



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

29 August 2002

Thursday, 29 August 2002

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

Electoral Amendment Bill 2002 (No 2)

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.

This bill provides for an amendment to the Electoral Act 1992 to defer the start of the next redistribution of electoral boundaries until after 30 April 2003.

Under the Electoral Act as it currently stands, the Electoral Commission is required to begin a redistribution of electoral boundaries as soon as practical after the third Saturday in October 2002. If a redistribution were to commence in October 2002 under the existing Electoral Act provisions, the Electoral Commission would be required to divide the ACT into two electorates each returning five members and one electorate returning seven members. Given the current proposals to increase the size of the Assembly, this bill is proposed to defer the start of the redistribution process until after a decision has been taken on the number of members to be elected in total and on the numbers of members to be elected in each electorate.

The bill would defer the start of the redistribution process until after 30 April 2003. This date is set to give the Electoral Commission time to finalise the redistribution before the end of 2003. With the next election due in October 2004, this is intended to give the public, candidates and parties time to familiarise themselves with any changes to electoral boundaries which may occur.

If a decision is taken to increase the size of the Assembly, a further bill will be needed to make the necessary changes to the Electoral Act to provide for the number of members to be elected in each electorate. If the number of members is not changed, the redistribution can proceed in 2003 without the need for any further changes to the Electoral Act.

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

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Mental Health (Treatment and Care) 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) (10.35): I move:

That this bill be agreed to in principle.

The Mental Health (Treatment and Care) Amendment Bill 2002 makes a minor amendment to the Mental Health (Treatment and Care) Act 1994 in order to clarify a legal issue. For a small group of people, the effect of this amendment will be important because it will ensure that they can effectively exercise their rights to appeal against a decision made by the Mental Health Tribunal under that act.

The Mental Health (Treatment and Care) Act provides for the Mental Health Tribunal to make orders about the treatment, care, control, rehabilitation and protection of people who are mentally dysfunctional or mentally ill. It also provides a right of appeal to the Supreme Court from a decision of the tribunal. It is a standard feature of our system of justice that people should have an opportunity to appeal against first instance decisions that affect their rights. People who are affected by orders of the Mental Health Tribunal are entitled to appeal against those orders.

In some cases, though, treatment ordered by the Mental Health Tribunal may be started before the person concerned can have an appeal against that order heard in the court. If the person does not want to have the treatment ordered and believes that the tribunal was wrong in ordering it, that person is entitled to appeal against the order. In some cases the fact that the treatment is carried out before the appeal can be heard makes the appeal process pointless.

In order to remedy that and to make it clear that everyone is entitled to an effective right of appeal, this bill will give a specific power to the Supreme Court to order a stay of the decision of the tribunal until the appeal is heard. The stay is not automatic or compulsory. It will be up to the Supreme Court to decide whether a stay is appropriate. This is a minor amendment, but its effect is to protect a very important right of appeal.

I commend the bill to the Assembly.

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

Prostitution 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) (10.37) I move:

That this bill be agreed to in principle.

Mr Speaker, the Prostitution Amendment Bill 2002 implements recommendations arising from a review undertaken by the Department of Justice and Community Safety into certain aspects of the Prostitution Act 1992.

In 1999, the former Attorney-General, Mr Humphries, requested that a departmental review be undertaken into specific aspects of the Prostitution Act 1992, particularly the public health and regulatory aspects of the act. It was considered that this review was timely, given that the act had been operating for six years. The review encompassed a number of issues which had arisen since the inception of the act, namely, regulatory aspects of the act; provisions relating to sexually transmitted diseases; and confidentiality issues for private workers.

In the course of undertaking the review, the Sex Industry Consultative Group was consulted comprehensively. It is a non-statutory group that was established to provide ministerial advice on various aspects of the sex industry in the ACT. It comprises representatives of the police, the department of health, the AIDS Action Council and the sex industry and was chaired by Ms Phillipa Weeks, a law lecturer from the Australian National University. I would like to take the opportunity to thank the group for its efforts in assisting with the review. The group's collective expertise has made a vital contribution to this bill.

The principal concern that has arisen with the existing legislation is the lack of any power to exclude unsuitable people from the industry. At present, there is nothing in the act to prevent a person who has been convicted of a serious offence, such as child prostitution, from continuing to operate a brothel. The most significant changes that are proposed by the bill will address this concern. The bill proposes the introduction of new offence provisions that will have the effect of excluding persons from the industry who have been convicted of particular disqualifying offences.

The proposed definition of "disqualifying offence" comprises those serious criminal offences, including crimes against the person, particularly those relating to children, and offences relating to drug trafficking and money laundering. In addition, specific offences contained in the Prostitution Act 1992 which are directed at the actions of brothel and escort agency operators are included in the definition. The operations of the spent convictions legislation have been expressly excluded for the purpose of the registration of those involved in the prostitution industry. This is analogous to the exclusions which have already been included in section 19 of the Spent Convictions Act 2000, including casino employees and interactive gambling licence holders.

The new offences will be supported by an extension to the registration notice requirements so that operators and owners will need to provide information in relation to disqualifying offences and provide evidence of their police records. It is proposed that fingerprint-based criminal record checks should be required because a name-based check will not disclose offences recorded under an alias. Similarly, new operators and owners entering the industry will be required to submit police record checks before they can be registered.

A range of policy approaches to regulating prostitution were considered as part of the review. It was found that the experience in other jurisdictions, such as Victoria and very recently Queensland, indicated that full licensing schemes have not proved effective. The high cost of licensing fees borne by the industry and the high level of regulation associated with licensing have encouraged the growth of an underground industry, operating beyond the reach of the law, including public health provisions.

When the Prostitution Act was introduced in 1992, it was specifically structured so that there is no offence of operating an unregistered brothel, only of failing to give the registrar relevant notices about the operation of the brothel. The aim of this bill is to preserve this very positive aspect of the ACT legislation, while still providing a means of keeping certain criminal elements out of the industry in the ACT. Any sweeping changes to this essential structure, such as the introduction of a licensing scheme, could run the risk of creating a less regulated industry.

The bill also includes some important amendments in relation to sexually transmitted diseases, or STDs. One of the primary objectives of our prostitution legislation is to safeguard public health. In this regard, the act contains a number of provisions regarding STDs, including requiring operators to take all reasonable steps to ensure a sex worker does not provide commercial sexual services when infected with an STD; making it an offence for a sex worker to provide or for a client to receive a commercial sexual service if he or she knows or could reasonably be expected to know that he or she is infected with an STD; and requiring sex workers and clients to use prophylactics and requiring operators to take reasonable steps to ensure that this occurs.

For the purposes of the Prostitution Act, "STD" is defined under the Sexually Transmitted Diseases Act 1956. However, the current definition has not been amended since 1977 and does not cover the full range of STDs currently arising in the community. This bill proposes to update the current definition in line with expert medical policy advice provided by the Chief Health Officer. Provision is also made in the bill to allow new diseases to be added to the definition by way of regulation to facilitate changes to the definition should that need arise. This will allow a timely response to any new developments in relation to sexual health.

Other amendments to the act proposed in the bill concern confidentiality requirements and the register. Presently, the legislation allows some details of private workers to be publicly inspected. It is considered that there is no compelling public interest in private workers details being available for public inspection. Further, the potential for this information to be publicly available may deter private workers from complying with their legal obligations under the act. It is therefore proposed to amend the act so that this

information will no longer be publicly available, although it would still be available for persons with a legitimate official interest, such as the police.

Finally, the bill will remove the provisions relating to designated medical officers from the act. Designated medical officers are doctors nominated by the Chief Health Officer for the purposes of the act. Under the act, brothel owners are required to take reasonable steps to ensure that a sex worker does not provide commercial sexual services when infected with an STD. Where a brothel owner relies on an examination by a designated medical officer to satisfy himself or herself that a sex worker is not working with an STD, he or she would rely on that as evidence in any subsequent prosecution.

The rationale underlying the designated medical officer provisions when they were enacted was to minimise the potential for sex workers to shop around for false certificates that they do not have an STD infection. These provisions are no longer necessary because the updating of the definition of “sexually transmitted disease” in the Sexually Transmitted Diseases Act 1956 means that these diseases are all notifiable diseases under both that act and the Public Health Act 1997.

Since the review of the act, a number of notifiable diseases have been determined under the Public Health Act 1997, including all of the diseases in the proposed new sexually transmitted disease definition. As notifiable conditions under the Public Health Act, laboratory or medical practitioner notifications for all diseases defined under the Sexually Transmitted Diseases Act would be investigated. This provides a deterrent to medical practitioners issuing false certificates. On this basis, the bill repeals the provisions relating to designated medical officers.

Mr Speaker, I commend the bill to the Assembly.

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

Workers Compensation Supplementation Fund 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) (10.45): I move:

That this bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

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The Workers Compensation Supplementation Fund Amendment Bill makes minor technical amendments to the *Workers Compensation Supplementation Fund Act 1980*.

This Act establishes a 'safety net' fund to ensure that if an approved workers' compensation insurer goes out of business, then people who are injured in workplaces covered by policies with that insurer still receive appropriate compensation for their injuries.

The Act allows the collection of a surcharge on workers' compensation premiums to provide money to the fund. At present, no surcharge is collected on workers' compensation premiums, and this has been the case since 1986, when the then Minister decided that there were sufficient cash reserves in the fund to meet any potential liabilities.

Following the collapse of the HIH Group last year, the Territory is now examining whether there are sufficient reserves in the Supplementation Fund to ensure that all workers' compensation claims can be met, and what level of employer contributions to the fund may be necessary to meet HIH costs. This decision will be informed by actuarial assessments of the likely future costs of claims that would have been covered by HIH policies, and the actual costs of HIH claims that have been received or settled so far.

In the event that a surcharge is levied, changes need to be made to the Act to ensure that payment options for the surcharge are consistent with payment options for workers' compensation premiums.

When the Act was first introduced, workers' compensation premiums (and insurance premiums in general) were normally paid on an annual basis. In recent years, most insurers have introduced increased flexibility in payment options, so that premiums payments can be made on a half yearly, quarterly, monthly or even weekly basis.

Section 22 of the Workers Compensation Supplementation Fund Act currently requires that any surcharge of premiums must be paid at the start of the insurance period. The Government's legal advice is that this would prevent employers from spreading surcharge payments over the course of a year, in the same way that employers can spread premium costs over the course of a year.

This Bill amends the Act to allow surcharge payments to be collected on a more flexible basis, in the same way that premium payments can be made.

Mr Speaker, I ask the Assembly to support the **Workers Compensation Supplementation Fund Amendment Bill 2002**.

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

Executive business—precedence

Ordered that executive business be called on.

Orders of the day—postponement

Ordered that orders of the day Nos 2 and 3, executive business, relating to the Statute Law Amendment Bill 2002 and the Districts Bill 2002, be postponed until a later hour.

Appropriation Bill 2002-2003

Detail stage

Schedule 1—Appropriations

Proposed expenditure—part 12—Urban Services, \$274,144,000 (net cost of outputs), \$88,492,000 (capital injection) and \$15,194,000 (payments on behalf of the territory), totalling \$377,830,000.

Debate resumed from 27 August 2002.

MR SPEAKER: The question is that Mr Quinlan's amendment No 4 be agreed to.

MR STEFANIAK (10.47): Mr Speaker, in using my second 10 minutes, I indicate that I will be delivering a speech for Mrs Cross, who is ill today and will not be joining us.

Mr Quinlan: You can have it incorporated in *Hansard*, if you like.

MR STEFANIAK: I will deliver it, thank you. Mr Speaker, the Urban Services Department has borne the brunt of the plague of secret tax increases contained in this budget. On this front, the government has been creative in its attempts to pass those off in a positive light.

We have seen rises in tip fees introduced as an environmental charge, the term the Liberals used in 1995 when they first established tip fees. However, a reading of *Hansard* at that time is rather revealing, as the then Labor opposition mocked and resisted the introduction of an environmental levy, predicting doom and gloom as massive amounts of rubbish would inevitably be dumped illegally on country roadsides. One former Labor member even went as far as to call it a despicable trick, a con and a tax dressed up as an environmental charge. However, now that Labor has its hands on the tiller, what has happened to the tip fees? The minister has suddenly had a Damascus road experience. The bright light has shone above his desk, the scales have come off his eyes and the fees that were once vehemently opposed have been increased, not removed. How things change so quickly!

Mr Speaker, the opposition does not oppose having tip fees. We see them as an important part of educating Canberrans to value their natural environment and to protect that environment. However, we do oppose the way the government has gone about its work on this issue. What the government has done smacks of just another way of slugging a bit more cash from an unsuspecting public. The rise is too small to look like a serious environmental levy. Instead, it is clearly just another tax increase. Unlike most of the budget, this part was a well-kept secret, a secret at the last election and a secret until budget day.

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Another secret tax in this budget is the imposition of parking fees at the Belconnen and Tuggeranong town centres. Whilst the opposition has been critical of this measure, it should be noted that the focus of that criticism has been, again, the way that the government has gone about implementing this proposal. There is no doubt that the government has been sneaky and kept these additional parking fees secret until the last possible moment. The Labor voters in Tuggeranong and Belconnen have been conned, well and truly conned.

Once again the government, following its familiar pattern, is trying to pass off these parking fees as something they are not, only this time it has been caught out. The proof of that is in the government's response to the Estimates Committee report. During budget week, the government claimed that these new parking fees have something to do with sustainable public transport, yet its response to the Estimates Committee report shows that they do not. It shows that the government is making up the story as it goes along.

I refer members to the government's response to recommendation 51 of the Estimates Committee report. The recommendation states:

The committee recommends that, before introducing paid parking into Belconnen and Tuggeranong, a parking study be conducted and the impact on businesses be analysed formally.

Normally, this would be considered a rather strange recommendation, except that the decision to introduce parking fees obviously had been made before a parking study had been done. The government confirmed that in its response, saying:

Detailed implementation planning will be undertaken before paid parking commences from early-mid 2003. This will include consultation with stakeholders and an analysis of the impact on businesses. A consultant to assist with this task is expected to be appointed shortly.

Mr Speaker, not only was no study done before the decision was made but also, to make matters worse, the government has admitted to having made the decision before consultation with stakeholders had taken place. Clearly, the government has started with the answer and has been caught out working backwards to see what was the right question, without having done any consultation. What this does to the government's credibility, I will leave for individual members to decide.

Some members have referred to the introduction of paid parking at these two town centres as being an equity issue—if Woden and Civic have them, why shouldn't Tuggeranong and Belconnen have them, too? Of course, this argument does not make sense. How can you commit to a regime of equity when there is no information on the table? By his own admission, the minister does not yet have such basic information as why people park where they do, how long they park there and what impact paid parking will have on local businesses.

It would be foolish for the government to assume that all town centres are the same, because they are not. In Tuggeranong there is an additional wild card in parking for Lake Tuggeranong College. Whilst the minister assured the Estimates Committee that he would provide adequate parking for the staff and students of the college, he was not able

to tell us how. It sounds all too familiar from this government. It is just making the story up as it goes.

In fact, according to Mr Wood, we could even end up with the bizarre situation that the department of education would be required to pay the Department of Urban Services for parking spaces. What can I say? Would that be an example of our education dollars at work, Mr Speaker? Should this ridiculous situation occur, the government would be guilty of canning free school buses to pay for parking spaces instead.

Mr Speaker, as well as secret tax increases, the budget contains cuts in expenditure. The worst examples of that are the cuts to road maintenance. The same pattern was followed by the last Labor government under Rosemary Follett. The road network was poorly maintained over a number of years, so much so that regular cash injections were required during the Carnell-Humphries era to bring the territory's roads back up to scratch. It would be a tragedy if the whole process were to happen again.

The budget shows that suburban road maintenance has been cut by over three-quarters just for this year and that street sign replacement and road marking have also been cut to ribbons—not a good start for the new minister, I would have thought. I was also amused by the minister's efforts to explain away these cuts during estimates. Mr Wood tried to explain them away by saying that most of the funding for municipal road maintenance is to be diverted to upgrading bridges with a claim that bridges are a part of roads, too, and this approach was not really a reduction.

Unfortunately, all of the examples that the minister used to support his argument were about upgrading the bridges on territory roads, not municipal roads. Given that fact, it would be clear to anyone without ALP-coloured glasses that, to its great discredit, municipal road maintenance has been renamed by this government. The minister was quick to point out during estimates that this cut to roads funding would be only for one year. I trust that will turn out to be the case.

Mr Speaker, the government is fortunate to have inherited from the Liberals an infrastructure of such high quality when it took office. It would be a tragedy if the high standard of roads, ovals, public transport, bike paths, urban parks and the like were to fritter away through false economy.

I delivered that speech on behalf of Mrs Cross. Again, I apologise for her absence, but she is seriously ill and will not be able to be here today. I will conclude by making a few points on items that I had in mind and did not bring up in my first 10 minutes.

I note that \$100,000 has been set aside for a further study in relation to the Kippax library. I think that it is of crucial importance that the future of that library be guaranteed. Certainly, the previous government accepted that there is a need for a permanent library, and a larger library at that. Indeed, there was provision for that in two plans that were before the Assembly. In fact, one must ask about what is actually happening in terms of the centre as a whole. I certainly hope that work on that will progress because it is very important for the region. The sport and fitness centre there is idle. There is a lot of potential in Kippax that is simply not being realised and action needs to be taken quickly there.

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The library is something that a previous Labor government wanted to cut in 1994. Mr Speaker, I recall you being put in a bit of an embarrassing situation in having to defend it. I was pleased to be able to ensure that the library continued with additional hours of operation, courtesy of the then Minister for Urban Services, Mr De Domenico. Now is the time to ensure the permanency of that library and enhance it further. That is something that clearly needs to be done and the government should not sit on its hands in relation to that or the rest of the centre.

Mr Speaker, I have already mentioned some changes in direction by the Labor Party in relation to the skateboard park and the tennis courts. I am quite happy to explain to Mr Quinlan how the finances for the courts operate. I do not want to take up the time of the Assembly on doing so now as I have only about a minute left to speak.

To comment on one other area of urban services and the environment: I notice that the minister still has not come out with a final 10-year plan for Fairbairn Park. I would urge upon him to give leases to the Motor Sport Council. I would urge upon him to adopt what 1,407 petitioners wanted and what 19 of the 24 formal submissions wanted, that is, at least 30 noise credits for the users of Fairbairn Park and 10 for the National Capital Car Club. I think that that is absolutely important. I am appalled by the fact that, although there is only one complainant now in relation to noise, the department bends over backwards to satisfy the needs of that person and not those of the thousands of people who legitimately enjoy motor sport.

Mr Quinlan: Why didn't you sort it out, then, Bill?

MR STEFANIAK: We put it in our policy that we would give them 30 credits. There was a detailed consultation process which indicated quite clearly that the vast majority of people want an increase in the number of credits available to 30. (*Extension of time granted.*) That was the view of the vast majority of people as a result of that consultation process, which is now finished and the department is assessing. I think it should have finalised the assessment by now. Such an increase makes sense.

Mr Quinlan, I would certainly hope that, as sports minister, you will be backing grassroots motor sport, which has produced a number of champions in Canberra, in terms of the final policy. Some improvements have been made by the Office of the Environment over the last couple of years, which I was pleased to see. You have all the information there. The vast majority of the people want a fair go for motor sport, something your people do not seem to be giving at this time.

I will close on that point. I was going to talk about the arts, which are part of Mr Bill Wood's portfolio. No doubt my colleague Mr Humphries, who has a dear passion in that area, will have a few words to say later in that regard. I thank members for their attention and for the opportunity to deliver Mrs Cross' speech.

MR PRATT (10.58): Mr Speaker, I rise to talk to part 11 with respect to oval and park maintenance and to some aspects of the sport infrastructure relative to this portfolio in terms of budget planning.

Mr Speaker, I am concerned about the separation of the daily maintenance and security of ovals, including the financial management of them, from the Bureau of Sport and Recreation. The bureau is the operational manager of our network of ovals and I believe that it should have retained total control over the disbursement and management of funding. I just raise that as an observation.

Mr Speaker, \$250,000 has been allocated in the budget for the general funding of minor new works programs. That is considerably less than the \$648,000 allocated under the previous government's plan. We think that that underspending needs to be addressed.

Going on from there: I wish to talk briefly about the facilities improvement program. Funding of \$1 million has been allocated across the ACT to a sports facilities improvement program. Given that \$370,000 has been allocated to upgrading the Chisholm sports oval, very little is left for the remainder of the facilities across the ACT. I remain concerned about that. We will monitor just how well the remainder of the activities under the FIP are being addressed.

Turning briefly to the Chisholm sports oval upgrade: in estimates I was advised by the department that the upgrade of the oval was generally agreed upon by the community, including agreement about the vexed question of fencing and whether the community would have sufficient access to the oval. I gather from questions I put in estimates that a white picket fence will be constructed and there will be sufficient gates to allow the community access. I congratulate the department, if that is what it is aiming for, but I am still receiving feedback that members of the Chisholm community are still concerned about what this upgrade will mean for them. I assume that the department is absolutely right in what it has advised in estimates. I can only encourage the department to get out and communicate better with the community and advise the community that their needs have not been disrupted.

I was also given an assurance by the department in estimates that it has taken appropriate budgetary and contractual measures to provide ACT taxpayers with a firewall against any detriment being suffered should the two clubs involved in the Chisholm oval project renege on their part in the funding obligation. I do not think that there has been any indication that they will, but there were questions about whether the contractual arrangements had covered that contingency. Mr Speaker, we will be looking at that. Certainly, the plan would indicate that the Chisholm oval project will deliver a very good activity and we are pleased to see that.

I turn briefly now to the Canberra Stadium car parks. As we know, there are upwards of 5,000 car park spaces east, north-east, west, south-west and north-west of Canberra Stadium, immediately west of the AIS. Most of those car parks are simply grass and dirt, but a significant number immediately next to Canberra Stadium are hardstanding car parks exactly where the western option route of the Gungahlin Drive extension is being pushed through. Clearly, there will be a destruction of some of the car park spaces with the pushing through of the western option for the Gungahlin Drive extension.

Mr Speaker, in estimates the department did admit under questioning that 2,000 of the existing 5,000 car park spaces will be lost under the shoving through of the western option. There are no funds available in the budget to build any new structured car park complex. If that is the case, space would need to be found to replace the lost 2,000 car

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park spaces. There is no space east and north-east of Canberra Stadium to create new, cheap, grassland car parks. You do not need to be technically qualified to realise that that space simply does not exist, at least not without encroaching on other facilities in the area or encroaching on green spaces to further expand the car park building.

I do find it entirely unacceptable that the government can simply say that 3,000 of the 5,000 car park spaces will be sufficient to meet requirements. The government's argument is that the other 2,000 car park spaces can go because it reckons that all the needs of Canberra Stadium would be easily met by having 3,000 car park spaces. I would challenge that. I know that thousands of the Raiders and Brumbies fans who go to Canberra Stadium have to park in the Bruce CIT and have to park up to one or two kilometres away in both directions of Canberra Stadium.

We also know that when there are major sporting activities at the AIS whilst there is a major sporting fixture at Canberra Stadium the car park spaces are pushed to the absolute limit. I do question whether the government can simply wave a hand and say that 2,000 car park spaces can be done away with. I would urge the government either to put something in the budget to take care of providing 2,000 new car park spaces or, I would be so bold as to say, to get rid of the western option and not even have the problem in the first place.

That leads me to the next issue in terms of the development of the Gungahlin Drive extension, that is, the disruption to the AIS. We have been over this subject a number of times, but I will state again for the record that I think that acceptance of the western option would be seriously detrimental to the AIS. The AIS is a world-class facility and it deserves the extra little bit of care that an ACT government administration should give to it. Clearly, we have instead the ACT and federal authorities on a collision course over the future of the AIS. I think that everyone in the ACT community is hoping that the government will take care of the AIS very carefully and will factor in the future of the AIS in terms of its Gungahlin Drive extension plans. I wish the government well in seeking to arrive at a sensible solution to that dilemma.

Mr Speaker, in talking about the Gungahlin Drive extension in terms of the sporting facilities in that area, I should raise the issue of the Bruce precinct being a cohabitant and, if you like, collaborative environment in which a number of facilities are combining their sporting, sport science and sport education businesses. My concern is that the western option would drive straight through the middle of that collaborative arrangement. I do not think that that would be good for the future of the Bruce precinct. I would flag that as a concern in terms of budgetary and planning factors as part of the government's approach to these matters.

Finally, I turn to paid parking at Tuggeranong. My colleague Mr Stefaniak has spoken in some detail about that issue, as did Mrs Dunne. I want to focus very quickly on Tuggeranong College. At the moment, it is falling under the spell of the paid parking regime, although I was told by the government in estimates that 30 spaces will be made available to the college for free car parking. I am glad of that, but it would still be insufficient, given the number of year 11 and year 12 students who own cars and the teachers and instructors who work there. Thirty car parking spaces simply would not be enough. I am looking forward to seeing the government rectify that problem as well.

Mr Speaker, in finishing in terms of the Urban Services phase of this debate: I would simply say that we will support the budget—it would be irresponsible of us not to support the budget—but I will closely monitor the issues I have flagged.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (11.09): Mr Speaker, I might just relay a short experience I had last week at a ministerial council meeting which was held at a venue in Melbourne overlooking the MCG, the tennis centre and Olympic Park, where I think the Storm play. I was standing next to one Rod Kemp, the federal minister for sport, and I was able to point out to him some very busy roads tracking through those sporting complexes. When I speculated as to why we didn't see gasping athletes on their knees on the tennis courts or lying about on the grass of the MCG, I think the most intelligent response I got from him was: "Ah, we're trying to learn from our mistakes."

Mr Pratt: Those roads were already in existence, Ted, when those fine complexes were built. There was no choice. Here at least we have a choice, Ted.

MR QUINLAN: We will move them; we will have moved them all.

MRS DUNNE (11.11): Mr Speaker, I would like to take up some of the Assembly's time to speak on the environment elements of the Urban Services budget. Most members who have spoken on the environment have said that what we have before us is a bit of mixed bag. We have a few good initiatives but at the same time we have an environment area in which funding is becoming increasingly under pressure. The \$1.5 million over three years is a start but I am coming to the view that Ms Tucker expressed on Tuesday night that perhaps we would be getting nearer the mark if we had \$1.5 million every year extra for environment, because there is a lot to do.

As I said in the debate yesterday, the OECD reported that the ACT's natural environment is a credit to us. But we have to work hard to maintain that. At the same time as maintaining our natural environment, we have to take into account environment protection measures, which are underpinned by well thought through legislation. Sometimes you are left with the impression that, because there are not enough resources, some of the inspections that are set out in the legislation are not being applied as rigorously as they could be. I think we need to work hard and put our money where our mouth is to ensure that environment protection is not only underpinned by sound legislation but that that legislation is upheld by sound compliance.

The allocation of \$1.5 million over three years in the package *A sustainable bush capital in the new millennium* sounds really great and there are some good things in there. Ms Tucker talked about the money for extra ranger staff, and there is a bit of a problem here because of a slight sleight of hand. We don't actually have extra rangers; we have extra resources so that more civilian staff, less specialised staff, can do office work and free up rangers. That is a good start but I think it is less than transparent. There are not new people in the field, although Mr Wood, when announcing this move a couple of days or weeks before the budget was brought down, made some play about the fact that there would be new rangers. I don't have a problem with the way this has been done but I think we should be more candid about what is actually happening.

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I take the point that was made in estimates by officers from Environment ACT that if you put on a new ranger you have to put on a new vehicle—that there are extra bits and pieces that go with it. I think freeing up the hours of existing rangers so that they can spend more time out ranging than doing office work is a good approach, but let us be frank about what we are doing.

I believe that the Treasurer and the minister need to get straight what role volunteers in such groups as Landcare and Parkcare will play in the protection of our natural environment. We have seen instances of this problem. The Friends of Aranda Bushland were told recently that they couldn't go out and conduct a working bee because of an uncertainty about what insurance cover would be available to them.

Year in and year out we have stood in this place and spoken at public meetings extolling the virtues of Landcare and its associated organisations as a great experiment in social capital, of bringing the community together and doing things that the bureaucracy could not do. We would never have enough money to pay for what park carers and land carers do on a voluntary basis on their Saturdays and Sundays. But at the same time we are willing to let that go for want of a little insurance. I beg you, minister: do something about the insurance so that organisations like this are not left in a situation where they cannot go out and continue the fine work that they have been doing for 10 years or more. This is a matter of some importance and it needs to be resolved now.

As I said, Mr Wood's \$1.5 million over three years in his package *A sustainable bush capital into the new millennium* sounds great. But I go back to the argument: what is sustainability? Does this government know? No, it doesn't.

We are seeing contradictory things from this government about what it wants to do with the environment. It downgraded its environment advisory structure by doing away with the Environment Advisory Committee. No longer does Environment ACT or the minister for the environment have an overarching advisory board. It has a whole lot of piecemeal advisory boards, which all do a good job, but there is no-one outside Environment ACT with an overarching brief looking at what the minister does and what the environment bureaucracy does, and this is a retrograde step.

At the same time, we have a piecemeal and really lukewarm approach to cutting energy consumption. We have seen in this place the minister for energy pooh-poohing any suggestion about making progress on renewable energy—trying to stymie debate on renewable energy, trying to stymie suggestions like that from Ms Dundas about putting on our electricity bills how much greenhouse gases we are using. Apparently, that is too difficult, that is too much, and that really doesn't amount to anything anyhow. Where is the commitment from this government to real energy cutbacks, to real reductions in energy use? Where is the real commitment to renewable energy? It is not there.

As I have said before, the solar hot water scheme is only middle-class welfare. Although this Assembly passed a motion calling on ACT Housing to start to implement the replacement of hot water systems with solar hot water systems in government housing, the people from ACT Housing who appeared before the Estimates Committee said that this was too difficult and that they are relying on past measures such as hot water tune-ups and the cavity filling. While these practices are good, they do not move forward from and capitalise on the strong base that existed under the previous government. The

previous government's proposals were good but another one should be brought in. We should be looking at putting renewable energy sources into government housing because this will have a multiple effect. In addition to being a renewable energy source, the cost to people on welfare of running a household will be cut.

I cannot let the opportunity pass to talk about Gungahlin Drive. What a monstrosity we have here. What this government is proposing to do is put a scar five metres deep and 60 to 70 metres wide through the Bruce precinct. This is bad town planning. A close associate of mine said to me recently, "I was always an advocate of the western route until I saw what PALM and RoadsACT were proposing." There is going to be a hideous scar not just through the Bruce precinct but up Bruce Ridge. Because of the way it is being proposed to construct the road, the cutting through the Bruce Ridge woodland will be 12 metres deep and in excess of 80 metres wide. These people are environmental vandals; they are planning vandals.

Mr Quinlan: They are building a hot town.

MRS DUNNE: We will get to that later. These people are environmental vandals. The way in which this whole Gungahlin Drive proposal has been dealt with shows the embarrassment of this government. It put forward a proposal that it could never meet. When the Estimates Committee asks for regular updating about what will happen, they say, "Look, we're already doing it." It is hidden away on a website somewhere. But this minister changes his mind. He prevaricates, he bobs and he weaves.

What this means is that the people of Gungahlin do not know when the road will be built. The way things are going—and mark my words, Mr Speaker—they will never build the western route. They will eventually build the eastern route and the people of Gungahlin will have been left waiting for years and years for something that they could have started two months ago.

Then we get the problem of Aranda—the environmental vandalism that this minister and this department propose to inflict upon the people of Aranda. What are they going to do to the 1960s bush capital model par excellence? We are going to see masonry walls at least two metres high, 40 metres from people's houses. This is environmental vandalism. It is a disgrace that it is even being suggested in this place by a government that beats its chest and prides itself on its environmental record.

MR SMYTH (11.21): Mr Speaker, I also would say a few words on the Urban Services portfolio. As Mr Pratt put so eloquently, the paid parking at Tuggeranong is another indication of the secretive government that we have. Without any work being done and without any consultation, they have decided to impose paid parking on the people of Belconnen and Tuggeranong, and in particular on the students and the staff at Tuggeranong College. We end up with the bizarre situation where education dollars may be used to purchase from Urban Service parking for teachers rather than being spent inside the school gate, as we have heard so often those opposite advocate. I think this is a case study of how this government operates. It is very instructive. The answers that were obtained in the Estimates Committee hearings are even more instructive. We were told, "We've done it. Now we'll do some work on it."

The fact is that there was no promise or no revelation in the lead-up to the election that they would be introducing paid parking. Minister Wood, I believe, said that once the government puts paid parking in their car parks, without a doubt both the Hyperdome and Westfield would put paid parking in their car parks. You have to ask why are they doing this? They say it will help create a sustainable transport system. If that were the case, why didn't they reveal this in the lead-up to the election? The answer quite clearly is that they were secretive. They don't tell people what it is they intend to do; they don't consult properly. We have already seen this start to happen in the last nine or 10 months. We hear lots of words about being honest, open, consultative and transparent, yet the reality is that we don't see this happening.

The other case that springs to mind is the promise of additional rangers. I believe an additional eight rangers were promised, but that never eventuated. There may be four full-time equivalents on the ground but that involves moving staff from offices back out into the field and shifting the burden to other parts of the system. The promise quite clearly made was that they would be putting extra rangers on the ground. Again, we cannot find the extra rangers. If you look at the staffing profile inside the Urban Services documents that have been received you will see that there will not be an extra eight rangers. So all they are doing is spreading the resources thinner. They said they would do it better. As I said in the health debate, they said they would do more with the existing money, they would get better value for money, but we are yet to see that anywhere in this budget.

One of Labor's fact sheets in the lead-up to the election centred on better planning for shops and local centres, and making them more viable. In the last budget we put money forward which was spent on developing plans for the refurbishment of Deakin shops. As you would know, Mr Speaker, we had an ongoing program of developing and redeveloping local shopping centres to make them sustainable and to make them more viable. Once the plans were drawn up, the money was made available in the following years for those redevelopments to be carried out.

We have done it at Manuka, we have done it at Kingston, we have done it at Narrabundah and we have done it at Curtin. We started the process for Kambah, which is really good, and that is continuing. We also started the process for Deakin, and the Deakin residents and the Deakin trading community had an expectation that it would continue. But, no, that has disappeared from the budget. I think the shameful thing is that when Mr Wood was approached and shown the plans, he seemed to have no idea that these plans existed. Decisions are being made about things which apparently the minister is either uninterested in or uninformed about. That doesn't give one confidence in the way that this budget is being put together. It doesn't give one confidence in how this government deals with community expectations. I think it is a shame when plans that governments and communities have worked on do not come to fruition.

Mr Speaker, there are a number of key priorities that we started when we were in government—in particular the look of the city and making sure the streetscape is maintained; and putting more money into asset management. I would like to pay the government a compliment for finally ensuring that additional asset management money appears in the budget so that we can look after our roads, bridges, signs, and all those other parts of a vital infrastructure that need to be cared for, and if cared for now won't cost us more in the future. So well done for putting those figures into the budget. They

are figures that I recognise from a previous cabinet decision, but it is good to see that that money actually appeared in the budget. So on that score, well done. But it is a pity about the paid parking, it is a pity about the rangers and it is a pity about the Deakin shops.

Amendment agreed to.

Proposed expenditure, as amended, agreed to.

Proposed expenditure—part 13—land, \$1,845,000 (capital injection), totalling \$1,845,000—agreed to.

Proposed expenditure—part 14—ACT Forests, \$90,000 (net cost of outputs), totalling \$90,000.

MS TUCKER (11.28): I was going to comment on the proposed expenditure for land, but we got through that too quickly. However, I will make a few comments on forests. Obviously, the big issue for ACT Forests at the moment is recovering from the Christmas bushfires and I note the comment in the Estimates Committee report that this has not resulted in a financial loss, as the forests were covered by insurance. Without wanting to reflect on my previous motion in this Assembly calling for a review of the use of the plantation land that was burnt out, I still believe that this has been a lost opportunity, and we are now back to business as usual with the forests.

I would like to emphasise the importance of ACT Forests managing their land on the basis of sound environmental principles. In particular, there is a need for strong programs of weed control to stop weeds spreading out from the plantations onto adjacent land. ACT Forests also need to control the spread of pine wildlings. However, this needs to be balanced with ensuring that any chemicals used are safe for the environment. The proposal by ACT Forests to aerial spray the forests next to Weston is still in residents' minds and I think that further work needs to be done to develop alternative control strategies. Another issue for ACT Forests is the need to control erosion from forest roads, given that these are often used for other activities such as car rallies.

Pine plantations around the ACT serve multiple purposes. They are a commercial crop as well as a recreational resource. The plantations also contain pockets of natural areas of ecological value that need protection. The management of the plantations also has downstream effects on our waterways. An appropriate balance must be struck between meeting these diverse and sometimes conflicting demands.

MRS DUNNE (11.29): Mr Speaker, ACT Forests are starting to turn the corner. ACT Forests are starting to work well and there is light at the end of the tunnel. We are actually going to see, with a bit of good management, ACT Forests starting to make a profit, and that is because of the reforms that were put in place by the previous Liberal government. The previous Liberal government worked hard to turn around the appalling legacy left by federal Labor governments which over many years stripped ACT Forests of their assets and were not prepared to put in money. The result of that was a badly managed, top-heavy, topsy-turvy sort of organisation which was not able to generate a constant income because the planning regimes were all wrong. We have managed to turn that around.

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The Christmas bushfires will present some problems in the long term for ACT Forests because, although the trees are insured, they are insured at their average life value, not at their optimum market value. There will be some problems for ACT Forests down the road as a result of the devastating Christmas fires. I have to compliment ACT Forests on the way that they have approached the regeneration of the land. They have been diligent and on the ball, and have done a fabulous job in getting most, or almost all, of the replanting done within the time frames.

These very important issues go to the very heart of the reforms that were made by the previous government. The previous government, as I said before, put in a lot of effort and went through a lot of pain, inflicted by those opposite, to make those reforms. It is good to see that, having assumed government, the previous reforms that those opposite pilloried are now being embraced as the right way to go.

Now that ACT Forests have managed to turn themselves around, I expect to see an improvement in the things that Ms Tucker has talked about. I hope to see an improvement in weed control. For many years ACT Forests were criticised, and rightly criticised, as one of the worst—probably the worst—land manager in the ACT. We have to see an end to the blackberry infestations and the spread of pine wildlings across the territory. ACT Forests are now on a commercial footing and they can actively respond. They have the right profile of staff to address these issues.

I note Ms Tucker's point that we have an opportunity to change the mix of the plantation more in favour of natives. But really and truly, although *Pinus radiata* is not my favourite tree, we are talking about a tree farm and not a national park. A tree farm is designed to make a return to the territory and changing the mix to hardwoods would severely set us back in that respect. Across Australia, *Pinus radiata* plays a very important role in the building and construction industry and the paper industry. Although you may not particularly like this type of tree, it does form an important niche in the economic cycle.

I would like to compliment ACT Forests on their sterling effort in getting their land back into order after the Christmas bushfires. We know from estimates about the work they have done on the maintenance of their roads. The reconfigured roads will have a positive impact on erosion around ACT forests.

The same cannot be said for the National Capital Authority. The National Capital Authority have been very remiss in dealing with the land they control that was subject to fires at Christmas time. They have not made decisions about what to do, and their land, more than anyone else's, will have an impact on erosion. After months and months of dry weather, the land closest to Lake Burley Griffin is still left denuded and untended by the National Capital Authority. They are remiss; they are retrograde in what they have done. They need to address the environmental issues that they have on their plate, and they need to address them now. They need to rehabilitate that land before most of it is washed into Lake Burley Griffin and down to the Molonglo.

MS DUNDAS (11.35): ACT Forests has gone through a savage restructuring process and we have been led to believe that the organisation is more financially viable as a result. However, I do not think that the government has properly faced up to the longer term market forces surrounding the softwood timber industry.

The ACT government should be exploring and perhaps even encouraging the establishment of farm forestry on agricultural land in the ACT, as is occurring in all other states and territories in Australia. Our timber processing industry needs an adequate resource base to remain competitive and our existing softwood resources provide a marginal industry base at best. The effects of recent

bushfires have brought this problem into sharp focus and I hope to see a program in the next budget that addresses the long-term future of the ACT timber industry.

MR SMYTH (11.36): Mr Speaker, the forestry unit has undergone some change in the last couple of years but it is change for the better to put it onto a sustainable footing—sustainable in terms of the organisation itself, the environment and the industry. My recollection is that they were looking for partners in the ACT and the surrounding New South Wales area so as to expand the amount of land upon which they plant. They need to do this because of the difficulty they will have in coming years to keep the flow of timber up to ACT timber mills. Those mills provide several hundred very important blue-collar jobs—jobs which are very rare in the ACT. Of course, the industry itself has made a large investment in plant at Hume and Fyshwick to make sure that they adapt to change. So I hope the reforms continue and bear fruit. There has been pain but unfortunately steps had to be taken to get ACT Forests and the forests themselves onto a sustainable footing.

The industry is not quite yet over the hurdles. As Mrs Dunne said, there have been Commonwealth governments that didn't do the right thing in regard to planting. As we all know, you are talking about a 30-year cycle to produce a crop, so the things that were done in the late 70s and 80s by governments of both persuasions at the federal level have not served us well. I believe that the staff of ACT Forests are dedicated and motivated. They certainly have the skills to make it work better and it is good to see them have that opportunity.

I would like to bring to the attention of the government an issue concerning the National Zoo and Aquarium. The unfortunate bushfires at Christmas cleared the land at the back of the zoo and the zoo is quite interested in taking advantage of the opportunity that has presented itself to get more space so that it can expand its activities. I think the surrender of a few hectares—about 16,000 hectares of the ACT are under the control of ACT Forests—to the zoo will reap us a huge benefit in allowing what is a growing, expanding and exciting tourist venue to expand without impacting too much on the forest trade itself.

The equestrian industry is also affected. They want to make sure that riding trails are re-established so that, as the forests grow back, they have the ability, as they had before the fires, to take tours through the forests. I would ask the government to keep that in mind as well.

Proposed expenditure agreed to.

Proposed new part 14A.

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Proposed expenditure—part 14A—Disability, Housing and Community Services, \$97,652,000 (net cost of outputs), \$1,953,000 (capital injection) and \$20,897,000 (payments on behalf of the territory) totalling \$120,502,000.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (11.39): I move amendment No 5 circulated in my name [*see schedule 1 at page 3097*].

MS DUNDAS (11.40): While I do not disagree with the establishment of this new Department of Disability, Housing and Community Services, I am concerned about the way the government went in setting it up. The need for new budget papers and the division of programs have resulted in much confusion, not just as part of the estimates process but also in the community who rely on the services funded by the government.

Two main areas that have been moved around and split that I am particularly concerned about are the management of community facilities and the situation of CHADS, Child Health and Development Services. We now have the situation where the management of community facilities is split across two departments, depending on what type of organisation happens to be in the building. So we will see in the future, as organisations move around Canberra, the management of buildings jump between departments. We have also seen the preschool component split off from CHADS.

However, I was pleased to hear the department say that it will be working on a new way of working to help break down the silo effect of their being in separate departments of the ACT government. But, again, this is something that will continue to be monitored to ensure that the community is not suffering.

This new department has key responsibility for monitoring and implementing the outcomes from the Gallop report. I look forward to the government's response, which I understand is due quite soon, and to the continuing work required to ensure that those who need our support receive it in the best possible way.

MR SMYTH (11.42): Mr Speaker, the area of disability and community care is, of course, a very important issue in the budget, and the additional funds that the government has put into these areas are welcomed, but I just want to make the point again that, whilst there are additional funds, we have to ensure that those Canberrans who need, deserve and should have access to these services actually receive them—that there is no diminishing of the number of services that we provide.

The unfortunate thing about the timing of the restructure is that, as we found out at the Estimates Committee, the department itself is coming to grips with bringing together these areas and much of what it intends to do is still in the formative stage. The information that we were able to get through the Estimates Committee, whilst enlightening, did not necessarily reveal the full direction that the department will take. We spoke to the minister and the staff about that and we all understood that that was the case because of the changes.

It is further complicated by everyone awaiting the government's response to the Gallop report. I just want to sound a warning note on the issuing of the government's response to the Gallop report. Minister Wood said in the Estimates Committee hearing that there is no extra money for whatever the government's response to the Gallop report will be and that the new department will have to live within its means.

I know that the Disability Reform Group is anxious to see the Gallop recommendations, in the main, implemented. That will cost additional money. Much has been made of the additional \$1.25 million, I think it is, that the department received this year, but I again want to lay down the challenge to the government—we increased funding to the disability sector over the last four years by 40 per cent. It grew from \$25 million to \$36 million over the four years, and I would very much like to see it grow another 40 per cent—and that is the challenge for the government. It is nice to say, "Yes, we've put \$10 million in", but is it enough? Will it give the people who need the services the service they need, where they need it? And will you be able to sustain that?

So the challenge is there for the government. If it can match our 40 per cent increase I think that would be a tremendous thing. The other point is that we actually put more money into disability in last year's budget than goes into the budget this year, and I think it is important to keep that in mind as well.

I move on to the area of community care, although we touched on this when we did health as well. I refer to the issue of respite care for the aged and the closure of the two aged respite care services at Dickson and at Narrabundah, which will be turned into active rehabilitation for the aged. Much has been made of the fact that there will be more services for the aged, but the government has taken the decision to close these two services at Narrabundah and Dickson. There was no consultation; it just decided that it would close them. It has not spoken to groups such as COTA, for instance. I rang COTA and asked whether it was aware that this was happening. They said no. Again, we see this secretive approach that the government is taking. When you ask them what the government will do in terms of active rehabilitation, well, it is under review. So on one hand it has closed the services, it is diverting the money from aged day care respite to active rehabilitation, but it does not know what that means and how that will be achieved. So I would like to put on the record again my disquiet at this.

I have had phone calls from constituents. In one particular case a lady wanted to get her mother into Narrabundah. She was told no, it was closed; it was moving to Tuggeranong and we would find out later what was going to happen. So, again, for a government that said it was going to be honest, open and accountable, what we are seeing is secretive closures, without consultation, from a government that I think lacks vision. What we are seeing is another review to hide the inadequacy of its approach. I think that the fear for the sector in the future will be whether, while there is more money—and, as I have said, that is welcome—that money results in anything for those on the ground that need it, which is yet to be shown.

MRS DUNNE (11.46): The new Department of Disability, Housing and Community Services comes at a time, as the previous speakers have said, that does not leave it open to very much scrutiny about what is going to happen and how it will operate. The new department is a bringing together of a whole lot of disparate areas across the government portfolios: the Office of Disability from the Department of Health; Disability Services

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from ACT Community Care; Housing of course; Supported Accommodation and Child Health and Development Services from Education, Youth and Family Services; along with a whole lot of general community services looking after peak bodies and community facilities that come from the previous department, DECS.

But the real problem, apart from the ordinary problems that any organisation has when it has a whole lot of disparate bits coming together and a whole lot of different corporate ethos and is finding for itself a new way of operating, is the fact that this government has severely hamstrung the funding for community organisations that comes out of this department because of the differential way that it was treated. Those organisations that were unfortunate enough to come from the Department of Education, Youth and Family Services have been hamstrung by the fact that this year they are getting less of an increase than the CPI.

The CPI is a pretty marginal and mean, perhaps mean and tricky, sort of index, because it is not actually what the Treasury says the CPI is but what somebody else says the CPI is—at 2.5 per cent. But it is really mean and tricky when it comes to the decision made in the previous Department of Education, Youth and Family Services to allow only a 1.5 per cent margin for inflation for those organisations. So the funding coming out of the Department of Education, Youth and Family Services is considerably lowered, and this has considerable impact on organisations that go into this new department. They will not be able to meet the needs that are there.

I would just like to touch on the Office of Child Health and make a plea for the parents of people across the ACT in a range of areas who need to have their children assessed and managed and have diagnostic work done through this office: can we please have some resources so that the diagnosis is done in a timely fashion? The autism organisations, for example, find that they cannot get their children diagnosed. When people think that they might have autism, they have to wait for months, and that is just one of the many occasions when there seemed not to be enough resources going into an organisation to actually meet the needs of people.

If you spend a little bit of money now you might save it a long way down the line. It is all about early intervention. If you can find out that a child has a particular difficulty—a speech impediment, a hearing difficulty or a sight difficulty—and you can address that when the child is three, four or five, before all the problems that accumulate around that if they are not addressed start to mount up for these children, we might be a lot better off.

We might be a lot better off in this place, when we are discussing the budget, if the Treasurer would put away his cryptic crossword and had a listen to some of the criticisms of what goes on in the budget, because child assessment is important. It is more important than the cryptic crossword—or perhaps you are doing the *Australian's* simple one. But let us talk about it. Let us look at the issues around the early assessment of children in need.

Children in need in the ACT, and their parents, would not be impressed to know that, when we are discussing these things, the minister is doing his crossword. They want services for their children. And when someone at a school says, “I think that you need to have your child assessed,” the parents do not want to have to wait three months to find out whether their child has autism, or whether their child has a speech impediment that

needs to be addressed. They need to know it now so that they can address the needs of their children, so that they will not be a drain on the ACT budget and the Commonwealth budget year in and year out, because they did not receive the appropriate early intervention that they needed.

MS TUCKER (11.52): I must say I find it quite extraordinary to listen to Liberal Party members talking as if they were not the government for the last seven years—the government that refused to make investments in preventative care, and that received my report on education for children with a disability but did not actually take any action on the lack of therapists for students with a disability.

The issue of therapists—speech pathologists and physiotherapists, in schools particularly—has been a matter of grave concern and one that I have raised. We have had a whole committee inquiry basically looking at that matter. We at least now have a government that is acknowledging these needs. When a party that was in opposition goes into government, it is exposed to different and more information, and you can kind of understand why they seem to change their position a bit, although it is suspicious on occasions. But I find it amazing how a party that was in government and has become the opposition can so clearly ignore everything that it was responsible for for the previous seven years. It is as if they decide, “Well, we won’t have any corporate memory here, we won’t remember anything that we took responsibility for, unless it was good, and, if it wasn’t good, then it wasn’t us.”

Mrs Dunne has said, “That wasn’t me.” I heard her say that yesterday. But we know very well that you were in this Assembly and you were advising Gary Humphries. You are very well aware of what happened in this place and what the Liberal Party did when in government.

I agree with Mrs Dunne in that I do not think that there is enough money, still, going into disabilities. I understand, of course, the constraints of the budget but, once again, as I said to the Liberal government and I say to the Labor government, there are questions about priorities that are always going to be raised in a budget debate. I think that we now see quite a lot of work being done, but there is a lot for which we do not know yet what the outcomes actually will be. There are a number of changes yet to come through the system.

We can expect the government response to the Gallop report in a couple of months. We should get a better idea of the work of the new Disability Reform Group around the same time. And government will shortly conduct a review of watchdog agencies, as recommended by the Reid inquiry. I understand that the Disability Reform Group is also looking at complaints. I am not quite sure how these processes fit with each other and maybe the minister can actually enlighten us on that.

We also, of course, see the coroner’s inquests that relate to the Gallop report still in train, and I think that some very concerning evidence has been given there. The real questions that need to be asked are about the actual culture in disabilities, and how we will be able to be sure that the new department will manage to attract and keep good staff. Of course, while the extra money is useful, indeed essential, we still do not really know what the outcomes will be.

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In terms of outcomes, I mention again my concern about the performance indicators. I think the Liberal Party should accept responsibility for the mess of meaninglessly quantified outputs that constitute most of the performance indicators in this budget. The obsession with arbitrary figures, designed to mimic some irrelevant business model, has unfortunately left a scar on how the ACT government describes its business.

I do not think it is a surprise that we are still waiting to see change, as neither people nor processes change very quickly, but I do look forward to the establishment of new, safer and more effective procedures that can be both identified and described in next year's budget. I trust also that these changes will be shaped by government and service providers in collaboration with consumers, their families and friends.

It is important in this process, as in many others that the ACT government is engaged in, to value the contribution of small and very small not-for-profit, non-government organisations. I refer members to "The Emerging Voice and Survival of Small Not-for-Profit Organisations", a paper by Tirrania Suhood, coordinator of Blacktown Alcohol and other Drugs Family Services. She makes the point that SNGOs are a vital part of the healthy dynamic society, that they are generally close to the communities they serve, they are flexible and they provide an independent voice for their clients.

Yet, as I think in Canberra we are very well aware, many SNGOs walk a fine line between survival and extinction. If government is to have these organisations to draw on, to provide the ground-level guidance that it needs, and to be a source of innovation and development, then it has to ensure that they can survive. It is from those small groups that you are more likely to see innovation and I think innovation is a very important quality, if we are going to have services that are actually meeting the needs of people.

There is an issue facing the community sector in Canberra generally, and the ACT government is yet to face up to it. And, again, I feel a bit like a broken record on this. The Liberal opposition members can scarcely express surprise and concern here with any integrity, as it is years of neglect on their part which has given rise to some of this problem. But one of the big inadequacies of this budget is that there is no plan to bring the sector up to a viable level. The SACS award, for example, which covers most of the community sector, is set only at the level of a safety net. Even as a senior policy officer in the community sector, you would be paid less than an ASO6 in the public service—probably more like an ASO4. If anyone ought to be concerned about a reasonable rate of pay for people in the human service areas, it should be the Labor Party government. At this stage, however, the community sector still seems to be the poor relation.

The consequences are, of course, that there is a continual drain of energy and talent into the government sector and the large NGOs. The cost is that the most creative and responsive agencies are continually robbed of capacity. It is a very silly imbalance, because it does not produce the outcomes that we all want to see.

The same thing goes for accommodation and resources. The Minister for Planning and for Education, Youth and Family Services, judging from his letter to me, has not gone in to bat for the Griffin Centre or any other community services in QIC's Bunda Street development. If you believed in a sustainable community, or that one of the core tasks of government is to address disadvantage, as Labor Party philosophy espouses, then you would start your thinking on these issues.

While the former Liberal government's digital divide program was a sort of attempt to address inequity, the real digital divide between the community sector and the people who make the funding decisions is getting worse. I would love to put Treasury into a refuge for a week and ask them to make do with that equipment and those working conditions. Maybe then the next budget would see the start of a program to really invest in the sector.

Finally, there is the issue of housing. I addressed housing in quite a lot of detail when the budget was first debated, so I will not go back over the same issues. But I will make a few points about how housing is or is not integrated into the development and vision of this city.

The funding for the outcomes of the affordable housing taskforce has been the topic of some speculation. As important as community housing is, it would be a great disappointment if the affordable housing project became narrowed to simply promoting community housing. We need to ensure that the ACT stock of public housing is maintained and expanded over time. We also need to ensure that private housing in different forms is affordable. The problems we face in the ACT are not unique, and we can learn from the approach that others are taking.

The Greater London Council, for instance, is working on a plan to require a percentage of housing to be affordable. Indeed, the draft DA for the Kingston foreshore development included a requirement that at least 10 per cent of the places be affordable for people on lower incomes. It seems fairly clear that the first stage of that development is uniformly unaffordable, and that is despite the fact that the units are remarkably ordinary, not particularly environmentally innovative, not adaptable for long life, not aesthetically inspiring or innovative, and do not even seem particularly well aspected for the sun or view.

I am happy to work in the Assembly to ensure, if possible, that the next stage of the Kingston foreshore is a cutting-edge development, that it includes both public and community housing, that a substantial percentage of the units at all price levels are adaptable, and that commitment to ecological sustainability is something more than it is at the moment—which seems to be just about a token drainage pond. I think the same discussion can and should be had with QIC for the Bunda Street development, and more generally with PALM when it comes to west Civic.

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

MS TUCKER: I seek an extension.

MR SPEAKER: You can have a second period of 10 minutes—but there is no compulsion to use it all.

MS TUCKER: I will go to the second 10 minutes then. Housing—affecting, as it does, health, employment, family life and your ability to be part of a community—is, other than food perhaps, the most fundamental need that we have in our society. It seems to me that this government has a more profound understanding of the role of housing than the previous Carnell and Humphries Liberal governments. But saying the right things and

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trying to care for individuals won't amount to a hill of beans if the housing isn't there—and that can come about only if Planning, Treasury and Community Services all share the vision.

MR STEFANIAK (12.03): I think it is preferable if I speak now in relation to housing. I certainly would not agree with Ms Tucker's comment that this government seems to have a better idea—I don't know if I'm quoting her properly—than the previous government on housing. I think a lot was certainly achieved there, and I look to see what exactly this government will do.

In this budget there are some good initiatives and there are some worrying signs as well. I have some disappointments over the government's lack of funding to assist the homeless in the ACT. In terms of the housing component, it is an uninspiring budget. There are a number of points. Firstly, the budget for housing, whilst claiming an increase of \$3.5 million over the previous year, is actually lacking in initiatives. I note that the rents actually have gone up \$6.2 million. But the government funding for ACT Housing has actually gone down \$3.1 million from what it was in the previous financial year under the previous government.

In terms of the initiatives listed, this year there is only a paltry \$125,000 allocated to assist people with short-term accommodation needs. This will do very little to address some of the chronic problems of homelessness in our community, especially in the area of emergency accommodation. At least in last year's housing budget there was actually \$240,000 for short-term crisis accommodation, which is basically the overnight accommodation, plus \$1.5 million which was allocated for crisis accommodation and management. I also had hoped that the government would have responded to calls by welfare groups for further crisis accommodation, particularly for men and men with children. I would have expected some real effort to be made to assist those most in need. At the very least, I would have expected the government to provide some more actual emergency accommodation.

The only thing I can see here in the budget was a \$3 million fund—I hope it does not become a slush fund—which was allocated to the affordable housing taskforce. That may be all very well, but the fact is that we need some real solutions now, not six, eight or 12 months down the track. I can recall earlier this year—in May, when I had a summit with a number of groups—St Vincent de Paul Society representatives stating that they were turning away approximately six or so single men each day, because of a lack of accommodation they could give them.

I note in a recent report tabled by the Assembly committee looking at this issue that the society is quoted as saying that it is some 36 men a week—close on 2,000 a year if it keeps going like that. Indeed, the Assembly report basically confirmed the figures that were available and were public earlier this year, in May. So I think those figures were available to the government. The non-government organisations who look after some of this area were certainly telling the government that, and the government could have done something in the budget—not just allocated a \$3 million slush fund which can be allocated to certain things later on. There is an urgent need for accommodation, certainly for single men, now.

The people involved in this sector were very keen to see this government actually take steps to set one up on the south side. We have Samaritan House on this side of the lake, but there is a very real need in this particular area, and it is backed up by that unanimous committee report tabled in the Assembly earlier during these sittings. That is something that should be reflected in the budget.

Also, I still get quite a lot of calls in relation to men and men with children needing accommodation. Whilst there is one service—which was transferred to a different provider under some controversial circumstances, and I will not take this debate to go into that—there is quite clearly a continuing need for further assistance to men with children. It is a need, I would suggest, that indicates that another shelter should be provided, this one on the south side, the original one being in Belconnen. I have said before that I think the provider that was providing the service in Belconnen—the Lone Fathers Association—should be given the one on the south side. This is as a result of the circumstances that led to their removal prior to the contract terminating, which we have already commented on. They also provide a very different type of service, I understand, to the one currently operating. And both services, I think, are very much needed here.

That is another area of need. So I would have expected at least some steps to be taken—even this crucially important step, because we do have those obviously accurate figures for the number of single men in need, sleeping on park benches, in cars, wherever, simply because there is not emergency accommodation there.

It is all very well to put \$3 million in a slush fund and say, “Well, we are awaiting another report,” when quite obviously there is a crisis there. It would not cost anything like \$3 million to set up another service. That is something I think the government needs to address. It does have money. It does have \$3 million there—unallocated—and I would certainly call on it to allocate some of that money now, at least at this stage, for a single men’s crisis accommodation service, which quite painfully and obviously is needed.

I think that is the most glaring omission from the housing budget. The homeless, of course, are the most vulnerable group in our community. In recent months we have seen quite concrete figures there, and unfortunately there is nothing in the last couple of months to indicate that those figures, which were available in May, look like changing. They have basically been confirmed. I think there are probably a number of other steps that the government needs to take to further improve Housing’s operations. That is probably not so much a budgetary thing but that is certainly something that I will be talking to the minister about and pressuring him on. There are still certain things that I think need to be improved there.

On a positive note, I see the fire safety improvement program being announced. That is very pleasing. I can recall, quite a long time ago now as housing minister—and I think I had not been there for very long—instituting a program of installation by our fire brigade of some 12½ thousand fire alarms in all public housing. That was in fact completed well and truly ahead of schedule. I think the fire safety improvement program is timely and I would actually commend the minister for doing that. I think that is a good commitment and it builds on nicely to initiatives taken by the previous government.

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I am also pleased to see a strong commitment by the minister and the current government to continuing the community housing expansion program—again, a program I had the pleasure, I think, of starting some years ago. I note that it has not proceeded as quickly as it perhaps could, but it is good to see a commitment to that continuing. Recently the Chief Minister and I went to one of our community housing providers, Havelock House. They do an excellent job, and were celebrating five years operation of another excellent program there. So it is good to see those two things, the fire safety improvement program and the community housing expansion program.

But quite clearly there is a real crisis in terms of emergency accommodation. That is something the government needs to take steps on now. It cannot wait a few more months, six months or more, however long it is going to take the affordable housing taskforce to report. There is an obvious and urgent need for action, and I call on the government to take steps there, as has been asked by the various service providers.

MR SPEAKER: Order! At this point I would just like to welcome students from St Clares College to our chamber.

MS DUNDAS (12.11): I will start by asking the question: why is there an urgent need in terms of housing? The answer is: because of the actions of the former government. But, like urban services, affordable housing is one of the most disappointing areas in this budget, being yet another area where the new government is all too similar to the last one. Our public housing stock has been run down and flogged off over the years by the former government, to the point where there is a substantial amount of housing-related poverty in the ACT and an increased demand for emergency services.

This budget has not tackled this affordable housing crisis. There is some welcome funding provided for refurbishment of existing multi-unit and separate dwellings. At the end of this financial year, the number of ACT Housing dwellings is predicted to be lower than it was at the time Labor took office. Our population, on the other hand, and with it the number of people in need, will have increased. What this amounts to is an increase in poverty and misery. I hope that the next budget will bring about a proper commitment to tackling the housing needs of our poor, as we know that housing has a key role in breaking the poverty cycle.

This, again, is about what we as a community want to prioritise. While the recognition of the affordable housing taskforce is there with \$3 million for community housing, and only community housing, it is disappointing that this is not actually new funding but rather just a straight transfer from the ACT Housing budget.

MR SMYTH (12.13): Mr Speaker, I need to correct something that I said in my last speech about the funding for disabilities. I was actually comparing the mental health funding of the previous years against this government's mental health funding for the coming year.

In fact, the government has put \$2.5 million into disability services and \$4 million over the 10 years, and that is welcome. It is not quite up to the \$2.7 million in last year's budget, and it does not match, I believe, the 40 per cent increase in disability funding over the last four years that we were able to put into the portfolio, but I look forward to increased funding in the coming years. I just wanted to correct those numbers.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (12.14): Mr Speaker, I just have some remarks that I wish to make in relation to this particular line and the creation of the new Department of Disability, Housing and Community Services.

I think the point needs to be made, in the context of the debate and the appropriation for this department, that the department was created just recently. It was created in July as a response to the Gallop inquiry, and the Reid inquiry, and it was created with the full support of the Disability Reform Group. I think we need to make those points in terms of initiatives and change in relation to the delivery of disability services in the ACT. We are all aware—acutely and to some extent painfully—of the Gallop report and the inquiry into disability service delivery in the ACT. The Gallop report was long, difficult and fraught, and, even with some of the warts that it wears, it does provide significant advice and guidance in relation to disability service delivery and a potential way forward.

As members know, the government has established a process for responding to the Gallop report. It centres on the creation of the Disability Reform Group, the engagement of an expert disability consultant and initially the creation of an Office of Disability, and now the creation of a department of disability.

One of the fundamental recommendations of Gallop, which was supported by Mick Reid in his review of health service administrative or governance issues in the ACT and which was at the forefront of the thinking of the disability sector and adopted by the Disability Reform Group, was for disability services in the ACT to be delivered through an instrumentality with a particular focus on disability service delivery.

It was the strong view of the Disability Reform Group, which is a group representative of all disability organisations in the ACT, that disability service delivery should be separated from the department of health. It was the strong view and wish—I believe the unanimous view—of the Disability Reform Group that disability service delivery be removed from the health service delivery administrative arrangement or structure. The government acted on that. Indeed, I guess it is fair to say that it was the first of the Gallop report recommendations to be acted on, although Gallop did not recommend exactly that structure. But essentially the creation of this department is a response to the Gallop inquiry into disability services.

On the issue of the response to Gallop and the work that is subsequently being done by the Disability Reform Group, the Office of Disability and now the department, I am hopeful that the reporting timelines that I established when I set this process in place—namely, that we would have a full and detailed response to the Gallop report by September—will be met. There will be a comprehensive response by the government to that report.

In anticipation of that, we have provided in this line an additional \$2.5 million this year and in each of the out years over and above other funding for disability services—accepting and expecting that the implementation of the reforms that will flow out of the Disability Reform Group's work will, of course, require some resources.

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As I say, to that extent we have anticipated the outcomes of the work that has been done. We have provided \$2.5 million this year, and we have provided for a total of \$10 million over the next four years. That is a significant increase in funding—significant additional funds for disability service delivery in the ACT.

Comment has just been made as well in relation to housing. Certainly there is tremendous pressure on public housing in the ACT. We have seen in recent years, certainly during the period of the previous government, that there has been a significant reduction in the public housing stock in the ACT. I am not exactly sure of the extent of the reduction, but certainly we now have some hundreds fewer dwellings than we previously did.

The debate around the availability of public housing needs to be held in the context of the significant reduction that has occurred in housing stock. As Ms Dundas just said, \$3 million has been provided for community housing. I think we all understand, in the nature of community housing recommendations, that that money will be used as seed funding by those within the community sector committed to the provision of community housing.

We are, of course, looking for some new, innovative and lateral approaches to the provision of community housing. And those community organisations devoted to the delivery of community housing work very much in tandem with Housing ACT, or now with the Department of Disability, Housing and Community Services, to ensure, to the extent that we can, that there are appropriate levels of community housing here in the ACT.

In that context, mention has been made of the level of homelessness within the ACT and the tremendously tight circumstances faced by emergency housing or the refugees in relation to the number of clients seeking refuge or access to emergency housing—the number of people in the ACT that do not have anywhere to live, that sleep out, and the consequent pressure on our emergency housing services as a result of that. At the end of the day, very much of that is due to the enormous pressure that is placed on our housing services as a result of the combined effects of the age of much of the housing and the fact that we did, under the previous government, sell off significant slabs of our public housing stock.

It will be a long and difficult process to restore the housing stock to appropriate levels. It is one of those things—the minister, Mr Wood, refers to it as the cannibalising of our housing stock—that we sold off public housing in order to refurbish or to maintain other parts of the public housing stock. It is like the classic selling of the family jewels to pay the mortgage; at the end of the day, we all know you never get it back. It is the same with public housing. You sell some of your public housing stock because you cannot afford to maintain other parts of the housing stock, thinking, “Well, we’ll maintain the stock that we have, we’ll try to make a windfall gain from the sale of that public housing stock that is located within, say, the inner north and south, where the land has increased significantly in value and we’ll apply the excess funds that we achieve through the sale of valuable public housing to the purchase of additional public housing.” But, at the end of the day, you never do.

History shows us that that is what has happened here. The previous government sold off hundreds and hundreds of houses and of units, it applied the funds, as it is required to under the Commonwealth-state housing arrangements, to public housing, but it did not increase the numbers in any significant way at all. And that is the legacy that we have. In government, we have applied around \$16 million to maintain the public housing stock that we have, to provide just some simple basic fire safety preventative measures. It really is a major worry that our significant public housing—the Currong and Bega flats—do not have fire detectors. Not only do they not have fire detectors, but I believe they do not have fire safety systems of any sort, other than hoses. We are applying \$16 million to provide that urgent and overdue attention that our public housing stock requires, and that is a major challenge that we have inherited from the years of neglect of the previous government. They are obligations that we accept and that we are moving on. This government will deliver in relation to public housing, although the challenges are great.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (12.24): Just very briefly, I just want to pick up on the fractured logic that Mr Smyth occasionally brings into this place. I am reminded, with schoolchildren in the Assembly, that you might have stayed at school a bit longer, Mr Smyth. But, if you had increased expenditure by 40 per cent, to match that would be to continue at the same absolute level. To increase expenditure beyond that, is to either surpass or excel.

Proposed expenditure agreed to.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.26 to 2.30 pm.

Questions without notice

Prison and remand centre

MR HUMPHRIES: My question is to the Treasurer, Mr Quinlan, in his capacity as minister for corrective services. Minister, your spokeswoman was quoted in the *Canberra Times* last Monday in the following terms:

A spokeswoman for Corrections Minister Ted Quinlan said speculation that the prison and remand centre would be built at Majura were wrong. All short-listed sites were still up for consideration.

It comes down to the size of the land, security, proximity to services and other factors, which is a long process.

You have consistently ruled out a prison or permanent remand centre at Symonston, and yesterday in the Assembly you ruled out Kinlyside as a site. Can you advise the Assembly whether the shortlist you are using is the list of short-listed sites developed by the Standing Committee on Justice and Community Safety in its 1999 report? Or is it the

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original shortlist submitted by the ACT government for that report—or is there a third shortlist prepared especially for this exercise?

MR QUINLAN: I thank the Leader of the Opposition for the question. First of all, if you look at the article, the ruling-out of anything was more a conclusion of the reporter than a direct quote of a spokesperson from my office, because my office has been non-committal.

As to the lists of sites being used, quite clearly there are a number of candidate sites. It would be getting close to the bleeding obvious that we would take into account and revisit those sites previously considered to be candidate sites, as we have done.

MR HUMPHRIES: In that case, if you have ruled out Symonston and Kinlyside, would you rule out Majura?

MR QUINLAN: Firstly, the short answer is no. Secondly, I do not recall ruling out Kinlyside. We did discuss the fact that it was zoned as residential. There were exchanges across the chamber with Mr Corbell—and rhubarb, rhubarb, rhubarb over there—as to whether the site was rural/residential or simply residential. I have, to this date, not ruled out any site other than Symonston.

Answer on land sales

MRS DUNNE: Mr Speaker, my question is to the Minister for Planning, Mr Corbell. Minister, in question time yesterday you responded to my question about guidelines under section 180 of the land act with some general remarks, and an admission that you could not recall guidelines prepared by PALM in relation to combating land speculation. You then said:

I undertake to get that information to Mrs Dunne, hopefully by the close of business today.

That was yesterday. Minister, the Assembly rose yesterday at 5.42 pm and nothing was heard from you or your office. Yet, within minutes of the house rising, you were briefing journalists on the issue. Part of what you said was reported on page 4 of the *Canberra Times*, and on ABC Radio news at 6.30 this morning. I still have not heard anything from either you or your office on this matter.

Can you advise the Assembly if your action in briefing the media, before a member to whom you had undertaken to provide information, constitutes what Erskine May describes. I quote:

...any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duty, or which has a tendency ... to produce such results which may be treated as a contempt even though there is no precedent of the offence.

Are you in contempt of the Assembly?

Mr Hargreaves: On a point of order, Mr Speaker: the points that Mrs Dunne seems to be asking the minister to respond to are possibly the subject of a referral to the Privileges Committee. If Mrs Dunne is really dinkum about this, I ask you to rule this question out of order. It should be the subject of a substantive motion in this place.

MR SPEAKER: No. I do not think you have a point of order. Mrs Dunne, I think that to impute that there is a contempt—

MRS DUNNE: Mr Speaker, with respect, I asked his view on whether he thought he was in contempt.

MR CORBELL: I cannot be asked for an expression of opinion, as that would be out of order.

Mrs Dunne: Not about policy.

MR SPEAKER: I think Mr Corbell has you on that one.

MR CORBELL: I am, however, very happy to provide Mrs Dunne with further information to her question.

Mrs Dunne: No—that is not what I asked.

MR SPEAKER: Order, everybody! Order! Mr Corbell is trying to answer the question—so give his voice a go.

MR CORBELL: I apologise to Mrs Dunne for not providing the information sooner. I received it only late yesterday, just prior to the Assembly rising.

Mr Speaker, in response to Mrs Dunne's question in relation to land speculation and the management of processes of land transfers under section 18 of the land act, the issue of land speculation has always, even under the previous government, been monitored with a view to maintaining a system which recognises administrative and commercial necessity.

Mr Smyth: Mr Speaker, the opposition would think it was fine if that answer were incorporated in *Hansard*.

MR SPEAKER: Order, everybody! Mr Corbell, would you like to incorporate that answer into *Hansard*? If so, would you just table the part you want incorporated?

MR CORBELL: There is a handwritten note at the bottom. Yes, I will table it.

The answer read as follows:

Mr Speaker, in response to Ms Dunne's question in relation to Land Speculation and the management processes of land transfers under section 180 of the Land (Planning & Environment) Act 1991 –

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The issue of land speculation practices has always, including the previous Government, been monitored with a view to maintaining a system that recognises administrative and commercial necessity and practicality. I can only assume that successive Liberal governments did nothing about imposing restrictions on consent to dealing in undeveloped land for that reason.

I have received a briefing in relation to the current practices of issuing consents under section 180 of the Land Act. I propose to adopt an approach to land dealings that recognises the interest of the community in the leasehold estate, and actively discourages speculation in raw land.

However, I am taking further detailed advice before considering the options of giving any formal direction. I recognise that PALM, in appreciation of the Government's wishes, has been advising conveyancing practitioners and clients that this Government will not be taking a passive approach to certain dealings that are clearly only speculative. The existing law and procedures are adequate to allow a refusal of consent in situations where there is no clear intent to develop the land being conveyed.

Mrs Dunne would be aware that a direction under section 180 of the Act is a disallowable instrument and therefore that there is, at this stage, no such direction. I will advise this Assembly immediately should the Government determine that a formal direction is appropriate.

I expect all members would wish to see the intention of the leasehold system is upheld.

MRS DUNNE: I have a supplementary question. The minister can write the answer, to be provided later in the day, if he wishes. I want to know why, if he received this information before the house rose, he did not bring it here but rather went and briefed the media.

MR CORBELL: It was just a matter of timing, Mr Speaker.

Regional commercial television news services

MR HARGREAVES: I note the reluctance of members to rise in their places, Mr Speaker.

Mr Stefaniak: Do not ask Mr Corbell a dorothy dixer, John!

MR HARGREAVES: I would never do that, Mr Stefaniak, because I do not want to see the answer in braille. Mr Speaker, my question is to the Chief Minister and, I might add, the best Chief Minister we have had in seven years.

Mr Humphries: Is this me you are referring to, or him?

MR HARGREAVES: I have been through all the ministers now, Mr Humphries.

Members will be aware that, on Tuesday, the Australian Broadcasting Authority released a report into its investigation of regional commercial television news services. Can the Chief Minister say if the government has had an opportunity to assess the report?

Do the recommendations of the Australian Broadcasting Authority support the government's submission that commercial networks have an obligation, under the terms of their licences, to provide local news services? Is the Chief Minister confident that the ABA's proposed new licence condition will see news services restored to Capital and Prime in Canberra?

MR STANHOPE: Thank you very much, Mr Hargreaves. This is a very important issue, as members know. I am aware of the concern of all members in relation to this issue.

The Australian Broadcasting Authority launched an inquiry into the adequacy of local news and information programs on regional commercial TV stations in November 2001. The inquiry was instituted following the closure of newsrooms in Canberra, Cairns, Townsville, Darwin and Alice Springs by Southern Cross Broadcasting—the operators of Capital Television in Canberra—and in Canberra, Wollongong and Newcastle by Prime TV.

In the space of six months, Canberra lost two of its three commercial television newsrooms—and this was before the ABC restored its local television news service. There was significant local community protest at the closure of the newsrooms, leading to the ABA inquiry.

In the course of that inquiry, the ABA called for submissions and held public meetings in a number of locations, including Canberra. The ACT government was one of more than 120 interested parties to make a submission to the inquiry.

In its submission, the government argued that the ABA:

- recognise the significant impact the loss of local commercial television news services has had on the community of the ACT and the Australian capital region;
- recognise that the decreasing diversity of media in the ACT and region is of concern to the community and the government;
- recognise that spectrum is a public asset, and that licences to use such spectrum entail community obligations;
- consider the nature of the supply arrangements between major networks and regional broadcasters, with a view to determining whether coercive or anti-competitive practices have been or are used;
- recognise that the regional television broadcast market is now considerably imbalanced, and that providers of local news services may suffer commercially, further impacting on the viability of their news services;
- strongly enforce the regulatory regime, or seek to strengthen it, with a view to ensuring that local television news services are properly provided by all regional broadcasters;
- make public, through its website and print material, the conditions under which broadcast licences are granted, and directions given to broadcasters and the guidelines to which they must adhere; and
- consider the most appropriate avenues through which complaints from the community can be managed, and through which ongoing community consultation and participation can be facilitated.

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Pleasingly, in releasing the report of this inquiry, the ABA announced that it proposed to impose an additional condition on licence holders to broadcast a minimum amount of matters of local significance. At first reading, it seemed as if the ABA's proposal might see commercial television stations in Canberra required to restore news services. However, my department has now had a limited opportunity to assess the report of inquiry, and I am advised that this might not be the case.

I do not know whether any other members have attempted to read this report, but it is ambiguous. I have yet to speak to anybody who has read the report who really understands exactly what it is saying. It is a classic case of ambiguity and tortured reading. My department thinks the initial impression—that commercial television stations in Canberra might be required to restore news services—is probably not the case, and that is a matter of great regret. I reiterate that the report is written in such a way as to hide or disguise that fact—to the extent that even experienced policy officers within the Chief Minister's Department are not entirely sure that that is what it says. However, we think that is what it says.

Certainly the new licence condition would reward broadcasters for local news services—but they would not be mandatory. We think that is saying that there should be new licence conditions and that those new licence conditions would reward broadcasters for local news services. In the government's view, that is the deficiency in the ABA's proposed new licence condition.

The government will respond to the ABA's invitation for submissions on its recommendations to argue that case and certainly to argue that it be just a little clearer in its expression and in any further reports it might release.

MR SPEAKER: Before I proceed with the next question without notice, I would like to acknowledge the presence in the chamber of a former MLA, Mr Rugendyke.

Surgeons—resignations

MR SMYTH: Mr Speaker, my question is to the Minister for Health. Minister, I refer to an article in the *Canberra Times* of 26 August 2002, concerning the outcome of a Royal Australasian College of Surgeons survey on medical indemnity insurance. The survey found that 6 per cent of surgeons had already taken early retirement, as a result of the medical indemnity insurance crisis, and that 60 per cent are considering early retirement.

Will the minister advise the Assembly how many surgeons in the ACT have retired in the past six months, and how this compares with the same period last year? Is this trend impacting on hospital waiting lists and waiting times, as the Royal Australasian College of Surgeons is claiming?

MR STANHOPE: I thank Mr Smyth for the question. This certainly is, as we are all aware and as debate in this place has revealed, one of the most pressing issues facing health systems around Australia—the crisis in the provision of medical indemnity insurance, particularly for specialists and in relation to a couple of specialties. The specialties most significantly affected are obstetrics and neurology. Some other specialties are also significantly impacted by the extreme rise in premiums.

In responding to Mr Smyth's question, it is important to note that, at the outset, when premiums really did put on their spurt—their significant rise or quantum leap—the Commonwealth government took the step of underwriting the work by visiting medical officers in Australian public hospitals. That provided some relief. It provided some certainty for specialists here in the ACT. The ACT government was prepared to underwrite the work that they do—at least on public patients in our public hospitals.

As Mr Smyth knows, the federal government really must take the lead in relation to this national problem. Also—putting politics aside—the fact that the Commonwealth took the initial step of securing the situation of all those medical practitioners and specialists who were clients of United Medical Protection was significant.

The Commonwealth has provided that underwriting until the end of the year. The question is whether, between now and the end of the year, the Commonwealth's intervention—in that it has secured all those clients of UMP—will be sufficient.

Whether it will be continued, or whether the Commonwealth will respond positively to the reform measures which I know will be proposed in relation to indemnity insurance by the expert group led by Professor Marcia Neve, and which was established by all Australian health ministers—led by Senator Kay Patterson—I do not know, Mr Smyth, in answer to your specific question.

I do not know the number of ACT specialists who have taken early retirement. I note that the article from which you quoted referred only to national figures. I do not believe they were broken down by jurisdiction.

I do not know whether those figures are available to us. Certainly I am more than happy to find out what the situation is, here in the ACT. No early retirements attributed to the medical indemnity crisis have been drawn to my attention.

In the first instance, Mr Smyth, I will make inquiries to see whether or not those statistics are available to us. I would be more than happy to provide them to the Assembly.

Expenditure Review Committee

MS DUNDAS: My question is to the Treasurer. Treasurer, during the estimates hearings, you informed the Estimates Committee that cabinet would be meeting as the Expenditure Review Committee to discuss the timetable as to which department would be the first to face the razor gang. Has this meeting occurred, and have you worked out the timetable?

MR QUINLAN: We are well on the way to working out the timetable for the Expenditure Review Committee work. I do not think we have accepted the title “razor gang”—or whether we would be putting departments up for razor gangs.

We have already started a sensible program whereby we are looking at various programs which deliver services, to ensure duplication does not occur. That has already been conducted for the indigenous affairs area of Mr Stanhope's portfolio. Initially, the Expenditure Review Committee will be the full cabinet. As I have said, there has already

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been one exercise done, effectively not under the banner of the Expenditure Review Committee but under the banner of good management—something novel.

MS DUNDAS: Treasurer, are you in a position to table the timetable you are working on as to which area will be under the ERC's eye first—and then as it goes on?

MR QUINLAN: Able, yes. Prepared to? That is something I will have to check with cabinet. As cabinet is working as an ERC, it would necessarily be a cabinet decision to let you know exactly what cabinet was doing—not mine alone.

Remand Centre

MR PRATT: My question is to Mr Quinlan as minister for corrections. I refer to the report of the Standing Committee on Justice and Community Safety, entitled *Inquiry into the establishment of an ACT prison: justification and siting*. I quote:

The ACT Government has produced a Cost Benefit Analysis which compares the cost of continuing with the present system to building a new remand centre and building a combined remand and prison facility. The cost benefit analysis indicated that the best option is to construct a combined remand and prison centre.

Minister, you said last Tuesday:

... I want to see financial discipline ... this government is introducing financial responsibility and rigour progressively ... so ... I judged and as a cabinet we judged that it was reasonable to allow \$50 million ...

This means that two independent cost-benefit analyses have been done, which have come up with the same finding. Has any rigorous analysis been done which supports your decision and that of cabinet to proceed with a new standalone remand centre, as opposed to a combined remand and prison facility? If so, who has performed that work, and are you prepared to table it? If not, is this an example of the financial responsibility and rigour you were talking about the other day?

MR QUINLAN: Several times I have stated in this place that we have concluded that we do not have a choice in the establishment of a new remand centre—right? This is not financial—

Mr Humphries: We have that bit.

MR QUINLAN: It has taken a while. Beyond that, I have said we will then do the numbers. The numbers are being done internally—we do not want to squander too much money. We are doing the numbers to test whether the previous Rengain figures are valid, whether the previous model was rigorous enough, and whether the increase of that correctional facility to a remand centre and jail is economically justified. Work is in process.

MR PRATT: Minister, why are you reluctant to inform this Assembly and the community of the costs and benefits of your decision to build a standalone remand centre, when the costs and benefits of building a combined remand and prison centre are on the public record?

MR QUINLAN: It is mainly unwillingness to put out half-baked information—that is, our half-baked review of the numbers. It really turns on the way this issue has been handled by your lot.

Mr Smyth: You have employed the same consultant.

MR QUINLAN: No. The way you have attempted to run this issue in the public forum would cause anybody to say, “Before we put out some information, we will get to a point where we say that this is precisely what we are doing, otherwise we will have a further flow of misinformation.” What I am trying to do is avoid misinformation. It is quite obvious, on this side of the house, that the opposition of today is finding it very difficult to find constructive issues, so we have had a stream of both misinformation and negative gainsaying.

In the interests of informed public debate, we will make sure the case is complete before your lot go off and confuse the issue, beyond the point where it should be. I know you will still do it.

If the insurance issue or the picture of Mr Humphries behind a construction fence at Symonston, are indications of where you are prepared to go, then we really need to ensure that we have the true picture available for all to absorb before we set in train your process of misinforming the public.

Dragway

MR STEFANIAK: My question is to the minister for sport. On 13 June this year, in a media release entitled “Dragway Funding Declined”, you stated:

The EIR indicates that a new dragway facility would cost \$6.2 million to construct and \$500,000 annually to operate ... there were quite strongly differing assessments of the economic benefits of the dragway ... the assessment of the Treasury was that the benefits were substantially overstated.

Minister, can you explain how Treasury determined that the study overstates the benefits from the dragway?

MR QUINLAN: Treasury gave the task to a former University of Canberra academic, Dr Hughes. He proceeded to go through the model that was presented, to identify a series of perceived weaknesses in that model—for example, no discounting of future benefits. So there is no discounting of cash flows involved, and there is no consideration of replacement expenditure within the economy. This means that every cent that is not being spent on a dragway today is, by inference, in the previous model, being stacked under someone’s bed somewhere.

A number of assumptions within the model were challenged. The author of the report for the dragway people and Treasury have met over this model. Be it known that a financial model like that is really the quantification of a stream of assumptions. for example, I think the model prepared for the V8 supercar race has been revised, of recent times, by

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the same author, to show that the car race returns less benefit than it was costing, on some assumptions.

So there has been a very dramatic change in the financial model that surrounded the V8 car race. It can be conceded that, when you are talking about attendances, discretionary spending and replacement spending in the economy, then you start building assumptions on assumptions. If you aim on the high side, it can be compounded into some very large numbers without really trying, when a different evaluation could well take you in the opposite direction.

From the examinations I have seen and read of the model, there are some clear challenges which I would support. But then there is a lot of contention relating to the number of attendees, as to how long they would stay in town and what they would spend in town—all the things which compound it up to some very attractive numbers, on face value. I would be sufficiently satisfied to say it is fairly certain that, if the basic assumptions of just attendance and the balance of attendance—in town and out of town—were accepted, then the model as presented is clear evidence that there is a substantial overstatement of the value in it.

As to exactly what the number is, if you put six economists in one room, you will get at least seven opinions. It is the same with financial modelling. There is a lot of assumption which, when multiplied by itself, will come up with quite different answers.

MR STEFANIAK: Minister, if you have not read the economic impact report—you claimed last Tuesday at your meeting with dragway representatives that you had not—how do you know whether the study overstates the benefit from the dragway? Or have you just taken Treasury's word as gospel because you have no interest whatsoever in helping fund a dragway in the ACT?

MR QUINLAN: My background does give me some understanding of financial modelling. I have not read the statement—that has been relayed to you second-hand, I gather. I cannot recall, because it was a meeting and an exchange. To clarify that, if asked today by the dragway people, I would say, "Look, I don't remember all the numbers in your financial model off by heart, but I have certainly looked over that model." Have I read every last word in it? Probably not, because you can go through a report like that and see where the numbers come from.

I can certainly recall going through the report originally. It says that these businesses were affected; there is this sort of expenditure; this expenditure per head, this many nights that people will stay in Canberra, and they will all stay in hotels. I remember all that. I certainly then read a summary of the report, which dovetails with the Treasury assessment. That says words to the effect that here are the features of the report—these are the factors and variables which go to make up the conclusions originally drawn by the model. Here is the Treasury challenge to some of those—the factors, assumptions and estimates or guesstimates, whatever you like to call them.

I have definitely read that right through. I am reasonably satisfied, Mr Stefaniak, that I understand the basis of the claim for the dragway. I have read it to the point of having a clear perception of what it is, although I do not remember all the numbers off by heart. I do not remember how much discretionary expenditure each person would have in

a given day, and how much people spend on their cars. In more recent times, I have read the Treasury assessment from top to bottom.

Mr Stefaniak: Did David Hughes work with you in 1998?

MR QUINLAN: Yes, David Hughes did. I think, before that, he worked at the university. He also wrote a book called *Capital ideas*, which would be very dear to your heart, Mr Stefaniak. David Hughes is a quite renowned economic rationalist and does not necessarily have my far-left socialist leanings.

Canberra Technology Park

MS TUCKER: I am not sure whether my question is for Mr Stanhope or Mr Quinlan. My question is with regard to the Canberra Technology Park and, more generally, about what this government's policy is on the management of public assets. I wrote to Jon Stanhope about this, and he responded—talking about the white paper that has been developed and roles of incubators. However, my question goes more to the question of where this government sits with the management and ownership of public assets.

In a letter from Mr Quinlan to a constituent on the same issue, attached to Mr Stanhope's letter, it was pointed out that, basically, CTP has the freedom to set rent at desired levels; that CTP is obligated to return 10 per cent of its total rental income to the ACT government, and this rises to 15 per cent on 1 July; and that it also houses a number of community-focused organisations, such as the Blue Gum School and the Canberra marching band—and others not mentioned here but which I am aware of—at discounted rent levels, which impacts on its rental returns.

My first question is this: this is a public asset, and I know you are funding one organisation to provide a service, and that they then give most of that money to the now private landlord. What is your government's position on the management of a building such as this? Have you done the work to show that it is cheaper for you to hand over management of the building in this way, considering that you are subsidising the rent of at least one of the organisations to such a large degree?

MR QUINLAN: The deal was already on foot. I would have to get back to you, if you want numbers, because I do not have all the figures at hand. The company running the Academy of Interactive Entertainment and MicroForte Pty Ltd would claim that they are just breaking even in providing that facility. That is the latest claim that I heard today, when I hosted a lunch with some knowledge-based industry people.

At this stage, the Watson High School belongs to the Canberra Tech, so maybe it is neither Mr Stanhope nor I but Mr Corbell you should have asked. As he is incapacitated, I will address the question.

Watson High School is an asset allocated to CIT and, effectively, they put the arrangements in place. There has been some discussion about the use of that asset, because of its proximity to the CREEDA business incubation suite at Downer. So there is a bit of competition there.

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To the best of my knowledge, within the technology park there is some development of computer games, et cetera. There are a lot of people undergoing training in the development of computer games in that academy, which is a positive contribution to Canberra.

I am not sure of the real point of your question. Should we be maximising the rent on it, or should we be giving it over to community organisations for cheaper rent? I am not sure what the driver is. From my perspective, right now, I want to make sure (a) that Canberra Technology Park operates without extensive subsidy, and subsidy over time; and (b) that it is operated to the economic benefit of the territory. If you want to ask me, in the supplementary question, exactly what, then it is likely I will take it on notice and give you a quantified answer.

MS TUCKER: Yes. The point is: it is obviously not just a technology park, because there are community organisations housed there.

So my supplementary question, which I assume you will take on notice, is: could you give the Assembly details of exactly what discount is offered to various organisations, what the market rent is, and also what the current landlord is spending on maintenance of the building; what is the condition of the building, and what maintenance has occurred there?

MR QUINLAN: Yes. I will bring the book along next time.

Disability agreement

MS GALLAGHER: My question is to the Chief Minister representing the minister for disability. What progress is being made in negotiations on the Commonwealth State/Territory Disability Agreement 2002 to 2007?

MR STANHOPE: Thank you very much for the question, Ms Gallagher. It is very important and very timely. Negotiations are continuing between all states and territories and the Commonwealth in order to attempt to finalise the next Commonwealth State/Territory Disability Agreement. In the interim, the Commonwealth has agreed to roll over existing funding arrangements for a period of four months, to allow further negotiations on issues yet to be resolved. The ACT continues to receive funding at 2001-02 levels, including unmet needs funding, during that period.

A letter was received from Senator Vanstone on 8 July 2002, formalising the proposals and conditions she put to all ministers in June 2002. In that letter, Senator Vanstone offered an additional \$125 million, to be made available to states and territories over five years, on the condition that jurisdictions match this fourfold.

Reports by the Australian Institute of Health and Welfare and the University of New South Wales social policy research centre show that the level of funding offered by the Commonwealth is not sufficient to meet current and future demand for services, or annual cost increases in the delivery of services.

A joint response from all states and territories was signed by ministers and sent to Senator Vanstone on 21 August 2002. The letter indicated that , whilst the offer of \$125 million over the life of the next agreement was a welcome step in the right direction, in percentage terms it represented less than half of the Commonwealth's commitment to growth in funding for accommodation and support services under the current agreement.

Therefore, ministers are seeking a Commonwealth offer which will maintain the funding share under the current agreement. So they are seeking closer to twice the amount currently on the table. The ministers said their concerns were echoed by calls from families in the disability sector, for all governments to provide adequate funding for unmet demand, population growth and indexation.

Mr Speaker, the ACT is committed to continuing multilateral negotiations with the focus on the best possible outcomes for people with disabilities and their families. In their letter, the ministers have called for an urgent meeting with Senator Vanstone to recommence negotiations over the Commonwealth offer.

I understand Senator Vanstone has replied to ministers just today, without addressing any of the concerns raised by the states and territories; that she has not agreed to a meeting, and that she is insisting that the Commonwealth's offer of \$125 million is the final offer.

It is the view of every state and territory, and the view of objective commentators in relation to this, that the Commonwealth's offer is half of the commitment it made to meet the growth needs within the disability sector. It is of major concern to all states and territories and all service providers in the disability sector that the Commonwealth is quite clearly renegeing on commitments it made previously to ensure that the growth needs within the disability sector would be met. As far as the states and territories are concerned, as things stand, the Commonwealth is set to underfund the states and territories, including the ACT, by at least 50 per cent.

MS GALLAGHER: Minister, has Commonwealth funding for unmet need been passed on to all agencies, despite claims to the contrary by Senator Vanstone?

MR STANHOPE: Yes, Senator Vanstone certainly has. We have become quite firm friends—Senator Vanstone and I—but she is gilding the lily. Disability ACT has indeed become aware that a letter signed by Senator Vanstone, implying that funding provided by the Commonwealth to alleviate unmet need in the territory has not been passed on to agencies, has been sent to a number of ACT agencies.

Senator Vanstone put the case that, despite this additional funding and a further proposed 6 per cent increase in the new agreement, the ACT had not responded to her offer. Disability ACT knows that the senator has sent the same letter to the other states and the Northern Territory.

I want to state quite categorically that the ACT has sent information out to agencies disputing these claims and stating that all funds allocated by the Commonwealth have been distributed appropriately to the community sector. Senator Vanstone is simply wrong.

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

Auditor-General's Report No 6

Mr Speaker presented the following paper:

Auditor-General Act—Auditor-General's Report No 6 of 2002—Annual Management Report for the Year ended 30 June 2002, dated 28 August 2002.

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

That the Assembly authorises the publication of the Auditor-General's Report No 6 of 2002.

Questions without notice

Land development

MR STANHOPE: I have, on behalf of Mr Corbell, who is indisposed, a couple of questions taken on notice by Mr Corbell which I will table. I will indicate to members which questions on notice they were.

On 28 August 2002, Mr Stefaniak asked Mr Corbell about how a government land development agency would be able to do more—that is, work within the same financial parameters as a private sector developer and still be able to provide more. I table Mr Corbell's response to that answer, which very effectively debunks Mr Stefaniak's assertions.

Harcourt Hill remnant woodland

MR STANHOPE: I have a further answer to a question taken on notice by Mr Corbell. On 28 August, Ms Tucker asked Mr Corbell about Harcourt Hill remnant woodland. Mr Corbell has provided a detailed response to Ms Tucker's question. I am happy to read these, if members wish. Otherwise, I table that answer.

Land development

MR STANHOPE: This is a question I took on notice. On 28 August, Mr Smyth asked me about the provision for land development in the current year's budget and drew attention to the Gungahlin Development Authority. I have an answer which I will table in relation to that. The answer explains, for Mr Smyth and the Assembly, that the Gungahlin Development Authority does not receive an appropriation, and that the moneys Mr Smyth referred to were related to an increase in estimated budget outcomes. I will table that answer for the information of members.

Papers

Mr Stanhope presented the following papers:

Government land development agency—Answer to question without notice asked of Mr Corbell (Minister for Planning) by Mr Stefaniak and taken on notice on 28 August 2002.

Budget 2002-2003—Provision for land development—Answer to question without notice asked of Mr Stanhope by Mr Smyth and taken on notice on 28 August 2002.

Harcourt Hill—Remnant woodland—Answer to question without notice asked of Mr Corbell by Ms Tucker and taken on notice on 28 August 2002.

Indigenous education Paper and statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (3.19): On behalf of Mr Corbell as Manager of Government Business, for the information of members and in accordance with the resolution of the Assembly of 24 May 2000, I present the following paper:

Indigenous Education—Fourth six monthly report to 28 February 2002.

I ask for leave to make a statement.

Leave granted.

MR STANHOPE: This is an important statement. The Labor Party initiated this reporting in 2000. Three reports have been tabled since then. The government is pleased to continue this reporting.

The government is committed to providing effective and appropriate support services and programs for indigenous students which will assist them to achieve improved educational outcomes. The government recognises that many of the needs of indigenous students can be addressed through support programs for all students at risk of not achieving satisfactory outcomes. There are additional needs the government recognises that require targeted assistance. Progress in indigenous education is being made. However, further work needs to be done to achieve comparable educational outcomes between indigenous and non-indigenous students.

Mr Speaker, there are number of key elements I would like to draw to the attention of members.

Indigenous Education Consultative Body

The new Indigenous Education Consultative Body is in place and providing advice to government on education and community service matters. It has developed a strategic plan for 2002-04. The goal of the Indigenous Education Consultative Body is to work with the ACT government to increase the educational outcomes for indigenous students

to standards comparable with those of non-indigenous students and to better understanding of indigenous cultures for all. Mr Corbell looks forward to continuing to work closely with the Indigenous Education Consultative Body to achieve this goal.

The Indigenous Education Consultative Body has sent out the indigenous education compact to families of indigenous students in ACT government schools for final comment before it is signed off. The indigenous education compact commits all stakeholders to work together to overcome inequities and improve the experience of schooling and outcomes for indigenous students.

Literacy and numeracy performance

The government considers as a priority the continued improvement of literacy and numeracy outcomes for indigenous education to levels comparable with those for non-indigenous students. The ACT assessment program enables a comparison between indigenous and non-indigenous students in literacy and numeracy. The results are provided in section 2 of the tabled report.

Results from the assessment program in 2001 indicate that while progress is being made much more needs to be done to address the gap between indigenous and non-indigenous results. The indigenous education unit and the literacy and numeracy team are working in schools to develop individual learning plans that address the literacy and numeracy needs of indigenous students.

The gaps between indigenous and non-indigenous students meeting the national benchmarks in year 3 reading, year 5 reading and year 3 numeracy are decreasing. However, the gap in year 5 numeracy is of concern.

The services to indigenous people action plan was finalised earlier this year. The plan sets out the four commitments, the outcomes that are to be achieved and the actions that must be taken by schools and the service and central office areas of the Department of Education, Youth and Family Services. It was developed in conjunction with other key plans for government school education, the ACT government schools plan and student support action plan. The plan is both realistic and achievable. Copies of the action plan will be sent out to all indigenous families.

Human resource management

The equity and diversity plan 2000-02 specifically targets the employment of more indigenous staff in education. Officers on recruitment panels are trained in cultural awareness prior to the commencement of the recruitment process. During the teacher recruitment round in 2001, eight offers were made to indigenous teachers, three of whom took up offers at the beginning of 2002.

The staff induction program is continuing and has been expanded to include non-teaching staff. All participants take part in a cultural awareness module that includes indigenous cultural awareness.

Attendance rates

Through the recording of attendances on the MAZE administration system in all government schools, more accurate data on attendances is available. With the combined work of schools and the indigenous education unit staff, the average attendance rates for indigenous students are improving in both primary and high schools.

Finally, Mr Corbell would like to emphasise the importance of this report. It demonstrates that the government is implementing effective programs that are addressing the needs of indigenous students. The department will continue to work with the indigenous community and the Indigenous Education Consultative Body to ensure further improvement in the performance of indigenous education.

I commend the report to the Assembly.

Mr Speaker, I move:

That the Assembly takes note of the paper.

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

Land acquisition Paper and statement by minister

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

Lands Acquisition Act, pursuant to section 32—Statement of Acquisition of the parcel of land described as block 14, section 6, Division of Kingston in relation to the future development of the boat harbour at the Kingston Foreshore Development, dated 12 August 2002.

I ask for leave to make a statement.

Leave granted.

MR STANHOPE: Mr Speaker, I present this statement on behalf of the executive. It outlines details of the recent acquisition by the executive of the parcel of land described as block 14 section 6 division of Kingston.

The acquisition was undertaken on 17 May 2002 by agreement with the former lessee of the site, Canberra Tours and Cruises Pty Ltd, in accordance with section 32 of the Lands Acquisition Act 1994. The land has been acquired to make way for the development soon to be undertaken by the Kingston Foreshore Development Authority.

Under section 32 (3) of the act, the executive is required to table a statement describing details of the acquisition within 15 sitting days of the agreement being made.

Capital works program Paper and statement by minister

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

2001-02 Capital Works Program—Progress Report—June quarter.

I seek leave to make a short statement.

Leave granted.

MR QUINLAN: The report provides detailed information on the progress of expenditure on all projects included in the 2001-02 capital works program. The report incorporates quarterly and full-year expenditure information on all projects included in the 2001-02 capital works program. It also identifies all variations to the program and presents all information at the project level according to departmental responsibility.

The original budget for 2001-02 capital works was \$140.307 million. In addition to this amount, departments are carrying forward deferred financing and underspent funds from previous years of approximately \$25 million. With the inclusion of these funds, the level of financing available for expenditure at the beginning of the financial year was \$165.495 million.

Several project variations and substitutions occurred during the year to address potential project delays, which with other revisions had the net effect of a reduction of \$6.292 million.

As part of the 2002-03 budget process, several project delays were also identified, with a total of \$36.311 million. The estimated outcome for 2001-02 was revised to \$122.892 million at the time of the 2002-03 budget.

Departments have incurred expenditure on capital works totalling \$42.775 million during the June quarter. This takes the full-year expenditure to \$110.964 million, a variation of \$11.928 million on the revised budget forecast.

The total net underspend for this year was therefore \$48.329 million, of which \$9.569 million is attributable to projects savings. This government will take the credit for the savings and blame the previous government for the delays.

Major projects completed in 2001-02 are detailed within the report.

Mr Speaker, I commend the 2001-02 capital works program end-of-year report to the Assembly.

Leave of absence

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

That leave of absence from 1 September to 21 September 2002 inclusive be given to Ms Tucker and leave of absence from 2 September to 15 September 2002 inclusive be given to Mr Berry during their absence overseas attending the Commonwealth Parliamentary Conference in Namibia.

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

That leave of absence be granted to Mr Cornwell and Mrs Cross for today's sitting on the grounds of ill health.

Paper

Mr Stanhope presented the following paper:

Ministerial Travel Report for 1 April to 30 June 2002.

Heritage legislation—exposure draft Papers and statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): On behalf of Mr Wood, Minister for Urban Services, for the information of members I present the following papers:

Heritage Bill 2002—Exposure draft and explanatory memorandum.

I ask for leave to make a statement.

Leave granted.

MR STANHOPE: It gives me immense satisfaction to bring to the Assembly today an exposure draft of a bill for reform for the ACT's heritage legislation. The exposure draft of the Heritage Bill sets out new provisions relating to the ACT Heritage Council, the ACT Heritage Register for places and objects of heritage significance to the ACT community, the consideration of heritage places in development processes, and offence provisions and incentives for the protection of our heritage.

On 2 June 2001, the previous government released for community consultation the discussion paper "ACT Heritage Legislation Reform". The discussion paper was based on the outcomes of the review of the heritage provisions within the Land (Planning and Environment) Act. While we have noted this process, we have released this bill as an exposure draft so that full consultation can occur over the next three months.

The bill currently before you is forward looking and well suited to the expectations of the ACT community.

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I move to the important features of the Heritage Bill. The bill is stand-alone legislation but with links to the land act so that consideration of heritage issues is integrated into the development assessment and approvals processes. It also replaces the Heritage Objects Act 1991. A separate Heritage Act will strengthen the profile of heritage in keeping with community expectations and interest in heritage issues.

The bill allows for the appointment of a Heritage Council and defines its functions as to identify, assess, protect, conserve and promote places and objects in the ACT with heritage significance. The Heritage Council will be composed of experts in heritage disciplines and community and industry representatives.

The proposed ACT Heritage Register provides a better basis for recognition and registration of the full range of ACT heritage places and objects through a simple, accessible registration process.

The most significant change is that the Heritage Council will now be responsible for, and have carriage of, processes for changes to the Heritage Register, rather than the territory Planning Authority.

The other major change is removal of the separate process for interim registration with its separate consultation and appeal processes. Registration of heritage places and objects will now take place on the same basis as variations to the Territory Plan, with a single stream of consultation and final review in the Legislative Assembly.

In outline, the process will have the following features. Nomination of places or objects for entry to, or removal from, the Heritage Register will be open to anyone, including the Heritage Council. Nominations are made to the Heritage Council, which is required to undertake an assessment of heritage significance according to specified criteria.

If the Heritage Council considers the nominated place or object has heritage significance, they may declare it to be provisionally registered, which provides it with the full protection of a registered object or place. There then follows a process of notifying interested persons, calling for public submissions and providing a report to the minister. The minister then refers the matter to the relevant committee of the Assembly.

Once the committee reports, the minister seeks the views of the Heritage Council and makes the final decision. The final decision to declare that the place or object does have heritage significance, and for it to be registered, is a disallowable instrument.

For Aboriginal places, the process is similar, except that there is no provision for referral to an Assembly committee, as there is no sensible role for the committee in determining significance of Aboriginal places and objects. This also recognises that Aboriginal places and objects are protected even when unregistered, and registration simply provides for confirmation of values and consideration of these in the planning and development context.

The Heritage Council may prepare detailed conservation requirements at the time of registration as a basis for assessing development applications and their impact on heritage values. However, where these are not required, the council may develop more generic guidelines on the range of development activities likely to be consistent with

maintaining heritage values. These guidelines can be more readily updated in line with community and expert opinion and will be publicly notified.

The best aspects of the current regime for conserving heritage are to be retained, notably close integration with the planning and development approval process, and single-point public interaction for development applications through Planning and Land Management. Provisions maintaining this close integration are contained in the consequential amendments to the land act included in this bill.

Members will recall that the Planning and Land Bill was presented earlier this year. Two further bills reforming planning arrangements in the territory are to be presented to the Assembly later this year. It will be necessary to revisit some of the details in this exposure draft bill in light of those planning bills, to ensure that close linkages between the heritage and planning systems are maintained. I do not expect that any of these changes will involve any point of principle, however.

It is the government's intention that the statutory referral of development applications from the Planning Authority to the Heritage Council be retained through a notification process. The Heritage Council will provide advice on conservation measures for registered places where required, with the option of planning authorities sourcing their own heritage advice on less complex matters. These arrangements will be set out in a protocol between the Heritage Council and the Planning Authority.

Ultimately, for any development affecting a heritage place or object, the onus will be on the decision-maker to minimise the impact on heritage values, taking into account any conservation requirements or published guidelines.

The bill proposes new controls that will allow for strong protection and maintenance of heritage places and objects. The range of measures available for enforcement will be significantly improved. The heritage offences and penalties will be similar to those set out in the Environment Protection Act 1997.

The bill provides for the minister to intervene in a timely and effective way and make orders to protect heritage values on both registered and unregistered places.

Incentives will be provided for owners and/or managers of heritage places and objects through provision for heritage agreements. Heritage agreements may be used to provide financial and other assistance, in return for enhanced conservation outcomes.

The ACT government will lead by example by protecting and managing its own heritage assets in line with best practice. The proposed bill places obligations on government agencies to identify and assess their properties and objects, and those that meet the criteria will be entered on the register. Heritage properties and objects will be managed through appropriate mechanisms such as conservation plans.

In summary, the new heritage system proposed in the bill is more akin to modern heritage systems in other states and territories. It is simple, efficient and responsive to community views. At the same time, it draws on the expertise of the Heritage Council and is closely integrated with planning processes.

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I am presenting this bill as an exposure draft to allow for the broadest public discussion. Mr Wood will put the bill, with any amendments arising from the consultation process, before you for consideration and debate in autumn next year. Mr Wood is happy to arrange for a full briefing for any members of the Assembly on the details of the bill. I believe that we have successfully provided a system that will ensure the protection of the ACT's heritage into the future.

Paper

Mr Quinlan presented the following paper:

Independent Competition and Regulatory Commission—Full Retail Contestability in Electricity in the ACT—Final Report, dated 12 July 2002.

Absence of Speaker

The Clerk informed the Assembly that the Speaker, Mr Berry, will be absent from the Assembly from 2 September 2002 to 15 September 2002 inclusive and that, in accordance with standing order 6, the Deputy Speaker, Mr Cornwell, shall perform the duties of the Speaker during the absence.

Aboriginal tent embassy

Discussion of matter of public importance

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

That the Aboriginal tent embassy is a vital part of the visual, social and political landscape of our city.

MS DUNDAS (3.37): I propose this matter of public importance because I think it is valuable for us as an Assembly to have an opportunity to put our support for the Aboriginal tent embassy on the public record. I have removed a motion I had on the notice paper so that we could consider this as a matter of importance today.

I am proud that the tent embassy is part of the visual, social and political landscape of our city. I believe it is appropriate that we show our support for the Aboriginal people who keep the embassy running. The Aboriginal tent embassy, as we know, was listed on the Register of the National Estate in 1995 in recognition of its significance to indigenous people and to Australia's history.

The embassy was established on Australia Day, or Invasion Day as it is also known, in 1972. Its current site has been continually occupied since 1993. The lawn of our federal Parliament House was chosen as the original site of the embassy because of its visibility and strong symbolism. I cannot think of another site that could have made indigenous struggle so visible in the public eye.

From 1976 to 1977 the embassy occupied a house on Mugga Way in Red Hill. Although this put the Aboriginal embassy among the embassies of other nations, I think it is fair to say that this location did not ensure that the Aboriginal embassy and its goals stayed in the political spotlight.

The word “embassy” conveys the feelings of many indigenous people that they have been treated like aliens in their own country—their laws have been disregarded, their land stolen, their children stolen, their liberty deprived and their culture attacked.

The original aim of the tent embassy was to achieve land rights, self-determination and sovereignty for the Australian people. As we know, 30 years later only a small proportion of Australia’s land area has been handed back to Aboriginal people and little money has been paid as compensation for land seized by the European settlers. So the first goal of the founders of the Aboriginal tent embassy has not yet been achieved.

Some progress has been made towards self-determination, but indigenous Australians are a long way from achieving this goal in its entirety. In too many areas, services for Aboriginal communities are still being delivered by non-Aboriginal people. So the second goal of the tent embassy has not yet been achieved.

The third goal was indigenous sovereignty. This last goal has clearly not been achieved either. The special role of indigenous people has not been recognised in any Australian constitution, despite the efforts of the Australian Democrats to make this happen.

Ever since 1972, successive governments have tried to close down the embassy and replace it with a pretty government-sanctioned office to accommodate the indigenous ambassadors of the embassy. Every attempt by white Australia to remove or appropriate this indigenous symbol has failed.

I think it is time the federal government acknowledged that the tent embassy has a right to remain until the ambassadors of the embassy believe that the indigenous struggle has been won. Petty acts, such as depriving the embassy of essential services, only serve to lower the dignity of any government that sanctions these acts.

Mr Speaker, we need to support indigenous Australians and recognise that their struggle, symbolised through the tent embassy, is still not over, and hence recognise that the tent embassy is a vital part of the visual, social and political landscape of our city—visual in the way that it brings colour and life to the parliamentary triangle; social in the way that it is a meeting place, a coming together to discuss and plan for the struggle ahead; and political, as I have said, in the actions that have been taken by the people at the tent embassy and in the symbol it provides of their ongoing struggle.

MR HUMPHRIES (Leader of the Opposition) (3.42): I will also be quite brief on this matter of public importance, because there has been a great deal of debate about it in the public arena and even some in this place. I fully acknowledge the validity of the issues that were raised by the proponents of the tent embassy when it was originally established. Issues to do with the unequal treatment of Aboriginal people in Australia, issues to do with sovereignty and self-determination and issues to do with the lack of attention by non-indigenous Australians to these issues were all valid bases for taking up a protest of the kind that manifested itself in the tent embassy.

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It is a sign of the way in which the Australian community was changed by the tent embassy and the way in which the agenda of indigenous issues was affected that the embassy has stayed for so long on that site and has been the subject of so much comment and attention since that time. In other words, many other protests have taken place around our parliamentary triangle. There are many other points of view of longstanding, but this one has had a special place in determining the outlook of Australians towards this issue and indeed in affecting the performance of governments. I believe that it has been at least partly responsible for goading action and pricking the consciences of white Australians about the needs of Aboriginal people.

Having put that on the record, I also have to say that I think that as a vehicle for raising and progressing legitimate issues the Aboriginal community might wish to raise the Aboriginal tent embassy on the lawns of old Parliament House has in many ways outlived its usefulness and that there is a respectable argument that the embassy may actually be hurting and damaging the cause of genuine reconciliation and genuine discussion and debate about the issues the embassy is there to raise.

It is worth acknowledging that in many respects the embassy is now out of sight and out of mind. The federal parliament no longer sits in the old Parliament House. It now sits in the new Parliament House. An equivalent facility has not been established there, and I think that many people simply forget that the tent embassy is there. It is certainly only remembered by many people when media attention attaches to it, such as when there is some kind of confrontation or some kind of act which is reported in the media or when an attempt is made to remove facilities or services there, as has been the case in the last few weeks.

I have to be cynical about this. I think on some occasions those items of publicity have been generated by the occupants of the site because of a sense of relevance deprivation, a sense of being outside the limelight, outside the mainstream of Australian political debate. Some of the acts we have seen in respect of that site have been attempts to bring the embassy and its associated issues back within the mainstream of debate in Australia about those issues. If one accepts that, I admit, slightly cynical view, that suggests to me that the embassy needs to rethink what it is trying to achieve.

I think it is worth reporting and recording that in the 30 years since the tent embassy was set up there has been dramatic and appreciable progress on a large number of issues which generated the original establishment of the tent embassy. I know people will say to me, "That is a complacent point of view. You are overlooking the fact that there are so many issues as yet unaddressed." I in turn would say back to my critics on that point that whereas it is possible for one person to say a glass is half-full it is also possible for someone to say it is half-empty. If the glass was empty in 1972, it is certainly, I would argue, well on the way to being at least half-full at the present time. I do not think the embassy has been aware of that fact or has accepted that that is an evolution in this debate.

Black and white Australians across Australia are these days talking to each other in forums like the former Council on Aboriginal Reconciliation, on countless bodies established to negotiate native title, and in a whole host of important social, legal and political debates that this nation is having. My view is that the embassy has ceased to be

a major player in that exercise. It is certainly a conspicuous figure on the political landscape, particularly when it gets itself in the headlines in an unfortunate way, but it is not a player which is active in those other debates. It does not help those other debates. In fact, it has the potential to hinder them.

I believe that the tent embassy is a problem, as well as being a symbol of some kind of historical heritage process. It is not visually appealing. I disagree with the point made in the description of this matter of public importance. The embassy is not a vital part of the visual landscape of our city. I support the proposal which I think has been put forward by the federal minister in recent days to establish something else visual in or near that site which would hark back to the history of the embassy, which would permanently and symbolically represent the issues the embassy raises, but which would not be the embassy in its present form. That would be an appropriate way of progressing this debate.

I have been encouraged in raising these issues with Aboriginal people themselves, both locally and nationally, to see that there has been an acknowledgment of this very problem I raise—acknowledgment of the fact that there is a sense of dislocation between the agendas of some Aboriginal people and those people who are responsible for the maintenance or the operation of the tent embassy. I particularly note the very strong critical view of the local Ngunnawal people, which I believe needs to be taken very careful heed of, since they are the local indigenous people.

Mr Speaker, I hope we will have further constructive debates about this, but if the embassy is to fulfil an active and vital role, at the very least it needs to rethink its position as a contributor to the debate, and perhaps it needs to be rethought and removed from that site altogether.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (3.50): Mr Speaker, as everybody knows, the ACT Labor government has been unequivocal in its support for the Aboriginal tent embassy as a sign of the struggle and protest for justice for the dispossessed traditional owners of Australia.

The Aboriginal tent embassy is a focal point for Aboriginal and Torres Strait Island people's political struggle for land rights, sovereignty, autonomy, equality and self-government. It is in fact a national institution. It has become such a significant site that the Australian Heritage Commission has placed it on the Register of the National Estate. The Australian Heritage Commission recognises the significance of the Aboriginal tent embassy. It points out:

- 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 non-indigenous people of Australia; and
- it is a national meeting ground for Aboriginal and Torres Strait Islander people from many different communities.

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The site of the Aboriginal tent embassy is on Commonwealth/Ngunnawal land within the parliamentary triangle. It is outside the jurisdiction of the ACT government in relation to land matters. I have protested in the strongest possible terms against the recent actions of the National Capital Authority to ensure that the tent embassy can continue to pursue its just protest.

My government has a strong commitment to reconciliation, and I believe that the tent embassy has a role to play in that process. The tent embassy is a political entity protesting the legitimacy and authority of the Commonwealth. The physical appearance of the encampment and the establishment of ceremonial structures around the site have caused public criticism about the embassy. I acknowledge that. I have had many conversations similar to those Mr Humphries refers to. We need to acknowledge that, but we look for understanding and empathy as well.

The physical appearance of the tent embassy in a small way is representative of the experience of so many Aboriginal communities in Australia. Removing the tent embassy, the physical form that confronts its critics, will not remove the reality of circumstance of Aboriginal Australia. It will not make the disadvantage disappear.

As I mentioned earlier in this Assembly, I will be seeking support for the Aboriginal tent embassy at the next meeting of the Ministerial Council on Aboriginal and Torres Strait Islander Affairs. I will be putting a motion to the council that it publicly recognise the Aboriginal tent embassy as a national symbol for the ongoing struggle for justice of Aboriginal and Torres Strait Islander people; that it thank the Aboriginal and Torres Strait Islander Commission for their leadership in negotiating protocols between the tent embassy and the local Ngunnawal people to address management issues at the site—certainly we all acknowledge that there are a range of management issues; and that it call for a national conference of indigenous and non-indigenous Australians who have been a part of the ongoing struggle of the tent embassy. Such a conference would look at the way forward for the tent embassy.

As I said previously, the day that this government agrees with the removal of the tent embassy is the day that indigenous Australians so decide. That, I imagine, could only be when there is no longer a need to protest, when we have reconciled with our Aboriginal and Torres Strait Islander brothers and sisters.

At another level, the embassy is not just what you see when you visit the place. It is as much an idea or an ideal or a symbol. It is something that, even were the site bulldozed, would never be erased.

The day that Aboriginal people decide the embassy no longer has a place will be the day when Aboriginal and Torres Strait Islander people know that they will live as long as other Australians, when they will be employed as much as other Australians and when they will expect to achieve the same educational outcomes as other Australians and have the capacity to participate as fully as other Australians in the life of this nation. Members of this Assembly know that that day has not yet come.

MS TUCKER (3.54): I am pleased to rise in support of this matter of public importance. It is important for us to get on the record in this place our views about the tent embassy. That people allow themselves to be so offended or disturbed by a few people living in a camp site rather than in an expensive resource-intensive, middle-class house is a tremendous insight into the self-centredness of some comfortable Australians.

The real issues that face Australia in regard to indigenous people are significant. They are about who participates in this society, how people are valued, how we all ought to be proud of our identities. Aboriginal and Torres Strait Islander people are enormously underemployed, face significant health issues, have noticeably lower life expectancy, have substantially higher imprisonment rates and in some communities have well-recognised problems of violence and substance abuse. There is still racism in this country towards Aboriginal and Torres Strait Islander people. This is not a function of Aboriginality.

These inequities reflect the relationship between indigenous societies and the dominant culture of Australia. These are inequities that have grown up and been exaggerated by everything that has happened over the past 200 years—the violent destruction of Aboriginal societies, the forced attempted assimilation of Aboriginal children into white society and their persecution and exploitation in the process.

We are talking about sovereignty, about Aboriginal land across the nation, about how important the indigenous history and culture of the country are to the identity we all share as Australians. These are very big issues on all fronts.

In that context then, for the minister for territories to direct the NCA to cut the power to the tent embassy and to have the portable toilet removed is extraordinarily petty. It is mean-spirited. It is an echo of the white Australia that we hoped was a thing of the past—an intolerant white Australia that is only prepared to see the world through its own rubric.

Mr Humphries thinks the tent embassy is not visually appealing. He thinks it is not a vital part of the landscape. While any Aboriginal people have a different view—and there are many from all over Australia who do—then that embassy should be allowed to stay there.

Julie Tongs, a local Aboriginal person from the Aboriginal health service Winnunga Nimmityjah has expressed to my office her distress at comments by Christopher Peters, executive director of the Chamber of Commerce and Industry calling for the removal of the embassy because it is too messy. Ms Tongs advised us that Winnunga Nimmityjah is itself a product of the embassy. In 1988, when the Queen visited Australia and a lot of Aboriginal people came to protest, three women, including the late Olive Brown, set up a health clinic at the embassy. “That is where our roots are,” she said. “The embassy,” she said, “is a national symbol for everybody, not a particular group of people but the whole nation.” The embassy needs to remain because, as she said, “You never know when we might be back there. We can’t take anything for granted.” That is a very sorry statement but a true one.

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Culture and heritage are continuing processes, and this embassy is a part of those processes. It is a part of our living heritage here in Canberra. It provides an inter-cultural interface between Canberra residents, tourists and a range of indigenous people. It is in this pristine, ordered city a piece of the real world which reminds us all of what Australia is, where it has come from and where it is trying to go.

At the end of last month the National Centre for Development Studies, the Social Protection Faculty and TEAR Australia ran a human rights workshop at the ANU. The keynote speaker at the workshop was Dr Minas Hiruy, an internationally renowned scholar in spheres of development, poverty and human rights and executive director of Hope Enterprises in Ethiopia for the past 15 years. He clearly approved of the embassy and was impressed by it. He described it as a very evocative and effective interpretation of the status of Aboriginal people in this country. He also said that it reflected well on democracy in this country that we accepted the presence of this embassy at the front door of our beautiful houses of parliament.

MR SPEAKER: The discussion on this matter of public importance has concluded.

Appropriation Bill 2002-2003

Detail stage

Debate resumed.

Proposed expenditure—part 15—ACT Housing, nil expenditure.

MR SMYTH (3.59): Mr Speaker, I rise to make a few comments on some of the pieces that were said about Housing before we went to lunch. Some of the members lamented the decline in the number of properties ACT Housing has, and I want to put that into perspective.

We are the youngest capital city in the country and, ironically, we have the oldest housing stock in the country. When we were in government we sought to get rid of properties that were beyond their use-by date. Another problem is that, whereas we have an enormous concentration of housing in the inner suburbs, I remember that when I was minister the longest lists for accommodation were in places like Gungahlin, Belconnen and Tuggeranong. It was the stock mismatch with the needs of Canberrans that prompted us to change what we were doing.

Another problem was the inappropriate concentrations—places like MacPherson Court, Lachlan Court and Burnie Court—which led to such abuse of the properties that they were often unable to be used. For instance, the occupancy rate at Burnie Court was incredibly low and, because of circumstances there, it became a centre that attracted crime and, because of the concentrations of tenant type there, stereotypes of residents of Burnie Court were repeated.

Burnie Court did not work in the modern context. It was built as bedsitter flats for public servants who were coming to Canberra so that they had somewhere to stay and could move out when they found their permanent accommodation. Is that appropriate stock to

have in this day and age? From the usage experience of the tenants, I think that it was not.

Firstly, we were attempting to make the facilities we kept more tenant friendly, raising the standard of them and making them more energy efficient, sustainable and useful in the long term. Secondly, we were getting rid of complexes that had reached their use-by date or had no longer met the need or were inappropriate in their construction or for various reasons had become stigmatised and were better got rid of in order to get better usage out of housing stock.

There was an enormous throughput of clients for some of the properties we had. They would sign on and stay for 12 or 13 weeks. Unfortunately, at the end of that time, they either left or were evicted because they had not paid their debt. So we divested ourselves of properties that were not working properly.

Housing should be about meeting the needs and the lifestyles of the tenants where they are at. That is why we had such a big program to build aged persons units, and that is why we had acquisition programs to try to get larger houses. For instance, we had this enormous stock of three-bedroom ex-govies that tenants were not interested in. They wanted four and five-bedroom houses in the perimeters; they wanted one and two-bedroom flats closer in. We also encountered problems with the building industry, which had stopped building one-bedroom flats. They did not appreciate there was a need.

In my time as minister, we tried to alert the building industry to the needs of ACT Housing so that, when they were doing developments, we could spot purchase and therefore salt and pepper ACT Housing tenants across the territory—as they should be, rather than have them in inappropriate concentrations, which led to them having the stigma of being a Housing tenant.

My time as housing minister was incredibly rewarding. The majority of tenants I met were proud of where they lived and of the way they kept their properties. They did an incredibly good job of maintaining those properties—as if they were their own homes. They were their own homes. Those tenants are to be congratulated. Difficulties with the media and horror stories from shocked neighbours of ACT Housing tenants were unfortunate. There are probably as many shocking tenants in private accommodation as there are in public accommodation.

We met the needs of tenants where they were with what they wanted and did not shoehorn them into the inappropriate accommodation mix we had been given in 1989 as a consequence of the federal government being the largest landlord in the city.

Some of the programs we put in place I would commend to the government: the big flat strategy—to revamp those big flats; the breaking down of some of the concentrations; and the aged persons program to build more accommodation, not just in the inner city but where aged persons actually want to be. We were building in places as diverse as Higgins, Waramanga and Kambah so that these people could retire and be in appropriate accommodation where their families, friends and networks were. That was important.

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In regard to the budget for Housing: the extra money for community housing is welcomed. Community housing offers a credible opportunity for us to meet the needs of special tenant groups where they dictate they be rather than us saying, “Here’s the bureaucratic process; we want you to meet us.”

One of the great joys I had as housing minister was to go to a house in Fisher—Mr Corbell and Mr Rugendyke, and I think Mr Stefaniak, were there—where for the first time in the history of the ACT people with a mental disability were able to sign leases for their own houses, independent of all other people. I reckon that is a great achievement. The mothers and fathers of children with a disability who were reaching their own retirement and progressing towards the end of their lives at least had the certainty that their children had a roof over their heads that no one could take off them. The opportunities that community housing afford our city are tremendous, and we ought to be taking that on board.

I would like to congratulate the Housing staff as well; they do a great job in often difficult circumstances. We need to make sure that they have the appropriate training and the support that they deserve to implement the programs that the new government has put in place. But we do have a problem with the stock. We need to make sure that we have stock appropriate to the needs of tenants, not stock that we have simply been left with over time.

Proposed expenditure agreed to.

Proposed expenditure—part 16—Justice and Community Safety, \$103,295,000 (net cost of outputs), \$12,357,000 (capital injection) and \$91,644,000 (payments on behalf of the territory), totalling \$207,296,000.

MR STEFANIAK (4.06): I will make some comments on this area, and no doubt other people will make further comments, especially in relation to corrections and police. I noticed that in the justice part of the portfolio there seem to be only three actual initiatives. Of course, I exempt police, emergency services and corrections from those comments; there are initiatives there, as one would expect.

I saw \$89,000 for the Bill of Rights Committee. I, for one, in my party, am certainly dead set against the idea of a bill of rights, but that is not an unreasonable amount of money for a committee that is going around attempting some consultation and has a reasonable length of time in which to go about its job. I saw \$103,000 to establish an ACT consumer law centre—a promise of this government, not unexpected—and I saw \$585,000 for the Sentence Administration Board.

Apart from that, I had great difficulty in finding out what else the government is doing in this area. The budget cupboard appears to be bare. When one looks at last year’s initiatives, this year’s seems to be somewhat light on. Last year in the area there was \$354,000 for home detention, \$425,000 to upgrade the court information systems, \$1.484 million for intervention programs to reduce recidivism, \$570,000 for a family violence intervention program and \$545,000 for the management of interstate custodial offices.

I note in some of the documentation that the government has not spent all of the money for the intervention programs to help reduce recidivism. Indeed, some of the money has been returned to Treasury, and the government says that is justifiable. I am interested in more detail on that.

It is important to have those programs and to invest money in them, and I am surprised that the money has simply been returned without an attempt to see if we needed to spend more money on them or if there were other appropriate programs that could be trialled. No such attempt was made, which reveals a significant lack of imagination, as much as anything else. I have some concerns because that was a positive initiative that could well have brought about some benefit.

I will mention some positive things now. I am pleased to see that the government at least seems to be taking some action to upgrade the Supreme Court building through moneys allocated in capital works to improve disability access. I am also heartened to read the transcript of the Chief Minister and Attorney-General. The Attorney-General seems to have gone back on the blunt and somewhat extraordinary statement he made in about May last year that he had no intention of even looking at the idea of building a new Supreme Court building.

I am pleased to see that he has gone there, talked to the current Chief Justice, had a look around and seen some of the problems there. No doubt he has also had the chance to talk to the department and look at the considerable amount of work that has been done to date on developing options, and I am pleased to see that he is starting to do that. It is a significant advance on the blinkered and knee-jerk “no way” reaction of last year and has certainly surprised some people present.

One of the briefings I had on that indicates a scheme that could be of great benefit to the territory. Whilst it is true to say that it is not a burning issue for the community—when people look at courts, they are much more interested in what judgments and decisions come out of them than what the building is like—there are real problems with the current building.

Firstly, it leaks and the basement floods. That was indicated by the government, and they have acknowledged disability access problems. There are also concerns about the layout and the fact that on occasions jurors are known to have overheard the accused talking to their counsel. In fact, that led to a trial being aborted in 1999 and similar problems. There are a number of problems, such as the lack of ability to separate the accused, victims and witnesses. Of course, the problems are compounded by the fact that the building has a heritage listing.

One suggestion I would commend for building a new court is to spend—and the figure quoted to me by the department was quite substantial—about \$40 million, which includes the cost of refurbishing the current building to enable the Department of Justice and Community Safety and also the DPP to move in.

Currently those bodies pay rent. I am not sure how long the leases are, but at the end of that period, they could move in. I have been advised that that would save \$2 million a year. You do not have to be an Einstein to work out that \$2 million times 20 is \$40 million and, allowing for the depreciation of any new building, the government

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would probably get its money back in about 25 years if it took that action. And you would have government agencies in a building owned by the government and not paying rent. That is not a bad option. On a positive note, the Chief Minister is now actively looking at that and has certainly changed his dogmatic stance of last year.

I have some concerns about figures in relation to the response of the government to the Estimates Committee relating to savings. In the JACS Department there is a saving of \$35,000 in policy advice, which may well be achievable; in output class 2—justice and legal services—there is a saving of \$309,000; and in output class 3—regulatory services—there is a saving of \$61,000. I will leave it to my colleague Mr Smyth to comment on that and Mrs Dunne to comment on emergency management and correction services.

The saving of \$309,000 in justice and legal services worried me. We managed to put in some extra money for the Government Solicitor's Office last year. The range, detail and complexity of work is ever growing for the JACS Department, and it was necessary to put in some extra money last year. For the Government Solicitor's alone it was \$250,000.

In what is a fairly small department, with the rent I have mentioned but not a huge amount of people, I am worried that a reduction of \$309,000 to justice and legal services might be difficult to achieve and the government might find difficulties. I would be interested to see what services would be cut there. That could be quite worrying. We found that the justice department needed an injection of money—which we were able to give last year when our budget was in the black and much healthier—rather than a reduction. I will watch that one with interest.

I will make some comments on another matter my committee has a watching brief over: the prison and the remand centre. Whilst I am pleased to see some steps taken on an interim basis in relation to housing the remandees, it is crucially important that this government stop its shillyshallying and dillydallying around and bite the bullet in relation to a prison for the ACT. It is part of our looking after ourselves, and it is crucial that we take responsibility for our own prisoners.

It is important, firstly, that courts not have to worry about what is going to happen in New South Wales—because they have no control over it—secondly, that prisoners who should be sentenced to a term of imprisonment are actually sentenced to a term of imprisonment and, thirdly, that when they are sentenced to a term of imprisonment, we have control over rehabilitation programs and what happens to prisoners inside a prison.

As you know, I was involved in these courts—not so much recently—until late 1988 as a prosecutor and then working briefly in private practice until the First Assembly. Then in the Second Assembly for a lot of the time I was back in private practice. From the time I started practising here, it was often said by magistrates and judges that they had great concerns about sentencing prisoners out of the ACT. Some of them used it as an excuse not to sentence someone to imprisonment. I do not accept that as an excuse. I think someone who is sentenced to jail should go to jail, but I do have sympathy for the fact that there was no way that they could enforce any order they made.

MR SPEAKER: The member's time has expired.

MR STEFANIAK: I seek to continue with my remaining 10 minutes, Mr Speaker. There is no way they could be sure that what they wrote on the judgment would actually occur interstate. I can recall, when appearing in the Supreme Court, that orders about the treatment a prisoner should receive in New South Wales and recommendations about what prison they should be sent to were simply not carried out. It often did not occur. Indeed, there was no way the New South Wales authorities could have been forced to do it. That is something we can avoid in our own prison. If orders for recommended treatments are made, at least we can be sure they occur. In our own prison, of course, we can do our own programs for the rehabilitation of prisoners.

I have made no bones about my disappointment about people who should go to jail not going to jail, and I am criticising the system for that. If you do the crime you should do the time, but it is crucial that we attempt to properly rehabilitate prisoners once they are incarcerated, and that is something that our own jail would do. That is the benefit of having a jail in the territory—apart from the fact that it employs people, and there will obviously be employment during the construction phase as well.

Just doing the remand centre is probably the worst of all worlds, and I urge the government to get on and do the job fully. I do not often watch the ABC at 7 o'clock at night; I am usually not home. But I managed to watch it the other night, and I thought Mr Liebman made quite a pointed argument about the police: to just get on with it. That is something that all of us on this side would wish to see. A lot of work has gone into where it should be, and it is now time to get on with the job. Justice in the territory would be served in all its aspects if that occurred.

I will leave it there, Mr Speaker. My colleagues will elaborate on corrections and on police and emergency services.

MS DUNDAS (4.19): There are a few new projects in this department, such as the bill of rights investigation and a consumer law centre, that are worthy causes and get support without question from the Democrats in this speech.

However, the Department of Justice and Community Safety did quite well in this year's budget. There were increases for the Director of Public Prosecutions, the Government Solicitor and the Sentence Administration Board. None of this was for new projects; it was just recognition of increased workload. The bill for this increased workload was just over \$1 million.

Thankfully, this money for increased legal fees was met within the department from underspends, and it is interesting that the underspending occurred in victim services and crime prevention—totalling just under \$1 million. I find the symmetry amazing: underspending on crime prevention and victim services and overspending on the DPP, the Government Solicitor and sentencing. It could either be a simple case of cause and effect or, as I believe, an indication of government priorities.

MRS DUNNE (4.20): Mr Speaker, the Justice and Community Safety/police and emergency services budget has some glaring omissions in it and some pretty poor servicing of the people of Canberra.

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What do we see in the police budget? The much-vaunted 7 point something police for this year. But where did they go? Not where this government promised to send them—out where the police said they would be of most use—but into the DNA unit. Suddenly, this government has discovered the importance of the DNA unit. But it is not prepared to put its money where its mouth is; it is not prepared to well and truly support the DNA unit.

This Chief Minister, who was dragged kicking and screaming to the table to agree to the DNA unit and who was constantly claiming it was a violation of the human rights of every man Freddy around the place, has suddenly discovered and allowed his government to have a Damascus-like—yes, we are all talking about Damascus—conversion on the DNA unit.

But there are not the resources to fully implement it. We have seven police, whom we said we would put on the beat. We have not put them on the beat; we put four of those into the DNA unit because otherwise there would be no resources at all for the DNA unit.

It is an abrogation of this government's election policy to put seven new police each year on the beat. They have not done it. At the same time, we find that they have a passing commitment to the DNA unit. But the DNA unit could be equally well served by non-sworn officers—officers who have technical expertise—rather than uniformed police, who should be on the beat. This is an abrogation of the commitments this government made to the ACT people.

Moving on to the Emergency Services Bureau, we find some good things. We find that there is money in this budget to enhance response times. How do we enhance response times? We enhance the response times by working on the firm foundation set down over seven years by the Liberal government under Mr Humphries and Mrs Carnell.

It was under Mr Humphries' tutelage when he was minister for emergency services that we had the Emergency Services Bureau. Before that these organisations were spread hither and yon all over the place, and for the first time they were brought together. The thing that makes emergency services really work in this town is that they work together as one well-oiled organisation and talk to one another and get things going.

It has worked to some extent to break down many of the service differences we have seen in the past. But more could have been achieved in this area if the government had not gone to water at the first little problem, had not buckled under the limited lobbying that we saw in Woden and had not abandoned the concept of a JESC in Woden.

This government maintains that the JESC notion is a good one and is prepared to commit to forward planning for a JESC in Belconnen. At the same time it buckled under a small amount of lobbying at the eleventh hour by a small group of people and decided not to go ahead with the JESC in Woden—at great cost to the people of Woden.

What the previous government had promised was a brand new police station, ambulance station and fire station, co-located in a position where response times could be made better. But what happened? A couple of people started to whinge, and the government thought that it would be better to buy a handful of votes in Woden by abandoning good

policy. They are very good at talking about how they do everything in a consultative way, looking at the policy implications. But when it came to a handful of votes, they buckled.

Now the much-needed Woden police station will be built. It is absolutely imperative that the Woden Police Station be built, and there is no-one on this side of the house who will begrudge the police officers in Woden a better situated and better appointed building than they currently have. But at what cost? Of the \$7.2 million that was set aside to build three stations, \$5 million is going on one station.

At some stage in the future the government are still going to have to build a new ambulance station and a new fire station, which they say will probably be co-located. They are not against the notion of co-location; it is just that it was too difficult in the election environment for them to stick to their guns and do something worthwhile for the people of Woden. This will mean a downgrading of services for Woden, an increase in response times and an overall poorer service for the people of Woden.

There is a pattern developing here. I am sure my colleague Mr Smyth will talk about the prison and remand centre, where, again, this government spends a little bit of money and wastes a whole lot more. It thinks it is being smart by only spending \$5 million on the police station and saving \$2.2 million. But in the long run it will cost the territory dearly, in the same way as will the piecemeal approach of the current minister towards the remand centre. We are seeing a pattern here, a pattern of parsimony in the first instance that will later cost us dearly.

MS TUCKER (4.27): The Estimates Committee spent a lot of time discussing the remand centre, the temporary remand centre and the prison. These are real issues. But today I will raise the question of the prevention of crime and the people who are getting caught up in the criminal justice system.

While it is generally acknowledged that early intervention is a key component of crime prevention, last year's efforts resulted in a 55 per cent underexpenditure of crime prevention funds. While the minister for police, in reply to questions on notice, advised me that they will collect information to allow for effective evaluation of the program in the future, it does not appear that existing programs, with the exception, perhaps, of the motor vehicle theft project, reflect contemporary thinking.

From the reply to a question regarding the scope for collaborative projects with community organisations, I learnt that there is a lot of potential in existing programs but that only the motor vehicle project is constructed in such a way. I am aware of several youth organisations that are interested in working with police on such collaborative endeavours who were dismayed at the failure of police to expend funds last year. They are probably concerned that if the police end up short of numbers the same thing will happen again.

In other words, the idea of working in partnership with NGOs needs to permeate JACS, particularly in areas where innovation is critical. We hope to see more evidence of such an approach at the end of the year.

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Turning to the people we do incarcerate: it is worth reminding members that the vast majority of those in jail, particularly those who are there for property crime, are there for drug-related offences. It is also a fact that, proportionally, the ACT has the highest rate of indigenous incarceration in Australia. We are also well aware that there are real issues regarding drugs, crime and mental health. In that context, you would hope to see a comprehensive exploration of drug law reform or alternatives to incarceration, and so on.

I was interested to see a program in Victoria called the intensive community placement program. It is designed to support meaningful community reintegration to reduce the risk of reoffending, and that requires building up social networks and relationships. The program is an acknowledgment that, given the life story of most people who are incarcerated, particularly young men—young women as well, but the client profile I have is of young men—it is not surprising that they have ended up coming into conflict with the law through displaying anti-social behaviour.

A client profile that came from this Victorian program—which I am sure would be the same here—showed that, to varying degrees, young men exhibit psychological and emotional turmoil at adolescence, including peer-oriented, impulsive and acting-out behaviour, self-harm and aggressive behaviour and drug, alcohol and substance abuse.

They may have a lack of positive primary relationships and role models, poor communication skills, significant drug and alcohol problems and may often have been subjected to physical or sexual abuse. They often express their frustrations in verbally and/or physically aggressive behaviour towards their peers, staff and others.

Many will have a history of family dysfunction, abuse and neglect and negative school experiences, including school exclusion—as well as the temporary dysfunction related to the anxiety and stress of incarceration. These young people have often experienced a lack of primary health care and inadequate support networks. They may have a history of violent or other dangerous behaviour and may have had a previous substantial period in detention.

The point that profile makes is that, if we are serious about trying to stop reoffending, we have to design programs to take into account the fact that the stories of these people are often traumatic. We need to look at alternatives to incarceration that will help them become rehabilitated wherever possible. Obviously, in the case of very violent crimes where people are a danger to the community, that cannot apply.

I am hoping to see the government come up with a coherent approach that takes those issues into account. The comments of the Estimates Committee in regard to a time-out facility for offenders with a mental illness are evidence of the committee's concerns about this.

I was pleased to learn of the funding for a consumer law centre. Members will recall the frustration and anger expressed by a range of community groups when the Carnell/Humphries government chose to cut funding to CARE. As is clear in this budget, it is not a lot of money that was at stake and there was and is very strong community support for the project.

It is now rather disturbing to read in the estimates report that there still seems to be a desire to harass this service. While it is for government to decide which agencies they fund, attacking a service that works at the coalface with vulnerable people is unfortunate and undesirable. CARE has been in operation in the ACT since 1983. You would not think the Carnell/Humphries government would want to discourage people in the community from finding their own solutions.

The Estimates Committee recommendation coming out of this is that performance measures be put on the public record. Contracts between government and community agencies are of course public documents, so the recommendation appears to be irrelevant. Perhaps Mr Humphries could embrace with equal fervour the public availability of all details of all contracts with private business.

Finally, it is disappointing that no move has been made to provide a youth legal service. The youth sector have demonstrated that they are prepared to do a lot of the hard work in putting in place a model that would provide a youth friendly legal service with a fairly low cost structure.

On the question of the joint emergency services centre at Woden, Mrs Dunne talked about the change of policy on this and “a couple of people who whinged”. I worked on that issue with the emergency service people themselves, and they were the ones raising the concern. If they were the couple of people who whinged, I would have to be concerned about the way Mrs Dunne sees the concerns raised by the people who work in emergency services, such as firefighters.

The argument these people put to the previous government seemed very reasonable, and I am sure they would have put it to Mr Quinlan when he was in opposition and it has probably affected this government’s current policy. They were asking for an evaluation of the emergency centre in Gungahlin, which is a very reasonable thing to request.

I went out to the emergency services centre in Gungahlin and talked about the time it takes to leave when an emergency call comes in. I do not have all of the complaints with me, but one I remember was that the volunteer firefighters are in the same physical location as their children—because it is a bit of a social club thing happening out there with the volunteer firefighters—and the children are running around where these emergency service vehicles have to leave quickly. Some of the firefighters were saying they had to scatter children out of the way before they could leave the centre.

I would have thought it perfectly reasonable to evaluate how the current joint centre is working before going ahead with another one, and I do not think it is quite fair to say that it is just a “couple of people whinging”. They are the people who do the work.

MR SMYTH (4.36): There are a number of issues under the JACS portfolio. In particular, I would like to concentrate on corrections, and I will start by reacquainting the government with the commitments they made before the last election. Labor’s “Action plan for ACT Corrections” says:

Labor will instruct PALM and the office of Land and Property to provide a new range of sites from which to choose.

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It then goes on to say:

Labor believes that work must be concluded on prison programs before we decide on the prison design and we must decide on design before we decide on site.

It begs a couple of questions. What work has been done on the programs? Has there been public consultation about them? What is the involvement of the community in designing programs to help us as a community rehabilitate our people who are incarcerated? Where is the final document that sets out these programs?

I would have thought that would be a document that a government proud of what it was doing would make public before moving on to phase 2—to decide on the design. I would have thought you would have some public consultation. I would have thought there might be a few options. I would have thought you might see a drawing or two, perhaps even a model of the proposed design of a prison, before you decided upon the site.

The reality of these broken promises is that none of that work has been done. You only have to look at the merry-go-round that are the answers to the recommendations made by the Estimates Committee to see what is happening. For example, recommendation 39 reads:

The committee recommends that the Government table in the ACT Legislative Assembly, as soon as possible, the terms of reference for the construction of the Remand Centre.

The answer reads:

Detailed work on the capital and operational costs for a new remand centre is proceeding. Specifications and costings will depend on a decision yet to be made on whether the project will be for a Remand Centre only or for a Remand Centre within a footprint for a more comprehensive correctional facility. The terms of reference and/or specifications will be provided once they are finalised.

Going on to recommendation 46, it reads:

The Committee recommends that the Government table in the ACT Legislative Assembly, as soon as possible, the terms of reference for the construction of the ACT Prison.

And the answer? The government's response reads:

Agreed. The development of terms of reference for the construction of an ACT Prison are dependent on the issues discussed in the Government's Response to recommendation 39.

This has not been finalised.

How does this fit into what Mr Quinlan told the Estimates Committee? How does this fit into Mr Quinlan's assertion that he had written and put up on the wall the information that people needed? When quizzed about the terms of reference for the prison at the Estimates Committee for the third approp back in March, he said:

I want Treasury involved, but I have given a series of instructions and if they represent terms of reference, then they have got terms of reference. Have I written them down and posted them on a wall? No, I haven't. I have given instructions as to what I want and you can judge the end product by what comes out of that process.

It is a very interesting process for a government that was so process orientated in the lead-up to the election to actually outline what it does. Programs first, prison design second, site selection third. And have we got any of that? I do not believe so. I do not believe we have a government that is interested in building a prison at all, because what we see is the government fitting things to what suits it.

We had a report from Rengain that said a stand-alone remand centre—the worst option, in the experts' opinion—would cost \$61 million. Mr Quinlan's conclusion—and the reason was to get some financial rigour into it—was that we could afford to build this for \$50 million. Let's look at this against what Labor stated under the term "ACT prison":

Labor will not be rushed into the building of an ACT prison, but it is committed to building one. Labor is committed to a state-of-the-art prison which encompasses appropriate behaviour modification programs which is empathetic to the special needs of women and which embraces an assistance program for people with substance dependence.

So where are the programs? What is a state-of-the-art prison, and how much of the state-of-the-art has just gone out the door with an \$11 million drop in the amount of estimated expenditure for the remand centre?

We have a merry-go-round of obfuscation. It is certainly not the honest, transparent and open government it said it would be; it is a secretive government that is not revealing programs or showing us what the design is. It certainly won't tell people what the list of sites is because—goodness me—somebody may make politics out of them. Is this the way we are going to get a state-of-the-art rehabilitation system for our prisoners? I think not.

One of the concerns with corrections is to meet the health needs of remandees and prisoners. Ms Tucker made some points about that. We know that the budget for the current Belconnen Remand Centre for health needs is contained inside the health department. But there is no mention of how they will cope with having a split campus and provide services to both of the sites. Recommendation 42 reads:

The Committee recommends that the Government explain how the health needs of remandees housed in the temporary Symonston facility will be met.

The government response reads:

Health services for all remandees are the responsibility of the Department of Health and Community Care and those services will be provided as required at the STRC as well as at the BRC. The STRC will have the necessary facilities for the provision of health and related services.

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But there is no money that I can see in either the health or corrections budget that identifies how the services will be provided at the Symonston temporary remand centre.

The whole farce of the corrections portfolio under this minister is of great concern. The government says they want “programs that are empathetic to the special needs of women”. I wonder whether, in the \$50 million remand centre, given the \$11 million that have gone begging, there will be room for the special needs of women. The minister has explained that he would send primarily women to the Symonston temporary facility, except that there are so few women in our system normally that that would mean the temporary facility would be empty most of that time.

We get to see the guidelines on how they will choose which of the remandees—remember that all remandees are classified as maximum security—will go to the facility. There was this recommendation about that:

The Committee recommends that the Government table in the ACT Legislative Assembly, as soon as possible, the guidelines for determining which remandees will be housed in the temporary Symonston facility.

The answer to that recommendation 41 reads:

Induction of all remandees will continue to take place at the Belconnen Remand Centre. The Symonston Temporary Remand Centre will accommodate remandees only where the practical safe operating capacity of the BRC is exceeded.

No commitment has been made by this government to table these guidelines, and you have to ask why. What are they afraid of that they will not table? All we get is secrecy about this whole process. We should draw a parallel between that and the process we had when we were looking for a site for a facility, whether it be a combined remand centre/prison or stand-alone prison. We put out a number of sites. It went to a committee, which Mr Hargreaves was on. That committee recommended Symonston. It handed the choice back to the government saying either Kinlyside or Symonston, but they did make the choice in saying that Symonston would be adequate.

That was reneged on later by Mr Hargreaves when the politics of it got in the way and they wanted something to attack the government over. What we have is no commitment to a prison, secrecy about how they are going about a remand centre, a merry-go-round of how they will come to conclusions that affect the construction of a remand centre and a prison, a series of broken promises and a lack of involvement of the community—who, in his own words, the now Chief Minister was going to build bridges for and was going to involve more in government decisions.

Going simply on what is outlined here, the minister has been negligent on the remand centre issues and the prison issues, and I do not believe he is serious about offering the people of the ACT a real service at all.

Another issue is the mental health of our prisoners and of having a time-out facility. I do not know whether we will get into some early intervention. Labor in their policy talk about addressing the root causes of crime and attempting to keep people out of the system. Yet when I put up the idea for a time-out facility—

MR SPEAKER: The member has time has expired. You can speak for another 10 minutes, if you wish.

MR SMYTH: I will endeavour to speak for another 10 minutes, Mr Speaker. The concept I put forward of a time-out facility is a diversion from the criminal justice process for those who have the dual diagnosis of a mental health and a drug addiction problem so that they get appropriate treatment instead of being institutionalised in the criminal reform system.

The idea was heartily pooh-poohed by the ministers involved but has the support of some of our magistrates, the mental health community and the corrections officers—from what they said in estimates. It had the support of police officers at a public forum and it has the support of the Chief Police Officer, who, when asked, simply said, “The answer is yes.”

We need to look at whether Labor is committed to what it says about corrections and whether it is committed to addressing the root causes of why people go to jail. We are not seeing any action on it, and we do not see anything in the budget that tells us how they will address that as well.

There were very nice words in the lead-up to the election, and there is a very nice document, which says all the right things. But what we do not see is any action or carry-through on these commitments from those opposite because they are lazy in this regard. They do not get out and work, and they do not talk to the community about these issues.

They know the community is vitally interested in where the remand centre and prison will go, but they are not talking to it. They are going to deliver us a solution, and it is their solution only. It is totally unlike the process that we undertook of having the sites open for discussion and for input from the community. If we are going to make this work, the community needs to be involved and must have ownership of the criminal rehabilitation system—otherwise our prisoners will continue to be shunned, or, as is currently the case, exiled to New South Wales.

As you go through the Labor Party document and their responses to the questions on notice, you find cause for concern. I do not think there is any commitment to setting up a state-of-the-art prison. I do not believe there is any commitment to early intervention to prevent people from going to jail or to addressing the root causes of crime. I do not believe there is any commitment to getting community opinion on where these facilities go, because until now the community has been well and truly locked out of the entire process. I do not believe there is any commitment by those opposite to carry through the construction of a prison in the ACT.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.49): There are just a couple of points I will respond to—I do not wish to delay the Assembly unduly.

As we proceed through this debate, from time to time we need small reality checks. Mr Stefaniak, the Attorney before me, has suddenly become the major advocate in the ACT for a new Supreme Court. Mr Stefaniak, just answer this simple question: how

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much money was there in your forward estimates for a new Supreme Court for the ACT? None. Not a single cent.

All of a sudden, this is a driving, precious, urgent piece of construction that we need for the ACT. We need a new Supreme Court. I saw a press release yesterday from Mr Stefaniak: “Urgent! Can’t wait another day.” How much was there in the forward estimates under you, Mr Stefaniak, the previous Attorney-General, for a new Supreme Court? Not a cent!

Mr Stefaniak: Jon, I have shown you how you can do it very cost-effectively.

MR STANHOPE: You costed it, but you did not fund it. You were gunna do it, Bill. These are the reality checks we need along the way. And a reality check goes to the speech we have just heard from Mr Smyth. Mr Smyth was gunna build a state-of-the-art prison.

Mr Smyth: We did have money for that. Look at the estimates.

MR STANHOPE: What is in the out years? What was in the forward estimates for a new prison under the Liberal Party, when Mr Smyth was minister for corrections? How much was there in the forward estimates? What did we have when we came into government to rely on? Of the \$110 million, how much was funded? How much was there in the forward estimates of the Liberals’ \$110 million prison?

When we came in here after the 1998 election, the Liberal Party’s prison was estimated to cost \$28 million, and I think within a year it jumped to \$35 million. Then Mr Moore took over as minister for corrections. In the space of three years, it went from \$28 million, to \$36 million, to \$42 million, to \$65 million to \$110 million. Those were the Liberal Party’s estimates for a prison, but how much did they put in the out years for it? How much was there in the budget? What did you allow? Nothing. Not a cent. You were gunna do it. We have done it. There is \$50 million more there than you put in the budget for a prison.

One of the things that intrigued me was the extent to which it mirrored the cost increases at Bruce Stadium. You know it mirrors them perfectly. It is almost the Liberal Party model for capital works expenditure. You start at \$12 million for a football stadium, and before you know it you are up to \$84 million. And you broke the law. You did not bother to appropriate it; you just spent it.

It is so perfectly mirrored by the prison. You start at \$26 million, get to \$110 million and do not appropriate anything for that either. You never got around to it. There was no appropriation for Bruce Stadium. You just broke the law and spent it anyway. It went from \$12 million to \$84 million.

You did the same with the prison: \$26 million to \$110 million in the space of a couple of years, with not a single cent appropriated or allowed for in the out years in the forward estimates. At least we put \$50 million away—and you say we have no commitment. Compare your commitment to ours: not a razoo in the Liberal Party’s estimates for forward years, but we made some provision for it at least.

Mr Stefaniak, you have been grievously misleading, too, in relation to the Supreme Court. You have been mischievous and you know it. I have always said this, and I have not changed my opinion. I have always accepted that the old Supreme Court looks a bit weary, but you know it works. It does not work well, but it works. We do not have a prison, but at least we have a Supreme Court, and it sort of works. We get by. It is not desirable, and we do need a new Supreme Court. But we do have one; and it sort of works.

It is not as great as you would want, it has a whole set of deficiencies and there is no doubt that it needs to be upgraded. I have said that it is on the list with lots of other things. It is on the list with a new paediatric ward at the Canberra Hospital; there are a whole stack of things on the list.

Mr Smyth: On a point of order, Mr Speaker: the Chief Minister asserts that there is \$50 million for the remand centre in this year's budget. Would he like to tell the Assembly what page that appears on?

MR SPEAKER: Resume your seat. That is not a point of order. It is just frivolous, Mr Smyth, and you know it.

MR STANHOPE: I just wanted to make those points—about the need for a reality check along the way of what the Liberals did over seven years in government, about the breast beating they are doing now about all the things they were gunna do but never got around to doing, about the berating that goes on in terms of their paltry record and about all the issues they left us.

Mr Quinlan has made the case categorically about the mess you left us over the remand centre, the mess you left us to pick up. And we will do it; we accept the obligation. We have caught the hospital pass you sent us, Bill. You know it was a hospital pass. It was hard, mate, but we caught it, we grasped it, we clasped it and we will deal with it.

I am pleased with some of the acknowledgment from Ms Tucker of the good things in this line of the budget in relation to some aspects of the administration of justice.

Ms Dundas continually raises the issue of the DPP's budget, and that probably deserves a response. The DPP does need to be funded; the DPP does need to do his job; the DPP does need to prosecute criminals; the DPP does need to be able to fulfil his functions—for instance, in relation to the Eastman trial. Much of the additional funding for the DPP is wholly and solely a response to the enormous cost to this jurisdiction of the various Eastman actions.

There is nothing we can do about it. The fair administration of justice to the community requires that we have a DPP that is appropriately funded to pursue his responsibilities. There is nothing we can do about it. To imagine that a government that appropriately funds a Director of Public Prosecutions is in some way pursuing an inherent or subliminal law-and-order push is incredibly naive.

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He has to do his job, he has to prosecute and he has to represent the community. The fact that he needs money to do it is no reflection of the weight we put on restorative judgment, diversionary conferencing or alternative methods of sentencing. I have explained on a number of occasions that we take those things seriously.

We have instituted a serious attempt at establishing a new approach to sentencing. We have undertaken a sentencing review, and it is a major task. Mr Stefaniak acknowledges the need of it. He is even mimicking what we have done by setting up his own sentencing review, despite the fact that the government is doing it. As I have said previously, these are the most irritating and frustrating aspects of what might—

Mr Stefaniak: I'm surprised you did not ask me for a submission; yours is a pretty secretive review.

MR STANHOPE: It is not secretive at all, Bill. We are probably consulting the same people you will end up consulting. It is just that our review will be measured and reasonable and won't be some sort of law-and-order fetish, redneck response to the issues.

Mr Hargreaves: Hang'em high.

MR STANHOPE: That's right: the "hang'em high, throw'em in jail, throw away the key" sort of approach that we know will come out of your review, Bill. We won't be proceeding in that way.

Proposed expenditure agreed to.

Proposed expenditure—part 17—Education and Community Services, \$419,197,000 (net cost of outputs), \$29,557,000 (capital injection) and \$138,759,000 (payments on behalf of the territory), totalling \$587,513,000.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (4.59): I move amendment No 6 circulated in my name [*see schedule 1 at page 3097*].

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

MR PRATT (5.01): Mr Speaker, I rise to support the education budget but to speak about a number of concerns. While we support the passage of the budget, there are areas of significant concern that I believe will need monitoring.

The government has provided a reasonable education budget. It is certainly not reckless. However, it is an uninspiring budget which shows no vision. We are pleased that at least most of the previous government's programs and new initiatives have been carried on, with one major notable exception which I will return to later.

It is, however, a budget which has not much value-adding content. There are no bold initiatives to reallocate scarce resources, for example, from within the existing framework to the needy areas we identified last year as deserving of further development.

Labor promenaded during the election about the importance of the education system to them, and yet, come budget time, the ACT Labor government has increased recurrent funding to the government school sector by only 1.4 per cent. Mr Speaker, 1.4 per cent, is the lowest funding increase in the government schooling sector across all states and territories that to date have delivered their budget. In the Commonwealth May 2002 budget, the federal government increased funding to ACT government schools by 5.3 per cent. If the ACT government had matched this, public schools would have been \$13 million better off.

Despite Mr Corbell's rhetoric in answer to one of my questions on notice to the Estimates Committee that "this government recognises the important role both government and non-government schools have in educating ACT students", this budget has not sufficiently illustrated any such balanced recognition to give weight to Mr Corbell's rhetorical statement.

The public system is not the only part of the ACT education system that has been let down by the ACT Labor government. The education department is the department for all education—government and non-government. The government has failed in its obligation to non-government schools and the 38 per cent of students who attend non-government schools in the ACT. The disparity between the two sectors in the allocation of the \$20 million from the free bus scheme is very evident. Only \$1 million of that funding has been allocated to non-government schools.

I turn to salaries for teachers. Whilst some provision has been made for salary supplementation for teachers in government schools, provided for in the government teachers enterprise bargaining agreement, no provision is made to the non-government sector, in particular the Catholic schools, which always struggle to balance their budget and require over \$1.2 million to assist them. The systemic schools always struggle.

Overall, there are no imaginative initiatives to add value to the salary system, an area I think we all agree needs urgent attention, given the increasing pressures on teachers. Even with a few million dollars, perhaps taken from the \$7.2 million slush fund, a modest but effective morale-boosting change could have occurred, in the shape of a performance-based salary system and a pay increase for a small but not insignificant percentage of our teachers. What a powerful signal that would have been in settling things down and adding value to an already effective schooling system.

This government seems to be relying on inquiries to provide them with their policy platform—inquiries, inquiries, damn inquiries. Their reply to everything is: "Wait for the results of our inquiry." In the education budget alone, there is \$270,000 for inquiries which have not yet commenced.

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If the government had not buried its head in the sand and dedicated itself to commissioning inquiries—jobs for the boys and girls—then more than half a million dollars could be spent inside the school gate, and they would have no excuse for holding us to ransom with a \$7 million slush fund.

Let us talk about that slush fund for a moment. It is about time the minister admitted that this is exactly what these uncommitted funds are. It is remarkable that such uncommitted funds exist, ostensibly to await the outcome of the Connors inquiry, another three months away, when there are urgent activities we know ought to be funded and running now. The new performance-based salary system I spoke of earlier as a concept worth flying with, an expansion of smaller class programs and a bit more money focused on the disruptive and disability children programs could have at least been given a start or a boost by now.

Look at the comments made by education minister Simon Corbell and Chief Minister Jon Stanhope in recent days. On Sunday, 25 August, Mr Stanhope issued a press statement which said there were dozens of major education initiatives which could not be supported in the 2002-03 budget due to funding constraints. What about the \$7.2 million of uncommitted funding?

I have been extremely critical of the lack of commitment and lack of initiative shown by Labor in getting important education programs up and running. Now that the Chief Minister has admitted that major initiatives remain unfunded, the community will also be critical of Labor lying dormant when funding for at least some of these programs is readily available from the slush barrels. Most important of all, because major initiatives are not being funded and not running it means that opportunities for schoolchildren are being missed now.

I will talk now about children at risk and disruptive children. Funding has been provided in the student pathways initiatives program focused on enhancing outcomes for students at risk. That is a welcome initiative. Total funding over the next four years is \$1.7 million. This is in addition to the indigenous student support program. Pleasingly, the government has continued with these vital programs. They are the types of programs that will assist the schooling system and the community to better deal with the disruptive children challenge—that challenge which goes to the heart of the pressures on our school problem.

I believe dealing quickly with the school environment to make it a better, less disruptive teaching, learning and living environment is a major priority. Therefore, this is an area which deserves additional funding. I do not see much in the way of priority expenditure in this area. For example, there is no mention of funding targeted to increasing support programs aimed at addressing bullying problems in schools or addressing disruptive children.

I turn to drugs education. I have spoken to this issue numerous times, and the community has expressed, and continues to express, its concerns about adolescent drug behaviour. We have seen and discussed the recently handed down ASSAD report on student drugs use. To the community, this report was depressing news. It should have also sounded alarm bells for the government.

In the reporting period, no substantial achievements were made in the battle against adolescent drug use. Indeed, some of the nastier factors trended upwards. Clearly, this was the signal for the introduction of more meaningful and substantial drugs education programs in schools, with perhaps a stronger departmental operational control being exercised. Regardless, I see little inspiration in the budget regarding drugs education. It is almost as if the ASSAD report had never been read by the government.

I turn to disabilities. At a time when we need to be upgrading our learning support centres and learning support units, again to remove some of the growing pressure in schools, I cannot identify any funding in this budget for broadening this program.

Furthermore, I find it most unacceptable that not a single dollar has been allocated to non-government schools, at least the systemic schools, to assist them in their disability children programs. The government should realise, and I hope will realise, that by contributing to non-government school disability programs they will remove the pressure or at least minimise the pressure on government schools. This is at least one area in non-government schools the government must provide support for. Mr Speaker, I seek a short extension of time.

MR SPEAKER: You are entitled to speak for a second 10 minutes if you wish.

MR PRATT: Thank you. In estimates I had occasion to ask about the closure of the LSC at Duffy Primary School. I accept the department's answer that the number of disability children at Duffy has dropped. However, nine children being attended to by one teachers assistant versus previously a qualified disabilities teacher plus an assistant is pretty inadequate. The Duffy example will not give the community confidence that the disability program is likely to be upgraded.

I wish to congratulate the government for carrying on with our initiative of providing valuable technological assets for teachers in laptops to supplement the desktop assets put in place some time ago. However, I am concerned that there is no IT asset support plan in place for these new laptops. Where is the allocated funding for the necessary insurance cover? Where is the allocated funding for the repair and maintenance of this fleet of laptops?

Furthermore, where is the funding allocation for the training required in order for teachers to benefit sufficiently from the utilisation of these new laptop computers? What is the point in providing these valuable assets if we do not have the resources and the strategic plan in place to take care of them and to provide adequate training in their use? The taxpayers may well question why that package is not comprehensive.

I turn to CIT and VET. The government has increased expenditure for the CIT by \$2.2 million, at least in cash terms. That is most welcome, given the urgent need to upgrade apprenticeship/technical training in colleges as part of an overall strategic plan involving VET in schools leading to higher level technical training programs.

A CIT activity expansion is vital to this upgrade. Therefore, I wish to flag a major concern that this budget details. Yes, there is a cash increase for the CIT but a budgetary change which demonstrates a drop in actual outputs. For example, curriculum hours will be down by 340,000. That is a 9 per cent drop. Course enrolments will be down

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by 3,000. Course completion outputs are forecast to be down by 10 per cent. Employer satisfaction with CIT trainees is forecast to drop by 11 per cent.

Where the blazes did the \$2.2 million go? Increased funding but concurrent output drops are a theme which has been repeated throughout this budget. This is very disappointing. I hope the government has plans to address this issue.

Regrettably, there is little indication the government has sought efficiencies by reallocation of funding from within the existing framework with a view to freeing up resources to fund emerging priorities. We will watch the government to see whether they will be courageous enough in the future to make those sorts of tough decisions.

There are many areas not addressed by this budget which are of great concern to me as shadow minister for education, and I would imagine to the community as well, and which can and should be addressed immediately.

MS DUNDAS (5.14): Mr Speaker, the government is asking us to support an appropriation, as amended, of approximately \$544 million not just for education but for youth and family services. I think we would all agree that our public schools need a well-targeted boost in funding. Our teachers are overworked, and the demands on the education sector continue to evolve. Therefore, the refocus of money from transport to education is an initiative the Democrats support.

However, even with almost \$550 million to play with in this area, we see the government still working in a mindset that fails to recognise different modes of learning and the important role that youth and family services play in this. Community groups that provide outreach, diversionary programs, ongoing support to our children and their families will suffer under this budget. The services they provide will suffer, and in the long term our community will suffer.

Education should be meaningful for all learners. The UNESCO report of 1996 spoke about learning to know, learning to do, learning to live together and learning to be. Education takes place throughout life in many forms, none of which ought to be exclusive. We must start to think about our education in a more all-encompassing fashion. While the government has spoken about expenditure within the school gate, they have not yet been able to clearly articulate what the gate looks like, and it fails to recognise that for a child the gate is just arbitrary. What happens at home and on the street are just as important for their educational needs as what happens in the classroom.

I still question the decision to keep any CPI increases for youth and family services to 1 per cent, not even matching the 2.5 per cent set by treasury, or inflation, which I believe is currently at 2.8 per cent. This will result in a real loss of services. So our community organisations, which already do so much, will continue to be asked to do more with less.

I would also like to comment on youth justice. Youth justice moved through three departments over the last financial year to end up in DEYFS. As was mentioned while we were discussing JACS, the need for focus on crime prevention and diversionary programs is key. So while the government spends \$300,000 on redesigning Quamby,

I question the lack of support for a youth legal centre or a focus on real youth crime prevention.

MS TUCKER (5.17): I will speak to family services and child protection. We still have in the ACT a situation which was current several years ago when the Assembly looked at services for children at risk. We do not have adequate accommodation for services dealing with those children. This is a very serious issue for our community.

Recently the Commonwealth government made a statement about trying to introduce some form of mutual obligation by having people receiving parenting benefits undertake some kind of parent training. That is offensive, because it targets a particular group of people. The assumption is that because they are receiving benefits they are incompetent and need to have training. I can assure you that there are very well off people who could do with some assistance in parent training.

Let us have the discussion about what is happening to children in our society and what support exists for people in the very challenging work of raising children. I have no problem with that. We need to talk about ways we can support families. Benefits and so on are federal responsibilities. Poverty is a big issue, particularly for single parents. A lot of people in part-time and casual work are experiencing poverty. That has to do with the employment policy of the federal government and trends by employers to try to reduce their costs by having casual and part-time work. Social implications result from that.

There has been a continual plea from foster parents. I remind members of key findings of a report from the Australian Foster Care Association in 2001. The foster care system faces important challenges, with the bulk of children in the system being cared for by a relatively small number of carers and too few new carers. The nature of foster care has been changing, with a higher level of behaviour problems in children in care and the need for more sophisticated parenting. In this environment, there is the need to review recruitment processes, training and ongoing support to ensure children are receiving good-quality care. Collaborative approaches involving all levels of government and parts of the sector offer the potential for better outcomes for children.

A significant proportion of foster carers would like greater support, particularly from state authorities. Greater support could also be provided through foster care associations. More broadly, foster carers feel that the low status and respect they feel is accorded them do not match the importance of the task they are undertaking in raising children.

Processes to deal with allegations of abuse from foster children can be improved to provide greater support to carers without jeopardising the safety of children. In this context it would be worth trialling approaches used in Alberta, Canada and in Australia. If anyone is interested, they can see what those approaches are.

When you look at the statistics on what happens to kids when they go into foster care and on how many of them have several placements within a very short period, you have to be concerned. Continuity of care is seen to be important in any area, but for children who have been traumatised to this degree to be further traumatised by the system that is supposed to protect them is totally unacceptable. That needs to be given greater attention by government.

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That brings me to family services and how they support families. I think they also need to be given a good shake-up. An Assembly committee is looking at some of these issues, and I look forward to seeing their work. I look forward to this government, hopefully, picking up this area more strongly for the next budget.

Youth has suffered from the rearrangement of agencies and responsibilities. This area has been fragmented a lot. I wait to see how this can be dealt with. I do not think it is impossible, but a strong interagency linkage needs to be set up to address the fragmented and therefore negative impact on youth services.

The relationship between education and youth has to be mentioned in this discussion. The minister has spoken on occasions about money being spent inside the school gate. I have raised concerns about not very expensive services outside the school gate not being funded this year. They particularly important services for kids at risk. They include the Gungahlin Youth Centre's collaborative education project with Gold Creek school and Kaleen High, and the counselling support for the Tuggeranong Art Centre's very successful Messengers program.

Messengers uses theatre and creative work to deal with kids issues, which is fantastic. But when disclosures are made during that process there is not a place to refer the young people to. That is unacceptable. It would not involve a huge amount of money. That does not show an understanding of the need to follow through on programs. You can make young people more vulnerable if you give them the opportunity to be supported when the follow-on is not available.

I am pleased that the Labor government has supported our position leading up to the last election that the free school bus money should go to education and that there is a major need to look at how we deal with kids at risk. We have seen a number of responses from the government, including their documents on "Within reach of us all", which in broad terms contains good statements. However, I still feel disappointed when I do not see more specific targets, time lines and detail in these sorts of documents.

It is good to say that you will do things such as support schools to embed a culture of inclusivity and safety for students, but we need a much more detailed description of how that will occur and how it will be monitored. The health committee has a long way to go in looking just at the health of school-age children. The discussion we have had with a number of students and teachers from colleges and high schools in the last week shows that students who are different in any way are likely to suffer and be targeted in the school population. I know we cannot change the world in the school, but we are saying in these documents that we want to try. That is great, but we have to be accountable about how we do it and what works. It is not easy to change habits and attitudes, most of which have probably come from home. So we need to trial innovative approaches to these problems and be clear about what works and what does not work.

MR SPEAKER: The member's time has expired.

MS TUCKER: I will take my second 10 minutes. A philosophy of inclusivity is great, but it can translate into mainstreaming, and that does not necessarily deliver diversity. In fact, it can deliver the opposite. In the name of inclusivity and mainstreaming, you can end up with one size having to fit all, and it does not. Teachers in our public school

system are not adequately supported to take into account the diverse needs of students, particularly troubled kids and vulnerable kids, so alternatives have to be available outside the school gate.

That takes me back to comments I made about the two services that did not get money. As I said when we were considering JACS, school exclusion was one of the characteristics found in a lot of young people who came into contact with the criminal justice system. It is not news to anybody, I am sure, but I want to highlight that we have an incredibly important opportunity when young people are at school to turn their lives around. I know that people know that, but I am asking that we be more specific about how we are going to achieve the commendable changes outlined in the "Within reach of us all" document.

MR STEFANIAK (5.29): I mentioned in my general remarks on the budget that one of the disappointing aspects of the government's education budget was in relation to the non-government schools. A lot of expectation was built up with extra moneys flowing to the budget as a result of the government abandoning the previous government's free school bus scheme. I am well aware that the government's commitment to do that was quite popular. I think a lot of people were disappointed, however, to see how some of that money was not spent.

I recall going to meetings prior to the election and hearing what the non-government schools were expecting. A number of people in the non-government sector might also have voted for this government, despite the very clear enunciation by the former government of what it was going to do.

I was very saddened to see an article in the *Catholic Voice* which bemoaned the fact that of the additional expenditure on schooling about only 5 per cent went to the their sector, despite the obvious needs there. Most speakers today have indicated that that sector, which accounts for about 28 per cent of our school students, has very real needs. That is a disappointing part of this budget. We await with interest the Connors review to see whether any improvement is made.

Mr Hargreaves: Watch this space.

MR STEFANIAK: "Watch this space," Mr Hargreaves says. I will believe it when I see it. It is important for any government to be a government for all sectors. When I was minister, I thought there was a need for further expenditure and emphasis on the high school years, especially on preventative programs and programs to assist difficult youth. My colleague Mr Pratt mentioned some programs in this budget, but that is an area that needs attention and will continue to need attention for a considerable time.

Mr Pratt was right to mention drugs. Whilst some of the programs in the schools are very good, a lot more can be done there. We need to monitor programs to ensure they are adequate.

I was concerned that although some programs were good other programs were not particularly effective. It is crucially important that we have in our schools programs which warn students about the danger of using illicit drugs and assist in steering them away from drugs. Sadly, there will always be some people who will take illicit drugs.

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They need to be able to access programs to assist them break the habit. A number of students in our schools need such assistance. More work needs to be done and will probably need to be done for a number of years yet.

Ms Tucker mentioned youth justice, which is now back in the department of education. I recall reading in *Hansard* in 1999 when it went off to corrections that Mr Hargreaves was keen to see it return to the department of education. Whatever the pros and cons, it is there now.

Now that department has responsibility again for Quamby, it is important to ensure that the place is secure and that necessary improvements are made. As minister, I inherited a place which, because of the appalling fence, was like a revolving door. I managed to fix that to a large extent. There were also huge systematic problems there. Sadly, it took the death of a young man and a coronial inquest to enable the department to get rid of staff who probably never should have been there in the first place. That does not say much for some of the industrial laws and expectations in our country. Nevertheless, at least a lot of improvements were made. Inappropriate staff were given their marching orders and additional programs were put in place.

I was pleased to start putting greater emphasis on proper educational programs there. I am delighted to see recent reports of detainees graduating with year 10 certificates and attaining TAFE qualifications. It is essential that we continue and enhance the education programs in Quamby and any other youth justice facility we may end up with, to ensure that the kids go out a lot better and better trained than when they came in. That seems to be tracking quite well. I am pleased to see that occur. It is something this government and the responsible minister need to keep tabs on because it is so important. Commonsense would tell you that if a young person can be stopped from going too far down the path of a life of crime and get a decent qualifications behind them they will have a chance, when they come out, of doing something positive. That is beneficial not only for the young person but for society generally. I urge the government to continue to ensure that those programs are available at Quamby.

When I became minister, I was very concerned that some government primary schools were down to about 40 minutes of physical education a week. After extensive consultation, we recommended that kindergarten to year 10 have 150 minutes of compulsory physical education. We looked at that several years ago to see how it was going. Most schools were doing fairly well, but some further improvements were made. There is also notice a very good program between the schools and the junior sporting community. I remember attending the launch of a document on that and how further contacts could be made to the benefit of schools.

I am concerned that this government has pulled the tender process for fitness assessments. One group that does fitness assessments here and probably another institution would have tendered. I was quite concerned about the time it was taking for anything to happen. Now I understand that the process has been pulled. That is very sad, especially when we consider recent reports of increasing child obesity and problems of self-image, health and ability to operate well in a school environment and to study. The number of kids with obesity in Canberra and throughout Australia is dramatically increasing.

Fitness assessments are crucially important when added to initiatives to ensure greater physical activity in schools. It is essential that the government ensure that that occurs and take other reasonable steps to ensure greater physical activity and assistance to kids at school. Obesity is a huge growing problem in society. If nothing is done, society is going to have huge problems. We can take further action to stem that potential problem. Fitness assessments were a step in the right direction. I was very concerned to see them pulled. The government should start them again and get on with the job.

Amendment agreed to.

Proposed expenditure, as amended, agreed to.

Proposed expenditure—total appropriated to departments, \$1,340,526,000 (net cost of outputs, \$247,390,000 (capital injection) and \$356,398,000 (payments on behalf of the territory), totalling \$1,944,314,000—agreed to.

Proposed expenditure—part 18—Treasurer's Advance, \$19,400,000.

MS DUNDAS (5.41): Mr Speaker, I appreciate the need for the Treasurer's Advance. Every year there is some likelihood of a need for unforeseen expenditure, and it would be onerous to require the government to seek an appropriation for every item that could not be met from within other parts of the Appropriation Act.

However, I see a worrying tendency for ACT Treasurers to treat the advance as pocket money they can spend on anything they please, as long as they have been good. I am doubtful that any of the items of expenditure under the 2001-02 Treasurer's Advance were genuinely unforeseen. Or, if any items were unforeseen, it appears that it would have been simple for the government to have avoided the expenditure altogether.

I put on notice that I will be carefully scrutinising the use of the Treasurer's Advance this financial year, to check that abuse of the terms of the Financial Management Act is not becoming a habit.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.41): Through you, Mr Speaker, might I relay to Ms Dundas: you and the Auditor-General.

Proposed expenditure agreed to.

Proposed expenditure—total appropriations, \$1,340,526,000 (net cost of outputs), \$247,390,000 (capital injection) and \$356,398,000 (payments on behalf of the territory), totalling \$1,963,714,000—agreed to.

Clauses 1 to 12, by leave, taken together and agreed to.

Schedule 2.

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MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.42): Mr Speaker, I seek leave to move amendments 7, 8 and 9 circulated in my name together.

Leave granted.

MR QUINLAN: I move amendments 7, 8 and 9 circulated in my name [*see schedule 1 at page 3097*].

Amendments agreed to.

Schedule 2, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

Statute Law Amendment Bill 2002

Detail stage

Schedule 3.

Debate resumed from 20 August 2002.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (5.45): I move amendment No 3 circulated in my name [*see schedule 2 at page 3100*].

Mr Speaker, this amendment simply corrects an unintended error in the delegation provision in the University of Canberra Act 1989.

Amendment agreed to

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (5.46): I move amendment No 4 circulated in my name [*see schedule 2 at page 3100*].

Mr Speaker, this amendment omits amendments to the Workers Compensation Act 1951, which except for one amendment which no longer applies will be moved during the debate on the Workers Compensation (Acts of Terrorism) Amendment Bill. Relocation of the amendments is necessary to ensure that they commence on the commencement of the Workers Compensation Amendment Act 2001.

Amendment agreed to.

Schedule 3, as amended, agreed to.

Schedule 4 agreed to.

Title agreed to.

Bill, as amended, agreed to.

Private members business

Suspension of standing and temporary orders

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

That so much of the standing and temporary orders be suspended as would prevent order of the day No 1, Private Members' business, relating to the Fair Trading Amendment Bill 2002 being called on forthwith

Fair Trading Amendment Bill 2002

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

That this bill be agreed to in principle.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (5.48): Mr Speaker, credit card usage is a significant financial element of commercial activity in Australia. Recent figures from the Reserve Bank indicate that credit card debt over the last three years has reached just over \$82 billion, and the Reserve Bank has confirmed that this figure is still increasing.

Individual consumer purchases on credit cards per account increased by 79 per cent over the same three-year period. The growth rate for credit limits per account was 17.2 per cent in the year to November 2001, up on 14 per cent in November 2000 and 11.7 per cent on November 1999.

The Fair Trading Amendment Bill 2002 represents Labor government policy and represents good law. The bill is almost identical to a bill introduced by Mr Rugendyke last year which the government supported in principle but agreed to the adjournment of debate on, noting that it would be overtaken by amendments to the consumer credit code at the ministerial council meeting in November that year.

Although foreshadowed changes to the consumer credit code are still on the ministerial council's agenda, the matter has not progressed as quickly or as well as the government had anticipated. Accordingly, as Ms Tucker has introduced this bill, we are prepared to support it as an interim measure.

The problem of credit card overcommitment is an enormous problem which this government is committed to resolving.

Ms Tucker's bill will amend the Fair Trading Act 1992 to require all ACT financial institutions to undertake a satisfactory assessment of a borrower's capacity to repay credit offered under a credit card contract. In undertaking such an assessment, credit providers will be required to obtain from consumers a history of their financial circumstances. The history will include, but not be limited to, details of income, all credit accounts held, limits, balances and repayment commitments. All credit providers will

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need to assess this information and decide whether or not a borrower has the capacity to repay the amount of credit proposed before offering or extending the limits of credit.

The bill provides guidance for financial institutions as to how the assessment process must be conducted. It will put a stop to the practice of some credit providers offering credit and granting increases in consumer credit limits without fully assessing whether the debtor can repay the debt.

The bill will help prevent vulnerable consumers from obtaining unmanageable credit. It will protect them from being subjected to aggressive marketing of credit, causing real hardship in many cases.

Ms Tucker's bill strengthens the existing burden implicit in section 70 of the consumer credit code already requiring credit providers to make a reasonable assessment of a debtor's capacity to pay back a loan without substantial hardship. The code already provides a civil remedy under the harsh and unconscionable provisions of the code where a credit provider has not made a proper assessment of a borrower's capacity to repay.

Ms Tucker's bill will address a serious issue in consumer protection. Once the bill is passed, ACT lending institutions will be required to undertake a satisfactory assessment of a borrower's capacity to repay an amount of credit on offer, but it will also mean that the execution of a satisfactory assessment process has become an integral part of the lending process. A credit provider who fails to comply with these requirements may be subject to the criminal penalty provisions under section 41 of the Fair Trading Act 1992.

The introduction of the new requirements proposed in this bill may require some credit providers to update their procedures for assessing a new applicant's capacity to obtain credit. Accordingly, the government supports the delayed commencement date of 25 November, which will give the industry sufficient time to put in place any new procedures.

Mr Speaker, the government supports the bill and the amendments.

MR STEFANIAK (5.51): Ms Tucker's bill, to which she has amendments resulting from a discussion she had with the Department of Justice and Community Safety, had its genesis in a bill Mr Rugendyke put before this house which, with our support, was passed in principle, following which the debate was adjourned. As the Chief Minister said, that bill was about problems of extending credit to people who did not necessarily have the capacity to pay.

I recall Mr Rugendyke at the time raising concerns about six-year-old children being given credit cards. Whilst I do not think such stark incidents have occurred in the ACT, Mr Rugendyke raised other worrying incidents that were occurring in the territory.

Having talked to representatives of the banking industry, I note that they indicate that they effectively ensure someone has capacity to pay—that would also be common sense—before they issue them a credit card. A lot of what Ms Tucker proposes would not be a huge impost, as it occurs already.

However, we still hear of people getting credit cards without asking for them and without any obvious checks being made. I was told the other day of a couple of persons who were given credit cards without asking. One of our members last year was offered a great extension on his limit without any apparent steps being taken.

I gave a commitment to the last Assembly that I would raise this matter with the consumer affairs ministers. I think the Assembly wanted to see Mr Rugendyke's bill put in as model legislation. That almost occurred, but not quite. I was assured that we would have national code legislation or model legislation by the end of last year. I note that that has not occurred. Because we did not get the go-ahead then, Mr Rugendyke's bill did not proceed any further.

I note from talking to the government that the department no longer has the concerns it had about going it alone with this type of legislation. To relay what I have been told by the government, New South Wales no is longer driving it and the ACT might well do so, and that any problem in relation to the ministerial meeting is no longer an issue. Therefore, the department is quite comfortable with this legislation going ahead. I did not want us jumping the gun and suffering any penalties as a result, which may well have been the case last year. The opposition can only rely on what it has been told. I put that on record and hope it is correct.

I thank Ms Tucker for agreeing to a sensible amendment. Without the amendment, there would be an almost impossible impost on financial institutions. Members will note on page 2, on the third last line, she has taken out "complete". So instead of a debtor being asked for a complete statement of their financial situation, a number of sensible items are listed and the debtor will be asked for a statement.

What is listed there is not exclusive. Other things could be added. But it is logical that such a statement include income, all credit accounts and applicable limits and repayment commitments. Those are the sorts of things any prudent financial institution would want to know. Indeed, one would expect them to know those things, and it is common sense to list them.

I had considerable concerns with the word "complete". What does that mean. Does it even mean taking into account how much cash you have in your pocket? It would be impossible to fully comply with that. I thank Ms Tucker for taking that out. I think that makes it much better legislation that does not place unreasonable imposts on financial institutions or on debtors in having to remember every conceivable thing.

Whilst Ms Tucker probably wanted this legislation a bit earlier to give people more time to adjust, there is still some time in which institutions, if they need to, can make the necessary adjustments.

The opposition will be supporting the amendments Ms Tucker proposes as a result of consultation with the Department of Justice and Community Safety.

MS DUNDAS (5.57): I will also be supporting Ms Tucker's proposed amendment to the Fair Trading Act. I have considered the evidence presented by the Australian Banking Association, but I have not been persuaded that the finance sector will suffer a major impost as a result of these changes. On the other hand, I believe some benefit may result

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for credit card users who have been living on credit and getting progressively further into debt. I also believe that the proposed change would be simple to implement and, with Ms Tucker's proposed amendments, possibly even simpler.

National statistics show that the amount outstanding on credit cards continues to rise on a per capita basis. The average Australian household now pays more than \$350 interest on credit cards each year. But this conceals the amount that most indebted households pay. Only two-thirds of households have a credit card, and only half of these households ever fail to pay their balance in full. This means that about a third of households Australia-wide are paying much more than \$350 in interest each year, and many of these households are struggling.

The rise in credit card spending has been partly driven by card loyalty schemes, which encourage people to put as many transactions as possible on credit. The result is that many people end up spending much more than they hold in cash, and card users start spending their income a couple of pays ahead because of the interest-free period on credit cards. This practice may work well while income continues to flow, but when incomes drop due to illness, unemployment or a relationship breakdown someone who is managing their debt load may quickly end up in a crisis. The lower the outstanding credit balance they have to pay, the less severe this crisis will be.

The Banking Association has argued that there was no correlation between unsolicited credit card limit increases and bankruptcy. However, I believe that bankruptcy figures tell only part of the whole story. I know many people struggle to repay their credit card debts so they can reduce their credit card limits. What invariably set them down the path to problem debt in the first place was unsolicited pre-approved credit limit increases, combined with an unfortunate lack of budgeting.

I would have preferred that the bill prohibit letters to card holders that invite them to apply for more credit, but the terms of the bill as presented are a step in the right direction. The fact that a credit provider will have to ask a credit card holder for information about other debts before increasing a credit limit may be enough to discourage a person from applying for further credit where they have been rapidly increasing their debt load.

The Banking Association argued that metrics, which is apparently the term for statistical profiling of clients, is the most economically efficient way of determining who has the ability to manage a higher credit limit without defaulting on repayments. This may be true, but I cannot see that the banks will have to cease use of statistical measures to determine initial eligibility status for limit increases. Only when a person satisfies a metrics test would the bank need to further investigate the applicant's ability to meet higher potential debt repayments. Possibly a person who cannot manage that debt will then refuse the higher limit.

I do not support increased business costs that do not have a commensurate social benefit. In this instance I think the additional compliance costs will produce sufficient benefits to justify the impost. So I am willing to support this bill.

MS TUCKER (6.00), in reply: Can I thank members for their comments. As members are aware, I will be moving amendments in the detail stage to clarify some terms and strengthen the definition of “satisfactory assessment process”, which is the tool by which this legislation will have an effect.

The scrutiny of bills committee noted that although this bill put some conditions on entering into a contract this was by no means an unrestricted right in other circumstances.

In concluding the in-principle discussion, I would like to put on the record that I am grateful for the cooperative approach taken and work done by the Attorney-General’s office and, through that office, officers of the Department of Justice and Community Safety on this bill. We appreciate too the work of other members who have discussed this bill and various options for amending it. I would also like to thank John O’Donovan of the Parliamentary Counsel’s Office for his work.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1 agreed to.

Clause 2.

MS TUCKER (6.02): I move amendment No 1 circulated in my name [*see schedule 3 at page 3101*].

This amendment introduces a new commencement date of 25 November to allow affected financial institutions time to be prepared, while also ensuring that this new arrangement is in place for the pre-Christmas period. People are more vulnerable in this period, and credit institutions have played on the vulnerability in recent years. I believe that the three months lead time will be plenty of time, as the new requirement is not onerous and is certainly no more than most credit providers are already doing for first-time credit card contracts.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

MS TUCKER (6.03): The Greens will be opposing this clause. I am proposing to remove this clause from the amending bill. It was meant to be a technical, non-effective change, merely to tidy up the format of the section in accordance with contemporary drafting practice. However, after further discussion I had some concerns that this

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amendment may unintentionally narrow the definition of credit card, so have decided to play to it safe by leaving the definition as it is.

Clause negatived.

Clause 5 agreed to.

Clause 6.

MS TUCKER (6.04): I seek leave to move amendments 3 to 9 circulated in my name together.

Leave granted.

MS TUCKER: I move amendments 3 to 9 [*see schedule 3 at page 3101*]. I will explain the effect of each amendment.

Amendment 3 adjusts the title of the proposed new section 28A on a suggestion made by the government. The new title of this proposed section more clearly describes its effect. Although unsolicited credit increase offers are the target of this bill, the mechanism used is to formalise the acceptable steps to be taken when a credit provider offers a credit card contract or an increase in the credit limit under an existing credit card contract. Therefore the title "Credit card contracts and increases in credit limits" is more apt.

Amendments 4 and 5 tidy up the language in proposed new section 28A to make it clear that these new provisions apply to credit cards for personal or consumer use. The amendment achieves this by using the technical term "continuing credit contract" and specifying "for a credit card" instead of the less precise "credit contract" used in the bill as tabled.

Amendment 6 provides a more precise statement of a "satisfactory assessment process" and is based on a proposal currently before the Uniform Consumer Credit Code Management Committee and the Ministerial Council on Consumer Affairs. The proposal has been before the committee for some time, getting close to two years now.

Specifically, credit providers will be required to ask the debtor for a statement of the debtor's financial situation, including income or credit accounts and applicable limits and balances and repayment commitments, and to take the statement into account in making the assessment.

There was a suggestion in discussions that it would be useful to pick up another proposal currently before the ministerial committee to set a specific standard for ability to repay, but I decided not to go ahead with this amendment, as I believe it introduces a completely new requirement rather than reinforcing what is understood to be good practice. Therefore, it was of greater concern as going a step beyond the agreed national system. Also, and importantly, I could not be sure that it would not prevent people on low incomes who can in fact afford the credit from accessing credit.

This is one of the interests to keep in mind when we deal with credit overcommitment. There is positive work going on to develop paths to credit for low-income people—for instance, the micro-credit schemes being developed by the Brotherhood of St Lawrence in Melbourne. This kind of work is an important complement to the measures to ensure lenders are responsible lenders.

Members will see on circulated amendment a handwritten deletion. Previously the requirement was for a complete statement of the debtor's financial situation. Mr Stefaniak raised concerns about the potential for this to become an overly onerous statement and gave an example of a potential debtor being asked how much cash they had on their person.

Having consulted with other members, I am happy to remove the word “complete”. The important information is listed separately, being income and debt commitments. This does not preclude someone including in their statement an amount of cash or assets if this is relevant, as the list is not exclusive.

The amendment also moves unchanged the more general definition of “satisfactory assessment process” from the definitions section up to this active section for clarity. As explained when the bill was tabled, this general definition is based on language in the consumer credit code and is intended to refer to the criteria allowed in the code for reopening a credit contract.

Amendments 7, 8 and 9 adjust the definitions for the proposed new section 28A to reflect the changes made by amendments 3 to 6. Specifically, amendment 7 notes the definition of “credit card” by referring to the existing definition at subsection 28 (4). Amendment 8 removes the definition of “credit contract” and replaces it with a definition of “continuing credit contract”. This is a technical term, so the definition makes this clear by referring to the consumer credit code and by including a note which quotes the technical definition from the consumer credit code. I have included so much detail because “continuing”, as we all know, has an everyday meaning which could confuse interpretation were it not spelt out in this section.

Amendment 9 removes the definition of “satisfactory assessment process”, which has been moved up to subsections 28 (A) (2A) and (2B) by amendment 6.

In closing, I would like to reiterate that this is an interim step and a small step. I believe it will ensure that credit providers comply with the spirit and intent of the consumer credit code in this area. But there is more work to be done. I encourage the government to continue to press for work at the national level. I am also keen to follow the progress of micro-credit and other innovative schemes to assist low-income people and to see what can be done here along those lines. I thank members for their support.

Amendments agreed to.

Clause 6, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

RSPCA

Make-a-Wish Foundation

MR SMYTH (6.09): Mr Speaker, I rise this evening to bring to the attention of members the good work of the RSPCA. As members would be aware, over recent years we have amended the domestic animal legislation to make sure that we have a more humane society.

I wish to bring to members' attention the statistics on dogs and cats that have been euthanased. In 1998-99, 469 dogs were euthanased at the pound the RSPCA runs. In 1999-2000 the number was down to 334. In 2000-01 it was 257, and in the year 2001-02 it dropped to 129. The percentage also dropped from 24.7 per cent to 15.6 per cent to 13.6 per cent to 7.5 per cent of animals received at the RSPCA facility at Weston.

These are just some of the statistics that are available. I cannot help noticing many ads in the weekend newspaper by unregistered breeders selling pups. Perhaps we should now look at giving the RSPCA the power to chase up some of these ads and help the government in enforcing the dog and cat laws.

There is a similar situation for cats. The cat percentage has dropped only slightly. It was 52 per cent in 1998-99 and it is now down to 34.8 per cent. So there is still some work to be done on the number of cats and kittens that are euthanased at the RSPCA. We should work together towards the day when no animal needs be euthanased in the ACT because we have responsible pet owners.

Mr Speaker, another matter I would like to address tonight is the 2002 Wish Ball that was run by the Canberra branch of the Make-a-Wish Foundation. It was a very successful night for a very important organisation. Dusanka Simic and her crowd of volunteers and helpers are to be congratulated for the money they raise and the wishes they dispense to less well off Canberrans who are suffering from cancer, particularly our young ones.

It is important that we back up the organisations that sponsor such a night, because they do a good job. The booklet issued on the night lists as the principal sponsors the Calvary Private Hospital, the *Canberra Times*, Carlton and United Breweries, Dan Murphy's, Elect Printing, the Hellenic Club of Canberra, the *Queanbeyan Age*, Schweppes, Southcorp Wines, Tooheys and the Woden Tradesmen's Union Club.

Some of the minor sponsors listed as supporters are Cockington Green, Entertainment Publishing, Video Ezy Charnwood and Kippax, the Pumpkin Patch, the Southern Cross Club, Murrays Australia, Greater Union Cinemas, Willow Park, Magnet Mart Phillip, the Essendon Football Club, as well as the Tuggeranong Valley Rugby Union Club. It is important that we support those organisations that support us.

Other supporters listed include the Gold Creek Country Club, the Cannons, the ACT Brumbies, the Canberra Space Dome, the Institute of Sport, Pitch n Putt Woden, ActewAGL, Belconnen Soccer Club, the Framing Doctor, the Bush and Tucker 4WD Tours, as well as the Kythera Motel and the Last Stop Bed and Breakfast.

Those people enable Make-a-Wish Foundation to support young Canberrans who are suffering. Several times over the last couple of years the Make-a-Wish Foundation have funded a piece of equipment or a trip to Disneyland to lighten the load on families who are really suffering and to lighten the load on our very special children who are suffering through tragic diseases. Any organisation that spreads a bit of kindness and joy and the wonderful community support that keeps such an organisation going should be acknowledged. I thank all of those who have supported the Make-a-Wish Foundation.

Question time

MR HUMPHRIES (Leader of the Opposition) (6.14): I want to make some comments in the adjournment debate about the conduct of question time in the Assembly in the last two weeks. There are lots of conventions about question time, but the rules which govern the way in which ministers answer questions are fairly limited. In particular, the rules which require ministers to answer questions are extremely limited, in fact almost non-existent.

As you yourself have noted, Mr Speaker, there is no standing order, or perhaps any convention either, that requires that a question asked of a minister be answered. That is obviously a matter for day-to-day practice in any parliament. Parliaments, if they are truly parliaments which will keep a government accountable, are institutions which have to develop for themselves the standards that they expect of people who sit on the treasury bench.

I do not believe that the standard being set at the present time for questions in question time is a very high standard. I have great concern about where question time is heading in recent months. We have examined the questions that were asked of ministers in the course of this sitting fortnight. Of the 38 questions that came from members of both the crossbench and the opposition, on our reckoning 31 were either not answered at all or answered only very partially.

Obviously, questions vary in their intent, and some questions admittedly are difficult to answer in any case. Some questions necessarily require being taken on notice, and that is fair enough. But other questions are extremely straightforward and deserve simple and direct answers. I think the Assembly should expect those answers but has not received those answers.

Last week, for example, the Chief Minister was asked, in his capacity as Minister for Health, about the number of people waiting for elective surgery in the ACT. He gave certain figures to the Assembly. Fair enough.

The following day, on Wednesday, he was asked to explain why the figures he gave to the Assembly and to the Estimates Committee varied from the figures that were provided in a press release on the previous day. The Minister agreed that there was some

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confusion, threw a few grenades across the chamber—not unusual or surprising—then offered to take the question on notice. A week passed, and the question having been asked of the minister again in this place, an answer was finally forthcoming.

But in a supplementary question further information was sought to clarify what was being said, and that question was taken on notice. As of a quarter past six on the final sitting Thursday no answer has been provided to answer that question.

I cannot go out to the electorate with any confidence, and neither can any of my colleagues, and say exactly what the waiting list figures are, even though arguably this has been the subject of intense questioning for the better part of six sitting days.

We had the example of a question being asked of Mr Corbell which essentially he declined to answer. He got up and said, “This question has been answered before” and sat down. Mr Corbell well knows that there is no standing order which prevents a question asked in the Estimates Committee from being asked again on the floor of the Assembly, nor should there be. Members who sit on the Estimates Committee are not the same members who sit in the chamber.

The effect of that, Mr Speaker, is that the level of accountability which this Assembly engineers over government is diminished. Of course, it is acceptable for ministers to use question time to postulate government policy. It is also perfectly acceptable for ministers to have a go at other people, particularly the opposition. I have done it plenty of times. Ministers in this government are doing it, and they are entitled to do it. I make no bones about that.

But embedded in all the rhetoric, criticism, barbs, jokes and gibes there also need to be facts. There also needs to be, I would argue, the answer to some questions. We were promised a higher rigour about question time from this government. If anyone was capable of taking a bird’s eye view of what is going on and ask themselves whether they have got higher rigour from this government, the answer would have to be a very clear no.

Snowy River

MRS DUNNE (6.18): Mr Speaker, I want to return to one of my perennial subjects: water. We saw yesterday much chest beating by the premiers of New South Wales and Victoria, premiers Bracks and Carr, the new men from Snowy River, as they congratulated themselves about returning water to the Snowy River. In many ways it was a great day indeed. As someone, I think Peter Garrett, said, it has been a long time between drinks for the Snowy.

We should look at what has happened to the Snowy. What did they do yesterday? After years of lobbying and political influence being brought to bear, to the extent that electors in northern Victoria elected a single-issue candidate to return water to the Snowy, yesterday we returned 3 per cent of the environmental flows to the Snowy River.

The aim, but not the commitment, is to increase environmental flows to 21 per cent over the next 10 years and ultimately return them to 28 per cent. When it gets to 28 per cent of environmental flows, that is when we will have some chance of rehabilitating the Snowy River.

This gives me great cause for pause, because if it takes so much time, so much effort and so much commitment to do as little as we did yesterday, what does this mean for the rest of the Murray-Darling Basin system?

I hope all members have acquainted themselves with the Murray-Darling Basin Ministerial Council "The Living Murray" discussion paper, which aims to inform people so that we can make a decision whether we return 350 gigalitres, 750 gigalitres or 1,500 gigalitres a year to the environmental flows of the Murray-Darling Basin.

The thing that is of great concern is that, despite the very small thing that happened for the Snowy River yesterday after so long, there was a commitment that this would have no impact on irrigators. If we are making commitments that this will have no impact on irrigators, I fear for the Murray-Darling Basin. I fear for the Murray River, because the vested interests associated with irrigators will stymie the attempts to return water to the Murray-Darling Basin.

Between April, when Minister Wood went to the Corowa meeting, and July, when this discussion paper was released, nothing happened. Between July and September next year nothing will happen. In about September next year we will decide whether it is 350, 750 or 1,500 gigalitres, and in about November next year we might start to implement something.

In the meantime, what is happening to the Murray River? As Senator Meg Lees pointed out quite recently, no water has passed into the sea at the Murray mouth since November last year. There is no water going over the barrages. The Coorong is in a dreadful state.

This discussion paper talks about this is a possibility, but while it is talking about the possibility, it is happening on an ongoing basis. This is a disgrace and a shame for this country. If we do nothing, what does the Murray-Darling Basin Commission tell us in the "The Living Murray" paper? It says:

Doing nothing more than maintaining the current Murray-Darling Basin Cap on diversions, and maintaining current river operations, will lead to a continued decline in ecological condition. If no further imposts on the Murray-Darling river system are allowed ... then ecological condition will stabilise at a level worse than today within a few decades.

Doing nothing is also costly. It is time that we took a lead in this debate and made the views of the people of the ACT clear. We must do something now, not in November next year, to save the Murray River and to save our inheritance.

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ACT Pathology
Mr Ross Maxwell

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (6.23), in reply: Mr Speaker, firstly I table a detailed response to a question taken on notice from Ms Dundas in relation to ACT Pathology. I present the following paper:

Pathology services to Calvary Hospital—Answer to question without notice asked of Mr Stanhope (Minister for Health) by Ms Dundas and taken on notice on 27 August 2002.

Secondly, I would like to take the opportunity to acknowledge Ross Maxwell from my office. Ross Maxwell is leaving my employ and the Assembly tomorrow. I wish to place on record my enormous gratitude and debt and that of the Labor Party to Ross Maxwell. Ross has been chief of staff to me in this place for just under five years. He has decided to move on to seek out other opportunities, and I wish him all the best for the future.

I take the opportunity to place on record in this place the enormous amount of work Ross has done over this last five years. I think all members realise and understand not just the pressure on us in the work we do but the significant pressure our staff bear, the rigours of the job, the stress and the commitment. For a chief of staff in a leader's office, I think we would agree that perhaps it is multiplied or compounded.

I would like to reflect briefly on Ross' devotion to the Labor Party and to Canberra. Ross is a local. He is a rarity to some extent. He was born in Queanbeyan, in the region. He comes from a rare family that has been in the district for over 100 years. Indeed, they were original settlers of the Goodradigbee Valley. Ross' grandfather was the first ranger employed in the Brindabellas or in Namadgi National Park. He was employed as a ranger at the Cotter station, which was in the midst of Namadgi back in the 1930s, and was singly responsible for the management of the entire national park. Ross' father, a stock and station agent, was famous within the district, to the point perhaps of being infamous. It is a family with enormously strong roots in the district.

Ross brought that background and that heritage to his devotion to the Labor Party. Ross is a long-time member of the party. Has been with the party for probably 30 years or more, and has worked assiduously in all that time for the Labor Party and for Labor aims and philosophy. He devoted himself very much to the election of this government. We all know that in every election campaign it is essentially the team that takes a party to victory. It is very much a team effort. But in every team there are some who, as a result of the position they occupy or by dint of their enthusiasm or commitment, play a significant role. Ross was chief of staff in my office at the time. He had a seminal role in the conduct of the Labor Party campaign, and indeed in the conduct and management of the Labor Party in the last term of this Assembly.

There are always plenty of unsung heroes in any organisation, people behind the scenes who do not get acknowledgment or recognition. It is a feature of politics. It is a feature of all sides of politics that there are a group of people who devote themselves single-mindedly and wholeheartedly to the interests of their party.

Ross Maxwell stands at the forefront of the commitment of those within the Labor Party who achieved the victory we achieved at the election last year. It is an enormous debt which the Labor Party, I and the caucus owe Ross. The election victory we achieved was as much a result of his organisation, his management, his advice, his commitment to the Labor Party as it was of anybody else in the team that was part of that victory. I would like the record to show that. History will reveal it. When we see the story of the 100 years of the Labor Party in the ACT, Ross Maxwell's name will be there as one of the singular and significant figures in Labor Party history. I wish him all the best for the future.

Question resolved in the affirmative.

The Assembly adjourned at 6.28 pm until Tuesday, 24 September 2002, at 10.30 am.

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Schedule of amendments

Schedule 1

Appropriation Bill 2002-2003

Amendments circulated by the Treasurer

1 **Schedule 1, part 4** **Page 5—**

omit part 4, substitute

Part 4						
Chief Minister's Department	Chief Minister's	58 078 000	8 748 000	3 145 000	69 971 000	

2 **Schedule 1, part 6** **Page 5—**

omit part 6, substitute

Part 6						
Department of Treasury	Treasury	37 980 000	14 928 000	42 962 000	95 870 000	

3 **Schedule 1, part 11** **Page 5—**

omit part 11, substitute

Part 11						
Department of Health and Community Care	Health and Community Care	388 817 000	13 493 000	5 624 000	407 934 000	

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4
Schedule 1, part 12
Page 6—

omit part 12, substitute

Part 12						
Department of Urban Services		236 315 000	88 492 000	15 194 000	340 001 000	
Urban Services						

5
Schedule 1, new part 14A
Page 6—

after part 14, insert

Part 14A						
Department of Disability, Housing and Community Services	Disability, Housing, and Community Services	97 652 000	1 953 000	20 897 000	120 502 000	

6
Schedule 1, part 17
Page 6—

omit part 17, substitute

Part 17						
Department of Education, Youth and Family Services	Education, Youth and Family Services	399 132 000	27 604 000	117 862 000	544 598 000	

7
Schedule 2
Page 7—

omit

Urban Services	1 Municipal services
	2 Transport
	3 Environment and heritage
	4 Planning and land management
	5 Fee for service activities
	6 Housing assistance
	7 Arts and cultural services

substitute

Urban Services	1 Municipal services
	2 Transport
	3 Environment and heritage
	4 Planning and land management
	5 Fee for service activities
	6 Arts and cultural services

8
Schedule 2
Page 7—

after

ACT Forests	1 Forestry services
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insert

Disability, Housing and Community Services	1 Disability, housing and community services
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9
Schedule 2, column 1
Page 8—

omit

Education and Community Services

substitute

Education, Youth and Family Services

Schedule 2

Statute Law Amendment Bill 2002

Amendments circulated by the Attorney-General

1

Schedule 2

Amendments 2.4 and 2.5

Page 7, line 18—

omit

2

Schedule 2

Amendment 2.8 heading

Page 8, line 19—

omit

Section 146 (6)

substitute

Section 146 (4)

3

Schedule 3

Amendment 3.952

Proposed new section 17 (1) (b)

Page 380, line 1—

omit proposed new section 17 (1) (b), substitute

(b) a committee that includes a member of the council; or

(c) a member of the staff of the university.

4

Schedule 3

Part 3.93

Page 396, line 14—

omit

Schedule 3

Fair Trading Amendment Bill 2002

Amendments to be moved by Ms Kerrie Tucker

1

Clause 2

Page 2, line 3—

omit clause 2, substitute

2 Commencement

This Act commences on 25 November 2002.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act 2001, s 75).

2

Clause 4

Page 2, line 7—

[oppose the clause]

3

Clause 6

Proposed new section 28A heading

Page 2, line 21—

omit the heading, substitute

28A Credit card contracts and increases in credit card limits

4

Clause 6

Proposed new section 28A (1)

Page 2, line 22—

omit

credit contract

substitute

continuing credit contract for a credit card

5

Clause 6

Proposed new section 28A (2)

Page 3, line 2—

omit

credit contract

substitute

continuing credit contract for a credit card

6

Clause 6

Proposed new section 28A (2A) and (2B)

Page 3, line 7—

insert

(2A) For this section, a *satisfactory assessment process*, in relation to a debtor, is an assessment of the debtor's financial situation sufficient to satisfy a diligent and prudent credit provider that the debtor has a reasonable ability to repay the amount of credit provided or to be provided.

(2B) Without limiting subsection (2A), an assessment process is a *satisfactory assessment process* only if the credit provider—

- (a) asks the debtor for a statement of the debtor's financial situation, including—
 - (i) income; and
 - (ii) all credit accounts and applicable limits and balances; and
 - (iii) repayment commitments; and
- (b) takes the statement into account in making the assessment.

7

Clause 6

Proposed new section 28A (3), new definition of *credit card*

Page 3, line 9—

insert

credit card—see section 28 (4).

8

Clause 6

Proposed new section 28A (3), definition of *credit contract*

Page 3, line 9—

omit the definition, substitute

continuing credit contract—see the *Consumer Credit (Australian Capital Territory) Code*, schedule 1, section 1 (1), definition of *continuing credit contract*.

Note 1 The Code, sch 1, s 1 (1) defines a *continuing credit contract* as a credit contract under which—

- (a) multiple advances of credit are contemplated; and
- (b) the amount of available credit ordinarily increases as the amount of credit is reduced.

Note 2 The *Consumer Credit (Australian Capital Territory) Code* is defined in the *Legislation Act 2001*, dict, pt 1. For the latest republication of the code, see www.legislation.act.government.au.

9

Clause 6

Proposed new section 28A (3), definition of *satisfactory assessment process*

Page 3, line 17—

omit the definition

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Answers to questions

Public land

(Question No 238)

Ms Tucker asked the Minister for Planning, upon notice:

In relation to land in the ACT that is identified as "Public Land" in the Territory Plan map - could you provide a list of all land identified as Public Land that is leased to a person or organisation, grouped by suburb/ district, showing:

- (a) the block and section numbers of the lease;
- (b) the holder of the lease;
- (c) the date the lease was granted;
- (d) the purpose clause in the lease;
- (e) the land use policy that applies to the lease;
- (f) the purpose for which the land is reserved, as listed in Section 193 of the Land (Planning and Environment) Act 1991;
- (g) whether a plan of management has been prepared for the land, as described in subdivision 5.7.4 of the Land (Planning and Environment) Act 1991, and if so, the date of completion of the plan.

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

(a) Section 209 of the Land (Planning and Environment) Act 1991 (the Land Act) provides that, on the written recommendation of the Conservator, the Executive may on behalf of the Commonwealth grant a lease over an area of Public Land except where it is reserved as a wilderness area. The Land Act defines Public Land as meaning land identified by the Territory Plan as Public Land.

There are a number of Public Land categories: Wilderness Area, National Park, Nature Reserve, Special Purpose Reserve, Urban Open Space, Cemetery or Burial Ground, Lake and Sport and Recreation Reserve. The Territory Plan shows these areas either coloured as light green (Urban Open Space Land use policy) or as areas designated 'Pa to Ph' on the Public Land Overlay in the Territory Plan. The Block and Section identifiers of leases that have been issued over these areas are too numerous to detail here and are separately included at Attachment 1.

While all reasonable effort has been made and numerous hours of the valuable time of a number of public servants has been spent to provide the information sought by the Member, it should not be taken to necessarily be complete and correct in absolutely every respect. I will be pleased to provide further information if the Member details her specific concerns.

- (b) As per (a) above
- (c) As per (a) above
- (d) As per (a) above
- (e) As per (a) above
- (f) As per (a) above

(g) There are four regional scale Plans of Management covering Canberra's urban public land which is identified as Urban Open Space in the Territory Plan. These Plans of Management have been prepared in accordance with the relevant sections of Division 5 of the Land Act. These public land areas are either coloured as light green in the Territory Plan (Urban Open Space Land Use Policy) or they appear as areas designated 'Pe' on the Public Land Overlay in the Territory Plan. See Attachment 2.

A final Plan of Management for Canberra's Urban Lakes and Ponds (except Lake Burley Griffin, which is managed by the National Capital Authority) was published in August 2001 following its tabling as a disallowable instrument in the Assembly. There are fourteen urban lakes or ponds in urban Canberra. The Plan partitions the water surface of these lakes or ponds into one of three types of zone and designates which recreation activities are allowed, not allowed, or allowed subject to permit. These urban lakes or ponds are coloured light blue in areas designated 'Pg' on the Public Land Overlay in the Territory Plan.

A draft Plan of Management for the Gungahlin region's urban park and sportsgrounds will be prepared in financial year 2003-04 following the proposed completion of a Variation to the Territory Plan for North Gungahlin.

A Draft Plan of Management for Canberra's Enclosed Sportsgrounds is currently being prepared. Enclosed Sportsgrounds are within the Restricted Access Recreation policy area in the Territory Plan. These areas are identified as 'Ph' areas in the Public Land Overlay in the Territory Plan. Attachment 3 details the areas within the scope of this Plan of Management, including the Block and Section numbers.

Environment ACT has completed Management Plans for five areas under its control and Management Plans for the Lower Molonglo River Corridor and the Namadgi National Park are expected to be completed by 2002 and 2003 respectively. See Attachment 4.

Individual Land Management Agreements have also been prepared for long term rural leases that are located either wholly or partly within Public Land. See Attachment 5.

29 August 2002

29 August 2002

29 August 2002

29 August 2002

29 August 2002

29 August 2002

**Proceeds of Crime Act
(Question No 240)**

Mr Stefaniak asked the Attorney-General, upon notice, on 21 August 2002:

In relation to the *Proceeds of Crime Act* 1991: For the years 1998, 1999, 2000, 2001 and from 1 January to 30 June 2002:

- (i) how much money was confiscated from the perpetrators.
- (ii) how much property was confiscated from the perpetrators.
- (iii) what were the crimes of the perpetrators in each incident.
- (iv) how many perpetrators were involved in each incident.
- (v) how many perpetrators were convicted.
- (vi) what were the terms of the sentences.

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

(i) The following amounts have been forfeited to government under the proceeds of crime legislation in the financial years 1997/98 to 2001/02:

1997/98 \$ 30,146.28
1998/99 \$178,718.31
1999/00 \$ 36,063.94
2000/01 \$ 95,559.93
2001/02 \$ 66,557.04

(ii) The amounts under (1) include proceeds from the sale of property that has been confiscated under the legislation. Details of this property are not readily available. I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer this part of the Member's question.

(iii) - (vi) The Director of Public Prosecutions has advised that most, if not all, of the applications under the *Proceeds of Crime Act* 1991 (the Act) relate to drug offences, particularly offences involving heroin under section 164 of the *Drugs of Dependence Act* 1989 (sale or supply of a drug of dependence). The amount forfeited to government in the 2001/02 year resulted from 20 applications under the Act. The applications were made under section 19 of the Act (forfeiture orders) and section 75 of the Act (possession of property suspected to be proceeds of crime). Otherwise, the statistics requested by the Member are not readily available. I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer these parts of the Member's question.

**Speed cameras
(Question No 242)**

Mr Stefaniak asked the Minister for Urban Services, upon notice:

In relation to QON 216:

(1) For the years 1999/2000, 2000/2001, 2001/2002 (to 31 May 2002):

- (a) What costs were involved in the operation/maintenance of equipment/vehicles etc?
- (b) Detail how the revenue that was raised was used?

(2) What initiatives will be introduced to cut road fatalities in the ACT and to generally improve ACT roads?

Mr Wood: The answer to Mr Stefaniak's question is as follows:

(1)

- a) The estimated cost of operation and maintenance of the mobile speed cameras was

	Costs
1999-00	\$373,000
2000-01	\$580,000
2001-02 (up to 31 May 02)	\$689,000

b) The fines from speed camera infringements form part of general revenue that is available to fund the Government's appropriated expenditure.

(2) Current initiatives to cut road fatalities and to improve ACT roads include the 50 km/h residential speed limits; fixed and mobile speed cameras; the Road Ready Driver Training Program; Traffic Congestion and Road Safety Improvement program and Black Spot Road Safety program which is federally funded.

In addition the AFP Traffic Operations have introduced a strategy that will ensure that every suburb in the ACT will be visited on a regular basis by a Traffic Operations vehicle and ACT Policing has recently upgraded all mobile radar fitted to ACT Policing Traffic Operations vehicles reducing down time. Six additional mobile radar units have been purchased and are now operational on police motorcycles.

Initiatives will continue to be introduced to cut road fatalities and to improve ACT roads.

**Public housing
(Question No 243)**

Mr Stefaniak ask the Treasurer, upon notice, on 27 August 2002:

In relation to the Home Loan Portfolio:

1. What are the obligations under the Commonwealth/State Housing Agreement for monies received from the Commonwealth by ACT Housing.

2. On page 114 of the 2002-03 Budget Paper No. 4, the Total Equity at the end of the period shows an amount of \$52,095,000 -

a) Give details of what Government initiatives are proposed for investing this equity in affordable housing.

b) Does the Government intend using these monies to improve public housing.

c) How many borrowers are there currently.

3. On page 1 15 of the 2002-03 Budget Paper No. 4, the amount shown for Investments is \$109,123,000 -

a) Is this amount cash.

b) Is it investments and if so give a breakdown of the total investments and interest for the years 2000-01, 2001-02 and from 1 January to 30 June 2002.

c) Does the Government intend using these monies to improve public housing.

d) Does the Government intend using these monies for housing assistance purposes.

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

(1) Commonwealth and state/territory obligations under the *Commonwealth/State Housing Agreement (CSHA)* are set out in the multilateral and bilateral agreements signed between the Commonwealth and the states and territories.

For example, section 4(15) of the Multilateral Agreement signed between the Commonwealth and the ACT on 23 December 1999 states that:

“4 (15) Assets and available funds for the period of an agreed Bilateral Agreement, being Commonwealth Financial Assistance and State funding contributions and any net income **earned from the use** of assets including net proceeds of any asset sales and other asset realisations, can only be used in accordance with the Bilateral Agreement”

The range of uses of funds is outlined in sub sections (a) to (g) of section 4 (15) (Refer Attachment A).

(2) Please note that the \$52.095m referred to in the question is the estimated position at the end of 2002-03. The audited results for 2001-02 show total equity of \$48.299m as at 30 June 2002.

(a) There are currently no initiatives identified for use of any equity funds from the home loans portfolio.

The portfolio assets also include those from ACT Government funded home loan scheme, not subject to the CSHA.

The Portfolio was closed to new loans in 1996 due to increasing financial risks associated with the loan schemes, as well as inadequate provisions being held to cover the risks. Expert commercial advice to the Government indicated that the home loans portfolio (being designed for low income earners) required provisions well above normal commercial standards.

Access to any surplus equity funds from the portfolio needs to be considered in the context of the risks associated with the balance of outstanding loans, and the appropriateness and adequacy of provisions in the light of the future risks to the portfolio.

A review of the portfolio is to be undertaken over the next year to update the risk profile and to review and reassess the levels of provisions required.

(b) Once the review mentioned in (a) is completed, the Government will then be in a position to determine the use of any surplus equity funds. This will take account of any requirements under the CSHA.

(c) At 31 August 2002, there were 1,130 borrowers.

(3) (a) These investments are long term investments that will mature beyond 12 months from 30 June 2002, and are made in line with the Government's investment strategy.

(b) Yes, these funds are invested with the Central Financing Unit within ACT Treasury. A summary of investments and interest for the financial years 2000-01 and 2001-02 and for the period January to June 2002 is set out below.

Description	Actual 2000-01 \$'000	Actual 2001-02 \$'000	Jan to June 2002 \$'000	Budget for 2002-03 \$'000
Investments				
Short term	47 000.0	75 380.0		2 000.0
Long term	21 546.0	22 000.0		109 123.0
Total	68 546.0	97 380.0		111 123.0
Interest				
Short term	1 739.1	3 232.9	1 578.6	
Long term	1 422.9	662.2	294.4	
Total	3 162.0	3 895.1	1 873.0	

While majority of the investments are currently classified as short term investment (due to maturity within 12 months), these funds will be reinvested to match against the future cash outflow for repayment of interest bearing loans from the Commonwealth. The estimated outstanding interest bearing liabilities at the end of 2002-03 are \$101,892,000 as highlighted in page 115 of Budget Paper No. 4.

(c) and (d) Please see 2 (a) and (b) above.

Attachment A

Allowable Uses of Assets and Available Funds

4(14) For the purposes of subclasses 4(13), 4(15), 4(17), 4(18), 4(19) and 4(20), assets include those funded under Previous Housing Arrangements and under this Agreement.

4(15) Assets and available funds for the period of an agreed Bilateral Agreement, being Commonwealth. Financial Assistance and State funding contributions and any net income earned from the use of assets including net proceeds of any asset sales and other asset realisations, can only be used in accordance with that Bilateral Agreement for the following purposes:

(a) to address housing need, in accordance with the principles outlined in subclause 1(1);

(b) to establish and maintain the viability of housing providers funded under this Agreement or Previous Housing Arrangements, including the retirement of debt that has been used to fund housing assistance in accordance with this Agreement or in accordance with Previous Housing Arrangements;

(c) to provide appropriately for asset management in accordance with the principles specified in subclause 1(1);

(d) to provide funds or transfer assets to non-government organisations and local government for the purpose of providing housing assistance in accordance with the principles specified in subclause 1(1);

(e) to provide subsidies for consumers who receive housing assistance, including home purchase assistance, in accordance with this Agreement or in accordance with Previous Housing Arrangements;

(f) to conduct research, advocacy, consumer participation, information dissemination activities, and other like activities pursuant to this Agreement; and

(g) any other housing-related use as agreed between the Minister and a State Minister.

**Refugee display
(Question No 245)**

Mr Cornwell asked the Minister for Urban Services, upon notice:

In relation to the recently moved “refugee” display at the Tuggeranong Library:

- (1) Who were the proponents of the display and who authorised it.
- (2) What did the display depict and if it contained any words, what were all those words.
- (3) Did the display advocate any action to be taken by viewers.
- (4) In how many other libraries was this display shown and for how long.
- (5) Were opponents of the position advocated by the display invited to contribute to the exhibition, and if not, why not.
- (6) What involvement did ACT schools have in the preparation of the display and were they invited to prepare an alternative display for the exhibition; if not, why not.
- (7) Who provided information on the refugee issue to the school children who produced material for the display; are curriculum notes/reports available from those information sessions, and if not, why not; can I be provided with these notes/reports.
- (8) Will the government consider giving both sides of the argument in such displays in future in public facilities.

Mr Wood: The answer to the member’s questions is as follows:

- (1) The display was organised by *ACT Australians for Refugees*, and was co-ordinated by Ms. Claire Bruhns from that organisation. ACT Public Library (ACTUAL) Branch Managers at Belconnen, Dickson, Tuggeranong and Woden Libraries accepted bookings for the display in accordance with established procedures.
- (2) The display highlighted issues concerning mandatory detention, particularly the effect of long periods of detention on children. It contained numerous photocopies of articles from major Australian newspapers, including the *Canberra Times*, pamphlets, posters and banners.
- (3) No. The display did not advocate any action be taken by viewers.
- (4) The display was first shown in Belconnen Library, 1-30 June 2002, Dickson Library 10-23 June, and was planned to be shown in Tuggeranong Library from 1-30 August. The display was removed from Tuggeranong Library on 9 August. It did not rotate to Woden Library where it was planned to be shown in September.

(5) No. Community groups are free to book display space in any of the 9 ACTPL branches at any time space is available.

(6) and (7)

ACT schools had no involvement in the preparation of the Refugee Display that was displayed recently in ACT libraries. The display was not an "ACT School's Refugee Display", but rather a Refugee Action Committee display. The display was set up by Ms Claire Bruhns, a member of the Refugee Action Group. Schools had not been asked to submit works for the display. The art works included in the display were submitted by the young artists as individuals, not as artworks that were part of a school program. The children submitting artworks had identified themselves in terms of their grade levels or the schools they attended. The decision to name the schools was made by Ms Bruhns. She was unaware that it was a breach of protocol to do so.

(8) ACT Public Library will continue to provide space for organisations to display information about their activities. All groups are able to book space in any of the 9 Branches if they wish to do so.

Registered charities (Question No 252)

Mr Cornwell asked the Attorney-General, upon notice, on 21 August 2002:

In relation to the *Collections Act 1959*:

- (1) How many charities obtained a licence to appeal for donations in the ACT in (a) 2000, (b) 2001 and (c) 2002 to 30 June.
- (2) Can interstate charities obtain such a licence and if so, how many did so in each of the years above.
- (3) Does the licence cover an appeal by telephone and if not why not.
- (4) How many charities at (1) above also received ACT government funding in each of the years listed.
- (5) Are charities required to state the purpose of their appeal when seeking a licence and if not, why not.
- (6) If no audited balance sheet is required (Reply to QON 85 refers) how can the Government be sure the appeal money is used for any stated purpose.
- (7) Is there any estimate - in the absence of audited balance sheets available to the ACT government - of the amount raised annually in the ACT by charities.
- (8) Why is no audited annual balance sheet required by the ACT government for appeal funds raised by individual charities in the ACT.

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

- | | | |
|-----|------------------------------|--------------------|
| (1) | Licenses issued in 2000 | 33 to 23 charities |
| | Licenses issued in 2001 | 37 to 25 charities |
| | Licenses issued to 30/6/2002 | 24 to 18 charities |

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(2) Yes, interstate charities can obtain a licence in the ACT, but they are usually organisations which either have an office in the ACT or who indicate that a proportion of the collection will be used to benefit residents in the ACT. The number of national or interstate organisations granted a licence were:

2000	10
2001	13
to 30/6/2002	8

(3) The licence does not cover an appeal by telephone as this type of collection is not regulated by the *Collections Act 1959*. A recent National Competition Policy Review of this Act recommended that the Act be extended to cover appeals by telephone. The Government is currently considering this recommendation and the Collections Bill 2002 is on the Spring Legislation program.

(4) This information is not maintained.

(5) Charities are required to state the purpose of their appeal as per section 3(1)(b) of the Act.

(6) Each applicant to whom a licence is issued is required to make a statutory declaration within 30 days of completion of a collection setting out the money or goods collected, details of the expenses incurred and the manner in which the net proceeds have been dealt with.

(7) There is currently no estimate of the amount raised annually by charities, as charities engage in numerous forms of fundraising other than just collecting in public places or by going door to door at places of residence. The statutory declarations received to date and referred to in the previous answer, indicate that the following amounts have been collected during charitable collections:

2000	\$289,038
2001	\$487,020
2002 to 30 June	\$219,968

(8) A recent National Competition Policy Review of this Act recommended that the Act be extended to require audited annual balance sheets. The Government is currently considering this recommendation and the Collections Bill 2002 is on the Spring Legislation program.

Supplementary appropriation (Question No 253)

Mr Humphries asked the Minister for Education, Youth and Family Services, upon notice, on 28 August 2002:

Regarding the amount of \$2 603 000 appropriated in the Appropriation Act 2001-2002 (No 3) subsection 9, section 6, can the Minister advise:

- (1) What projects were funded through this appropriation.
- (2) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (3) If not, what has happened to the funds left over.

Mr Corbell: The answer to Mr Humphries' question is:

- (1) The supplementary appropriation was provided for additional ACT per capita funding to non-Government schools for increases in student numbers. There had been an overall increase in enrolment levels of 1,163 students from 1999 to 2001 and an increase in enrolments of 414 students in 2002.
- (2) The department spent all funds on the ACT per capita grants for non-Government schools as at 30 June 2002.
- (3) Not Applicable.

**Supplementary appropriation
(Question No 254)**

Mr Humphries asked the Minister for Education, Youth and Family Services, upon notice, on 28 August 2002:

Regarding the amount of \$2 603 000 appropriated in the *Appropriation Act 2001-2002* (No 3) subsection 9, section 6, can the Minister advise:

- (1) What projects were funded through this appropriation.
- (2) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (3) If not, what has happened to the funds left over.

Mr Corbell: The answer to Mr Humphries' question is:

- (1) The supplementary appropriation was provided for additional ACT per capita funding to non-Government schools for increases in student numbers. There had been an overall increase in enrolment levels of 1,163 students from 1999 to 2001 and an increase in enrolments of 414 students in 2002.
- (2) The department spent all funds on the ACT per capita grants for non-Government schools as at 30 June 2002.
- (3) Not applicable

**Supplementary appropriation
(Question No 255)**

Mr Humphries asked the Minister for Education, Youth and Family Services, upon notice, on 28 August 2002:

Regarding the amount of \$1.507m appropriated in the Appropriation Act 2001-2002 (No 3) Subsection 8, Section 6, can the Minister advise:

- (1) What projects were funded through this appropriation.
- (2) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (3) If not, what has happened to the funds left over.

Mr Corbell: The answer to Mr Humphries' question is:

(1) The supplementary appropriation was provided for the significantly increased costs in substitute care arising from increased demand, increased complexity of client needs and increased costs of court-ordered care plans. This resulted in an increased number of substitute care days by 27% from a target of 65,152 to 82,743 days.

(2) The department spent \$1.407m of the funds appropriated by 30 June 2002 with a \$100,000 remaining unspent due to delays in the implementation of placements for young people with highly complex needs with community sector providers.

(3) The unspent \$100,000 will be used to alleviate 2002-03 substitute care cost pressures.

**Supplementary appropriation
(Question No 256)**

Mr Humphries asked the Chief Minister, upon notice, on 28 August 2002:

Regarding the amount of \$2,270,000 appropriated in the Appropriation Act 2001-2002 (No.) subsection 7, section 6, can the Chief Minister advise:

- (a) What projects were funded through this appropriation.
- (b) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (c) If not, what has happened to the funds left over.

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

(a) The additional appropriation was provided for the following purposes:

-
- \$0.633m for costs associated with the 2001 Bushfire crises;
-

-
-
- \$0.300m to provide the Fire Brigade Logistics Support Capability dealing with chemical, biological, radioactive and hazardous material incidents in the wake of 11 September 2001;
- \$0.600m for Belconnen Remand Centre overtime related costs; and
- \$0.737m for an additional four matters confronting the Director of Public Prosecutions.

(b) With the exception of the additional appropriation to the DPI funds were fully expended by 30 June 2002. Of the additional appropriation for the DPI an amount of \$0.547m was unused as at 30 June 2002.

(c) The unused funds are reflected in the Department's operating position as at 30 June 2002. Two matters, which the DPI expected to proceed during 2001-02, did not eventuate. However, it is likely that they will proceed during 2002-03.

Supplementary appropriation (Question No 257)

Mr Humphries asked the Minister for Urban Services, upon notice:

Regarding the amount of \$27 000 appropriated in the Appropriation Act 2001-2002 (No 3) subsection 6, section 6, can the Minister advise:

- (1) What projects were funded through this appropriation.
- (2) Whether all funds appropriated in this Act were used by 20 June 2002.
- (3) If not, what has happened to the funds left over.

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

(1) This appropriation provided additional funding to those organisations that employed staff under the SACS Award as part of a 2001/02 Environment Grants Program funded project. These included: "Saving the Future - the Conservation Council"; the Canberra and South East Region Environment Centre "Bognor Journal" and "Library"; the Environmental Defender's Office "Community Environmental Legal Education" and "Environmental Law Submissions"; and the RSPCA's three projects of "Shelter", "Wildlife" and "Inspectorate" services. Provision of the funds fulfilled the Government's commitment to meet the costs arising from salary and wage increases arising from the SACS Award.

(2) \$27,000 was an estimate of the liability arising from the SACS Award increase from 1 July 2001. As at 30 June 2002, \$21,894 had been paid to meet known 2001/02 financial year costs.

(3) The balance of funds remaining is still held by the Government. Once acquittals of grants funding for these projects have been finalised, any remaining funds will be returned to the Territory in accordance with normal procedures.

**Supplementary appropriation
(Question No 258)**

Mr Humphries asked the Minister for Urban Services, upon notice:

Regarding the amount of \$150 000 appropriated in the Appropriation Act 2001-2002 (No 3) subsection 5, section 6, as a capital injection can the Minister advise:

- (a) What projects were funded through this appropriation?
- (b) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (c) If not, what has happened to the funds left over.

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

- (a) The \$150 000 was provided for bus door safety initiatives.
 - (b) The amount expended to 30 June 2002 was \$20 000, mainly representing salaries of staff involved in the project. Trials of various safety features are currently in progress, with the results to be evaluated to determine the most appropriate mechanisms for bus door safety enhancements.
 - (c) The remaining balance of \$130 000 was carried forward as part of ACTION's opening balance of funds as at 1 July 2002.
-

**Supplementary appropriation
(Question No 259)**

Mr Humphries asked the Minister for Urban Services, upon notice:

Regarding the amount of \$2,785 000 appropriated in the Appropriation Act 2001-2002 (No 3) subsection 4, section 6, can the Minister advise:

- (a) What projects were funded through this appropriation?
- (b) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (c) If not, what has happened to the funds left over.

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

(a) This appropriation funded the following projects;

- i. Kerbside Garbage Recycling contract extension. Increase in cost of the recycling collection contract of \$850 000;
- ii. Christmas bushfire remediation of \$1 325 000 including;
 - reimbursement of additional costs incurred in fire fighting including overtime and allowances and replacement of protective clothing and equipment;
 - removal of dead and hazardous trees;
 - asset restoration including fence and property repair and tree planting;
 - landscaping; and
 - prioritised fire fuel reduction;
- iii. ACTION operating cost pressures of \$540 000; and
- iv. Financial assistance to help community housing organisations to meet their commitment to employees for increases in the Social and Community Services (SACS) and Other Awards of \$70 000.

(b) In relation to the projects identified above, the following is provided;

- i. Kerbside Garbage Recycling contract extension - \$850 000 fully expensed;
- ii. Christmas bushfire remediation - \$536 000 expensed to the end of June 2002;
- iii. ACTION operating cost pressures - \$540 000 fully expensed; and
- iv. As at 30 June 2002 a total of \$30,553 in interim payments had been provided to housing organisations.

(c) In relation to the above,

ii. Christmas bushfire remediation - \$789 000 balance has been reflected as revenue received in advance within the Department's Statement of Financial Position. Since 30 June 2002 a further \$124 000 has been spent on such things as clearing trees and fence repairs. The balance has been committed and will be spent on the continued clearing of fire damaged trees, replanting and fire fuel reduction programs.

iv. SACS funding - the unexpended balance has been carried forward to the 2002-03 financial year to be used for housing assistance in that year.

Supplementary appropriation (Question No 260)

Mr Humphries asked the Treasurer, upon notice:

Regarding the amount of \$5 587 000 appropriated in the Appropriation Act 2001-2002 (No 3) subsection 3, section 6, can the Treasurer advise:

(a) What projects were funded through this appropriation.

- (b) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (c) If not, what has happened to the funds left over.

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

- (a) The projects funded by the Appropriation Act 2001-02 (No 3) subsection 3, section 6, are as follows:

Name of Project	Amount (\$)
Low alcohol subsidy	\$700,000
GSA Refund to Clubs	\$180,000
First Home Owners Grant	\$4,707,000
Total	\$5,587,000

Source: page 90 of 2002-03 Budget Paper No 4

- (b) The use and balance of the funds appropriated, as at 30 June 2002, are as follows:

Name of Project	Amount Used (\$)	Balance of Appropriation (\$)	Amount Required / Committed (\$)
Low alcohol subsidy	\$0	\$700,000	\$700,000
GATT Refund to Clubs	\$139,000	\$41,000	\$0
First Home Owner Grant	\$3,275,000	\$1,432,000	\$0

Low alcohol subsidy - The appropriation for low alcohol subsidy was increased to \$700k to meet a number of outstanding claims received by the ACT Revenue Office which were expected to be paid in 2001-2002. These claims are under investigation by the ACT Revenue Office and have as yet not been paid. The amount in outstanding claims is approximately \$1.346m. Additional appropriation for an amount of \$0.646m may be required for the outstanding balance.

The full amount of GATT refunds to clubs and first home owner grants was not required. The actual expenditure compared to original estimates is outlined in the table above. The original estimates were based on the estimated number of applications for the year.

- (c) The balance of the appropriation not spent is no longer required and will be returned to the Territory.

Supplementary appropriation (Question No 261)

Mr Humphries asked the Chief Minister, upon notice, on 28 August 2002:

Can the Chief Minister advise that the amount of \$1,886,000 appropriated in the Appropriation Act 2001-2002 (No 3) subsection 1, section 6:

- (a) What projects were funded through this appropriation;
- (b) Whether all the funds appropriated in this Act were used by 30 June 2002; and
- (c) If not, what has happened to the funds left over.

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

- a) The amount of \$1,886,000 referred to above comprised:

	\$	
Canberra Tourism and Events Corporation (CITE)	1,000,000	
Office of Sustainability	184,000	
Disability Inquiry	702,000	
Total	1,886,000	

- b) *Canberra Tourism and Events Corporation*

The funding was to assist in financing several events, including the Subaru Rally of Canberra and the Canberra 400 V8 Supercar race. All the funds appropriated in this Act were used by 30 June 2002.

Disability Inquiry

The funding appropriated for the Disability Inquiry was fully spent in 2001-02.

Office of Sustainability

A total of \$20,607 of the funding appropriated to the Office remained unspent at 30 June 2002. The underspending was due to the Office not being fully staffed from the beginning of January 2002.

- c) Office of Sustainability

The unspent funds have been retained by the Department to facilitate ongoing operations of the office.

**Supplementary appropriation
(Question No 262)**

Mr Humphries asked the Chief Minister, upon notice, on 28 August 2002:

Regarding the amount of \$2,380,000 appropriated in the Appropriation Act 2001-2002 (No 3) subsection 2, section 6, as capital injection can the Chief Minister advise:

- (a) What projects were funded through this appropriation.
- (b) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (c) If not, what has happened to the funds left over.

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

- (a) The injection of \$2,380,000 was used to meet costs associated with Canberra Tourism and Event's Corporation's losses for prior years caused by events such as the 2000 and 2001 Canberra 400 V8 Supercar race, the 2001 Subaru Rally of Canberra, and the 2001 National Multicultural Festival and legal costs associated with the preparation of the V8 Supercar race contracts.
- (b) All the funds appropriated in this Act were used by 30 June 2002.
- (c) Not applicable.

**Supplementary appropriation
(Question No 263)**

Mr Humphries asked the Minister for Education, Youth and Family Services, upon notice, on 28 August 2002:

Regarding the amount of \$1 200 000 appropriated in the Appropriation Act 2001-2002 (No 2) subsection 7, section 6, can the Minister advise:

- (1) What projects were funded through this appropriation.
- (2) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (3) If not, what has happened to the funds left over.

Mr Corbell: The answer to Mr Humphries' question is:

- (1) The supplementary appropriation was provided to assist the community sector to meet increased costs associated with Social and Community Services (SACS) Award decisions by the Australian Industrial Relations Commission (AIRC) which affects community sector organisations contracted by the department to provide community services.
- (2) The total funds allocated to non-Government organisations in 2001-02 was \$1.016m related to 11 months expenditure.
- (3) The remaining funds (\$0.184m) will be used in 2002-03 and future years to meet the ongoing effect of the SACS award.

**Supplementary appropriation
(Question No 264)**

Mr Humphries asked the Chief Minister, upon notice, on 28 August 2002:

Regarding the amount of \$8,400,000 appropriated in the Appropriation Act 2001-2002 (No.2) subsection 6, section 6, can the Chief Minister advise:

- (a) What projects were funded through this appropriation.
- (b) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (c) If not, what has happened to the funds left over.

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

The additional appropriation of \$8,400,000 reflected the renegotiated cost of the AFP ACT Regional Policing services for 2001-2002.

All funds appropriated in this Act were used by 30 June 2002.

There were no funds left over from this appropriation.

**Supplementary appropriation
(Question No 265)**

Mr Humphries asked the Minister for Urban Services, upon notice:

Regarding the amount of \$250 000 appropriated in the Appropriation Act 2001-2002 (No 2) subsection 5, section 6, can the Minister advise:

- (a) What projects were funded through this appropriation?
- (b) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (c) If not, what has happened to the funds left over.

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

(a) This appropriation was provided to fund a feasibility study and planning for the Downer to Woden on road cycling project.

(b) A total of \$20 000 was expended by 30 June 2002 on the project. This related to the completion of the feasibility study.

(c) The balance of the funds totalling \$230 000 have been carried forward as works in progress with the road cycling project to be included in the Commonwealth Avenue pavement rehabilitation project. Tenders for this project have been let but work is not due to commence until after Floriade ie. mid October 2002.

Supplementary appropriation (Question No 266)

Mr Humphries asked the Minister for Urban Services, upon notice:

Regarding the amount of \$1 589 000 appropriated in the Appropriation Act 2001-2002 (No 2) subsection 4, section 6, can the Minister advise:

- (a) What projects were funded through this appropriation?
- (b) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (c) If not, what has happened to the funds left over.

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

(a) This appropriation funded the following projects;

- i. The ACT's contribution to the National Red Imported Fire Ant Eradication Program of \$289 000;
- ii. \$100 000 to commence the Government's rebate for householders installing solar hot water systems;
- iii. \$250 000 for nature conservation initiatives; and
- iv. \$950 000 for planning initiatives including neighbourhood planning, the Canberra Spatial Plan, and the establishment of the Planning and Land Authority.

(b) In relation to the above appropriations, the following is provided:

- i. Subsequent to the passage of the Appropriation Act (No. 2), the ACT's contribution was varied. This had the effect of reducing the ACT's contribution for 2001-02 by \$25 000 and increasing the contribution for 2002-03. The unspent funding from 2001-02 will be used to partially offset the 2002-03 contribution;
- ii. Approximately \$52 000 was spent on solar hot water rebates in 2001-02. The balance has been carried forward into 2002-03.
- iii. As at the end of June 2002, approximately \$155 000 had been spent on nature conservation initiatives involving four key areas of-

- additional resources for park management, community relations and essential conservation activities;
- development of a natural resource information management system to support nature conservation planning and to provide better information to the community;
- undertaking a review of conservation priorities and management directions to promote a more integrated approach to conservation; and
- improved support for volunteer groups and the provision of better information and education programs for the community.

Firm commitments are in place to spend the balance of funds during the 2002-03 financial year.

iv. Of the \$950 000 provided for planning initiatives, \$98 000 relating to the Planning and Land Authority taskforce remained unspent at 30 June 2002.

(c) The balance of funds remaining unspent have been recognised as revenue in advance within the Department's Statement of Financial Position and will be spent on those projects identified above during 2002-03.

Supplementary appropriation (Question No 267)

Mr Humphries asked the Minister for Health, upon notice:

Regarding the amount of \$18 100 000 appropriated in the Appropriation Act 2001-2002 (No 2) subsection 3, section 6, can the Minister advise:

- (a) What projects were funded through this appropriation.
- (b) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (c) If not, what has happened to the funds left over.

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

The items to be funded using the \$18 100 000 appropriated to the ACT Department of Health and Community Care in the Appropriation Act 2001-2002 (No 2) subsection 3, section 6, were identified in the supplementary budget paper. They were:

- Canberra Hospital (\$8.700m) - to cover the cost of additional nursing staff, increased throughput and services, equipment and system development and cost pressures;
- SACS Award (\$2.800m) - part of the Australian Industrial Relations Commission (AIRY) new condition for the SACS Award for penalty rates and after-hours work. This will help organisations affected by the SACS Award fund the additional increase in costs for 24-hour services and extended hours services; and

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- Nurses EBA (\$6.600m) - to fund EBA related wage increases for nurses across the portfolio

The Second Appropriation funding of \$8.7m for The Canberra Hospital was allocated for the following purposes:

Additional nurses \$2.600m
Comcare premium increase \$1.700m
Patient Throughput \$0.870m
Equipment & Systems \$3.530m
Total \$8.700m

Progress and expenditure against each of these items is as follows:

Nursing Initiatives (\$2.6m)

Since the Second Appropriation there has been an increase in the average number of permanent full time equivalent nurses of 49.9 at The Canberra Hospital (TCH). Nurses are taking more of their entitled recreation leave, and their positions are being backfilled and nursing staff are accessing study time under the provisions of the Nursing Enterprise Bargaining Agreement so that their skills remain current. The funding for this activity was fully expended by 30 June 2002.

Comcare Premium (\$1.7m)

The increase of \$1.7m in the TCH 2001-02 Comcare premium was funded through the Second Appropriation. The funding for this activity was fully expended by 30 June 2002.

Throughput (\$0.870m)

Additional throughput of 300 cost weighted separations was targeted in the specialties of Orthopaedics, Plastics, General Surgery and Other Medical. The funding for this activity was fully expended by 30 June 2002.

Equipment (\$3.530m)

Multi Leaf Collimator (\$1.8m) for use in the treatment of cancer patients. The order was placed on 13 May 2002 and the equipment is expected to be delivered in September 2002.

CT Scanner Simulator and minor building works for installation (\$1.23m) for use in the process of planning a patient's radiation treatment. The Government Procurement Board endorsed the project plan on 16 July 2002 and TCH will engage the NSW Department of Public Works and Services to undertake the project. TCH is negotiating the tender and installation is expected to occur at least four months after negotiations are completed.

Nursing Acuity System (\$0.200m) to assist nurses in determining the number of nurses needed to safely care for the given number of patients and their assessed acuity. Procurement action will proceed once nurses have voted on the interim classification system they wish to use as part of the Enterprise Bargaining Agreement negotiations.

Rostering Systems (\$0.300m) for medical officers and nurses. Procurement action on the medical officers system should be completed in November 2002 and the nursing system will commence once rollout of medical officers system has been deemed successful. This expected to occur by March 2003.

Unexpended equipment and systems funding is held by The Canberra Hospital to meet the commitments as detailed above as they fall due during 2002-03.

SACS Award \$2.800m

The employee costs of each Non Government Health Organisation were estimated by agencies in relation to the impact of the SACS award. This review identified a total need of \$2.1 million as an interim payment to meet the award increase effective from 25 July 2001.

The Department of Health and Community Care drew down \$2.1 million (the remainder was retained by Government) and this funding was paid to Non Government

Organisations for the interim SPACE adjustment in recognition of 11 months of the SACS award.

Nurses EBB \$6.600m

This funding was to provide for the impact of the Nursing Enterprise Bargaining Agreement at The Canberra Hospital and flow on effects at Calvary Public Hospital and ACT Community Care. The funding was drawn down by ACT Health and Community Care and paid in out in full prior to 30 June 2002.

Supplementary appropriation (Question No 268)

Mr Humphries asked the Treasurer, upon notice:

Regarding the amount of \$250 000 appropriated in the Appropriation Act 2001-2002 (No 2) subsection 2, section 6, can the Treasurer advise:

- (a) What projects were funded through this appropriation.
- (b) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (c) If not, what has happened to the funds left over.

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

- (a) The Economic White Paper consultancies were funded.
 - (b) No, not all funds were used by 30 June 2002.
 - (c) The funds were rolled over into 2002/03 for this purpose.
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**Supplementary appropriation
(Question No 269)**

Mr Humphries asked the Chief Minister, upon notice, on 28 August 2002:

Regarding the amount of \$2,350,000 appropriated in the Appropriation Act 2001-2002 (No 2) subsection 1, section 6, as capital injection can the Chief Minister advise:

- (a) What projects were funded through this appropriation.
- (b) Whether all the funds appropriated in this Act were used by 30 June 2002.
- (c) If not, what has happened to the funds left over.

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

(a) From the injection of \$2,350,000:

- the Canberra Tourism and Events Corporation received \$800,000 and used it to fund the following projects:
 - \$250,000, Kendall Airlines Grant (post September 11 and Ansett collapse for advertising)
 - \$250,000, Hazelton Airlines Grant (post September 11 and Ansett collapse for advertising)
 - \$200,000 for CTEC advertising campaign (to intensify the existing advertising post September 11 and Ansett collapse)
 - \$100,000 for the National Capital Education Project
- the Office of Business Development and Tourism received \$1,500,000 for the Knowledge Fund and \$50,000 for the Knowledge Based Economy Board.

(b) All the funds appropriated to CTEC were used by 30 June 2002.

(c) \$1,500,000 appropriated for the Knowledge Fund was rolled over to 2002-03.