about disciplinary or other action being a matter for the Assembly to consider.

I telephoned the Director of Public Prosecutions this afternoon, when I had seen the statement. I asked him about the last sentence, and expressed the view that this sentence could be interpreted as some kind of injunction to the Assembly to take up a matter in this place.

The DPP expressed regret to me for that sentence. He apologised for having included it in the statement and told me that, unfortunately, he was not in a position to withdraw it, because the statement had already been issued.

MS TUCKER: Before the debate is closed, I seek leave to respond to that.

Leave granted.

MS TUCKER: I have no idea what the DPP said, obviously. This is what Mr Humphries says he said. I accept that, but the point still has to be made that the DPP's job was to look at the criminality, or otherwise, of this. We are looking at an issue which is clearly described in the Commonwealth act. For that reason, it needs to be looked at—and it does not have to be about a criminal offence.

MR WOOD (Minister for Urban Services and Minister for the Arts) (5.21), in reply: Mr Speaker, let me bring another member into this—Mr Stefaniak. I want to refer to a couple of incidents, on the arrival of Mr Stefaniak into the position of Minister for Education, and on his departure 6½ years later.

I was the former minister. When Mr Stefaniak took up his office, he moved upstairs and I moved downstairs. I received a fax from the education department to the new minister. It came through on my fax machine. They had pressed the wrong numbers—or something had happened. What did my senior staffer do? They immediately told Mr Stefaniak's office that we had something that was intended for him, and it was fixed.

Coincidentally, when Mr Stefaniak left the office, in the next couple of days, we got something on our printer downstairs that his staffer had punched out to print. It came on to my machine. What did my senior staffer do? They straightaway got on to Mr Stefaniak's office to say: there is a problem here which has to be fixed. Is that not the honourable thing to do? Is that not the ethical and proper thing to do?

Mr Humphries: That does generally happen, in those circumstances.

MR WOOD: Yes—I absolutely agree with you, Mr Humphries. It generally does happen in these circumstances.

Mr Humphries: This one was a different case, though.

MR WOOD: Is it now? I do not know.

Let me put the most sympathetic lean on this situation. I will accept that, inadvertently, certain emails started to appear on the machine of a staffer in Mr Humphries' office. The honourable thing would have been—as we did—to say, “Hey, Bill, we've got a problem here.”

In fact, they were downloaded, and they were filed. However many there were, over a period of a month, or perhaps more—but let us settle for a month—they were downloaded and they were filed. Nobody told me, and nobody told the constituents or, indeed, one of my staffers who had punched in the wrong thing, that that was happening.

What do you think is the honourable and ethical thing to have occurred in that circumstance? What do you reckon? I know what they reckon. They reckon this is a witch-hunt—cheap and tacky. That is what they reckon. No, it is not. It was improper behaviour, in any circumstances—absolutely improper.

Mr Humphries: Was it a breach of privilege? That is the question.

MR WOOD: We are going to find that out, Mr Humphries. We are going to find that out—that is what this is about. The opposition wants to divert it and attack the leader of the government: “You, Mr Stanhope, had this witch-hunt, you went out to nail a staffer.”

Mr Stanhope had nothing to do with it. That came out of the officialdom of this Assembly. That is how it came about—as it had to. Let us stop the histrionics and the evasion. It is proper to look at this.

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Mr Humphries, in his speech, says that this is now a debate about ethics. Yes, that is what this privileges committee is going to do—look at the ethics and see whether a contempt occurred, and see whether privileges have been abused. That is what this is about. It is not about a debate on a Liberal staffer, and it is not about an attack on a Liberal staffer. How many times was that used by Mrs Dunne? “This is an attack on a Liberal staffer.” Well what about the attack on me? What about that? Doesn’t that concern you?

I feel attacked. I wish the whole thing had never happened—I do not really want to know about it. But, in the interests of what happens in this Assembly, we have to follow it through. Especially in this place we have to follow it through, because I maintain that confidentiality is important. I argue that propriety and decency are important. I am modest in my claims, I believe, but I would expect that every member, every staffer in this place, would behave as my staffer and my office behaved.

Amendments agreed to.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted—

Ayes, 9		Noes, 6	
Mr Berry	Mr Quinlan	Mr Cornwell	Mr Pratt
Ms Dundas	Mr Stanhope	Mrs Dunne	Mr Smyth
Ms Gallagher	Ms Tucker	Mr Humphries	Mr Stefaniak
Mr Hargreaves	Mr Wood		
Ms MacDonald			

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Office of the Speaker and office of the Secretariat—criticism

MR SPEAKER: Members, during the debate on the matter that has just been resolved, I became concerned that either the office of the Speaker or the office of the Clerk might be impugned by some of the things that were said.

I want it made clear, and clearly understood, that this was a matter that was conducted in its primary stages by the Clerk, after the Clerk had been approached by a staff member. At various stages, the Clerk consulted with me—from late afternoon/early evening on 27 February. There were inquiries conducted within InTACT, and at 10 pm on 27 February the matter was referred to the police by the Clerk. That needs to be clearly understood.

I will be examining the *Hansard* to ensure that there has been no criticism of my office or of the Clerk. If there is any evidence of that, I will be coming back to the Assembly with something to say about it.

Cemeteries and Crematoria Bill 2002

Debate resumed.

MR WOOD (Minister for Urban Services and Minister for the Arts) (5.33), in reply: I will close the debate on the in-principle stage.

Mr Speaker, I thank the Standing Committee on Legal Affairs for its comments on this bill, and offer the following response: The committee noted, firstly, that the explanatory memorandum appeared to take the view that there would be no sanction for non-compliance, other than that the minister could proceed to make a determination of the perpetual trust percentage under subclause 8 (2). However, it was not clear whether non-compliance would be subject to sanction under clause 15. The government agrees that (1) the perpetual care percentage could be fixed under subclause 8 (2), being a figure that the minister considers necessary to ensure that there are sufficient funds in the perpetual care trust so the cemetery or crematorium will be adequately maintained; and (2) failure by the operator to provide the minister with information or documents could be subject to sanction under clause 15.

Secondly, the committee noted that there is no provision in the bill governing the disclosure of information that may be provided under subclause 8 (4). However, the government is satisfied that the Freedom of Information Act and the Privacy Act provide adequate protection for information disclosed under subclause 8 (4).

The government agrees with the committee that the explanatory memorandum contains some deficiencies relating to the view by the AAT. These are oversights which occurred during the preparation of the EM, and will not occur in the future.

The government notes the committee's comment that, in light of section 25A of the Administrative Appeals Tribunal Act, clause 44 of the bill appears to be unnecessary. I wish to advise that clause 44 is a standard provision which appears in similar form in many other pieces of legislation. It plays an advisory role, informing decision-makers of their duty to inform applicants.

This issue has been referred to the legal policy branch of the Department of Justice and Community Safety, which is at present considering whether the current practice should be continued, or whether it would be preferable to include a note. In light of this unresolved legal policy question, it is not proposed to remove clause 44 from the bill at this time.

The objective of the bill is to establish a consistent and contemporary framework for the regulation of cemeteries and crematoria in the ACT. It also addresses national competition policy requirements. The existing Cemeteries Act provides for public ownership and operation of all cemeteries through the Canberra Public Cemeteries Trust. There are both potential benefits and costs from such a monopoly. The bill allows for

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public and private ownership and management of cemeteries and crematoria in the ACT by removing the trust's legislated monopoly on cemetery operations.

The role of the trustees of the Canberra Public Cemeteries Trust is to manage and operate cemeteries in the territory. The trust has operated as a non-profit, statutory body for more than 60 years. The trust now operates effectively on a semi-commercial basis, paying for maintenance and capital improvements using money invested from past operating surpluses, or from loans from the government or the private sector.

The bill establishes the ACT Public Cemeteries Board, replacing the trustees of the Canberra Public Cemeteries, to account for the changing nature of cemetery managers, and the need for them to become financially independent. Its functions will be to effectively and efficiently manage public cemeteries and crematoria for which the minister has appointed the board as the operator.

The board will be required to operate on a commercial basis, and will not receive any government funding, as is the current situation with the Cemeteries Trust. The government is committed to continue to provide government-owned and managed public cemeteries in this territory, and will appoint the board as the operator of the existing public cemeteries at Gungahlin, Woden, and Hall.

One of the most important issues in the provision of cemetery or crematorium services is the funding of ongoing and future maintenance. Under a perpetual care trust, a percentage of the cost of each interment or memorialisation is invested in a trust fund, the interest from which is used for maintenance. The advantage of such a fund is that maintenance-specific funds become identifiable and auditable, and their adequacy can be monitored and assessed.

The bill requires that a cemetery or crematorium operator set aside a specified amount—a percentage of all future interment fees—to fund ongoing maintenance. That is the perpetual care fund. The minister will specify the percentage. This account would be part of the assets of a cemetery or crematorium, and would transfer to a new operator—in that event.

The government is ensuring the ongoing viability of the perpetual care fund, because the money deposited in the fund would not be able to be used to pay an operator's general debts, or used to satisfy a judgment against the operator.

The government is not limiting post-burial tenure of grave sites, as it believes this is not in the public interest. Therefore, perpetual tenure of grave sites will apply in all current and future cemeteries in the ACT, whether public or private, and regulations made under the bill will give effect to this commitment.

I know that is not a strong enough provision, although I do think it is strong. I understand the Greens would rather see this in the body of the bill and the completed act, but this is a thoroughly effective procedure. I am more than prepared to sit down, in the near future, with Greens and others as regulations are worked through. It will be done—there is no question about that.

Other regulations to be developed under this bill would cover the protection of cemeteries and crematoria and their conduct, permits for burials and cremations, and for certificates from doctors to be required to obtain permits for burials and cremations.

The bill also provides the minister with the power to determine codes of practice in their operation. The codes cover a range of matters, such as record keeping, burial in vaults, by-laws for the cemetery board, and minimum standards or guidelines. The department is currently developing the regulations and code of practice, in partnership with the various interested parties. Members of the Assembly will be invited to be part of that—I will facilitate any such arrangement.

Dealing with cemeteries and crematoria is a sensitive issue. I think getting this bill through will be the death of me! I had not expected such intense interest. I rather thought this was a routine bit of legislation that would go through. I have been a bit thrown by the intense interest in it. I hope to survive and not need the facilities in the near future!

Ms Tucker: So do we!

MR WOOD: Thank you, Ms Tucker.

The bill provides the power for the chief executive to require an operator of a cemetery or crematorium to carry out improvements such as structural works or repair to upgrade the facility so it complies with all standards.

Where it is clear that the act is being contravened, the chief executive can issue a show-cause notice to bring about remediation. If, after considering any written submissions from the operator, the chief executive is still satisfied that the operator should be required to cease the contravention, remedy the consequences of the contravention, or do both, an improvement notice may be issued.

In most instances, the chief executive would also provide verbal advice on matters needing rectification—and why. The officer and licensee would usually agree on the timeframes for the work to be completed. The operator of a cemetery or crematorium may apply to the AAT for a review of the chief executive's decision.

Mr Speaker, in summary, the Cemeteries and Crematoria Bill has been developed to ensure that the protection and management of public cemeteries and private burial grounds is as effective and efficient as possible.

I would urge you to support the bill. I got a bit lost in the debate on just where this is going today. I am not absolutely sure. There will be a motion from somewhere, I understand, to put it to a committee—

Mr Cornwell: Yes, to bury it somewhere!

MR WOOD: To bury it in a committee, yes. Indeed, that might happen! The government will oppose that. I was part of a debate in the opposition lobby, but I maintain my position that we can put this through today. If it goes to a committee, it will not be buried there forever.

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Ms Tucker: Not as long as we are alive, Bill!

MR WOOD: I borrowed it—I acknowledge that quite freely. I see no reason why this should not go through tonight. This bill is slightly different from the bill presented by the Liberals last year. This deals with death, and there are strong philosophical discussions around it. Perhaps people want to have those discussions.

Ms Tucker: Burning issues!

MR WOOD: Burning issues—yes, indeed!

Let us keep it alive for the moment, and put it through the chamber tonight. We will oppose reference of it to a committee. We will see what happens tonight as we carry on here.

Question resolved in the affirmative.

Bill agreed to in principle.

Reference to committee

MS TUCKER (5.45): I move:

That, pursuant to standing order 174:

- (1) the Cemeteries and Crematoria Bill 2002 be referred to the Standing Committee on Community Services and Social Equity for inquiry and report by 12 December 2002;
- (2) on the Committee presenting its report on the Bill to the Assembly the resumption of debate on the question “That this Bill be agreed to” be set down as an order of the day for the next sitting.

I will respond to some points that were raised in the debate before lunch. Mr Hargreaves does not believe that anyone would want to set up a private cemetery. However, in 1997 a company seeking to buy the Woden cemetery approached the then government. There was a lot of public concern at the time about the proposed buyer being a big American company but, clearly, there was commercial interest in taking over the running of the cemetery as a private concern.

Mr Kaine, the then responsible minister, said in answer to Mr Berry’s question:

I made it clear that the initiative in terms of the future operation of the Woden Cemetery as a private cemetery has come from the private sector. The Government has not proposed it. The Government is considering expressions of interest that have come from the private sector.

I was a bit disappointed to hear the views of the chair of the committee, Mr Hargreaves. He said there is nothing to be gained by opening up such an issue to public comment. Contrary to what Mr Hargreaves said, this bill has been on the notice paper for three weeks. The bill was tabled on 16 May—this is not “some time”. The government’s

presentation of the bill in the media was that they were protecting tenure in this bill. They did not draw attention to the fact that this bill removes the government's hand in operating cemeteries, and opens the way for them to be bought by private operators.

Although I have heard Mr Wood say tonight that they are absolutely committed to leaving the tenure there, we do not see that in the legislation.

It is questionable to claim that, because there has been no outcry in the past three weeks, there are no concerns about this issue. It was not raised as an issue of privatisation at all, it was raised on just the tenure question. I agree with Mr Hargreaves that round-table discussions can be useful in getting regulations sorted out, but there are still outstanding issues.

Ms Dundas, in her speech, gave us many good reasons to send this to committee. Committees are a way of getting more attention to an issue. They look at the basic issues, practical results, ideas for alternatives, and experiences in other jurisdictions. A committee is not a gabfest, as Mr Hargreaves put it this morning.

As to whether we go into the detail stage today if my reference to committee is not supported, during my office's briefing on this bill, a commitment was made that either the minister's office would prepare an amendment to more expressly state that security of tenure of plots would be guaranteed, or we would be informed. This was to ensure that it was not just implied. If the minister did not do that, we were going to be informed, because we might have done that. Neither of these things has happened, so I am not happy to go ahead with the detail stage here.

We understood that regulations could be developed before the bill was voted on in its detail stage. This was to allow the whole of the new regulatory package to be considered at once. I am concerned that that is not happening, and would like to understand why.

On the scrutiny of bills report: the government response dated 5 June responds adequately to all but one of the points. The scrutiny report questions the penalties for failing to comply with improvement notices, et cetera. Mr Wood responded that it would be subject to sanction under clause 15. Clause 15, however, only sets out a process for contravention notices, with the end result that an improvement notice can be issued by the chief executive officer. Clause 16 sets a maximum penalty of 50 penalty units for failing to end a contravention of the act in accordance with an improvement notice.

Ultimately, in clause 17, if there is a failure to remedy the consequences of a contravention, the chief executive "may arrange for the action that the chief executive considers necessary or desirable to remedy the consequences to be taken by or on behalf of the Territory".

What is the scope of that? What does that mean? Does it mean that you take the cemetery away from the operator, or what? That is unclear, and I do not think we should be voting on this tonight.

MRS CROSS (5.50): Mr Speaker, the Liberal Party will support this bill going to a committee. We do so because there is still an amount of intrigue about this legislation, and it would be prudent to have this cleared up through a process that directly involves

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the public. As Mr Hargreaves pointed out this morning, the former Liberal government did indeed table legislation on this matter last year. Because of this, he then assumes— quite wrongly—that we will help the government to rush this legislation through the Assembly today.

Unlike this government, the former Liberal government did not try to rush the legislation on cemeteries through the Assembly. If Labor members cast their minds back to last year, they may recall that former minister Smyth tabled his legislation on 8 March, and it was then debated on 28 August—over five months later. During that debate, some members indicated they had concerns that were yet to be fully addressed—a very similar situation to today.

Instead of forcing the issue, although we had the numbers to do so at the time, what did we do, Mr Speaker? We adjourned the bill. How different from the Labor government's approach. They introduced this legislation just two weeks ago. Whilst it is similar, this is a different bill from the one tabled under the Liberal government last year. The scrutiny of bills legal adviser raised a number of concerns with this bill. The government provided members with its response to those concerns only yesterday.

I noted Mr Hargreaves' rather scathing comments on the committee process this morning. It was disappointing to hear that he places such little value on Assembly committees. I do not recall him being so underwhelmed by our committees while he was in opposition. I wonder what has changed his mind about that.

Speaking of changes of mind, I also noted Mr Hargreaves' earlier admission that the government has changed its mind about aspects of this legislation now that they are in government. Perhaps I could encourage Ms Dundas about committees and the political process. It is possible for committees to initiate political change, even for parties. I encourage her to place a high value on the committee and process the government is undertaking today. I draw her attention to this extract from the *House of Representatives Practice* on parliamentary committees:

The ... purpose of parliamentary committees is to perform functions which the Houses themselves are not well fitted to perform, that is, finding out the facts of a case or issue, examining witnesses, sifting evidence, and drawing up reasoned conclusions. Because of their composition and method of procedure, which is structured but generally informal compared with the Houses, committees are well suited to the gathering of evidence from expert groups or individuals. In a sense they 'take Parliament to the people' and allow direct contact between members of the public by representative groups of Members of the House. Not only do committee inquiries enable Members to be better informed about community views but in simply undertaking an inquiry committees may promote public debate on the subject at issue. The all-party composition of most committees and their propensity to operate across party lines are important features. This bipartisan approach generally manifests itself throughout the conduct of inquiries and the drawing up of conclusions.

Mr Speaker, during last year's Assembly debate, it became evident that views differed on an important aspect of cemetery operation—that is, the permanency of post-burial tenure. I understand the Greens wish the public to become informed in debate on this issue and on other issues. I think it would be prudent of the Assembly to encourage such a debate, instead of rushing the bill through today.

MR HARGREAVES (5.53): Mr Speaker, I am devastated by that absolutely savage attack on my person by the shadow cemeteries minister, Mrs Cross. I cannot tell you how upset I am about that.

Mrs Cross was dead right when she said this is a similar bill to that put in last year by the former government. In fact, with the exception of the post-burial tenure, it is a photocopy of the same bill. She is almost right. We talk about it being rushed through. It cannot possibly have been rushed through. This baby has been 18 months in the making. We had the discussion 18 months ago and we have had it again today.

We have had it, and we have had the briefings on it. When we talked about whether or not Mr Smyth rushed it through, Mrs Cross was firmly ensconced in the Phillip Traders Association, doing wonderful things, I am sure. In the meantime, I was sitting in my office on the first floor having my arm stuck up my back by people from the department wanting to rush it through. We did not do it; we would not wear it. Why? Because we wanted to see the regulations first. That did not happen, but there was a process for it.

I must have my glasses checked. I do not seem to recall Mrs Cross being here when we were debating it earlier on—so I am surprised that she would have such a great recollection of what I said. Mr Speaker, I do not think you will find a better advocate of the committee system than I have been in recent times. It saddens me to think that Mrs Cross thinks I might have a less than appropriate view of the role of the committee system.

In fact, I have just returned from overseas, where I have been extolling the virtues of our committee system to those wise old men in Westminster. I boasted quite heavily on that. One of the worries I have about the committee system, however, is that sometimes the system can be abused and sometimes it can be used frivolously. We need to be a bit more careful.

Mr Speaker, with reference to the cemeteries bill: as I mentioned earlier, this is an issue with which we are all genuinely concerned, and it is an emotive issue. We all know that.

Mr Wood: I discovered that today!

MR HARGREAVES: That is right. The closer I get to needing the bill, the more sensitive I am to making sure that it is there properly.

Mr Speaker, the round-table process is the one for which I wish to advocate most strongly. In my view, it would be a better process if we could get all the people who are concerned about the regulations and unhappy about bits in the act around the table to start talking about this and doing it properly.

MR SPEAKER: Mr Hargreaves, this is a motion about sending it to a committee.

MR HARGREAVES: Yes, I know that. I am opposing the sending of it to that committee. What I am suggesting is an alternative. The round-table process is a better one. We used that process when the home detention bill came before the house. It was

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a very good process, it was honestly engaged in and, at the end of the day, there was a great outcome.

Sending this off to a committee will, as Ms Tucker quite rightly points out, put it in the public arena yet again, I have no quarrel with that—she is quite right. But I do not think we are going to have the attention to the regulations that we would have if we sat down at the round table and did it that way. I am urging the Assembly to not refer it to the committee—only because I believe there is a better process.

MS DUNDAS (5.58): Mr Speaker, I rise both as a member of this Assembly and as a member of the Community Services and Social Equity Committee, to which this motion is proposing the bill be sent. The committee is currently investigating the rights, interests and wellbeing of children and young people. We are also doing an inquiry on accommodation support services for homeless men and their accompanying children. I believe these issues are very pressing to the people of Canberra. From these committees, we can expect clear policy recommendations on how we, as an Assembly, can make the lives of Canberrans better.

With regard to this bill, I have outlined my concerns, which include opposition to national competition policy, the lack of regulations and the disallowable instrument regarding exhumation. A committee may provide an opportunity to debate the relative strengths and merits of national competition policy as it applies to cemeteries. This is an important debate. National competition policy has caused much anguish for many people since its introduction.

Maybe I am getting old and cynical because, following the committee inquiry, I believe that the Liberal Party and the Labor Party will still support national competition policy, even as it applies to cemeteries as the two old parties certainly have a strong track record of supporting this bad piece of legislation. Maybe ACT Labor has had a small break in supporting national competition policy, but they have certainly returned to the economic rationalist fold.

As I said in my earlier speech today, what is needed is an open and frank discussion about the issues of body disposal and memorialisation. I believe this debate will occur when the regulations are written, tabled by disallowable instrument, and the policy of the current government is then able to be debated. Until that time, we have a bill that sets up only a framework which we either support or oppose. Only government regulations will allow for a response of this Assembly and the community. That is unless we have an Assembly willing to oppose the bill entirely, and send a clear message to the government that this Assembly does not support the privatisation of cemeteries.

Maybe what is needed is an adjournment so we can find a better solution. That would allow members time to prepare amendments, consult with the community and have further debate about this issue with their constituents. It would also allow time for the government to prepare regulations. We could then see the regulations in draft form as we are considering this bill.

Whilst at this stage I am still not convinced that a committee inquiry will further the debate on this issue, I am willing to support an adjournment so we, as members of this Assembly, can have further discussions with the community, and allow the government to provide us with more information on the regulations they wish to hang off this bill.

MS TUCKER (6.01), in reply: It is obvious that the numbers are not there for this.

I will make a couple of comments in response to Ms Dundas. She seemed to put two arguments. I do not know if the first part was an argument, but she was saying that the committee already had other important work on—other inquiries. I accept that, of course, but I think this is very important. That is why I am referring it to the committee. As a committee, I believe we could give the time needed to do this work. So I do not accept that that is necessarily an argument, if that is what it was.

As to the other argument, Ms Dundas is nervous that the Liberals and Labor have already made up their minds. Ms Dundas should realise how flexible Labor can be. Ms Dundas, you need only look at Mr Hargreaves' words in the last Assembly. He is so flexible! Not long ago, he was saying, "I have a fundamental problem with allowing for something as final as death to be run by the private sector." He is now saying it is okay. He may, if he listens to the community, change his position again—as might Labor. We need to have hope here, Ms Dundas, because Mr Hargreaves has shown himself—and Labor have shown themselves—to be very flexible. They may well change their minds if there is proper community consultation.

The other point Ms Dundas made was that she feels there needs to be consultation with individual members and their constituents. I would suggest that, on behalf of the Assembly, the committee process is a very good way of giving the community an opportunity to put their views forward. It is particularly good because it is open, transparent and on the record. It is quite different from individual members being lobbied or quietly doing their own work—not that that is unimportant. However, the committee process is certainly a much more open and formal way of gauging the community view.

What concerns me about this is that it has not been flagged for what it is. In the few weeks we have had, we have not seen a clear discussion in terms of the intent of this bill, which is the privatisation of cemeteries. When it came up before, there was a lot of community interest.

I must repeat what I said earlier. I believe this is very important. Once it has been passed and cemeteries have been privatised, it is pretty well irreversible. We need to take this very seriously because it is something that would be very hard to change later. I ask again that Ms Dundas, in particular, reconsiders her position.

Question put:

That **Ms Tucker's** motion be agreed to.

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The Assembly voted—

Ayes, 7		Noes, 8	
Mr Cornwell	Mr Smyth	Mr Berry	Ms MacDonald
Mrs Dunne	Mr Stefaniak	Ms Dundas	Mr Quinlan
Mr Humphries	Ms Tucker	Ms Gallagher	Mr Stanhope
Mr Pratt		Mr Hargreaves	Mr Wood

Question so resolved in the negative.

Detail stage

Clause 1.

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

Privileges—Select Committee Membership

MR DEPUTY SPEAKER: Mr Speaker has been notified in writing of the nominations of Mr Hargreaves, Mr Smyth and Ms Tucker to be members of the select committee.

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

That the members so nominated be appointed as members of the Select Committee on Privileges.

Duties (Insurance Exemptions) Amendment Bill 2002

Debate resumed from 16 May 2002, on motion by **Mr Quinlan**:

That this bill be agreed to in principle.

MR HUMPHRIES (Leader of the Opposition) (6.09): The opposition does not have a great deal to say about this bill. It is a bill which provides the power for the minister to exempt certain community non-profit organisations from the imposition of stamp duty on insurance premiums. It is a sensible measure in light of the obvious hardship many organisations have suffered in recent months and, I suppose, recent years. It may be only the first step towards providing relief, but it is a step which is obviously welcome.

I reserve my comments on the amendments proposed until they are moved.

I note that other measures have been proposed in other places. The day before yesterday the New South Wales government slashed the amount levied by way of stamp duty on insurance premiums from 10 per cent to 5 per cent. Perhaps our Treasurer has that in plan for the coming budget. Is the Treasurer indicating a budget leak that there will be no cut in insurance premium stamp duty? I am very disappointed. There is a press release there, Mr Quinlan.

We are by no means at the end of the road when it comes to providing relief. This is only the first step, not the last. But the step that is taken I welcome, because it provides means for community organisations to spend more of their own money on the things that matter, such as the services they provide.

MS TUCKER (6.10): This bill is a response to concern from the community about the growing cost of public liability insurance for community and sporting groups. This bill allows the minister to make guidelines to exempt particular groups from duty on public liability insurance premiums.

There is certainly a crisis in public liability insurance at the moment. Some community groups are having to cancel events because they cannot find adequate public liability insurance. Other groups engaged in low-risk activities and with no history of claims are facing steep hikes in the cost of public liability insurance. Duty exemption is already provided to charitable organisations for some types of insurance, but there are many other not-for-profit community groups that would benefit from the exemption.

State and federal governments are making joint efforts to examine the public liability insurance issue, but it is good that the ACT government is taking its own initiative that will provide some assistance to local community groups. It will also stop the government from making a windfall gain on duty from increased premiums, which would be very unfair to community groups, which do not have much money to spare.

I do not think this bill is a total solution to the problem, but it will help. I am therefore happy to support the bill. Ms Dundas has amendments which I will respond to in the detail stage.

MS DUNDAS (6.12): Unlike other members of this Assembly, I do have a lot to say on this bill. There has been a great deal of discussion about the impact of escalating public liability insurance premiums on all the non-profit organisations that perform so many essential functions in our community. For this reason, I commend the government on its initiative to extend the scope of existing duty exemptions on insurance premiums.

It is essential that governments find a sustainable solution to the broad problem of escalating premiums, but in the short term an exemption from duty payments will take some pressure off non-profit organisations. Duties on insurance premiums currently amount to about 11 per cent of total cost. For organisations currently under severe cost pressure, this could make a significant difference to their viability.

Although I support the objective of the government bill, it could be substantially improved in three areas: firstly, by making the duty exemption effective for many groups from the date the bill comes into force; secondly, by making it clear that exemptions for sporting organisations only go to those organisations that have little sponsorship or other commercial revenue; and thirdly, by making the minister more accountable to this Assembly for his decisions to grant exemptions.

As the Duties Act stands, community organisations are already exempted from duty. The definition of community organisations is quite broad, and I believe that many organisations currently paying duty on premiums are unaware that they are entitled to an

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exemption. Some information may need to be prepared to educate these groups about their entitlement.

However, it appears that sporting associations do not fall within the scope of the definition of community organisation, and some other financially stressed, non-profit organisations may also be excluded from existing duty exemption. Although the explanatory memorandum for the bill indicates that the exemption is meant to benefit small sporting and community groups, the text of the bill does not provide any reference to these target groups. The breadth of the proposed ministerial discretion described in the bill was criticised in the scrutiny of bills report released on 29 May.

The passage of the bill as it stands will not provide any immediate financial relief. No non-profit body that is currently liable for duty on insurance premiums will enjoy a duty exemption until guidelines for exemption are developed. I understand that work has not yet commenced on the preparation of those guidelines. A number of large sporting associations that depend wholly on player fees must renew their insurance policies in the near future. These organisations may not benefit from the duty exemption for their new policies if there is a delay in the developing of the guidelines.

The bill also provides the Assembly with no guidance as to the organisations likely to qualify or not qualify for the duty exemption. I think it is appropriate for the Assembly to make a decision now about the kinds of sporting organisations which genuinely need the exemption.

It would seem wrong to me to extend the exemption to non-profit organisations that receive substantial revenue from commercial activities. Perhaps the government has no intention of doing this, but it is not clear from the text of the bill, and the Assembly has an opportunity to establish workable rules that will exempt only those sporting organisations that genuinely need assistance.

Finally, there is no requirement in the bill for the Assembly to be informed which organisations are exempt under guidelines prepared by the minister. I believe it would be difficult for the government to develop exemption guidelines—other than for sporting organisations—that would have a predictable outcome.

A number of non-profit organisations in Canberra run large commercial enterprises. But if reference is made to constitutional objects or to financial turnover, it is impossible to reliably distinguish these organisations from other organisations that have a more limited capacity to raise revenue. For this reason, I am concerned that the government proposal provides for the establishment of guidelines that would apparently result in an automatic exemption for certain classes of organisation.

I acknowledge that the guidelines proposed would be disallowable, but, in light of the uncertain outcome I predict with respect to exempted organisations, I think we can justify an increase in government accountability.

As I have stated, I support the general objective of this bill. I will be moving amendments—I will speak to them further when we get to the detail stage—to address the shortcomings I have briefly outlined.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (6.17), in reply: Mr Speaker, I thank members for their support. I thank Ms Dundas for once again advising us of our shortcomings. I will not labour the point any further, because there will be discussion on the amendments at the detail stage, and I am acutely aware that we need to complete our business by 7 o'clock this evening.

Question resolved in the affirmative

Bill agreed to in principle.

Detail stage

Clauses 1 to 5, by leave, taken together and agreed to.

Clause 6.

MS DUNDAS (6.18): I move the amendment circulated in my name [*see schedule 1 at page 2085*].

My amendment addresses the three shortcomings that I identified in my speech at the in-principle stage. This amendment, if accepted, will enable sporting organisations to enjoy a benefit from the day the amendment comes into force. The amendment defines a class of exempt sporting organisations which takes in only those organisations that actually need a duty concession, and the amendment improves accountability by requiring the tabling of the names of all exempted organisations which do not fit in within the defined classes of exempt community organisations or exempt sporting organisations. I do not see this as another ream of paperwork for this Assembly but more as an accountability check.

My amendment proposes that the minister be granted a discretion to develop guidelines specifying which additional types of organisation may, rather than must, be exempted from duty and that the minister be required to name the exempted organisations in a notifiable instrument so that the Assembly is aware of how the ministerial discretion is being exercised. Again, this is not a huge burden on the government but more an accountability measure so we are always aware of who is being exempted and who is being granted the ability to save money. This is a very important part of my amendment. Even though we may have faith in the government to do the right thing, it may not always be that way. We need to be aware of who the government believes is worthy of exemptions from duty.

As I have mentioned, a benefit of my proposal is that it would grant immediate duty exemptions to sporting organisations that fit the definition I have proposed. I believe that my proposed definition would catch the cash strapped organisations that depend wholly on participant fees but exclude organisations that have substantial sponsorship revenue or other revenue from non-sporting activities. I have consulted widely in the development of this definition. I have consulted parliamentary counsel but also sporting organisations throughout the ACT on what they believe would be the best definition.

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I also believe that my proposed list of exempted insurance policies will cover all types of insurance currently held by those non-profit bodies. I propose that the minister be permitted to specify additional categories of exempt insurance as provided in the bill, but I believe that the list of categories I have developed encompasses all policies currently held by amateur sporting associations.

I am aware that it was not the immediate intention of the government to exempt organisations from duty on insurance premiums other than for public liability cover. However, I think the granting of a broader exemption would be a welcome sign that the Assembly recognises the hardship being experienced by non-profit organisations. On Tuesday the Assembly was able to grant special funding regimes to women's sporting organisations. So, let us broaden the things that we are doing for the community in insurance.

Broadening the exemption will also simplify administration of the exemption, as almost all sporting organisations have insurance policies combining a range of insurance types. These policies do not usually indicate what portion of the policy relates to public liability, as opposed to directors' and officers' liability or other categories of liability. Apportioning the duty charge would place an additional burden on the ACT Revenue Office.

In conclusion, my amended proposal would not significantly increase the burden on the minister or the Assembly. As I have mentioned, most community organisations are already wholly exempted from duty, independent of the exercise of ministerial discretion. My amendment would automatically exempt all needy sporting organisations, independent of ministerial discretion. I do not believe that the residual ministerial power to make guidelines and grant exemptions would need to be used in many, if any, instances.

I seek the Assembly's support for what I believe is an important amendment to make this bill more workable for community organisations and make the government more accountable.

MS TUCKER (6.23): This amendment responds to concern that the bill is quite vague in specifying the details of the circumstances in which the duty exemption will be provided. The bill merely sets up the power for the minister to determine disallowable guidelines for exempting from duty a premium for public liability or other general insurance.

The minister's presentation speech and the EM outline that the contents of the guidelines on that exemption would be provided to ACT-based amateur sporting and community groups which run on a not-for-profit basis. If the government was so clear about who was getting the exemption, then I wonder why this was not included in the bill. It is annoying that the Assembly is being asked to support a bill which just sets up a framework for action and not the action itself without having seen the proposed guidelines, even if only in draft form.

Ms Dundas has responded to this deficiency by attempting to define in the bill the organisations eligible for exemption and the types of insurance covered. She is putting in the bill what the government intended to do in the guidelines, although I note that she

still allows the minister to issue further guidelines, so the minister still has some flexibility in determining who gets the exemption.

In drafting legislation, there is always the problem of working out how much detail to put in and how much to leave to subordinate instruments. In this case, though, I think the government may have erred too much on the side of not putting enough detail in and leaving open the possibility that the details of the exemption provision will escape sufficient Assembly scrutiny.

I would be concerned if this duty exemption ended up being given to groups that did not deserve it. I think Ms Dundas' intentions are honourable, and I am prepared to support her amendment.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (6.25): While I appreciate the sentiments espoused by Ms Dundas and Ms Tucker, I am not going to support the amendment. When guidelines are produced, they will be retrospective. We will make sure that they are done properly. I advise the Assembly that under administrative arrangements there have already been three waivers. The process is already happening. We just want to put the framework in place.

Might I comment on the amendment put forward by Ms Dundas. The proposed definition restricts eligibility to charitable organisations and not-for-profit sporting organisations. Charitable organisations are already exempt from duty on all general insurance under section 201F of the Duties Act 1999. If these guidelines are adopted, they would exclude non-sporting community-based social and recreational organisations—for example, ethnic cultural clubs, music and choral groups, arts and crafts groups, seniors groups and horticultural groups. That points up that if you try to be too prescriptive in an act in the pursuit of accountability you may do more harm than good.

The 20 per cent rule may exclude clubs that derive their revenues from fundraising activities such as raffles, stalls, sausage sizzles, trash and treasure markets, or whatever. So again there is the possibility of excluding people rather than including people.

The term “not-for-profit” is difficult to define and, as such, may have an unintended prescriptive consequence. In fact, the proposed definition does not preclude distribution of assets to members on dissolution. The government's guidelines will utilise the Australian Taxation Office's administrative arrangements for “not-for-profit”. We will provide consistency with the Australian Taxation Office.

The amendment seeks to insert a new section entitled “Exemptions from duty of insurance for eligible organisations”. The exemptions in paragraphs (a) and (b) of that proposed new section are included in the Duties Act already, and paragraph (c) is outside the intended exemption of this bill. We have been talking about difficulty with public liability insurance. Exemptions for organisations beyond charitable organisations with insurance may well be an appropriate and desirable thing, and possibly legislation should be brought forward to do that. But it is a different agenda from that for which this bill was intended. I admire the generosity associated with this extension of the bill, but it is

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beyond the intent of the bill and ought to be the subject of its own separate debate at another time should a member have that desire.

Workers compensation is already exempt under section 201 of the Duties Act, so paragraph (e) is unnecessary. The insurance mentioned in paragraph (f) will be included in the determination as exempt insurance. As I mentioned earlier, the insurances in paragraphs (g) to (k) are outside the intent of this bill.

The bill will allow the Treasurer to determine other kinds of insurance which will be exempt. The ability of the minister to determine other kinds of insurance is duplicated in the amendment. In proposed new section 201A a determination under paragraph (1) (l) is a disallowable instrument, whereas in proposed new section 201B an exemption under subsection (1) is a notifiable instrument, and a guideline is a disallowable instrument. This amendment will cause confusion because of the different instruments required under different sections. I do not think I need to go into detail about it. If I do, let me know.

The proposed section on exemptions from duty of particular insurance introduces added complexity, requiring each type of insurance and person to be stated in writing and notified in accordance with guidelines which are a disallowable instrument. As indicated, proposed section 201B seems to duplicate the minister's ability to determine that other kinds of insurance are exempt as set out in 201A (1) (l).

All of that goes to say that, despite the good intentions, this amendment does not improve the legislation. It certainly widens the scope of insurance that might be exempt, but that is outside the issue I brought to this house.

The other attempts at ensuring accountability create a prescriptiveness that may, and probably will, militate against the provision of an exemption to an appropriate organisation. These things are difficult to define. That is why the bill confers flexibility on the appropriate minister.

In case it is not known, as Treasurer, I virtually have the capacity now to waive any tax in the territory. One has to be accountable for that. The amendment is not helpful to the bill.

MR HUMPHRIES (Leader of the Opposition) (6.34): The Treasurer has raised a number of concerns about the amendment Ms Dundas has brought forward. I do not fully accept some of the his criticisms of the amendment and have some questions about others. He pointed to duplication between the amendment and provisions already included in other parts of the bill or in the act itself. For example, the exemption from duty for charitable organisations is already provided for elsewhere. Is there a problem with the duplication? Does it cause a difficulty in being able to operate the legislation?

The Treasurer pointed out that proposed paragraph 200A (b) excludes certain non-sporting organisations, but it is meant to do that. Paragraph (b) is meant to be about sporting organisations only, as I understand it. Proposed sections 201A and 201B are meant to catch other organisations.

The minister asserted that the definition of “not-for-profit organisation” excludes the situation where, on the dissolution of an organisation, there is a distribution of assets to members. I have read that definition a couple of times, and I cannot see that it says that. It says that to be a not-for-profit organisation an organisation must have “a constitution prohibiting the organisation from making a distribution in money, property or any other way to its members other than for salary or allowances”. How does that permit the distribution of assets to members on dissolution of the organisation? It seems to me that that would be excluded. Is there any other reason why this definition of a not-for-profit organisation cannot be used?

The Treasurer went on to point out that in proposed section 201A there are a number of grounds for exemption that are included in the present bill but others that are not. But the Treasurer has not explained why those provisions are not appropriately in the bill. For example, why should insurance against theft of money from an organisation or its members not be exempt from the payment of stamp duty? It is a cost an organisation might meet. Why should it not have an exemption for it? If the Treasurer could answer those questions, it would assist the process of deliberation.

Mr Quinlan: I did.

MR HUMPHRIES: Sorry, I did not understand the—

Mr Quinlan: Yes, I know. You were reading.

MR HUMPHRIES: I was reading what you had given me as you were saying it. You pointed out that some of the paragraphs in proposed section 201A (1) contained matters that are included in the government’s proposals and that some contained matters outside the government’s proposals, but I do not think you said why being outside the government’s proposals was a problem.

Why is it, for example, that insurance against theft of money from an organisation or its members is not a matter that this Assembly should not allow to be exempt from stamp duty. I do not think you explained that in your speech. If you did, I apologise, and I am happy for you to explain now why that is the case.

I have a question for Ms Dundas as well. Her proposed section 201A (1) states, “The following insurances are exempt from duty under this chapter if purchased by or for an eligible organisation,” and lists a number of categories of insurance. I assume that organisations will often buy a single insurance policy covering a wide number of issues, some of which might fall in this list and some which might not fall in this list.

How does an organisation fare with obtaining an exemption from duty if some of these items are in the policy and some are not? Is it the intention that Treasury should divide the eligibility for exemption so that part of the policy is exempt from duty and part is not? If that is the case, and there is a single premium for the whole policy, how will they work out which part of the premium should be exempt and which part should not?

If I could have some answers to those questions, it would help me to confirm my view.

Mr Quinlan: What are you trying to do?

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MR HUMPHRIES: I want to know whether to support the amendment, Mr Quinlan. I want to know whether you have answers to these questions.

MS DUNDAS (6.39): I would like to respond first to the comments made by the Treasurer. He indicated that if the bill goes through unamended the guidelines will be retrospective. However, I think this is a false promise. It will not assist organisations looking to find money now to pay their insurance premiums. Under my amendment, organisations will have to find less money, because they will not be paying the duty on top of their insurance bill.

Mr Quinlan has misread my amendment. As Mr Humphries pointed out, the definition of not-for-profit organisation clearly states that it is an organisation “that has a constitution prohibiting the organisation from making a distribution in money, property or any other way to its members other than for salary or allowances”.

I also said that I am looking to expand the definition of insurance, because groups get insurance policies combining a range of types of insurance, and these policies do not usually indicate what portion of the policy relates to public liability or any other type of insurance.

To answer Mr Humphries’ question: I believe that paragraph (l) in proposed section 201A (1)—which states, “any other kind of insurance determined by the Minister in writing”—will allow the Department of Treasury to deal with any problems as they arise. Proposed section 201A (1) contains a comprehensive list of insurance that is used by sporting and non-profit organisations. I would be quite surprised if there was any other insurance they were accessing, but paragraph (l) is there to allow for greater scope if problems arise in working out exemptions.

The point of my amendment is to make this important idea broader, immediate and subject to accountability. If we are to help our community and sporting organisations, let us do that, not just provide hollow promises. And let us do it now, to the best of our abilities and in the most accountable and beneficial way, which is what my amendment provides for.

I urge the Assembly to support my amendment, because it will give us a system that provides immediate relief, which is what everybody has been calling for, and it will provide clear processes for working out who is eligible for this relief, so that we have some accountability and not the current situation of the minister exempting organisations from duty without any reference to the Assembly. We have no idea who is being exempted. It could be organisations that, compared to Little Athletics or junior soccer clubs, are rolling in money and not worthy of an exemption.

As I said, let us make this change broader, immediate and subject to accountability by supporting my amendment.

Question put:

That **Ms Dundas’** amendment be agreed to.

The Assembly voted—

Ayes 2		Noes 11	
Ms Dundas	Ms Tucker	Mr Berry	Ms MacDonald
		Mr Cornwell	Mr Pratt
		Mrs Dunne	Mr Quinlan
		Ms Gallagher	Mr Smyth
		Mr Hargreaves	Mr Stanhope
		Mr Humphries	

Question so resolved in the negative.

Amendment negatived.

Clause 6 agreed to.

Title agreed to.

Bill agreed to.

Adjournment

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

That the Assembly do now adjourn.

University of Canberra

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (6.48): Mr Speaker, at question time today I took a question without notice from Ms Tucker in relation to the University of Canberra. I might add to that answer. On the basis of advice from the Government Solicitor in relation to the application of the Public Disclosure Act to the university, the chief executive of the department wrote to the ombudsman and the ACT Auditor-General asking them to resolve which agency should deal with the issue and take appropriate action.

The department has written to the university advising that the act applies. The department is currently discussing with relevant agencies whether any further action needs to be taken to avoid any doubt about the application of the act and the ability to undertake appropriate investigations under the act. If there are continuing concerns around the university's compliance, I am prepared to consider declaring the university an instrumentality.

The advice I have, which was advice received on 22 May, is that while the university did not consider that the act applied to them, they would be happy to engage in discussions with the Chief Minister's Department. They advised, however, that the vice-chancellor

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was currently not available and they would prefer that those discussions involve the vice-chancellor, and that they were still awaiting some further confirmation.

As I indicated, the chief executive of the Chief Minister's Department has written to the Auditor-General and to the ombudsman about the issue. I think the letters are self-explanatory and do give some detail of exactly what is happening in relation to the consideration of the issues that you raised, Ms Tucker. I table those two letters for the information of members.

Mr Alec Campbell

MR BERRY (6.50): A lot has been said about Alec Campbell and his involvement in Gallipoli, and I don't need to repeat any of that except to say that for about six weeks Alec was in Gallipoli. He enlisted at the age of 16, and by the time he was demobbed and got back to Tasmania he was 17.

I want to refer to a part of Alec Campbell's life that has not been talked about. According to the publication I have in front of me, *Workers Online*, it is the sort of story you would not read in the *Daily Telegraph*. Alec Campbell had a very busy life after his involvement in Gallipoli. According to this publication, he lived in South Australia, New South Wales and Tasmania. He was variously a jackaroo, a carpenter, a railway carriage builder, a mature age university student, a public servant, a research officer and a historian. He married twice and had nine children. Alec was also an amateur boat builder, a self-taught navigator and a Sydney to Hobart yachtsman during the early years of the race. He also enjoyed hunting, and somewhere along the line he did a bit of boxing.

Not a lot of this was published in the course of recent reports about his involvement in Gallipoli. Politically and industrially—and this was not reported either—Alec was a socialist, a trade unionist and an anti-fascist, and during the Spanish civil war he considered going to Spain to join the fight against the fascist forces of General Franco.

One of his daughters described him as an enthusiastic unionist who put everything into this activity. I think it is good that we are able to acknowledge Alec's further involvement in the community, because he was a real Australian who worked for the betterment of Australians. He was regarded by the conservative press as a red during the Launceston local council elections where he campaigned, with union endorsement, for slum clearance, low rental public housing, anti-pollution measures and anti-monopoly measures.

He was a man who was fully involved in the community. Alec became the president of the Tasmanian branch of the Australian Railways Union from 1939 to 1941, and of Launceston Trades Hall Council from 1939 to 1942. In those tough times he was known to be quick tempered. Sometimes his fists did the talking. He was a man of his times. During his long life he also worked variously with peace activists and anti-conscriptionists. He is a fellow who stood on his own two feet.

According to this publication—and I think this sums up Alec's humour—when talking to a union organiser from the CFMEU a few years ago, Alec said, "I wonder if Howard would give me a state funeral if he knew what I really stood for?"

National Women's Constitutional Convention

MS DUNDAS (6.53): Mr Speaker, I rise today to speak briefly about the upcoming National Women's Constitutional Convention which is to be held in Canberra next week. The purpose of this conference is to celebrate 100 years of women's suffrage and to promote women's continuing involvement in political reform and constitutional change.

Trying to get women involved in politics is something that I take very seriously. Just this week I had the privilege of addressing a number of young women from Canberra Girls Grammar to do just this. During the discussion I was asked about some of the difficulties of being a young woman in what is otherwise a male dominated world. I set my mind back and thought about whether the members in our chamber act in a manner that promotes the continuing involvement in politics by women.

Two unfortunate memories stand clear in my mind. The first was at the ClubsACT awards dinner when the Chief Minister announced that Treasurer Quinlan was the government's leading feminist. I found this to be an amazing statement, given the Chief Minister does purport to be the Minister for Women. Further, I believe that two-thirds of his backbench, who were present at that dinner, have greater claims to feminist ideals than the Treasurer.

This week we saw the government's leading feminist in true form when he looked down the chamber and announced his total opposition to the policy positions of the crossbench members, but then declared that he would have to give his support as he needed the votes of "those two women at the end". What followed was a silly discourse over whether he was being discriminatory, patronising, grovelling, or all three. I will leave it up to the government's leading feminist to determine what he was doing. However, that performance and the following days performance in question time in front of students from the Canberra Girls Grammar certainly showed them that policy debates are often the subject of pragmatic voting and who can speak loudest.

I look forward to the women's constitutional convention, where I will be taking the positive step of delivering a paper on young women as political activists. I hope that all members will take a keen interest in the convention that we have the pleasure of hosting in this city. I also look forward to considering any recommendations that might come out of that conference. Perhaps the government's leading feminist, Treasurer Quinlan, may attend.

MR SPEAKER: At 7 o'clock, I am going to close the house down. We have an industrial understanding that once we give an undertaking to finish at 7, that is when we finish.

Aboriginal health

MS MacDONALD (6.56): I did not manage to finish the speech I made earlier today during the debate on the matter of public importance. I will do so briefly now, and others can speak after me.

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I was at the point of saying that Canberrans pride themselves on being a progressive, educated and sensitive people. Today, I challenge this Assembly to give Canberrans progressive, educated and sensitive leadership to address indigenous health failings. The well-being of indigenous people in Canberra goes far beyond public importance. It is a matter of cultural and social importance. In fact, it is a matter of respect and national and international leadership.

I invite and challenge following speakers to recognise the cause and effect of indigenous health concerns, and cooperatively move towards solutions. I am happy to say that the speakers who followed me in the MPI debate took up that challenge.

MR SPEAKER: Thank you for your brevity, Ms MacDonald.

University of Canberra

MS TUCKER (6.57): Mr Speaker, I just want to clarify or correct something I said earlier today in question time. I was asking a question about the University of Canberra Union, which I incorrectly referred to as the University of Canberra Student Union. I just want to correct that because it is quite significant in terms of the structure of that union.

Her Majesty the Queen—golden jubilee

MR PRATT (6.57): Mr Speaker, I rise briefly to congratulate the Queen—the Queen of Britain and the Commonwealth, and the Queen of Australia—on a successful golden jubilee. For many Canberrans, the Queen is an extremely important person and it was nice to see Australian involvement at the jubilee, the most colourful of which was the penultimate performance by Dame Edna Everage during the rock extravaganza when, as a salivating Sir Les Patterson, she invited the Queen to come onto the stage.

Mr Speaker, I think it would be appropriate that the house acknowledge and congratulate the Queen and the people of Britain on a fine performance.

Ms Marguerite McKinnon

MR HARGREAVES (6.58): Mr Speaker, I will be brief. I just want to make sure the record shows that this Assembly appreciates the services of Marguerite McKinnon. Marguerite has had heaps of years with WIN. She was dogged, fair and entertaining. She gave us a tough time and a good time, and she added an enormous amount to the quality of media representation in this place. It will be sad to see her go.

We wish Marguerite very well when she goes to 2UE. I would like the record to show that every member in this chamber will miss her smiling face at the camera.

Question resolved in the affirmative.

The Assembly adjourned at 6.59 pm until Tuesday, 25 June 2002, at 10.30 am.

Schedule of amendments

Schedule 1

Duties (Insurance Exemptions) Amendment Bill 2002

Amendments circulated by Ms Dundas

Clause 6

Page 3, line 1—

omit clause 6, substitute

6 New section 200A, part 8.6

insert

200A Definitions for pt 8.6

In this part:

eligible organisation means—

- (a) a charitable organisation; or
- (b) an organisation, whether incorporated or not, that—
 - (i) is formed to facilitate sport or other physical activity that promotes health or physical fitness; and
 - (ii) is a not-for-profit organisation; and
 - (iii) did not, in the last complete financial year, receive more than 20% of its total revenue from a single person; and
 - (iv) did not, in the last complete financial year, derive more than 20% of its revenue from non-sporting activities.

not-for-profit organisation means an organisation, whether incorporated or not, that has a constitution prohibiting the organisation from making a distribution in money, property or any other way to its members other than for salary or allowances payable to the members for services performed by them for the organisation.

7 New sections 201A and 201B

insert

201A Exemption from duty of insurance for eligible organisations

(1) The following insurances are exempt from duty under this chapter if purchased by or for an eligible organisation:

- (a) public liability insurance for claims against the organisation;
- (b) public liability insurance for a claim against a member of the organisation by another member;
- (c) directors and officers liability insurance purchased for directors or officers of the organisation in relation to their duties as directors or officers of the organisation;
- (d) personal injury insurance purchased for members of the organisation;
- (e) workers compensation insurance;
- (f) professional indemnity insurance for members, employees or contractors of the organisation in relation to their duties as members, employees or contractors;
- (g) insurance against theft of money from the organisation or its members;
- (h) insurance for loss of, or damage to, equipment of the organisation;

- (i) insurance for loss of, or damage to, equipment of a member of the organisation used by the member in the member's activities as a member;
- (j) travel insurance for directors, officers and members of the organisation;
- (k) building or contents insurance for the organisation;
- (l) any other kind of insurance determined by the Minister in writing.

(2) A determination under subsection (1) (l) is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

201B Exemption from duty of particular insurance

(1) The Minister may, in writing and in accordance with guidelines under subsection (3), exempt from duty under this chapter insurance of a stated kind purchased by or for a stated person.

(2) An exemption under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

(3) The Minister must prepare written guidelines for approving exemptions under subsection (1).

(4) A guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Answers to questions
Aboriginal tent embassy
(Question No 140)

Mr Cornwell asked the Minister for Community Affairs, upon notice, on 4 April 2002:

In relation to the 1995 registration on the National Estate of the Aboriginal tent “embassy” in front of Old Parliament House:

- (1) What was the wording of this registration and could a copy of the document be made available to interested parties, including myself.
- (2) Were any terms or conditions placed upon this registration and if so, what were the details.
- (3) Do the occupants of this tent site pay rent or rates; if so, how much and if not, why not.
- (4) What are the details of services supplied to the site, (including and additional to electricity, water, toilet facilities etc) and who pays for them.
- (5) What have been the per annum costs for provision of these services for each year since the registration of the tent "embassy" and who has paid each of these yearly costs.
- (6) If no rent or rates are paid by the occupants or organisers of the tent “embassy”, why are these services supplied.
- (7) If no rent or rates are paid by the occupants or organisers, are the occupants of the “embassy” classified as squatters and if so, can they be evicted; if not, what right by law do they have to remain there.
- (8) In general, does registration on the National Estate absolve people or organisations from paying rents or rates at properties occupied and if not, what action is taken against such people or organisations who default.
- (9) Why has action at (7) not been taken against occupants of the tent “embassy” above.
- (10) Of the people camping in front of Old Parliament House, how many are Ngun(n)awal people and what involvement do the Ngun(n)awal elders have in the organisation and support of the “embassy”.
- (11) If no rent or rates are paid by the occupants of the tents currently pitched on the grassed areas opposite Old Parliament House and no action has been taken to move them, can I be assured that non Aboriginal campers would also be allowed to live or holiday at the same free camping ground.

6 June 2002

Mr Stanhope: The answers to the member's questions are as follows:

I have obtained a copy of the registration of the Aboriginal Tent Embassy from the Australian Heritage Commission and am happy to provide you with copies for reference.

The registration states the significance of the Tent Embassy stressing that it is the focus for Aboriginal and Torres Strait Islander people's political struggle for land rights, sovereignty, autonomy, equality and self government. It points out that:

- the site is significant in the history of Aboriginal political culture;
- it is the only Aboriginal site in Australia that is recognised nationally as a site representing the political struggle for all Aboriginal and Torres Strait Islander people;
- it is significant for the local Aboriginal community because it was used in the past as a meeting and gathering ground;
- it represents the history of the interaction between the indigenous and nonindigenous peoples of Australia; and
- it is a national meeting ground for Aboriginal and Torres Strait Islander People from many different communities.

The registration also mentions the location, boundaries and description of the tent embassy site. I will provide you with a copy of a map of the site and the criteria upon which the tent embassy was judged against.

There are no specific conditions upon the tent embassy site, as the registration states: *it is a dynamic site which is continually evolving and changing to cater to the needs of the Aboriginal people who visit and who live there.*

ActewAGL advises that electricity on the site is currently sourced from cubicles installed to supply carnivals, outdoor events and other activities. The National Capital Authority owns these cubicles.

ActewAGL has not approved or constructed any special water connection to the embassy. It is understood that the camp has access to some taps located around the reflection pool and the camp. There are no metered standpipes hired to the embassy. The site does not have sanitary drains connected to the actual network. It is understood that the embassy uses loos.

ActewAGL confirms that there are no water or electricity accounts associated with the embassy.

The National Capital Authority owns the electricity and water installations on the site. The Authority pays all relevant accounts.

I would like to confirm again that the site of the Aboriginal Tent Embassy is within the Parliamentary Triangle, and is therefore on National Land. National Land is managed by the Commonwealth.

Information relating to the questions 3, 5, 6, 7, 8, 9 and 11 are under the portfolio of the federal Minister for Regional Services, Territories and Local Government, the Hon Wilson Tuckey MP. Question 7 also relates to the authority of the Australian Federal Police (AFP). Therefore, I suggest you refer these questions to the federal Ministry of Regional Services, Territories and Local Government and the AFP for an appropriate response.

I also have no information on the involvement, if any, of Ngunnawal Elders in the organisation and support of the tent embassy.

Budget assistance grants (Question No 168)

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of balancing budget assistance grants received in the ACT for the current financial year as at 31 March 2002.
- (2) Is the quantum of balancing budget assistance grants received as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget.
- (3) What has been the trend in the payment of balancing budget assistance grants during the period between 1 October 2001 and 31 March 2002.
- (4) How has this pattern of payment of balancing budget assistance grants varied from the same period in the previous financial year.
- (5) What has been the basis for any changes in the pattern of payments of balancing budget assistance grants between this and the previous financial year.

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

- (1) The Budget Balancing Assistance, or BBA, received during the financial year to March 2002 is \$36.6m.
- (2) BBA received in the year to 31 March 2002 is greater than the estimate of \$28.8m in the 2001-02 ACT Budget and reflects the Commonwealth's revised forecasts of GST revenue.
- (3) There have been two payments of BBA in the period from 1 October 2001 to 31 March 2002. The first payment in October 2001 was \$10.9 m, and the second payment in January 2002 was \$15.7 m.
- (4) The ACT did not receive any BBA payments from 1 October 2000 to 31 March 2001. The 2000-01 BBA entitlement was paid in full in July 2000 rather than in quarterly payments.

(5) The pattern changed to reflect a move from up front payment of BBA by the Commonwealth to a quarterly payment. The first year of BBA reflected the implementation of ANTS, with up front BBA providing the States and Territories with the capacity to absorb the change.

Dividends (Question No 170)

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of dividends collected in the ACT for the current financial year as at 31 March 2002?
- (2) Is the quantum of dividends collected as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?
- (3) What has been the trend in the payment of dividends during the period between 1 October 2001 and 31 March 2002?
- (4) How has this pattern of payment of dividends varied from the same period in the previous financial year?
- (5) What has been the basis for any changes in the pattern of payments of dividends between this and the previous financial year?

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

- (1) In relation to the consolidated result of the General Government Sector, Dividend revenue relates to that declared by the Public Trading Sector. As at 31 March 2002 \$0.2m had been recorded as revenue (and declared by PTEs). Cash receipts collected related to dividends of the previous year.
- (2) The 2001 ACT Budget forecasts dividends totalling \$41.6m to be recognised as revenue during the 2001-2002 financial year. Traditionally, dividends of the PTE sector are declared at the end of the financial year and, the associated revenue is therefore also not recognised until the end of the financial year. The end of year estimate for dividends has been revised from the original estimate of \$41.6m to \$46.1m. Dividends are included in the line item 'other revenue' in the March Quarterly Report. Information on other revenue can be found in the response to Question On Notice No. 184.
- (3) There were no dividends recognised as revenue as at October. During the period between 1 October 2001 and 31 March 2002 only \$0.2m was recognised.
- (4) The pattern of payments between 1 October and 31 March during the 2000-01 financial year was consistent with this financial year. \$0.1m was recorded as revenue for the period ending 31 March 2001.
- (5) There have been no significant changes in the pattern of recognition of dividends between this and the previous financial year.

Fees—collection (Question No 171)

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of fees collected in the ACT for the current financial year as at 31 March 2002?
- (2) Is the quantum of fees collected as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?
- (3) What has been the trend in the payment of fees during the period between 1 October 2001 and 31 March 2002?
- (4) How has this pattern of payment of fees varied from the same period in the previous financial year?
- (5) What has been the basis for any changes in the pattern of payments of fees between this and the previous financial year?

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

Please note: answers are written in respect of Consolidated Financial Statements for the General Government Sector

- (1) The total amount of fees recognised as revenue in the ACT, as at 31 March 2002, was \$72.0m.
- (2) The 2001 ACT Budget forecast fees totalling \$90.1m to be collected during the 2001-02 financial year. As at 31 March 2002, collections of \$72.0m represented 80% the original budget estimate (76% of the estimated outcome).
- (3) Total fees, as at 1 October 2001 was \$26.3m. The average collection, per month, during the period 1 October 2001 to 31 March 2002 was \$7.6m.

(4)

Fees		Oct \$'000	Nov \$'000	Dec \$'000	Jan \$'000	Feb \$'000	Mar \$'000
2000-01	Month	8,234	6,580	7,506	8,539	7,396	10,626
	YTD	33,541	40,121	47,627	56,166	63,562	74,188
	% of Audited Outcome	33%	40%	47%	56%	63%	73%
2001-02	Month	7,717	7,940	4,518	10,054	5,796	9,618
	YTD	34,047	41,987	46,505	56,559	62,355	71,972

As seen from the table above, the pattern of fees revenue remains broadly the same.

- (5) There has been no significant change in the pattern of collection of fees between this and the previous financial year, other than a decrease in monthly collections (from 2000-01) for Motor Vehicle Registration reflecting the MVR revenue initiative of the 2001-02 Budget which reduced the total MVR revenue by \$10m.

**Fines
(Question No 172)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of fines collected in the ACT for the current financial year as at 31 March 2002?
- (2) Is the quantum of fines collected as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?
- (3) What has been the trend in the payment of fines during the period between 1 October 2001 and 31 March 2002?
- (4) How has this pattern of payment of fines varied from the same period in the previous financial year?
- (5) What has been the basis for any changes in the pattern of payments of fines between this and the previous financial year?

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

- (1) The total amount of fines collected in the ACT, as at 31 March 2002, was \$13.7m.
- (2) The 2001 ACT Budget forecasted fines totalling \$19.5m to be collected during the 2001-02 financial year. As at 31 March 2002, collections of \$13.7m represented 70% of the original budget estimate (75% of the estimated outcome).
- (3) Total fines as at 1 October 2001 was \$4.6m. The average collection, per month, during the period 1 October 2001 to 31 March 2002 was \$1.5m.
- (4)

Fines		Oct	Nov	Dec	Jan	Feb	Mar
		\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
2000-01	Month	1,416	1,321	1,015	1,624	1,197	1,509
	YTD	5,231	6,552	7,567	9,191	10,388	11,897
	% of Audited Outcome	24%	31%	35%	43%	49%	56%
2001-02	Month	1,542	1,518	946	1,873	1,666	1,573
	YTD	6,113	7,631	8,577	10,450	12,115	13,688
	% of Est Out	34%	42%	47%	57%	66%	75%

The table above shows a pattern of revenue for 2001-02, which is broadly consistent with that of the previous year, however, there has been more emphasis on recording revenue throughout 2001-02.

- (5) There have been no significant changes in the pattern of collection of fines between this and the previous financial year, other than an increase in monthly collections for Traffic Infringement Fines, due to a budgeted increase in red light/speed cameras.

Gambling tax (Question No 173)

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of gambling tax collected in the ACT for the current financial year as at 31 March 2002?
- (2) Is the quantum of gambling tax collected as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?
- (3) What has been the trend in the payment of gambling tax during the period between 1 October 2001 and 31 March 2002?
- (4) How has this pattern of payment of gambling tax varied from the same period in the previous financial year?
- (5) What has been the basis for any changes in the pattern of payments of gambling tax between this and the previous financial year?

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

Please note: answers are written in respect of Consolidated Financial Statements for the General Government Sector

- (1) The total amount of gambling taxes collected in the ACT, as at March 2002, was \$31.7m.
- (2) The 2001 ACT Budget forecast gambling taxes totalling \$47.1m to be collected during the 2001-02 financial year. As at 31 March 2002, collections of \$31.7m represented 67% of the original budget estimate (75% of the estimated outcome).
- (3) Total gambling taxes as at 1 October 2001 was \$11m. The average collection, per month, during the period 1 October 2001 to 31 March 2002 was \$3.5m.
- (4)

Gambling Taxes		Oct	Nov	Dec	Jan	Feb	Mar
		\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
2000-01	Month	2,800	3,803	3,628	3,613	3,270	3,071
	YTD	16,704	20,507	24,134	27,747	31,018	34,088
	% of Audited Outcome	39%	47%	56%	64%	72%	79%
2001-02	Month	3,390	3,626	3,547	3,902	3,256	3,040
	YTD	14,341	17,967	21,514	25,416	28,672	31,712

The table above indicates the pattern of revenue for the two periods.

- (5) There have been no significant changes in the pattern of collection of gambling taxes between this and the previous financial year

**General purpose funding
(Question No 174)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of general purpose funding received in the ACT for the current financial year as at 31 March 2002.
- (2) Is the quantum of general purpose funding received as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget.
- (3) What has been the trend in the payment of general purpose funding during the period between 1 October 2001 and 31 March 2002.
- (4) How has this pattern of payment of general purpose funding varied from the same period in the previous financial year.
- (5) What has been the basis for any changes in the pattern of payments of general purpose funding between this and the previous financial year.

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

- (1) General purpose funding is defined as GSA Revenue, Budget Balancing Assistance, Special Fiscal Needs and National Competition Policy Payments. The General purpose funding received during the financial year to March 2002 is \$465.8m.
- (2) General purpose funding received to 31 March 2002, is approximately \$5.2m above the original estimate for 31 March 2002.
- (3) There is no trend as such within the period 1 October 2001 and 31 March 2002.
- (4) There is no discernible change in the pattern of payment of general purpose funding between the two periods. However, the quantum of the payment has increased from 2000-01 to 2001-02.

Regular equal payments are made for Special Fiscal Needs, and National Competition Policy payments. GSA Revenue payments are based on the proportion of GSA collected in each month, and Budget Balancing Assistance reflects the latest estimate of assistance required.

- (5) Again there is no discernible change in the pattern of general purpose funding between the two periods.

Payroll tax collections (Question No 175)

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of payroll tax collected in the ACT for the current financial year as at 31 March 2002?
- (2) Is the quantum of payroll tax collected as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?
- (3) What has been the trend in the payment of payroll tax during the period between 1 October 2001 and 31 March 2002?
- (4) How has this pattern of payment of payroll tax varied from the same period in the previous financial year?
- (5) What has been the basis for any changes in the pattern of payments of payroll tax between this and the previous financial year?

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

- (1) As at 31 March 2002, \$111.1m of Payroll Tax had been collected and recorded as revenue.
- (2) The 2001 ACT Budget forecasted Payroll Tax totalling \$152.7m to be recognised as revenue during the 2001-02 financial year. As of 31 March, collections of \$111.1m represent 73% of the original budget estimate (or 75% of the 2001-02 revised estimated outcome).
- (3) Total Payroll Tax, as at 1 October 2001 was \$39.1m. The average collection, per month, during the period 1 October 2001 to 31 March 2002 was \$12m.
- (4)

Payroll Tax		Oct \$'000	Nov \$'000	Dec \$'000	Jan \$'000	Feb \$'000	Mar \$'000
2000-01	Month	8,968	12,277	12,355	17,055	13,018	11,539
	YTD	48,502	60,779	73,134	90,189	103,207	114,746
	% of Audit	31%	39%	46%	57%	65%	73%
2001-02	Month	14,100	7,599	14,051	10,732	12,435	13,130
	YTD	53,158	60,757	74,808	85,540	97,975	111,105
	% of Est	36	41	51	58	66	75
	Out	%	%	%	%	%	%

The above table indicates the pattern of revenue for the two periods.

- (5) The basis for the decline in 2001-02 payroll tax in total is due to: a reduction in employment in the ACT; and an increase in the use of contract employment, particularly by large employers. This is encouraged by the ability to claim input tax credits and savings in labour costs (eg superannuation and workers compensation).

**Public liability insurance
(Question No 176)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of duties collected on public liability insurance in the ACT for the current financial year as at 31 March 2002?
- (2) Is the quantum of duties collected on public liability insurance as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?
- (3) What has been the trend in the payment of duties on public liability insurance during the period between 1 October 2001 and 31 March 2002?
- (4) How has this pattern of payment of duties on public liability insurance varied from the same period in the previous financial year?
- (5) What has been the basis for any changes in the pattern of payments of duties on public liability insurance between this and the previous financial year?

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

Please note: answers are written in respect of Consolidated Financial Statements for the General Government Sector

(1) The duty collected on public liability insurance is not currently recorded separately from other insurance duties. The information below provides detail on general and life insurance duty of which public liability insurance is a component.

(2) The total amount of general and life insurance collected in the ACT, as at 31 March 2002, was \$18.1m.

(3) The 2001 ACT Budget forecasts general and life insurances, totalling \$21.3m, to be collected during the 2001-02 financial year. As at 31 March 2002, collections of \$18.1m represented 85% of the original budget estimate (or 75% of the 2001-02 revised outcome).

Total general and life insurance, as at 1 October 2001 was \$6.7m. The average collection, per month, during the period 1 October 2001 to 31 March 2002 was \$1.9m.

(4)

Insurance Duty		Oct \$'000	Nov \$'000	Dec \$'000	Jan \$'000	Feb \$'000	Mar \$'000
2000-01	Month	1,608	3,001	1,854	2,474	521	1,531
	YTD	5,934	8,935	10,789	13,263	13,784	15,315
	% of Audited Outcome	28%	42%	51%	63%	65%	73%
2001-02	Month	1,918	2,295	1,242	2,477	1,657	1,767
	YTD	8,662	10,957	12,199	14,676	16,333	18,100
	% of Est Out	36%	45%	51%	61%	68%	75%

The above table indicates the pattern of revenue for the two periods.

(5) The pattern in payments for insurance duty has remained fairly consistent from 2000-01 to 2001-02. The increase in insurance duty collected mostly reflects increased insurance premiums.

User charges (Question No 177)

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of user charges collected in the ACT for the current financial year as at 31 March 2002?
- (2) Is the quantum of user charges collected as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?
- (3) What has been the trend in the payment of user charges during the period between 1 October 2001 and 31 March 2002?
- (4) How has this pattern of payment of user charges varied from the same period in the previous financial year?
- (5) What has been the basis for any changes in the pattern of payments of user charges between this and the previous financial year?

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

Please note: answers are written in respect of Consolidated Financial Statements for the General Government Sector

(1) The total amount of user charges collected in the ACT, as at 31 March 2002, was \$143.1m. Of this, \$16.1m was from ACT Government sources, and \$127m was from Non-ACT Government sources.

(2) The 2001 ACT Budget forecast user charges, totalling \$181.4m, to be recognised as revenue during the 2001-02 financial year. As at 31 March 2002, collections of \$143.1m represented 79% of the original budget estimate (78% of the estimated outcome).

(3) Total user charges, as at 1 October 2001 was \$43.9m. The average collection, per month, during the period 1 October 2001 to 31 March 2002 was \$16.5m.

(4)

User Charges		Oct \$'000	Nov \$'000	Dec \$'000	Jan \$'000	Feb \$'000	Mar \$'000
2000-01	Month	17,447	13,698	12,448	18,520	16,540	20,082
	YTD	62,725	76,424	88,872	107,392	123,932	144,014
	% of Audited Outcome	32%	39%	45%	54%	63%	73%
2001-02	Month	16,270	16,302	12,181	15,260	23,256	15,860
	YTD	60,203	76,505	88,686	103,946	127,201	143,062
	% of Est	33%	41%	48%	56%	69%	78%
	Out						

The above shows the pattern of user charges revenue is consistent between the two years.

(5) There is no material difference in the pattern of revenue between the two financial years.

**General rates
(Question No 179)**

Mr Humphries asked the Treasurer, upon notice on 4 June 2002:

- (1) What is the quantum of general rates collected in the ACT for the current financial year as at 31 March 2002?
- (2) Is the quantum of general rates collected as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?
- (3) What has been the trend in the payment of general rates during the period between 1 October 2001 and 31 March 2002?
- (4) How has this pattern of payment of general rates varied from the same period in the previous financial year?
- (5) What has been the basis for any changes in the pattern of payments of general rates between this and the previous financial year?

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

Please note: answers are written in respect of Consolidated Financial Statements for the General Government Sector

- (1) The total amount of general rates revenue collected in the ACT, as at 31 March 2002, was \$107.1m.
- (2) The 2001 ACT Budget forecast general rates, totalling \$104.9m, to be collected as revenue during the 2001-02 financial year. As at 31 March 2002, collections of \$107.1m represented 102% of the original budget estimate (100% of the estimated outcome).
- (3) Total general rates, as at 1 October 2001 was \$104.5m. Revenue from General rates is recognised at the commencement of the financial year. Adjustments during the year reflect updates to end of year projections.

(4)

General Rates		Oct \$'000	Nov \$'000	Dec \$'000	Jan \$'000	Feb \$'000	Mar \$'000
2000-01	Month	160	(188)	-	-	802	54
	YTD	101,570	101,382	101,382	101,382	102,184	102,238
	% of Audited Outcome	97%	97%	97%	97%	98%	98%
2001-02	Month	20	233	(509)	2	(3,729)	6,538
	YTD	104,543	104,776	104,267	104,269	100,540	107,078
	% of Est Out	98%	98%	97%	97%	94%	100%

The table above indicates the pattern of revenue from the two periods. General rates revenue is generally recorded in full in July each year.

- (5) There has been no significant change in pattern between the financial years.

**GST revenue grants
(Question No 180)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of GST Revenue grants received in the ACT for the current financial year as at 31 March 2002?
- (2) Is the quantum of GST Revenue grants received as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?
- (3) What has been the trend in the receipt of GST Revenue grants during the period between 1 October 2001 and 31 March 2002?
- (4) How has this pattern receipt of GST Revenue grants varied from the same period in the previous financial year?
- (5) What has been the basis for any changes in the pattern of payments of GST Revenue grants between this and the previous financial year?

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

- (1) The GST Revenue grants, received for the financial year to March 2002 is \$409.8m.
- (2) The GST Revenue received to 31 March 2002 is in line with the 2001-02 ACT Budget estimate which was based on payment advice from the Commonwealth. On a full year basis the GST Revenue will be less than the 2001-02 ACT Budget estimate, but this is offset by a corresponding increase in BBA for 2001-02.
- (3) GST Revenue payments over the period 1 October 2001 to 31 March 2002 have not fluctuated from the expected cash flows provided by the Commonwealth. The ACT received larger GST Revenue payments in October 2001 and February 2002, in line with expectations, due to the processing of quarterly Business Activity Statements.
- (4) The deferral of the September quarter BAS in 2000 meant that a higher GST Revenue payment was received in November 200 rather than the proportion of funding received over the October to March period.
- (5) When comparing this and the previous financial year, there have been some differences in the pattern of GST Revenue.

The monthly GST Revenue payments were made on the same basis in both years. That is, the payments reflect the amount of GST revenue collected in each month. In most months this comprises GST revenue from monthly Business Activity Statements and taxable imports. In some months the payment is substantially higher when the quarterly Business Activity Statements from businesses with annual turnover of less than \$20m are processed.

The differences between the years reflect the changes in reporting requirements imposed by the Commonwealth and are not indicative of any trend in current or future GST Revenue payments.

**Interest
(Question No 181)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of interest received collected in the ACT for the current financial year as at 31 March 2002?
- (2) Is the quantum of interest received collected as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?
- (3) What has been the trend in the receipt of interest received during the period between 1 October 2001 and 31 March 2002?
- (4) How has this pattern receipt of interest received varied from the same period in the previous financial year?
- (5) What has been the basis for any changes in the pattern of receipt of interest between this and the previous financial year?

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

Please note: answers are written in respect of Consolidated Financial Statements for the General Government Sector

- (1) The total amount of interest received in the ACT, as at 31 March 2002, was \$63.3m. This included \$15.5m in interest payments from the Public Trading Sector.
- (2) The 2001 ACT Budget forecasted interest totalling \$76.6m to be recognised as revenue during the 2001-02 financial year. As at 31 March 2002, revenue of \$63.3m represented 83% of the original budget estimate (78% of the estimated outcome).
- (3) Total interest revenue, as at 1 October 2001 was \$21m. The average receipt, per month, during the period 1 October 2001 to 31 March 2002 was \$7m.

(4)

Interest Revenue		Oct \$'000	Nov \$'000	Dec \$'000	Jan \$'000	Feb \$'000	Mar \$'000
2000-01	Month	8,919	6,223	12,690	10,565	6,047	8,119
	YTD	32,747	38,970	51,660	62,225	68,272	76,392
	% of Audited Outcome	34%	41%	54%	65%	71%	80%
2001-02	Month	8,194	2,856	10,393	2,228	12,574	6,024
	YTD	29,223	32,080	42,472	44,700	57,274	63,297
	% of Est Out	36%	40%	52%	55%	71%	78%

The table above shows the pattern of interest revenue to be consistent between the two years.

- (5) The reduction in average collections for this financial year is largely due to a lower average collection of interest on loans provided to PTE agencies. The main contributor has been ACTEW, in regards to its interest payments on indexed Annuity Bonds. The Bonds are linked to CPI and with the introduction of the GST in 2000-01 CPI was at an abnormally high level. Now that CPI has returned to a normal level, interest payments are also returned to previous levels.

Stamp duties (Question No 182)

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of stamp duties collected in the ACT for the current financial year as at 31 March 2002?
- (2) Is the quantum of stamp duties collected as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?
- (3) What has been the trend in the payment of stamp duties during the period between 1 October 2001 and 31 March 2002?
- (4) How has this pattern of payment of stamp duties varied from the same period in the previous financial year?
- (5) What has been the basis for any changes in the pattern of payments of stamp duties between this and the previous financial year?

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

Please note: answers are written in respect of Consolidated Financial Statements for the General Government Sector

- (1) The total amount of stamp duties collected in the ACT, as at 31 March 2002, was \$125.4m.
- (2) The 2001 ACT Budget forecast user charges, totalling \$119.6m, to be collected during the 2001-02 financial year. As at 31 March 2002, collections of \$125.4m represented 105% of the original budget estimate (or 74% of the 2001-02 revised estimated outcome).
- (3) Total stamp duties, as at 1 October 2001 was \$40.9m. The average collection, per month, during the period 1 October 2001 to 31 March 2002 was \$14.1m.
- (4)

Stamp Duty		Oct \$'000	Nov \$'000	Dec \$'000	Jan \$'000	Feb \$'000	Mar \$'000
2000-01	Month	10,325	11,000	11,977	21,544	8,549	3,950
	YTD	40,785	51,785	63,762	85,306	93,855	97,805
	% of Audited Outcome	27%	35%	43%	57%	63%	65%
2001-02	Month	15,127	13,600	14,282	13,945	14,178	13,442
	YTD	55,984	69,584	83,866	97,811	111,989	125,431
	% of Est Out	33%	41%	49%	57%	66%	74%

The table above shows the pattern of revenue for two periods.

- (5) There have been no significant changes in the pattern of collection of stamp duties between this and the previous financial year, other than an increase in collections for duty on conveyances, reflecting higher property values and increased sales activity.

**Commonwealth payments
(Question No 183)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of other Commonwealth payments received in the ACT for the current financial year as at 31 March 2002?
- (2) Is the quantum of other Commonwealth payments received as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?
- (3) What has been the trend in the payment of other Commonwealth payments during the period between 1 October 2001 and 31 March 2002?
- (4) How has this pattern of other Commonwealth payments varied from the same period in the previous financial year?
- (5) What has been the basis for any changes in the pattern of payments of other Commonwealth payments between this and the previous financial year?

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

Please note: answers are written in respect of Consolidated Financial Statements for the General Government Sector.

(1) The total amount of other Commonwealth payments received in the ACT, as at 31 March 2002, was \$22.8m.

(2) The 2001 ACT Budget forecasted other Commonwealth payments totalling \$22.4m to be received during the 2001-02 financial year. As at 31 March 2002, the amount received is \$0.4m greater than the amount estimated in the 2001-02 Budget. This is due to additional funding for the extension of the First Home Owners Scheme. An equivalent expense is also reflected.

(3) A comparison of the other Commonwealth payments receipts for the 2000-01 and 2001-02 financial years between October and March indicates that receipts from November 2001 to January 2002 are slightly down on the receipt trends for the same period in 2000-01. This is due largely to timing of receipts from the Commonwealth.

(4)

Other Cwlth Payments		Oct \$'000	Nov \$'000	Dec \$'000	Jan \$'000	Feb \$'000	Mar \$'000
2000-01	Month	573	6,512	4,223	2,862	(1,491)	404
	YTD	6,645	13,157	17,379	20,241	18,750	19,154
	% of Audited Outcome	24%	47%	62%	72%	67%	68%
2001-02	Month	1,112	4,431	184	800	7,346	1,311
	YTD	8,733	13,165	13,349	14,148	21,494	22,805
	% of Est Out	29%	43%	44%	47%	71%	75%

The table above indicates the pattern of revenue for the two periods.

(5) The change in the pattern of receipt of other Commonwealth payments between this and the previous financial year, reflects timing differences.

Revenue (Question No 184)

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of other revenue, derived from lease sales, superannuation contributions and other sources, collected in the ACT for the current financial year as at 31 March 2002?
- (2) Is the quantum of other revenue collected as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?
- (3) What has been the trend in the payment of other revenue during the period between 1 October 2001 and 31 March 2002?
- (4) How has this pattern of payment of other revenue varied from the same period in the previous financial year?
- (5) What has been the basis for any changes in the pattern of payments of other revenue between this and the previous financial year?

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

Please note: answers are written in respect of Consolidated Financial Statements for the General Government Sector.

(1) The total amount of other revenue collected in the ACT, as at 31 March 2002 was \$136.5m. This included \$96.1m of lease sales and \$8.2m of superannuation contributions.

(2) The 2001 ACT Budget forecasted other revenue totalling \$215.3m to be collected during the 2001-02 financial year. However, of this \$215.3m, revenue of \$41.6m relates to dividends, which is addressed in Question On Notice No. 170. As at 31 March 2002, revenue of \$136.5m represented 78% of the original budget estimate (55% of the estimated outcome).

(3) Other revenue, excluding dividends, as at 1 October 2001 was -\$2.5m. The average collection, per month, during the period 1 October 2001 to 31 March 2002 was \$23.2m. The significant increase in revenue collected between 1 October 2001 to 31 March 2002 is due to increased lease sales from Land and Gungahlin Development Authority, and the re-coding of the loss on the value of investments as an expense, rather than as a negative 'other revenue'.

(4)

Other Revenue		Oct	No	De	Jan	Feb	Mar
		\$'000	v	c	\$'000	\$'000	\$'000
2000-01	Month	30,830	(5,854)	(16,800)	36,922	1,054	18,263
	YTD	58,655	52,801	36,001	72,923	73,977	92,240
	% of Audited Outcome	26%	23%	16%	32%	33%	41%
2001-02	Month	20,223	25,476	49,441	3,317	(10,459)	51,061
	YTD	17,699	43,175	92,616	95,933	85,474	136,535
	% of Est Out	7%	17%	37%	39%	35%	55%

The table above shows the difference in the pattern of revenue between the two years. The negative monthly figures indicate where there has been a loss in value of market returns on investments in a particular month.

(5) The change in the pattern of revenue is due to the change in lease sales revenue from land developing agencies, and market return on investments.

**Taxes collected
(Question No 185)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of other taxes collected in the ACT for the current financial year as at 31 March 2002?
- (2) Is the quantum of other taxes collected as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget?
- (3) What has been the trend in the payment of other taxes during the period between 1 October 2001 and 31 March 2002?
- (4) How has this pattern of payment of other taxes varied from the same period in the previous financial year?
- (5) What has been the basis for any changes in the pattern of payments of other taxes between this and the previous financial year?

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

- (1) As at 31 March 2002, \$5.8m of Other Taxes has been collected and recorded as revenue.
- (2) The 2001 ACT Budget forecasted Other Taxes totalling \$4.6m to be recognised as revenue during the 2001-02 financial year. As of 31 March, collections of \$5.8m represent 127% of the original budget estimate (or 19% of the revised 2001-002 estimated outcome, which now includes \$25.8m of tax waivers).
- (3) Total other taxes, as at 1 October 2001 was \$2.2m. The average collection, per month, during the period 1 October 2001 to 31 March 2002 was \$0.6m.
- (4)

Other Taxes		Oct \$'000	Nov \$'000	Dec \$'000	Jan \$'000	Feb \$'000	Mar \$'000
2000-01	Month	5,851	1,296	988	1,910	404	877
	YTD	10,124	11,420	12,408	14,318	14,722	15,599
	% of Audited Outcome	20%	22%	24%	28%	28%	30%
2001-02	Month	343	46	360	434	1,431	1,034
	YTD	2,499	2,545	2,905	3,339	4,770	5,804
	% of Est Out	8%	8%	9%	11%	15%	19%

The table above shows the pattern of revenue for the two periods.

(5) Taxes recognised during 2001-02 differ from 2000-01 due to the cessation of the General Insurance Levy (\$10m) and sales tax.

**Athllon Drive
(Question No 186)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

In relation to the Budget commitment of \$2.7 million to be spent on Athllon Drive during 2001-02:

- (1) What expenditure has been incurred on this capital works project as at 31 March 2002.
- (2) What expenditure is expected to be incurred on this capital works project between 31 March 2002 and 30 June 2002.
- (3) If the amount committed to this capital works project for 2001-02 is not expected to be spent this financial year, what is the reason for this outcome.

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

- (1) Expenditure of \$2.202m had been incurred on the Athllon Drive project to the end of the March quarter 2002.
- (2) Further expenditure of \$0.118m is expected to be incurred on this capital works project between 31 March 2002 and 30 June 2002.
- (3) The overall project value of \$2.650m has been revised down to \$2.320m, following savings achieved at project tender. This project will be completed this financial year.

**Barton Highway
(Question No 187)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

In relation to the 2001-02 Budget allocation of \$12.0 million of Commonwealth Government funds to be spent on the Barton Highway during 2001-02:

- (1) What expenditure has been incurred on the Barton Highway capital works project as at 31 March 2002.
- (2) What expenditure is expected to be incurred on the Barton Highway capital works project between 31 March 2002 and 30 June 2002.
- (3) If the amount committed to the Barton Highway capital works project for 2001-02 is not expected to be spent this financial year, what is the reason for this outcome.

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

- (1) Expenditure of \$6.408 has been incurred on the Barton Highway project in 2001-02 to the end of the March quarter 2002, against revised financing of \$13.5m. An amount of \$1.317m had already been expended in previous years, taking expenditure to date to \$7.725m
- (2) Further expenditure of \$7.214m is expected to be incurred on this capital works project between 31 March 2002 and 30 June 2002. This will take the total estimated expenditure by the end of the financial year to \$14.939m for the entire project to date, against total financing to date of \$15m (\$13.5m in 2001-02, \$1.5m in 2000-01).
- (3) Budgeted expenditure for the year was \$12m, this was revised to \$13.5m. Expenditure to date of \$14.939m is broadly in line with total financing for the year.

The overall project value for the Barton Highway of \$15m has also been increased to \$19m during 2001-02, following increased project scope. The \$4m increase was jointly funded by the Commonwealth and ACT Governments. The residual of this project is now budgeted for expenditure in 2002-03

**Cotter Road
(Question No 188)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

In relation to the 2001-02 Budget commitment of a further \$2.4 million to be spent on Cotter Road, between the Tuggeranong Parkway and Streeton Drive during 2001-02:

- (1) What expenditure has been incurred on this capital works project as at 31 March 2002.
- (2) What expenditure is expected to be incurred on this capital works project between 31 March 2002 and 30 June 2002.
- (3) If the amount committed to this capital works project for 2001-02 is not expected to be spent this financial year, what is the reason for this outcome.

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

- (1) Expenditure of \$1.111m had been incurred on the Cotter Road (between the Tuggeranong Parkway and Streeton Drive) project to the end of the March quarter 2002. This completes the project.
- (2) The scope of the Cotter Road project was revised during 2001-02, and the project value was subsequently reduced to \$1.1m
- (3) Expected expenditure for the financial year has been fully incurred.

**Drakeford Drive
(Question No 189)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

In relation to the 2001-02 Budget commitment of a further \$3.2 million to be spent on Drakeford Drive, between Taverner Street and Erindale Drive during 2001-02:

- (1) What expenditure has been incurred on this capital works project as at 31 March 2002.
- (2) What expenditure is expected to be incurred on this capital works project between 31 March 2002 and 30 June 2002.
- (3) If the amount committed to this capital works project for 2001-02 is not expected to be spent this financial year, what is the reason for this outcome.

6 June 2002

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

- (1) Expenditure of \$1.953m had been incurred on the Drakeford Drive project, between Taverner Street and Erindale Drive, to the end of the March quarter 2002.
 - (2) Further expenditure of \$0.117m is expected to be incurred on this capital works project between 31 March 2002 and 30 June 2002.
 - (3) The overall project value of \$3.2m has been revised down to \$2.070m, following savings achieved at project tender. This project will be completed this financial year.
-

Flemington Road (Question No 190)

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

In relation to the 2001-02 Budget commitment of a further \$2.0 million to be spent on the extension of Flemington Road during 2001-02:

- (1) What expenditure has been incurred on this capital works project as at 31 March 2002.
- (2) What expenditure is expected to be incurred on this capital works project between 31 March 2002 and 30 June 2002.
- (3) If the amount committed to this capital works project for 2001-02 is not expected to be spent this financial year, what is the reason for this outcome.

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

- (1) Expenditure of \$1.535m had been incurred on the Flemington Road project in the 2001-02 financial year to the end of the March quarter 2002. This takes total expenditure to date for this project to \$3.999m, with the inclusion of prior year's expenditure of \$2.464m (\$0.464m in excess of \$2.0m prior year Budget).
- (2) Further expenditure of \$1,000 is expected to be incurred on this capital works project between 31 March 2002 and 30 June 2002.
- (3) This project will be completed this financial year.

Gungahlin Drive (Question No 191)

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

In relation to the 2001-02 Budget commitment of a further \$2.8 million to be spent on Gungahlin Drive, between Wells Station Drive and the Barton Highway during 2001-02:

- (1) What expenditure has been incurred on this capital works project as at 31 March 2002.
- (2) What expenditure is expected to be incurred on this capital works project between 31 March 2002 and 30 June 2002.
- (3) If the amount committed to this capital works project for 2001-02 is not expected to be spent this financial year, what is the reason for this outcome.

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

- (1) Expenditure of \$2.152m had been incurred on the Gungahlin Drive, between Wells Station Drive and the Barton highway project to the end of the March quarter 2002.
 - (2) Further expenditure of \$0.448m is expected to be incurred on this capital works project between 31 March 2002 and 30 June 2002, bring total project expenditure this financial year to \$2.6m.
 - (3) Funding of \$0.2m was deferred to 2002-03 financial year, as outlined in the 30 September 2001 Capital Works Report, following identification of an underspend due to changes in project timing. The project will be completed early 2002-03.
-

Horse Park Drive (Question No 192)

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

In relation to the 2001-02 Budget commitment of \$2.6 million to be spent on Horse Park Drive, to facilitate access from Gundaroo Drive to Amaroo during 2001-02:

- (1) What expenditure has been incurred on this capital works project as at 31 March 2002.
- (2) What expenditure is expected to be incurred on this capital works project between 31 March 2002 and 30 June 2002.
- (3) If the amount committed to this capital works project for 2001-02 is not expected to be spent this financial year, what is the reason for this outcome.

6 June 2002

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

- (1) Expenditure of \$0.994m had been incurred on the Horsepark Drive Access project to the end of the March quarter 2002.
 - (2) Further expenditure of \$1.406m is expected to be incurred on this capital works project between 31 March 2002 and 30 June 2002, bringing total project expenditure to \$2.4m.
 - (3) The overall project value of \$2.8m has been revised down to \$2.4m, following savings achieved at project tender. This project will be completed this financial year.
-

Road projects (Question No 193)

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

In relation to the 2001-02 Budget allocated funds to be spent during 2001-02 on a number of road projects in the ACT:

- (1) What expenditure has been incurred, as at 31 March 2002, on the following capital works projects.
 - (a) Fairbairn Avenue duplication;
 - (b) Majura Road upgrade;
 - (c) Morshead Drive/Pialligo Avenue;
 - (d) Caswell Drive duplication;
 - (e) Gungahlin Drive extension;
 - (f) Horse Park Drive (between Gundaroo Drive and the Federal Highway)
 - (g) Drakeford Drive (between Erindale Drive and Isabella Drive);
 - (h) Barry Drive (between Clunies Ross Street and Marcus Clark Street);
 - (i) Glenloch Interchange;
 - (j) Athllon Drive (between Drakeford Drive and Isabella Drive);
 - (k) William Hovell Drive (between Coulter Drive and Bindubi Street);
 - (l) Northborne Avenue/Barry Drive intersection.
- (2) What expenditure is expected to be incurred on each of these capital works projects between 31 March 2002 and 30 June 2002.
- (3) If the amounts committed to these capital works projects for 2001-02 are not expected to be spent this financial year, what are the reasons for these outcomes.

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

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6 June 2002

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**Roads to recovery program
(Question No 194)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

In relation to the 2001-02 Budget allocation of \$5.1 million to be spent during 2001-02 on projects in the ACT identified under the Commonwealth Government's Roads to Recovery Program:

- (1) What expenditure has been incurred on Roads to Recovery projects as at 31 March 2002.
- (2) What expenditure is expected to be incurred on Roads to Recovery projects between 31 March 2002 and 30 June 2002.
- (3) If the amount committed to the Roads to Recovery Program for 2001-02 is not expected to be spent this financial year, what is the reason for this outcome.

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

- (1) Expenditure of \$0.724 has been incurred on the Roads to Recovery program in 2001-02 to the end of the March quarter 2002, taking total expenditure for this program to \$0.840m against financing of \$5.4m.
- (2) Further expenditure of \$2.5m is expected to be incurred on this program between 31 March 2002 and 30 June 2002, bringing total estimated expenditure by the end of the financial year to \$3.340m for the entire project to date, against the revised 2001-02 financing of \$3.340m.
- (3) An amount of \$2.252m has been rolled over to the 2002-03 financial year. Delays have resulted from complications experienced in the tender process; the majority of the project should be completed by the end of the 2002-03 financial year.

**Industrial action
(Question No 195)**

Mr Humphries asked the Minister for Industrial Relations, upon notice, on 4 June 2002:

- (1) Can the Minister advise how many days were lost through industrial action in the ACT for the years 1994,1995,1996,1997,1998,1999, 2000 and 2001.
- (2) Can the Minister further advise how many days were lost through industrial action during the first quarter of 2002.
- (3) Can the Minister advise on how many days were lost in the private sector, Federal Government and ACT Government in each of the above years and for the first quarter of 2002.
- (4) Can the Minister advise how many days were lost in each ACT Government agency for each of the above years and for the first quarter of 2002.

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

(1) The Australian Bureau of Statistics advise that from 1994 the following working days per thousand employees were lost due to industrial action in the ACT:

1994	1.0
1995	1.1
1996	20.9
1997	2.2
1998	4.9
1999	4.4
2000	1.3
2001	0.4

(2) The Australian Bureau of Statistics advises that in the first quarter of 2002 0.2 working days per thousand employees were lost due to industrial action in the ACT.

(3) I cannot provide the information sought by Mr Humphries. The Australian Bureau of Statistics advises that it does not maintain information on days lost in the distinct groups as requested by Mr Humphries. The Commonwealth Department of Employment and Workplace Relations also confirms that it does not maintain such information.

(4) It is not possible to provide the information sought by Mr Humphries. Agencies have not been required to regularly report on this type of information for many years. While some Agencies have recorded some absences on the PERSPECT system the information cannot be relied upon to accurately reflect all working days lost from 1994. Agencies advise that no working days have been lost due to industrial action in the first quarter of 2002.

Inquiries, reviews, committees and task forces (Question No 196)

Mr Humphries asked the Chief Minister, upon notice, on 4 June 2002:

1. Can the Chief Minister advise of all the inquiries, reviews, committees and taskforces that he or agencies under his direct control have established since his appointment as a Minister in November 2001.
2. How much has each of these cost to date and what has been the total cost to Government of these projects.
3. Can he further advise of the cost of these projects to each agency.
4. What is the reporting date for each of these projects.
5. What are the terms of reference or guidelines for each of these projects.

Mr Stanhope: The answers to the member's questions are as follows:

1. The inquiries, reviews, committees and taskforces established since November 2002 are at Attachments A - N.

Attachment A	Review of Legislative Assembly Members' Staffing Arrangements
Attachment B	PC Reuse Scheme
Attachment C	Community IT Advisory Panel
Attachment D	Study into Connectivity Issues
Attachment E	Review of Organisational Arrangements for ACT Health and Community Care System (the Reid Review)
Attachment F	Bill of Rights
Attachment G	Protection Order Legislation Review
Attachment H	Review of Residential Tenancy Act 1997
Attachment I	Sentencing Review
Attachment J	Examination of the Processes within the Community and Health Services Complaints Unit
Attachment K	Review of the Quality Framework in Mental Health Services in the Canberra Hospital and Calvary Health Care
Attachment L	Review of Current Practices Related to the Provision of Mental Health Services to People at Risk of Harming Themselves or Others
Attachment M	Winnunga Nimmityjah Strategic and Operational Plan
Attachment N	Disability Reform Group and Associated Tasks

2. Costing for each item is included at Attachments A to N

Total cost to Government for all items is \$237,201.40

3. Agency cost for the projects are as follows:

Chief Minister's Department \$180,438.40

Attorney-General \$0

Health \$56,763

4. Reporting date for each item is included at Attachments A to N.

5. The Terms of Reference/Guidelines are included at Attachments A to N.

Attachment A

QUESTION ON NOTICE 196

INQUIRIES, REVIEWS, COMMITTEES AND TASKFORCES

(Established since November 2001)

Agency Name: Chief Minister's Department
Name of Review: Review of Legislative Assembly Members' Staffing Arrangements
Established: 22 February 2002
Cost to Date: \$39,318.40
Reporting Date: 28 May 2002

Terms of Reference:

1) Advise on appropriate staff level allocations, classification structure and associated remuneration for staff engaged under the *Legislative Assembly (Members Staff) Act 1989*, using the following groupings:

- a) government backbench members
- b) the Opposition
- c) Crossbench members
- d) Ministers and The Speaker

2) The advice should take into account:

- Current staffing levels and hours of duty of staff of Members' offices
- workload requirements associated with the Members' responsibilities, including committee work and electoral duties.
- Benchmarks in other Australian parliaments.
- Benchmarks in the ACT Public Service.
- Relevant market factors.
- Responsibilities and remuneration of current staff.
- Work value of positions ("job sizing").
- Extra duty payments or allowances in lieu.

6 June 2002

Attachment B

INQUIRIES, REVIEWS, COMMITTEES AND TASKFORCES
(Established since November 2001)

Agency name: Chief Minister's Department

Name of inquiry / review / committee / taskforce: PC Reuse Scheme

Established: /March 2002

Cost to Date (as at 31 May 2002): \$0

Reporting Date: September 2002

Terms of Reference / Guidelines:

To investigate establishing a PC Reuse Scheme in the Territory. A PC Reuse Scheme would allow donated PCs to be refurbished and Internet enabled for distribution to disadvantaged, unconnected clients.

Michael Vanderheide 6207 6469

Attachment C

QUESTION ON NOTICE 196

INQUIRIES, REVIEWS, COMMITTEES AND TASKFORCES
(Established since November 2001)

Agency name: Chief Minister's Department

Name of inquiry / review / committee / taskforce: Community IT Advisory Panel

Established: TBA

Cost to Date (as at 31 May 2002): \$0

Reporting Date: December 2002

Terms of Reference / Guidelines:

The Community IT Advisory Panel is to be established to provide advice to the ACT Government on strategies aimed at addressing equity of access to IT and Internet services, and related matters, within the ACT. The Community IT Advisory Panel will:

- Take a key role in assisting the Government develop and implement policies to address a broad range of issues related to the digital divide.
- Identify priorities and propose actions that will promote and guide a range of initiatives designed to provide a framework for the Community IT Access Plan.
- Identify and initiate research and provide advice on matters referred by the Minister or raised as a result of community consultation.
- Draw on the expertise of its members and their links to the broader community to assist in progressing issues under consideration.
- Consult regularly with relevant community organisations and individuals to identify concerns and propose relevant action. Act as a link between these particular groups and the Government on such issues.
- Establish links to and draw on expertise from other bodies and organisations addressing a similar range of issues.
- Offer the opportunity for members to develop partnerships, alliances and other mutually beneficial relationships, to support the development of new digital divide initiatives.

Approximate costs to develop requirements and advertise for expressions of interest, follow-up assess and select members, document consult and finalise appointments as a prelude to establishing the committee:

QUESTION ON NOTICE 196

INQUIRIES, REVIEWS, COMMITTEES AND TASKFORCES

(Established since November 2001)

Agency- name: Chief Minister's Department

Name of inquiry / review / committee / taskforce: Study into Connectivity Issues

Established: November 2001

Cost to Date (as at 31 May 2002): \$19,000

Reporting Date: 29 June 2002

Terms of Reference / Guidelines:

The Connectivity study will be required to address the following elements:

Connectivity requirements for disadvantaged people

- identify the major connectivity and affordability requirements for each category of disadvantaged people in the ACT; these may be specific and different needs for each category; and
- recommend how the connectivity needs for each category can be met.

Connectivity arrangements

Examine appropriate arrangements for achieving connectivity for each of the disadvantaged groups. This includes consideration of delivery mechanisms including:

- providing direct connectivity e.g. through TransCanada or another provider;
- access being provided in a person's residence or in a community access point; and
- user support requirements including IT training/ education.

Provision of connectivity requirements

- examine how the connectivity requirements can best be provided; and through which channels including government, community organisations, business. This includes identifying how support requirements can be provided; and
- performance measures to assess how efficiently/effectively connectivity arrangements are provided.

Inclusion of connectivity proposals in Connectivity Sub plan for integration into Community IT Access Plan

- recommend how connectivity proposals can be included in proposed sub plan. The sub plan will indicate how connectivity will be achieved for the whole community including disadvantaged people and broader service delivery issues impacted by the connectivity arrangements (a number of these are identified in this specification); and
- the sub plan will itself be incorporated into the proposed Community IT Access Plan which will outline strategy, policies and initiatives to ensure that all members of the community can have equitable access to IT/Internet.

Other appropriate key issues including:

- requirements for reviewing existing service delivery - e.g. review of existing on line content, changes to existing service delivery programs to enhance on line service provision;
- how connectivity requirements should be incorporated into future government programs including policy development and service delivery;
- future IT/technological environment and how connectivity for the disadvantaged could be maintained and enhanced in this environment; and
- any other issues considered relevant.

Attachment E

QUESTION ON NOTICE 196

INQUIRIES, REVIEWS, COMMITTEES AND TASKFORCES

(Established since November 2001)

Agency name: Chief Minister's Department

Name of inquiry / review / committee / taskforce:

Review- of Organisational Arrangements for the ACT Health and Community Care System (the Reid Review)

Established: 11 02 2002

Cost to Date (as at 31 May 2002): \$122,120

Reporting Date: 07 05 2002

Terms of Reference / Guidelines:

To examine and evaluate the current organisational and reporting arrangements of the government health services in the Territory and to make recommendations on how better to maximise the quality of the delivery of health services through effective policy development and planning, integration of services, and efficient management of costs and resources.

The review should consider but not necessarily be limited to:

- governance and accountability issues;
- possible organisational structures, roles and responsibilities;
- funding arrangements, including the appropriateness of purchaser-provider models;
- performance and cost management; and
- employment and industrial arrangements.

The review should take into account recommendations of the Final Report of the Inquiry into Disability Services in so far as they relate to governance and organisational arrangements. In relation to these aspects, the reviewer should work collaboratively with the Office of Disability, including the Disability Reform Group, and the external expert on disability services, Ms Anne Cross.

QUESTION ON NOTICE 196

INQUIRIES, REVIEWS, COMMITTEES AND TASKFORCES
(Established since November 2001)

Agency name: Justice & Community Safety

Name of inquiry / review / committee / taskforce: Bill of Rights Committee

Established: 3 April 2002

Cost to Date (as at 31 May 2002): \$0

Reporting Date: Early 2003

Terms of Reference / Guidelines:

Terms of Reference include determining:

- Whether a Bill of Rights for the ACT is feasible and desirable;
 - If so, what form the document should take;
 - whether, and to what extent, it should include economic, social and political rights; and
 - whether individuals' responsibilities as distinct from rights should be included.
-

QUESTION ON NOTICE 196

INQUIRIES, REVIEWS, COMMITTEES AND TASKFORCES
(Established since November 2001)

Agency name: JUSTICE & COMMUNITY SAFETY

Name of inquiry / review / committee: Protection Order Legislation Review

Established: 14.5.02

Cost to Date (as at 31 May 2002): \$0

Reporting Date: 2003

Terms of Reference / Guidelines:

To review the Protection Orders legislation and report on desirable changes to the law, practice and procedures.

Attachment H

QUESTION ON NOTICE 196

INQUIRIES, REVIEWS, COMMITTEES AND TASKFORCES
(Established since November 2001)

Agency name: JUSTICE & COMMUNITY SAFETY

Name of inquiry / review / committee / taskforce:

Review of the Residential Tenancy Act 1997

Established: May 2002

Cost to Date (as at 31 May 2002): \$0

Reporting Date: 30 August 2002

Terms of Reference / Guidelines:

The review should be based on an assessment of the past four years of operation of the Act and the operation of the Residential Tenancy Tribunal. In addition to identifying problems with the operation of the Act, the review should also examine the following issues:

- Should section 64 of the Act be amended to not apply to a purchaser on notice? Should the Consumer Price Index (Privately-owned dwelling rents expenditure class) continue to be used in determining rental increases?
- Should the definition of “leasehold” or “quiet enjoyment” be varied as a result of the decisions in *Anthony Worrall v. Commissioner for Housing for the ACT* or *McDermott v Boggs*?
- Whether the range of orders available to the Tribunal should be varied?
- Whether additional alternative terms should be included in the prescribed terms (the standard terms inferred into leases covered by the Act)?
- Whether specific provision should be made concerning co-operative housing?
- What role the police should have in eviction processes:’

QUESTION ON NOTICE 196

INQUIRIES, REVIEWS, COMMITTEES AND TASKFORCES
(Established since November 2001)

Agency name: JUSTICE & COMMUNITY SAFETY

Name of inquiry / review / committee / taskforce: Sentencing Review

Established: 15.4.02

Cost to Date (as at 31 May 2002): \$0

Reporting Date: 2003

Terms of Reference / Guidelines:

The government has determined that the Sentencing Review will:

- (a) consider extending the use of diversionary/restorative justice programs, and other noncustodial sentencing options, in the ACT;
- (b) assess the sentencing options/programs available for offenders who are chronically sick or elderly, have a disability, personality disorder or substance abuse problem, are indigenous Australians, young persons, women, mentally ill and/or are persons whose first language is not English; and
- (c) in light of the results of (a) and (b) above, make recommendations about the consolidation of the legislation governing sentencing in the ACT, including legislative amendments to rectify identified difficulties and defects in ACT sentencing legislation.

Attachment J

QUESTION ON NOTICE 196

INQUIRIES, REVIEWS, COMMITTEES AND TASKFORCES
(Established since November 2001)

Agency name: Department of Health and Community Care

Name of inquiry / review / committee / taskforce: Examination of the Processes within the Community and Health Services Complaints Unit

Established: 5 May 2002

Cost to Date (as at 31 May 2002): \$0

Reporting Date: 12 April 2002

Terms of Reference / Guidelines:

The Minister for Health wrote to the Community and Health Rights Advisory Council and said:

“I wish to engage the Council to examine the existing processes within the Community and Health Services Complaints Unit. In doing so, I seek the Council’s advice regarding what is the appropriate mechanism for ongoing independent review of the operations of the Unit. I would also welcome any other suggestions from the Council to improve the operation of the Council.”

QUESTION ON NOTICE 196

INQUIRIES, REVIEWS, COMMITTEES AND TASKFORCES

(Established since November 2001)

Agency name: Mental Health and Corrections Health Unit. Community Health Branch

Name of inquiry / review / committee / taskforce: Review of the Quality Framework in mental health services in The Canberra Hospital and Calvary Health Care

Established: 18 April 2002

Cost to Date (as at 31 May 2002): \$0

Reporting Date: 31 July 2002

Terms of Reference / Guidelines: Review the quality framework for mental health service provision and purchasing, with a focus on:

- a) safety and quality processes and monitoring within the inpatient and residential services provided by ACT MHS, Calvary, and relevant NGOs;
- b) the adequacy of the safety and quality reporting established by the department in contracts, and other accountability mechanisms; and
- c) the adequacy and consistency of policies, procedures and practices designed to promote safety and quality of service provision in all mental health providers in the ACT.

Attachment L

INQUIRIES, REVIEWS, COMMITTEES AND TASKFORCES
(Established since November 2001)

Agency name: Community and Health Services Complaints Commissioner

Name of inquiry / review / committee / taskforce: Review of current practices related to provision of mental health services to people at risk of harm to themselves or others. Ministerial directive appointed under Section 11 of the Community and Health Services Complaints Act 1996.

Established: 21 May 2002

Cost to Date (as at 31 May 2002): Within existing resources.

Reporting Date: 30 September 2002

Terms of Reference / Guidelines:

Inquire into and report on ACT mental health services for consumers who are at risk of harm to themselves or others, particularly focusing on:

1. Access to and availability of acute services;
2. Standards of safety in service delivery for consumers and carers; and
3. Follow-up care and support following an acute episode to minimise risk of further crises and to promote optimal mental health and wellbeing;

As part of this review, the Community and Health Services Complaints Commissioner will seek input from consumers, carers, families, staff and other interested parties.

Following this review, the Community and Health Services Complaints Commissioner will provide a report outlining findings and recommendations about access, service quality, standards, and opportunities for improvement.

Contact Name and Phone Number:

Simon Rosenberg, Manager Mental Health and Corrections Health Ph: 6207 1066

QUESTION ON NOTICE 196

INQUIRIES, RECIPIENTS, COMMITTEES A/D TASKFORCES

(Established since November 2001)

Agency name: ACT Department of Health and Community Care

Name of inquiry / review / committee / taskforce:

Winnunga Nimmityjah Strategic and Operational Plan

Established: Consultants began working on the strategic planning exercise in early February 2002.

Cost to Date (Total) \$32,000 for consultancy service has been paid to Winnunga Nimmityjah. This funding has been matched by the Commonwealth Office of Aboriginal and Torres Strait Islander Health

Reporting Date: The plan is expected to be completed by August 2002

Terms of Reference / Guidelines:

Terms of Reference.

To produce a comprehensive Strategic and Operational Plan that complements Winnunga Nimmityjah Aboriginal Health Service 2000 - 2003 Strategic Plan with the objective of improving the capacity of the service to meet the demands of existing and future clients, strengthening links with other stakeholders, and improving access for Aboriginal peoples and Torres Strait Islanders within the ACT and region to health related services.

Winnunga Nimmityjah AHS has already achieved many of the goals in the 2000 - 2003 Strategic Plan during a period of rapid growth and this new plan will continue to build upon the strategies outlined in the 2002 - 2003 plan while identifying future goals, priorities and objectives.

The development of this plan will be based on the principles of Aboriginal selfdetermination, community control and will include extensive community consultation. The plan will also recognise the diversity of needs of Aboriginal peoples and Torres Strait Islanders within the region and the concept of holistic health care with reference to the *National Aboriginal Health Strategy* 1989 and will address the following:

Provide an overview of the history of Winnunga Nimmityjah AHD identifying key milestones and achievements, with the objective of identifying present and future outcomes for 3, 5 and 10 year periods. The Strategic Plan will provide performance indicators to enable the evaluation and measurement of these outcomes. An Operational Plan *will* also be produced that complements the Strategic Plan and identifies specific goals, objectives and strategies including roles and responsibilities of the Winnunga Nimmityjah AIDS Board, the CEO and Staff and key stakeholders in the implementation of the Strategic Plan.

Define the current and future geographic region of service provision offered by Winnunga Nimmityjah AIDS, including cross border issues and how this impacts on current and future levels of service delivery within the Region.

Identify, the current health and socio-economic profile of clients accessing Winnunga Nimmityjah AIDS and where possible the broader Aboriginal and Torres Strait Islander population in the ACT and region and the resulting impact on the current and future client needs of Winnunga Nimmityjah AIDS.

An analysis of current and proposed future activities and services, identifying which of these current and future activities are considered core activities within the framework of holistic health care and identified community needs. This will also include identifying other programs that are not specifically health related such as the Emergency Relief Program operated by Winnunga Nimmityjah AIDS and linkages with similar programs within the ACT and region.

Identify existing linkages and potential linkages with other stakeholders. including a mapping of mainstream health related services (both ACT government and other community organisations). This mapping will also identify relationships with the Commonwealth and Territory Governments including roles and responsibilities, funding and reporting requirements, availability of data and opportunities to improve data collection, management and use.

An analysis of resources and infrastructure both administrative and corporate including:

The feasibility of the current premises with reference to the future needs of both the clients and service including cultural appropriateness, accessibility of the building, location, and transport including demand and associated costs of a client transport service;

The role of the CEO and executive and administrative support;

Capacity for policy development and program planning and evaluation across the health care continuum including the implementation of quality assurance processes and mechanisms including accreditation;

Client records and information management;

Data collection and management including the application of the Ferret System and its use in the context of holistic and opportunistic care, and program development and planning.

Identify the impact of the broader policy development role on Winnunga Nimmityjah AIDS that is undertaken by the state/territory NACCHO affiliates and the feasibility and benefits of establishing a viable and independent Territory NACCHO Affiliate in the ACT.

Identify current and future workforce issues including, current and proposed future staffing levels including medical staff, the roles and responsibilities of all staff, current skill levels, and current and future training needs including collection and use of data.

INQUIRIES, REVIEWS, COMMITTEES AND TASKFORCES

(Established since November 2001)

Agency name: Office of Disability

Name of inquiry / review / committee / taskforce:

Disability Reform Group and associated tasks

Established: 19 February 2002 until February 2003

Cost to Date (as at 31 May 2002): \$24, 763.00 (Secretariat and Consultant)

Reporting Date: September 2002 and February 2003

Terms of Reference:

The Disability Reform Group will have three key functions:

- To work in partnership with the Office of Disability to provide integrated advice to the Minister for Health and the Government in relation to the Report of the Inquiry into Disability Services in the ACT and to assist the Government in resolving the issues raised in the Gallop Report
- To provide, as necessary, direct advice to the Government on the findings and recommendations in the Inquiry Report
- To work in partnership with the Office of Disability to provide advice to the Government to inform ongoing policy development in relation to disability issues including improved sentence models and the coordinated provision of services.

Contact Name and Phone Number:

Chris Healy, Interim Director, Office of Disability
Phone: 620714 7 5

**Inquiries, reviews, committees and task forces
(Question No 197)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) Can the Minister advise of all the inquiries, reviews, committees and taskforces that he or agencies under his direct control have established since his appointment as a Minister in November 2001.
- (2) How much has each of these cost to date and what has been the total cost to Government of these projects.
- (3) Can he further advise of the cost of these projects to each agency.
- (4) What is the reporting date for each of these projects.
- (5) What are the terms of reference or guidelines for each of these projects.

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

(1) The inquiries, reviews, committees and taskforces that I or agencies under my direct control have established since my appointment as a Minister in November 2001 are detailed at Attachment A - E:

- | | |
|--------------|--|
| Attachment A | Commission of Audit |
| Attachment B | Business Regulation Review Taskforce |
| Attachment C | Investigation into Full Retail Contestability for Electricity |
| Attachment D | Review of the Operation of the <i>Public Access to Government Contracts Act 2000</i> |
| Attachment E | Review of the ACT Rating System |

- (2) Costing for each item is included at Attachment A - E.
- (3) The cost to each agency is detailed at Attachments A - E.
- (4) The reporting date for each item is included at Attachments A - E.
- (5) Terms of Reference or guidelines for each of the projects is included at Attachments A - E.

ACT DEPARTMENT OF TREASURY

QUESTION ON NOTICE 197

(1) Name of Review:

The Commission of Audit - established by the Treasurer on 15 January 2002. The Commission was established with an independent external Chair and two public servants

(2) How much has each of these cost to date and what has been the total cost to Government of these projects:

The costs for completion of Stage 1 of the Commission's review are:

	\$
Commission Office Set up	570.00
Rental of Commission Office	1 207.28
Auditor-General	13 620.00
Printing and Stationery	498.00
External Chair and Consultant Fees	26 000.00
Total Stage 1 Costs	\$41 895.28
(excluding GST)	

The estimated costs (to-date) for Stage 2 of the Commission's review are:

Rental of Commission Office	905.46
External Chair and Consultant Fees	18 270.00
Total (to date) Stage 2 Costs	\$19 175.46
(excluding GST)	

Total estimated costs to date for Stages 1 and 2 of the Commission's review are: \$61 070.74

(3) Can he further advise of the cost of these projects to each agency:

The cost associated with the Commission of Audit's review is being met from within the existing Treasury budget. Any cost to agencies is being met from within their existing budgets

(4) What is the reporting date for each of these projects:

The reporting date for the Stage 1 report was 1 March 2002. The reporting date for Stage 2 is end of July 2002.

(5) What are the terms of reference or guidelines for each of these projects:

- The Terms of Reference for Stage 1 include:

1. Determine the state of the Territory's finances at the time of the change of Government. The following should be reviewed:

- (a) financial results and position at the end of October 2001;
- (b) the most likely full year financial results and position for 2001-02;
- (c) coverage in the forward estimates of known, and probable, significant events likely to impact the Budget eg nurses wages increase and SACS award flow on.

- The Terms of Reference for Stage 2 include:

- 1. Provide an opinion on the state of a number of government enterprises, namely:

- (a) ACT Forests: changing industry circumstances and the viability of forestry operations in the ACT, the opportunity costs associated with such operations, and risks associated with the long term contracts with NSW State Forests and the local industry;

- (b) ACTION Authority: an assessment of operational and financial performance, efficient costs, additional costs associated with government ownership, a broad identification of the level of inefficiencies, and an assessment of the proposed funding model; and

- (c) Australian International Hotel School: business risks against changing industry circumstances and assessment of options for the future.

- 2. In relation to the Territory's superannuation investments provide:

- (a) options on the reporting of investments, and their performance separate from the Territory's operations; and

- (b) a review of, and comparison with the arrangements relating to superannuation investment management in other jurisdictions.

ACT DEPARTMENT OF TREASURY

QUESTION ON NOTICE 197

(1) Name of Review:

A Business Regulation Review Taskforce was established in March 2002.

(2) How much has each of these cost to date and what has been the total cost to Government of these projects:

To 6 June 2002 this project has accrued \$57,517 in staff expenses (including superannuation and administrative overheads for 3 staff), and \$6,600 in website, printing, consultation and meeting costs, a total cost of \$64,117. A full cost of \$120,300 (including \$64,117) is projected.

(3) Can he further advise of the cost of these projects to each agency:

These costs will be met from within budget.

(4) What is the reporting date for each of these projects:

The Taskforce will report to Government on 30 September 2002. This date was extended from July 2002 at the request of industry groups.

(5) What are the terms of reference or guidelines for each of these projects:

The Terms of Reference for the Business Regulation Review Taskforce as follows:

“The purpose of this review is to identify any regulatory processes which impose unnecessary burdens, costs or disadvantages on business activities in the ACT, and recommend a course of action.

In particular, this review will examine the progress made since the 1995 Red Tape Task Force Report and subsequent National Competition Policy associated reviews of business legislation and recommend any further action which is necessary to improve the regulatory environment faced by business without unduly compromising existing consumer and environmental safeguards.

Specifically, the review will:

1. Provide a stocktake of changes in the business regulatory environment since 1995.
2. Examine the effectiveness of the reforms implemented since 1995, including but not limited to:
 - the status of implementation of reforms recommended by the various reviews;
 - the effectiveness of reforms to date; and
 - inconsistencies in regulation and scope for improved Government agency coordination.
3. Examine any inconsistencies in licensing and regulatory requirements between the ACT and NSW that affect cross-border business operations.
4. Recommend changes to administrative and regulatory structures and activities that will improve the efficiency of the ACT business environment.”

Attachment C

ACT DEPARTMENT OF TREASURY

QUESTION ON NOTICE 197

(1) Name of Review:

Investigation into Full Retail Contestability for Electricity - the Independent Competition and Regulatory Commission is undertaking an inquiry into the public benefit of the extension of full retail competition for electricity in the ACT to customers using 100MWh p.a. or less.

(2) How much has each of these cost to date and what has been the total cost to Government of these projects:

At this stage, the Independent Competition and Regulatory Commission has not requested any payment associated with this Inquiry.

(3) Can he further advise of the cost of these projects to each agency:

The Commission has indicated that the Commission's internal costs will be within the range of \$35,000 to \$40,000. Treasury, as reference agency, has agreed to pay up to a further \$40,000. These costs will be met from within budget.

(4) What is the reporting date for each of these projects:

The Independent Competition and Regulatory Commission expects to publish a report on this Inquiry before 30 June 2002.

(5) What are the terms of reference or guidelines for each of these projects:

The terms of reference for this Inquiry are as set out in the Industry Reference for investigation into full retail contestability for electricity, Disallowable Instrument Number D12001 - 346, Dated 18 December 2001 set out as attached:

**INDUSTRY REFERENCE FOR INVESTIGATION INTO FULL RETAIL
CONTESTABILITY FOR ELECTRICITY**

Disallowable instrument D12001-346

made under the

**INDEPENDENT COMPETITION AND REGULATORY COMMISSION ACT 1997,
Section 15 (Nature of industry references) and Section 16 (Terms of industry references)**

Reference for Investigation Under Section 15

Pursuant to subsection 15(1) of the Act, I refer to the Independent Competition and Regulatory Commission (the "Commission") the matter of an investigation into the public benefit of the extension of full retail contestability for electricity in the ACT.

Specified Requirements in Relation to Investigation Under Section 16

Pursuant to subsection 16(1) of the Act, I specify the following requirements in relation to the conduct of the investigation:

The Commission is to have regard to the following in its investigation:

1. The costs and benefits of the implementation of full retail contestability (FRC) for electricity for the ACT, taking into account the Territory's obligations under the Council of Australian Governments (COAG) and National Competition Agreements. The review should include options for the ACT in relation to:

- a. proceeding as soon as management and administrative systems allow; and
- b. not proceeding at this time.

- 1. Identifying and describing the electricity market participants using 100 Megawatt/hours per annum (MWh pa) or less;
- 2. Identifying and quantifying the costs and benefits (financial and non-financial) flowing from the extension of full retail competition for electricity in the ACT to customers using 100 MWh pa or less. This should include the effect of possible changes in electricity prices for different categories of customers, including those who may be socially disadvantaged;
- 3. The means and costs of avoiding or mitigating any adverse impacts on consumers, particularly those socially disadvantaged;
- 4. Whether or not the ACT should adopt deemed profiling of customer usage and the desirability or otherwise of moving to full metering;
- 5. An assessment of studies and/or experience in other jurisdictions with the implementation of MARC for the different classes of small business and residential users; and
- 6. any other related matters.

In undertaking the investigation, the Commission is to:

- (i) canvass the views of key stakeholders including, consumer groups, small business representatives, social welfare groups and electricity suppliers and retailers; and
- (ii) conclude the investigation by 31 March 2002 and report as soon as practicable thereafter.

Dated this 18th day of December 2001

TED QUINLAN
TREASURER

Attachment D

ACT DEPARTMENT OF TREASURY

QUESTION ON NOTICE 197

(1) Name of Review:

Review of the *Public Access to Government Contracts Act 2000*. In response to the recommendations in the Public Accounts Committee Report Number 28 on *the Public Access to Government Contracts Act 2000* (Act), the Government has agreed to the Department of Treasury undertaking a review of the operation of the Act.

(2) How much has each of these cost to date and what has been the total cost to Government of these projects:

All costs associated with this review will be met from within existing budgets.

(3) Can he further advise of the cost of these projects to each agency:

All costs associated with other agencies participating in this review will be met from within their existing budget.

(4) What is the reporting date for each of these projects:

The review team is scheduled to report to the Government in September 2002.

(5) What are the terms of reference or guidelines for each of these projects:

The terms of reference/guidelines for this review were provided by the Public Accounts Committee Report Number 28:

“That the operation of the Public Access to Government Contracts Act 2000 be reviewed to assess whether all confidential information in contracts is covered by the Act and whether some contracts regularly made by government agencies fall outside the terms of the Act.”

ACT DEPARTMENT OF TREASURY

QUESTION ON NOTICE 197

(1) Name of Review:

Review of Rating System - a review of the current rating system to improve its equity and fairness, in particular to minimise adverse impacts on long term residents of significant annual increases in the rates bills was established in January 2002.

(2) How much has each of these cost to date and what has been the total cost to Government of these projects:

Costs to date have been minimal with preliminary work carried out within existing resources.

(3) Can he further advise of the cost of these projects to each agency:

There are no costs that can be attributed to any agency with ACT Government at this time.

(4) What is the reporting date for each of these projects:

No formal reporting date has been set, but will be in the 2002-03 financial year.

(5) What are the terms of reference or guidelines for each of these projects:

Terms of Reference for this Review are yet to be finalised, pending consultation with key stakeholders, and community groups.

**Inquiries, reviews, committees and task forces
(Question No 198)**

Mr Humphries asked the Minister for Urban Services, upon notice, on 6 June 2002:

- a) Please advise of all the inquiries, reviews, committees and taskforces that you or agencies under your direct control have established since appointment as Minister in November 2001.
- b) How much has each of these cost to date and what has been the total cost to Government of these projects.
- c) What is the cost of these projects to each agency.
- d) What is the reporting date for each of these projects.
- e) What are the terms of reference or guidelines for each of these projects.

Mr Wood: The answer to Mr Humphries' question is:

A total of eight inquiries, reviews, committees and taskforces have been established since my appointment as Minister for Urban Services/Arts in November 2001. The list is attached in the following table:

Electronic copy of this page is not available but it is included in the printed Hansard.

6 June 2002

Electronic copy of this page is not available but it is included in the printed Hansard.

ATTACHMENT A

COSTS OF IMPLEMENTING CDL IN THE ACT

Background

Container Deposit Legislation (CDL) has been a controversial issue for a number of years as it has been considered by many that putting a deposit on a container for its return is simple and easy. In reality the systems and infrastructure necessary for the return of the containers can be complex and costly.

As part of the review of NSW waste legislation, an inquiry was conducted into CDT. The report of the *Independent Inquiry into Container Deposit Legislation in NSW by the Institute for Sustainable Futures (TEST)* was released on 28 February 2002.

On 10 April 2002 Ms Tucker raised a motion in the ACT Legislative Assembly calling 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 the Environment Mr Bob Debus and

(2) support the establishment of a national container deposit scheme at the National Environment Protection Council”

On 11 April 2002 Simon Corbell MLA, responding on behalf of the Minister for Urban Services gave in principle support, to Ms Tucker’s motion.

Following the release of the NSW CDL report there has been considerable debate in the industry about the findings of the study. The CDL report directly conflicts with evidence from other studies carried out on this subject such as the December 2000 report conducted by the Centre for Environmental Solutions (C4ES) on the Impacts of CDL on NSW Recycling and Litter Management Programs.

Access Economics has recently released a Critical Assessment of the Independent Review of Container Deposit Legislation in NSW. This report, which was commissioned by BIEC on behalf of the packaging industry, assesses the analytical merits of the NSW CDL report and finds flaws with the analysis and logical interpretation of the report.

Context

The ACT is in the unique position of combining both local and Territory government functions and has established an effective kerbside recycling service which has a very high participation rate and is valued by the community. The ACT achieves significant and impressive rates of material recovery in the kerbside recycling system which already realise the recovery rates anticipated for many of the beverage containers which are normally targeted under CDL.

CDL has not been introduced anywhere after an effective kerbside recycling service has already been established. Additionally, CDL only targets a limited range of commonly littered materials such as glass and plastic bottles and aluminium cans.

6 June 2002

Research indicates that the majority of litter is made up of cigarette butts/packets, confectionery wrappers and small bits of paper. CDL doesn't make provision for these other materials.

Some of the issues to consider in relation to the introduction of CDL for the ACT, include:

- The initial costs and other practical considerations of implementing legislation in the ACT
- The cost of establishing appropriate infrastructure to collect and sort the materials. The cost to the wider ACT community of implementing CDL.
- Ongoing administrative costs of operating a CDL system in the ACT.
- Cross border issues of a CDL system considering the ACT is a 'landlocked island' within NSW.
- Potential impact of CDL on the existing kerbside and litter management programs.
- Potential role of and/or impacts to existing waste management and recycling infrastructure.
- The unique demographics of the ACT and the possible impact of this in relation to the community's willingness to use a CDL system.
- Potential benefits to the ACT of a CDL system.
- The practical feasibility of implementing a CDL system in the ACT.
- The effectiveness of a CDL system in the ACT context.

As a basis for considering the cost of implementing CDL in the ACT, previous relevant literature on CDL should be referenced.

Project Scope

The overall aim of the project is to provide a report on the potential costs and benefits of implementing a CDL system in the ACT. The report will assist with policy decision making for the ACT in both a local and a national framework. It is expected that the project will be principally a desktop study. Careful consideration needs to be given to the ACT context.

Quote

The consultant is to provide a quote by 2.00 pm Wednesday 22 May 2002. The quote should be emailed to margaret.nicholson@act.gov.au or can be delivered to Margaret Nicholson, Level 8, 12 Wattle Street Lyneham (PO Box 788 Civic Square ACT 2608).

ACT NOWaste has a limited budget for this project and does not anticipate spending more than \$15 000 dollars to complete the study. As the study is to be primarily a desktop review it is expected that this budget will be sufficient.

The consultant should provide detail on the resources applied to the project, including anticipated hours dedicated to the project and a clear timeframe to meet the project deadline. The quote is to be provided as a lump sum but should clearly detail staff costing for any additional work required.

Timing

A final report is required before 31 July 2002. ACT NOWaste is looking to award the consultancy by 31 May 2002. The consultant should provide a clear time-line of the project showing milestones to meet the final report target.

Assessment Criteria

The consultant needs to demonstrate that the right balance of skills will be applied to the project in terms of their ability to undertake an evaluation of the potential costs and benefits of implementing a CDL system.

The successful consultant will be chosen on the basis of:

1. Price
2. Relevant expertise, qualifications and experience.
3. Understanding of the project requirements.
4. Delivery within the proposed timeframes of the project.

Project Deliverables

Reports required:	Date
Draft Report in hard copy (2 copies) and electronically in Word for Windows.	10 July 2002
Final Report in hard copy (10 Copies) and electronically in Word for Windows.	31 July 2002

REVIEW OF THE NO WASTE BY 2010 STRATEGY

Background

The *No Waste by 2010*, Waste Management Strategy for Canberra was released in December 1996. Developing and adopting the *No Waste by 2010* strategy was a measured initiative based on evidence that it was wanted and backed by broad community support. The ACT was the first Government in the world to set a goal of No Waste. Since the implementation of the Strategy there has been considerable interest in the No Waste goal on both a national and international level.

The No Waste by 2010 Strategy focuses on a broad range of initiatives including the promotion of best practice in environmentally responsible waste management. The goal of the No Waste by 2010 Strategy is a waste free society. An indicator of the success of the strategy will be no waste going to landfill by the year 2010.

In 1999, the ACT Commissioner for the Environment undertook a review of the No Waste by 2010 Strategy. Based on the findings of the review, the Commissioner for the Environment completed a report titled 'Progress towards No Waste By 2010', making recommendations to further implement the strategy. Implementation of the No Waste Strategy, over the last three years, has been progressed through a series of programs detailed in *The Next Step in the No Waste Strategy*.

The current ACT Government platform includes a section on Sustainability and the Environment. This policy envisages the goals of a sustainable ACT community as continual improvement of individual, community and economic wellbeing, equity within and between generations, and environmental responsibility. Under this platform the Government is committed to a comprehensive and integrated approach to economic, social and environmental planning in order to achieve sustainable development."

Context

The Commissioner for the Environment recommended that the No Waste Strategy be updated to identify action plans to 2010. The Commissioner further recommended that at least two reviews of the progress of the strategy be conducted between 2000 and 2008.

The Next Step document details a series of programs to implement the No Waste Strategy between 2000 and 2002. The Next Step commits to formal reviews of the No Waste Strategy and the Next Step programs during 2002 and 2006. The implementation of programs for the Strategy will be reviewed at these times and new targets and priorities set for the following years. At each review a new series of programs will be developed based on the priority waste streams at that time. The first review is due in 2002 to develop programs for implementation during 2003 - 2006.

In January 2001, RPM Pty Ltd, completed a study on the cost of waste disposal in the ACT. Their report *The Actual Costs of Waste Disposal in the ACT* details the economic, social and environmental costs of disposing waste to landfill. The report has been used to develop a waste pricing strategy for the ACT that moves towards setting disposal charges to cover the true costs of disposal.

In 2001 an EOI process was conducted to identify the most suitable technologies for the future reprocessing of domestic collected wastes in the Territory. A panel of experts was engaged to technically evaluate the EOIs. The viability and the costs of the various technologies and reprocessing options offered in the EOI process has been documented by the panel of experts and ACT NOWaste.

The ACT Government platform commits to a review of the objectives of the “No Waste by 2010” strategy to ensure they meet standards of environmental, social and financial sustainability. The platform further commits to ensure that a revised plan is vigorously implemented and annual progress reports are provided. The platform commits to a series of policies and programs related to waste management, under the area of Sustainability and the Environment.

The Review should be conducted in the context of the above documentation.

Project Aim

The overall aim of the project is to provide a report on the economic, environmental and social outcomes of the No Waste Strategy. The review is not an analysis of the technological feasibility of achieving the No Waste Strategy. As a basis for the report an analysis of the economic, environmental and social costs and benefits of not moving towards No Waste should be compared with the economic, environmental and social costs and benefits of achieving the No Waste target.

In the comparison, consideration needs to be given to options ranging from “no new projects implemented” through to a comprehensive commitment to achieving No Waste by 2010. Consideration also needs to be given to the social acceptability of not implementing new programs and the achievement of the No Waste target. The anticipated full costs associated with achieving No Waste need to be clearly detailed in the report.

Project Scope

The consultant is to conduct an analysis of the economic, environmental and social costs and benefits of achieving the No Waste target. The review is not intended to be a review of the technological feasibility of achieving the No Waste Strategy but rather a comparison of the costs and benefits of achieving the No Waste target against not moving towards no waste.

The consultant is to conduct a literature review of documents relevant to the No Waste by 2010 Strategy including:

1. The No Waste by 2010 Strategy document
2. The Commissioner for the Environment’s report on implementation of the No Waste Strategy.
3. The Next Step
4. The Actual Costs of Waste Disposal in the ACT
5. The Waste Pricing Strategy for the ACT
6. Documentation relating to the EOI process
7. ACT Government Platform

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A report is to be provided detailing the economic, environmental and social outcomes of the No Waste by 2010 Strategy for options from “no new projects implemented” through to achievement of the Strategy goals. Additionally the key programs associated with each option needs to be detailed. Consideration needs to be given to the social acceptability of not continuing to implement the No Waste Strategy.

The final report should clearly detail the key programs and costs associated with the options considered including the costs of achieving No Waste.

Pricing

The total budget for the review is \$45 000. The consultant should detail the services to be provided within this budget. Options for reducing costs or for additional services will be considered.

Timing

A final report is required before 24 June 2002. ACT NOWaste is looking to award the consultancy by 24 April 2002. The consultant should provide a clear time-line of the project showing milestones to meet the final report target.

Assessment Criteria

The consultant needs to demonstrate that the right balance of skills will be applied to the project in terms of their ability to undertake an evaluation of the economic, environmental and social consequences of waste management practices with particular emphasis on sustainable development.

The successful consultant will be chosen on the basis of:

1. Demonstrated expertise, qualifications and experience with regard to waste management in the context of sustainable development.
2. Value for money.
3. Delivery within the proposed timeframes of the project.
4. The resources to be applied to the project.

Project Deliverables

Reports required:	Date
Draft Report in hard copy (2 copies) and electronically in Word for Windows.	3 June 2002
Final Report in hard copy (10 Copies) and electronically in Word for Windows.	24 June 2002

ATTACHMENT C

ACT NATURAL RESOURCE MANAGEMENT ADVISORY COMMITTEE

TERMS OF REFERENCE

FUNCTIONS

1. The Committee is known as the ACT NATURAL RESOURCE MANAGEMENT ADVISORY COMMITTEE.

2. The Committee is to:

provide high-level advice and respond to matters as requested by the Minister responsible for the Environment; and provide advice to the Executive Director, Environment ACT

on natural resource management issues in the ACT and surrounding region. In particular, to provide advice on the following:

- Territory wide priorities for natural resource management, including funding.
- Oversee performance monitoring against standards and targets of the ACT Component of the Murrumbidgee Catchment Blueprint.
- Oversee the review of the Nature Conservation Strategy.
- Provide input into the implementation of the Integrated Catchment Management Framework and oversee its review every two years.
- Review public land management plans as required, and their implementation plans.

COMPOSITION OF THE COMMITTEE

1. The Committee to consist of ten members who are appointed in an individual capacity by the Minister responsible for the Environment. The Committee to comprise members selected for their capacity to contribute on natural resource management issues, to achieve balance in views and to achieve equity in representation.

2. The Chairperson to be selected from the Committee and endorsed by the Minister.

3. Members are appointed for terms of up to three years. Retiring members may be re-appointed.

4. The Committee may recommend to the Minister that a Committee member be replaced, if that member is absent from three consecutive meetings.

5. Environment ACT to provide secretariat support to the Committee.

OPERATION OF THE COMMITTEE

2. The Committee will meet at least four times a year. The Chairperson may convene other meetings as required.
3. The Committee may form working groups involving individuals with particular expertise who are not members of the Committee.
4. The Committee is required, within two months of the end of a calendar year, to furnish a report to the Minister on its activities during that year. The content of this report will be made available to community organisations in the ACT

ATTACHMENT D

**ENVIRONMENT PROTECTION TECHNICAL ADVISORY COMMITTEE
TERMS OF REFERENCE**

FUNCTIONS

1. The Committee is known as the ENVIRONMENT PROTECTION TECHNICAL ADVISORY COMMITTEE.

2. The Committee is to provide advice to the Environment Protection Authority:

on matters covered in the Environment Protection Act, including (but not limited to):

- Air quality and pollution;
- Noise standards and their application;
- Water quality standards; and
- Land contamination.

On matters covered by National Environment Protection Measures, in their development and application.

On relevant matters arising from deliberations of the Environment Protection and Heritage Council.

COMPOSITION OF THE COMMITTEE

1. The Committee to consist of five members who are appointed in an individual capacity by the Minister responsible for the Environment. Co-opted members may be appointed by the Executive Director, Environment ACT, for fixed periods. The Committee to comprise representatives covering, but not limited to, the following disciplines:

water quality and management
air quality
noise standards
waste and land contamination
energy
environmental law

2. The Chairperson to be selected from the Committee and endorsed by the Minister.

3. Members (other than co-opted members) are appointed for terms of up to three years. Retiring members may be re-appointed.

4. The Committee may recommend to the Minister that a Committee member be replaced, if that member is absent from three consecutive meetings.

5. Environment ACT to provide secretariat support to the Committee.

OPERATION OF THE COMMITTEE

1. The Committee will meet at least four times a year. The Chairperson may convene other meetings as required.
2. The Committee is required, within two months of the end of a calendar year, to furnish a report to the Minister on its activities during that year. The content of this report will be made available to community organisations in the ACT.

ATTACHMENT E

**TERMS OF REFERENCE FOR THE ENHANCEMENT OF THE ACT
FORESTS' BUSINESS PLAN**

The Department of Urban Services is seeking a consultant to undertake some work to enhance the current ACT Forests' Business Plan. The current business plan needs to be reviewed and some work is needed to improve aspects related to financial strategies, wood flows and risk management. The work needs to be completed by COB on 1 March 2002.

ACT Forests manages some 26,000 hectares of land in the Australian Capital Territory (ACT), of which 16,200 hectares is plantation. About 10,000 hectares is native forest woodland and grassland which is managed for conservation values. The plantations managed by ACT Forests are an important part of the ACT landscape and economy. They provide substantial public recreational opportunities as well as most of the raw materials for local forest industries.

ACT Forests is a semi autonomous business unit within the Operations Group of the Department of Urban Services. It operates similarly to a Public Trading Enterprise, with its log sales revenue being used to fund the ongoing plantation establishment, tending and maintenance programs. It also receives an annual appropriation from Government for the provision of a range of community service obligations.

A new Business Plan was prepared as part of the Review of ACT Forests that was undertaken in the 2000/01 financial year. The Business Plan establishes the framework for improving the financial and operational performance of ACT Forests over the next 5 years. In recent months a need has been identified to further refine aspects of the Business Plan, particularly the financial and wood flow models. This work will assist, ACT Forests, the ACT Government and the future Board of Advisors to ACT Forests to better plan and monitor key commercial business outcomes.

The following Terms of Reference should be addressed by the consultant.

1. Provide advice on ways in which the current ACT Forests' Business Plan could be improved in order to provide more detailed and relevant information related to the expected financial performance of the business.
2. Review the financial model used in the ACT Forests' Business Plan and prepare more detailed financial assessments and statements related to the key business directions which could be incorporated into the plan.
3. Using FOLPI, or other suitable modelling tools, test forecast forest yield data used to underpin assumptions in ACT Forests' 5 year financial model to ensure total yield, mix by product classes and proposed harvest schedules all match assumed harvesting costs, assumed harvesting capacity and ACT Forests' customer obligations.
4. Identify aspects of ACT Forests' inventory, yield modelling and forest resource planning activities that require enhancement through training or system upgrades.

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5. Review the risks faced by ACT Forests that could affect the projected financial outcomes and identify strategies that might be adopted to mitigate any significant risks.
6. Review the community service obligations undertaken by ACT Forests and the CSO payments provided by the ACT Government and develop appropriate text and performance measures for inclusion in the Business Plan.
7. Review the current performance measures and identify appropriate financial and non financial targets against which the success of ACT Forests' business performance can be judged over the next 5 years.

The consultant will need to work with staff from ACT Forests and consult with staff from Urban Services and the Department of Treasury to ensure that the enhancements to the business plan address the needs of each group of stakeholders.

ATTACHMENT F

TERMS OF REFERENCE - TAXI AND HIRE CAR INDUSTRY REVIEW

For an investigation into the ACT taxi and hire car industry made under the *Independent Competition and Regulatory Commission Act 1997*, section 19C (acceptance of regulatory references -government-regulated activities), section 19E (terms of regulatory reference) and section 19H (procedure for regulatory reference investigations)

Specified requirements in relation to investigations under section 19C

Pursuant to subsection 19C(1) of the Act, I specify the following requirements in relation to the conduct of the investigation:

The Independent Competition and Regulatory Commission (ICRC) is to have regard to the following in its investigation:

- i. Provide an assessment of the level of services currently provided by the ACT taxi and hire car industries (including the extent of any change in service levels over recent years), the state of competition within the industries and their costs relative to other comparable jurisdictions.
- ii. Provide advice on the need for further changes within the industries taking into account the National Competition Policy Review of taxi and hire car legislation, the recently commenced *Road Transport (Public Passenger Services) Act 2001*, competition within each respective industry, service levels and community expectations.
- iii. Advise on the likely implications for the ACT taxi and hire car industries of changes recently introduced or proposed by the NSW Government.
- iv. Where further changes for the ACT are recommended, provide advice on the expected community benefits for each recommended change.
- v. Provide advice on what measures may be required to facilitate the establishment of a second taxi network in the ACT and the costs and benefits of introducing such measures.
- vi. Provide advice on the measures that may be necessary to ensure that people with a disability receive equivalent access to taxi services to that enjoyed by the general community.

Specified requirements in relation to investigation under section 19E

Pursuant to subsection 19E of the Act, I specify the following requirements in relation to the conduct of the investigation:

In undertaking the investigation, the ICRC is to:

- i. conclude the investigation no later than the end of May 2002 and report as soon as practicable thereafter.

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Specified requirements in relation to investigation under Section 19H

Pursuant to subsection 19H of the Act, I specify the following requirements in relation to the conduct of the investigation:

In undertaking the investigation, the ICRC is to:

- a. canvass the view of key stakeholders and the wider public

ATTACHMENT G

AFFORDABLE HOUSING TASK FORCE

Terms of Reference

The ACT is currently experiencing one of the lowest vacancy rates in the private rental market in recent history, and there is growing evidence that the number of households in housing stress in our community is increasing. In response to this situation, the Minister for Housing, Mr Bill Wood, MLA, is forming an Affordable Housing Task Force, with representatives from the community, the business and financial sectors, and government.

The Task Force will make recommendations to the Minister for Housing for an affordable housing strategy by 30 October 2002.

This strategy will:

1. define the nature of affordable housing;
 2. identify the factors, extent and incidence of housing stress and lack of housing affordability overall within the ACT community;
 3. identify and assess opportunities and constraints for the development of affordable housing in the ACT;
 4. identify strategies used to increase housing affordability in other jurisdictions in Australia and overseas, and assess their appropriateness in the ACT context; and
 5. develop broadly based strategies for increasing housing affordability, taking into account financial, land use, planning, taxation and other considerations, as well as the role of both the social and private housing sectors.
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**Quarterly management reports
(Question No 200)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

In relation to the March quarterly management report:

(1) Can you advise for (a) the March Quarterly Management Report the predicted final operating result, and (b) the final operating result for the following financial years:

- (i) 1996/97
- (ii) 1997/98
- (iii) 1998/99
- (iv) 1999/2000
- (v) 2000/01

(2) Can you further advise of the variation in each financial year between the prediction of the final operating result in the March Quarterly Report and the final operating year.

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

The table below shows the General Government Sector operating result predicted in the March Consolidated Statements, the audited operating result and the variation for the financial years commencing 1996-97 to 2000-01:

Financial Year	March Full Year Projection	Audited Outcome	Variation between March Report Estimate and Final Result
	\$m	\$m	\$m
1996-1997	-201	-170	31
1997-1998	-150	-157	-7
1998-1999	-150	-162	-12
1999-2000	-29	81	110
2000-2001	47	66	19

Weekend of ideas (Question No 201)

Mr Humphries asked the Minister for Urban Services, upon notice, on 4 June 2002:

(1) Has the Government provided any funding to the "Weekend of Ideas" held recently in Canberra; if so, which agency/agencies provided funding and how much funding did each agency provide.

(2) If funding was provided, what benefit did the ACT receive as a result of providing funding to this event.

Mr Wood: The answer to Mr Humphries' question is as follows:

1. The ACT Government, through Festivals ACT, (Arts and Cultural Services, DUS) has provided funding support of \$5,000 to *The Canberra Weekend of Ideas*, which was organised by Manning Clark House Incorporated. The ACT Government funding support assisted towards marketing and printing costs of a comprehensive brochure.

2. *The Canberra Weekend of Ideas* offered a diverse array of more than 35 highly respected thinkers from Canberra and around the country who gave their time generously and free of charge to discuss a range of contemporary issues.

The program was held on 1-3 March and offered the wider Canberra community an opportunity to participate, free of charge, in highly stimulating debates on a wide range of topics.

The program attracted 1100 people over three days. The inaugural *Canberra Weekend of Ideas* at Manning Clark House was perceived as very successful by all participants and the organisers and the next event is scheduled from 28 February to 2 March 2003, with the proposed theme of 'Science and Ethics.'

The Canberra Weekend of Ideas has the potential to grow into a significant national event celebrating Canberra's intellectual life and its unique range of institutions where progressive thinking takes place.

**TransACT—funding
(Question No 202)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

In relation to the TransACT's recently secured more private sector partner funding:

- (1) What are the companies or organisations that have provided or will provide this additional partnership funding to TransACT.
- (2) How much has been invested or will be invested by each of these companies/organisations.
- (3) Has the Government underwritten any of these amounts; if so under what terms and conditions.

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

(1) TransACT has recently secured private sector funding from the following companies:

- Commonwealth Bank of Australia;
- MTAA Superannuation Fund (TransACT) Utilities Pty Ltd; and
- TVG Transact Holdings Limited.

(2) Over time, these entities will contribute \$40m, \$20m and \$10m respectively. These contributions are the subject of a Subscription Agreement executed on 28 March 2002. The investment by TVG is in addition to the significant funding previously invested by that company.

In addition, ACTEW Corporation Limited and AGL have each entered into underwriting arrangements to enable TransACT to access debt facilities of up to \$25m. These debt facilities are secured by a first charge over the assets of TransACT.

TransACT also has an obligation to undertake a capital restructure upon the completion of its network rollout. The first obligation when this takes place is the repayment of any debt guaranteed by ACTEW and AGL.

(3) The ACT Government has not underwritten any of these amounts.

**Olympic Pool, Civic
(Question No 203)**

Mr Pratt asked the Minister for Urban Services, upon notice:

In relation to the 2001-02 allocation of \$60,000 by the former Liberal Government towards a study to identify the best method of enclosing the 50 metre Olympic Pool in Civic:

- (1) Can you advise if the study has been undertaken?
- (2) If so, what stage is it at?
- (3) Will the study use the entire \$60,000 allocated?
- (4) When will the results of the study be known?

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

- (1) and (2) The study was completed in December 2001.
 - (3) The study consumed all the available funds.
 - (4) The study offers a number of options to provide a range of standards of enclosure for the pool and these have been assessed by officers of my Department. In response, a bid has been prepared for consideration for funding a project in the 2002-03 Capital Works Program.
-

**General practitioners
(Question No 204)**

Ms Dundas asked the Minister for Health, upon notice, on 4 June 2002:

In relation to access to General Practitioners across Canberra:

- (1) How many General Practitioners (GPs) are currently practising in the ACT.
- (2) What proportion of these GPs bulk bill patients on low incomes.
- (3) Relative to the national average, does the ACT have a higher or lower number of GPs per thousand of population.
- (4) Relative to the national average, does the ACT have a higher or lower proportion of GPs who bulk bill low income patients.
- (5) Are there any GPs in the ACT that are refusing to take new patients.
- (6) What proportion of outpatients at Calvary Hospital have presented due to lack of access to a private GP.
- (7) What proportion of outpatients at Canberra Hospital have presented due to lack of access to a private GP.
- (8) What strategies has the ACT Government implemented to increase the number of GPs in the ACT.
- (9) What strategies has the ACT Government implemented to improve access to GPs for low income people.

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

Before answering the specific questions raised by the Member, it is worth noting the following in relation to the provision of GP services in the ACT:

- Provision of general practitioner services is the responsibility of the Commonwealth Government. My Government has raised the shortage of GPs in the ACT with the Commonwealth and is seeking their assistance.
- The Commonwealth Department of Health and Ageing has responded by saying that it does not consider that there is a shortage of GPs in the ACT and that they are unable to help attract more doctors to the Territory.
-

-
- The Commonwealth Government announced in its recent Budget an initiative to improve access to GP services in outer metropolitan areas. This initiative is restricted to the six State capital cities and specifically excludes the ACT and the Northern Territory.
- Exclusion of the ACT from this initiative demonstrates that the Commonwealth is not interested in trying to help fix this problem; and
- My Government is continuing to press the Commonwealth and consider other options to find a solution to this problem.

With regard to the specific questions raised by the Member in relation to access to General Practitioners across Canberra, I provide the following answers:

(1) How many General Practitioners (GPs) are currently practising in the ACT.

There are currently approximately 210 full-time equivalent (FTE) GPs practising in the ACT. This is an approximate measure as GPs frequently change the hours they work in order to provide best care for their patients.

(2) What proportion of these GPs bulk bill patients on low incomes.

The setting of fees between GPs and their patients is determined on an individual basis. All GPs have the capacity to bulk bill patients on lower incomes.

(3) Relative to the national average, does the ACT have a higher or lower number of GPs per thousand of population.

The ACT generally has about 68 FTE GPs per 100,000. The national average is about 85 FTE GPs per 100,000.

(4) Relative to the national average, does the ACT have a higher or lower proportion of GPs who bulk bill low income patients.

In 2000-01 59% of GP services in the ACT were bulk billed. This is the lowest percentage in Australia and well below the national average of 78%. It is not possible to determine the extent to which bulk billed services are provided to patients on low incomes but it is likely that most are.

(5) Are there any GPs in the ACT that are refusing to take new patients.

Some GPs in the ACT have closed their books to new patients. I do not have information about how many.

(6) What proportion of outpatients at Calvary Hospital have presented due to lack of access to a private GP.

The Government is working with the ACT Division of General Practice, the Canberra After Hours Locum Medical Service, both public hospitals, Health First and consumer groups to develop a model for improved after hours primary medical care in the ACT. The ACT Branch of the Australian Medical Association has indicated support for the project.

As part of this work, the Government jointly funded a research project in the emergency departments of The Canberra and Calvary hospitals. The research examined the reasons why people with less urgent conditions are attending the emergency departments after hours and their preferences for alternative services.

Results from this research indicate that:

61% of patients with less urgent conditions could potentially have seen a GP;

85% of these patients would be prepared to be seen by a GP, even if they had to pay; and

46% were not aware of alternative after hours options.

Data were also collected for patients with less urgent conditions attending emergency departments during business hours and further analysis will be undertaken to see whether the reasons are similar to after hours patients.

(1) What proportion of outpatients at Canberra Hospital have presented due to lack of access to a private GP.

Please see answer to question (6) above.

(2) What strategies has the ACT Government implemented to increase the number of GPs in the ACT.

As noted above, the Commonwealth Government is responsible for the provision of GP services. The Commonwealth's general policy is that GPs are free to choose where they practice, although the Commonwealth has initiatives to attract GPs to rural areas and outer metropolitan areas of the State capital cities. The ACT has been excluded from these initiatives. The Commonwealth will also allow overseas-trained doctors to work as GPs in areas considered districts of workforce shortage for GPs. Despite the evidence, the Commonwealth Department of Health and Ageing does not accept that there is a shortage of GPs in the ACT and will not agree to recruitment of overseas trained doctors to work as GPs in the ACT.

The Government is currently considering alternative approaches to respond to the GP shortage but I believe that it is time that the Commonwealth acknowledged the impact of its GP policies on the ACT and cooperated with the ACT Government to work on a solution. Improved access to GPs for low income people will be a focus of this work. I will be pressing the Commonwealth on this issue.

In relation to after hours GP services, the Department is working with the ACT Division of General Practice and the Canberra After Hours Locum Medical Service on a project to develop a proposal for improved after hours general practice services in the ACT. The outcome of the project will be a proposal to the Commonwealth for an After Hours Primary Medical Care Service Development Grant to implement the model developed through the seeding grant. If the application is successful, implementation is expected to commence in about September 2002.

The Government is committed to improving after hours GP services in the ACT, and if the application to the Commonwealth is not successful, other approaches will be developed.

(3) What strategies has the ACT Government implemented to improve access to GPs for low income people.

Please see answer to question (8) above.

Argyle apartments (Question No 205)

Mr Stefaniak asked the Minister for Police, Emergency Services and Corrections, upon notice, on 4 June 2002:

In relation to Argyle Apartments in Reid:

(1) For the following years how many times have the AFP been called to Argyle Apartments in Reid for break and enters:

- a. 2000;
- b. 2001; and
- c. 2002.

(2) How many people have been convicted of break and enters at Argyle Apartments in Reid for the years mentioned in (1) above.

(3) How many of those people convicted of break and enters at Argyle Apartments in Reid have been repeat offenders for the years mentioned in (1) above.

Mr Quinlan: The answers to the member's questions are as follows:

- (1a) 0
- (1b) 3
- (1c) 0

- (2) 0
- (3) not applicable.

Source: ACT Policing Police Real-time On-Line Management Information System as at 6 June 2002.

**Monterey apartments
(Question No 206)**

Mr Stefaniak asked the Minister for Urban Services, upon notice:

In relation to ACT Housing apartments at Monterey Apartments in Reid:

- (1) How many apartments are (a) owned, and (b) leased.
- (2) How many of the following apartments are owned/leased by ACT Housing:
 - (a) 1 bedroom:
 - (b) 2 bedroom; and
 - (c) 3 bedroom.
- (3) What is the (a) current rent and (b) body corporate fee for the following type of apartments:
 - (i) 1 bedroom:
 - (ii) 2 bedroom; and
 - (iii) 3 bedroom.

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

- (1) ACT Housing controls 15 dwellings in the Monterey Apartments in Reid.
- (2) All of the dwellings controlled by ACT Housing in Monterey Apartments are 2 bedroom.
- (3) The average market rent ACT Housing charges is \$200.00 per week per unit. The average body corporate fee is \$1,232.64 per unit per annum.

**Housing—stock
(Question No 207)**

Mr Stefaniak asked the Minister for Urban Services, upon notice, on 4 June 2002:

In relation to valuation of ACT Housing stock (refer QON No 39):

- (1) Is Egan National Valuers (ACT) the only valuer used for valuations of ACT Housing stock.
- (2) How long has Egan National Valuers been used for valuations of ACT Housing stock.
- (3) Did Egan National Valuers tender for the valuation of ACT Housing stock.
- (4) In relation to each dwelling unit that has been sold by ACT Housing since 1 July 2001, provide:
 - (a) the book value of each property before it was prepared for sale:
 - (b) the valuation given by the valuer before sale; and
 - (c) the sale price achieved.

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

(1) No. ACT Housing values its properties for a number of different reasons. There is an annual valuation of the whole portfolio which is tendered on the basis of one or two tranches. As a result of the most recent tender conducted in 2001, Egans National Valuers (ACT) are the only valuers for the annual valuation of the public housing property portfolio.

However, for each property sale, independent valuers are engaged to determine the reserve price or the price at which a sale to tenant is agreed. In the case of a sale of a large property, generally two valuations are obtained.

Valuations are also required to assist in determining ACT Housing's liability for change of use charges and to enable decisions to be made on options for refurbishment, redevelopment or sale of some properties. Other valuers used in these processes include the Australian Valuations Office, Colliers Jardine Pty Ltd, Ray L Davis & Company Pty Ltd, McCann and Associates and Property Concept & Management Pty Ltd.

(2) Egan National Valuers (ACT) have undertaken the valuation of the property portfolio for the past three years, 1999, 2000 and 2001 as well valuations in earlier years depending upon their success in winning the contract for the valuation of the public housing property portfolio.

(3) Yes. Egan National Valuers (ACT) won the tender for the annual valuation of the public housing property portfolio in 1999, 2000 and 2001. The latest (2001) tender provides for Egans to undertake the valuation for three years, commencing in 2001 should ACT Housing agree to renew the contract. At this stage it is expected that the contract will be extended for the third year after which a new tender process will be held.

(4) Refer to the spreadsheet below.

2001-02 - Properties Sold by Auction (to May 2002)

	Number of	Valuation	Book value	Sale Price
Region	Sales	\$m	\$m	\$m
Tuggeranong	7	0.932	0.790	0.952
Woden				
Belconnen	13	1.680	1.468	1.816
Gunghalin				
Weston Creek	4	0.495	0.473	0.515
Inner North	38	10.068	8.207	11.266
Inner South	29	10.021	8.016	10.908
Rural	1	0.310	0.281	0.412
Total	92	23.506	19.235	25.869

2001-02 - Properties Sold to Tenants (to May 2002)

	Number of	Valuation	Book value	Sale Price
Region	Sales	\$m	\$m	\$m
Tuggeranong	20	2.766	2.359	2.766
Woden	9	1.763	1.536	1.763
Belconnen	24	3.332	2.956	3.332
Gunghalin				
Weston Creek	2	0.322	0.300	0.322
Inner North	9	2.014	1.726	2.014
Inner South	8	1.762	1.430	1.762
Rural-				
Total	72	11.959	10.307	11.959

Note:

* After allowing for tenant improvements

**First home owner scheme
(Question No 208)**

Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

In relation to the First Home Owners Scheme:

1. How many ACT Housing tenants purchased their rented accommodation through the scheme?
2. What type of ACT Housing accommodation was purchased through the scheme?

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

- The ACT Revenue Office administers the First Home Owners Scheme on behalf of the ACT.
 - The information provided by applicants for a grant under the First Home Owners Scheme does not include:
 1. information that would identify the applicant as an ACT Housing tenant; or
 2. details of the type of ACT Housing accommodation purchased through the scheme.
 - As a result the information sought is not available.
-

Housing properties (Question No 209)

Mr Stefaniak asked the Minister for Urban Services, upon notice, on 4 June 2002:

In relation to the sale, purchase and building of ACT Housing properties (refer QON No 106):

(1) For the years 2000, 2001 and 2002, what type of accommodation in which suburb was:

(a) sold:

(b) purchased; and

(c) built.

(2) For the years 2000, 2001 and 2002, name the agent/s who (a) sold, and (b) purchased the above properties.

(3) For the years 2000, 2001 and 2002, name the builder/s who built the accommodation.

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

(1) (a)

(b) Refer to attached spreadsheet

(c)

(2) ACT Housing engages a panel of marketing agents to sell by auction properties identified for sale. In 2000, the panel consisted of 7 real estate agents. The agents on the panel were Raine and Home, Canberra City and Woden, Maloneys, Laurie Scheele, L J Hooker, Kaleen and Manuka and Capital First National.

In February 2001, a new panel was appointed for a minimum of two years to auction ACT Housing properties. The panel was Raine & Home, Woden, Kingston/Manuka and Canberra City, Ian McNamee & Partners, Elders Weston Creek and Dickson, L J Hooker Tuggeranong, Laurie Scheele and Maloneys. The Elders Weston Creek franchise was subsequently sold and was withdrawn from the panel.

Properties purchased by ACT Housing are identified from the general real estate market in Canberra and can be advertised in the media, eg press, internet by real estate agents or private vendors.

(3) All ACT Housing construction projects are built by prequalified builders following public tenders as assessed by Treasury's Procurement Solutions. In the past 3 years, Sutton & Horsley, Whiteholme (Canberra) Pty Ltd and ABA Constructions have built properties for ACT Housing.

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**Mount Painter
(Question No 212)**

Mr Stefaniak asked the Minister for Urban Services, upon notice, on 4 June 2002:

In relation to Mt Painter:

- (1) When were the reservoirs on Mt Painter constructed.
- (2) What is the purpose of the fence around the reservoirs.
- (3) Who erected the fence.
- (4) What was the cost of the fence.
- (5) What was the cost of the other works around Mt Painter, ie, the dirt roads.

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

The questions on Mt Painter relate to ActewAGL assets.

The reservoir, surrounding fence and the unsealed road to the reservoir were constructed by or on behalf of ActewAGL sometime prior to 1996. Environment ACT became the responsible land manager for Mt Painter after this time. Prior to 1996, the reservoir, the surrounding fence and the majority of the unsealed road were within a private grazing lease.

**Nursing home patients
(Question No 214)**

Mr Cornwell asked the Minister for Health, upon notice, on 6 June 2002:

- (1) Are you aware that subsidised support services, such as podiatry, are withdrawn from patients entering nursing homes.
- (2) Who is responsible for the provision of these services outside of nursing homes.
- (3) Will you undertake to investigate restoration of such services for nursing home patients.

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

- (1) I am not aware that subsidised support services are withdrawn from patients entering ACT nursing homes and the following information has been provided by the Commonwealth Department of Health and Ageing which has responsibility for residential aged care.

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The *Aged Care Act 1997* (the Act) details the responsibilities of approved providers of aged care in relation to specified care and services. Section 54-1(a) of the Act details the responsibilities of approved providers in providing such care and services as are specified in the *Quality of Care Principles 1997* (the Quality of Care Principles).

All specified care and services as described in the Quality of Care Principles are available to residents of aged care homes nationally.

These responsibilities also include the provision of podiatry to care recipients of high level residential care, where required.

Commonwealth funded residential aged care services are required to provide and/or assist a resident in accessing specialist therapy services dependent upon the level of care the resident has been assessed as requiring.

(2) Outside of nursing homes, government funded and privately run services provide podiatry and other services.

The Integrated Health Care Program, delivered through ACT Community Care includes podiatry services for those people living in the community. In addition, a range of services provided through the Home and Community Care (HACC) Program, although not specifically funded for podiatry services, provide services which encourage and support the elderly to continue living in their own homes. Such services assisting elderly people include home maintenance, domestic and personal services to ensure elderly people are living safely and healthily in the home.

(3) As previously stated the Commonwealth is responsible for the provision of podiatry services to residents of aged care residential services

Speed cameras (Question No 216)

Mr Stefaniak asked the Minister for Urban Services, upon notice, on 6 June 2002:

In relation to speed cameras on roads in the ACT:

(1) What is the amount of revenue raised by speed cameras for the years:

- (a) 1999;
- (b) 2000;
- (c) 2001; and
- (d) 2002

(2) What is the amount of revenue raised by speed cameras for the years in (1) for:

- (a) Tuggeranong;
- (b) Woden;
- (c) Weston;
- (d) Belconnen;
- (e) North Canberra;
- (f) South Canberra; and
- (g) Gungahlin

(3) What is the amount of revenue raised by speed cameras for the years in (1) for vans located on the:

- (a) Parkway;
- (b) Hindmarsh Drive;
- (c) morning peak hours; and
- (d) evening peak hours.

(4) What is the amount of revenue raised by speed cameras for the years (a) 2001 and (b) 2002, on (i) Northbourne Avenue and London Circuit, and, (ii) Northbourne Avenue and Barry Drive.

Mr Wood: The answer to Mr Stefaniak's question is as follows:

(1) Revenue from mobile and fixed traffic cameras is recorded on a financial year basis. Revenue to date has been:

a) 1999/2000	\$1.2 million
b) 2000/2001	\$4.3 million
c) 2001/2002 (to 31 May 2002)	\$4.6 million

(2) – (4).

Traffic cameras are employed as a road safety measure and no statistics are maintained on revenue collected by locations.

Capital works program (Question No 217)

Mr Cornwell asked the Minister for Health, upon notice, on 6 June 2002:

In relation to the March Quarter 2001-02 Capital Works Program Progress Report and unspent funds from prior years carried forward to 2001-02 (Attachment D):

(1) What are the works carried forward in respect of ACT Hospice (\$262,000), Minor New works (\$18,000) and Burrangiri Aged Respite Care Centre Rivett (\$74,000).

(2) What is the current state of these outstanding items.

(3) Will they be completed in financial year 2001-02 and if not, why not.

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

Generally the underspend on these projects results from a need to delay further expenditure until reviews were completed and supported the undertaking of further works. Specific comments on each of the allocations are:

ACT Hospice – the unexpended sum of \$262,000 relates to savings on the project (against a budget of \$4.6M) that had been held over pending completion of a post occupation review and a decision on whether any deferred elements of the project should be re-included. These funds have since been directed to further improvements to the facility, such as air-conditioning to non-patient areas, and will be fully expended.

Burrangiri – This project was deferred pending a review of the service model and a reassessment of the need and extent of internal refurbishment. The project has been reactivated and funds have been directed to improvements in internal finishes and fittings. This project is now complete.

The minor new works component of \$18,000 was an underspend (of the original \$85,000 allocation) for the 2000/2001 financial year. These funds have since been redirected to urgent improvements to building services at the Watson facility accommodating the Ted Noffs adolescent drug and alcohol service.

Canberra Hospital—beds (Question No 218)

Mr Cornwell asked the Minister for Health, upon notice, on 6 June 2002:

(1) As at 31 May 2002, how many beds in Canberra Hospital were occupied by patients who could have been accommodated in:

- (a) a convalescent facility;
- (b) nursing home accommodation.

(2) What percentage do these combined totals represent of the total hospital beds open on 31 May 2002.

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

(1) (a) Existing information systems at The Canberra Hospital (TCH) do not collect data on the number of beds allocated to patients suitable for accommodation in a convalescent facility. In order to answer Mr Cornwell's question an audit of patients was conducted by senior nursing staff at TCH on Friday 7 June 2002.

The results of the audit on 7 June 2002 identified five beds were occupied by patients who could have been accommodated in a convalescent facility.

(1) (b) In the audit of 7 June 2002 senior nursing staff identified 23 beds occupied by patients who could have been accommodated in a nursing home and one bed occupied by a patient who could have been accommodated in a hostel.

(2) 6.04% of the total hospital beds (480) open on 7 June 2002 were occupied by the combined total of patients (29) identified above.

**Housing—tenants
(Question No 219)**

Mr Cornwell asked the Minister for Urban Services, upon notice, on 6 June 20002:

In relation to tenants of ACT Housing:

- (1) How many are aged:
- (a) under 20 years of age;
 - (b) between 20 and 55 years of age;
 - (c) between 55 and 65 years of age; and
 - (d) over 65 years of age.

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

(1) As at 11 June 2002, the number of ACT Housing tenants for each of the above categories was:

- (a) 217
- (b) 8,214
- (c) 1,468
- (d) 2,896

NOTE:- These figures exclude residents (ie individuals residing in ACT Housing properties that are not signatories to the lease agreement).